

Leicester  
City Council

Democratic and Civic  
Support  
City Hall  
115 Charles Street  
Leicester  
LE1 1FZ

15 February 2022

Sir or Madam

I hereby summon you to a meeting of the LEICESTER CITY COUNCIL to be held in the Attenborough Hall in City Hall, 115 Charles Street, Leicester, on WEDNESDAY, 23 FEBRUARY 2022 at SIX PM OR ON THE RISING OF THE BUDGET COUNCIL MEETING WHICHEVER IS THE LATER, for the business hereunder mentioned.

**Monitoring Officer**

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**AGENDA**  
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**PLEASE NOTE; DUE TO THE NEED TO HOLD A COVID SAFE MEETING AWAY FROM THE COUNCIL CHAMBER IT WILL NOT BE POSSIBLE TO WEBCAST THIS MEETING**

1. LORD MAYOR'S ANNOUNCEMENTS
2. DECLARATIONS OF INTEREST

### **3. MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 25 November 2021 are available to view at: <https://cabinet.leicester.gov.uk/ieListDocuments.aspx?CId=81&MId=10904&Ver=4>

Copies are also available from Democratic Support on (0116) 454 6350 or [committees@leicester.gov.uk](mailto:committees@leicester.gov.uk)

### **4. STATEMENTS BY THE CITY MAYOR/EXECUTIVE**

### **5. PETITIONS**

- Presented by Members of the Public
- Presented by Councillors
- Petitions to be debated

### **6. QUESTIONS**

- From Members of the Public
- From Councillors

### **7. MATTERS RESERVED TO COUNCIL**

- |  |                   |
|--|-------------------|
| a) LICENSING POLICY  | <b>Appendix A</b> |
| b) PAY POLICY STATEMENT 2022/2023 & GENDER PAY GAP REPORT 2021 | <b>Appendix B</b> |
| c) CITY OF LEICESTER AWARD                                     | <b>Appendix C</b> |

### **8. EXECUTIVE AND COMMITTEES**

- To note any changes to the Executive
- To vary the composition and fill any vacancies of any Committee of the Council

### **9. ANY OTHER URGENT BUSINESS**

## Information for members of the public

### Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings, and Scrutiny Commissions and see copies of agendas and minutes.

However, on occasion, meetings may, for reasons set out in law, need to consider some items in private.

### Due to COVID restrictions, public access in person is limited to ensure social distancing.

Please contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance. A guide to attending public meetings can be found here: <https://www.leicester.gov.uk/your-council/decisions-meetings-and-minutes/public-attendance-at-council-meetings-during-covid-19/>

Dates of meetings and copies of public agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk), or by contacting us using the details below.

To hold this meeting in as Covid-safe a way as possible, all attendees are asked to follow current Government guidance and:

- maintain distancing while entering and leaving the room/building;
- remain seated and maintain distancing between seats during the meeting;
- wear face coverings throughout the meeting unless speaking or exempt;
- make use of the hand sanitiser available;
- when moving about the building to follow signs about traffic flows, lift capacities etc;
- comply with Test and Trace requirements by scanning the QR code at the entrance to the building and/or giving their name and contact details at reception prior to the meeting;
- if you are displaying Coronavirus symptoms: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, you should NOT attend the meeting, please stay at home, and get a PCR test.

Separate guidance on attending the meeting is available for officers. Officers attending the meeting are asked to contact the Democratic Support Officer in advance to confirm their arrangements for attendance.

### Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

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Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to

record and/or report all or part of that meeting. Details of the Council's policy are available at [www.leicester.gov.uk](http://www.leicester.gov.uk) or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

### **Further information**

If you have any queries about any of the above or the business to be discussed, please contact:

**Matthew Reeves, Democratic and Civic Support Manager on 0116 4546352.**

Alternatively, email [matthew.reeves@leicester.gov.uk](mailto:matthew.reeves@leicester.gov.uk) .

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

# **Statement of Licensing Policy – 2022/2027**

Council

Decision to be taken by: Council

Date of meeting: 23 February 2022

Lead director/officer: John Leach, Director of  
Neighbourhood and Environmental Services

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## **Useful information**

- Ward(s) affected: All
- Report author: Deborah Bragg – Licensing Manager (Policy and Applications)
- Author contact details: Direct Line (0116) 454 1924  
Email [deborah.bragg@leicester.gov.uk](mailto:deborah.bragg@leicester.gov.uk)
- Report version number: Version 1

### **1. Summary**

- 1.1 To seek approval from Full Council for the Statement of Licensing Policy covering the period 2022 to 2027 which will if agreed come into force on 1 April 2022.

### **2. Recommended actions/decision**

- 2.1 Full Council are asked to approve the Statement of Licensing Policy for 2022 to 2027.

### **3. Scrutiny / stakeholder engagement**

- 3.1 In accordance with the Licensing Act, consultation has taken place with:
- The Responsible Authorities as defined under the Act;
  - All Councillors;
  - Holders of existing licences;
  - Neighbouring businesses, and any other interested parties including trade organisations, Solicitors representing the licensed trade;
  - Members of the Public

### **4. Background and options with supporting evidence**

- 4.1 The Licensing Act 2003 came into force on 24 November 2005. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late-night refreshment, to be administered by the local licensing authority which is Leicester City Council.
- 4.2 Section 5 of the Act requires each licensing authority to prepare and publish a statement of licensing policy every five years. The policy statement is expected to set out, for the benefit of applicants, responsible authorities and members of the local community, how the authority intends to approach its licensing responsibilities under the Act. Each authority is also required to keep the statement of policy under review throughout its term and make appropriate revisions as necessary.
- 4.3 In determining its policy, the council is exercising a licensing function and as such must have regard to the guidance issued by the Secretary of State under section 182 of the 2003 Act. It must also give appropriate weight to the views of those persons/bodies

listed in section 5(3) of the Act which it is required to consult before determining its policy.

- 4.4 The council is required to have regard to the statement of licensing policy and make decisions in accordance with it. Licensing authorities may depart from their policy if the individual circumstances of any case merit such a decision in the interests of promoting the licensing objectives. In this event it is important that full reasons are given for departing from the published statement of licensing policy.
- 4.5 The 2003 Act imposes a duty on the council, as the licensing authority, to carry out its functions under the Act with a view to promoting the four licensing objectives, namely:
- the prevention of crime and disorder
  - the promotion of public safety
  - the prevention of public nuisance
  - the protection of children from harm.

## 5. Detailed report

- 5.1 The draft policy has been through a consultation process which took place between 6 September 2021 and 20 October 2021. The draft proposed policy is attached at **Appendix A** and attached at **Appendix B** is a list of those consulted.
- 5.2 The consultation was brought to the attention of all Councillors, responsible authorities, bodies representing the licensed trade, Solicitors within the licensing field, other Local Authorities in Leicestershire and via the Council's website and social media to the wider public. An email was also sent to all licence holders who had an up to date email address on our systems.
- 5.3 The review of the Policy included the addition of some new parts to the Policy which include:
- a contribution from Public Health in terms of the impact of alcohol on the health and wellbeing of the residents of Leicester – **Section 6.27 to 6.37**.
  - The inclusion of Section 7a - Areas of Special Interest and Consultation where applicants will be expected to make contact with the Responsible Authorities and tailor their operating schedules accordingly if they wish to apply for a licence in those areas specified – **Section 8**.
  - A reassessment of the current Cumulative Impact Areas (CIA's) for Churchgate, Belvoir Street, Braunstone Gate and London Road / Granby Street (Off licences) – **Section 7**.
  - Reference to other Council Policies and Strategies so that applicants are aware of the dynamics of Leicester in terms of the demographics and social make-up of the City, economic ambitions, tourism ambitions and the health and well-being of our residents – **Section 3**.
- 5.4 The review also took into account any legislative changes since the last policy was approved such as the increase in the limits on Temporary Event Notices and changes to the guidance in terms of Cumulative Impact Policies and how they are to be applied.

5.5 The responses received and officers' comments on those responses are at **Appendix C**.

5.6 As a result of the consultation some amendments are proposed and these are highlighted in red within the policy, these are:-

- Inclusion at **1.2** of the Musicians Union as an organisation consulted during the process of revising the policy;
- At **2.5 Cultural Activities in Leicester** reference to deregulated entertainment.
- Inclusion at **6.38 - Excessive Consumption of Alcohol** of information from the Portman Group regarding their work and Codes of Practice;

5.7 The draft policy and results of the consultation were presented to the Licensing and Public Safety Committee on 15 November 2021. Members were asked to provide comments on the proposed policy and the proposals for the special policy on cumulative impact, to assist Full Council when setting the policy for 2022 to 2027.

5.8 At the meeting, those members present asked for consideration to be given to the inclusion of additional areas of special concern in addition to those proposed in the draft policy. In particular the locations of Green Lane Road and Sparrow Park were cited by a councillor as locations of concern due to issues of on street drinking and associated anti-social behaviour through complaints by the residents directly to him.

5.10 Officers subsequently contacted the Council's Crime and Anti-Social Behaviour Unit (CrASBU), Licensing Enforcement and Noise and Pollution Control Teams and Leicestershire Police asking for any evidence that they may hold that would indicate that these areas should be included in the Policy as areas of special concern. The outcome of this exercise has not however provided information that supports their inclusion.

5.11 This does not mean however that where premises do come to the attention of the Responsible Authorities that action cannot be taken against those premises found to be undermining the Licensing Objectives. Furthermore, any new applications will still be open to representation from the responsible authorities or any interested person if they consider there will be an adverse impact on one or more of the licensing objectives.

5.12 In view of the above it is not proposed to add Green Lane Road or Sparrow Park as areas of special concern.

5.13 The draft policy then went before the Neighbourhood Services Scrutiny Commission on 27 January 2022 where no comments were received and it was recommended that the draft policy be put before Full Council on 23 February 2022.

5.14 The next steps for the draft policy should Council provide its approval are as follows: -



<b>Policy comes into effect</b>	1 April 2022

## 6. Financial, legal, equalities, climate emergency and other implications

### 6.1 Financial implications

There are no financial implications arising from the proposed changes to the Licensing Policy.

*Stuart McAvoy – Principal Accountant*

### 6.2 Legal implications

Section 5 of the Licensing Act 2003 requires the Council as a Licensing Authority to determine its statement of licensing policy for each five-year period. Before determining the statement of licensing policy, the Authority must consult on it, and the Authority must then publish the statement of licensing policy. Throughout the five-year period the Authority is required to keep the statement of licensing policy under review and make any revisions as may be appropriate. In determining or revising its policy, the Authority must have regard to any cumulative impact assessments published by it under section 5A of the Act.

*John Moss - Legal Services*

### 6.3 Equalities implications

Under the Equality Act 2010, public authorities have a continuing Public Sector Equality Duty (PSED) which means that, in making decisions and carrying out their activities they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The statement of licensing policy should refer to this legislation and explain how the Equality Duty has been complied with. To demonstrate that the consideration of equalities impacts has been taken into account in the development of the proposals and as an integral part of the decision-making process, an Equalities Impact Assessment is being undertaken. Consultation that has taken place should be used to help to inform the impact assessment. The Equality Impact Assessment process should continue to be used as a tool to aid consideration around whether we are meeting the aims of the Public Sector Equality and monitor the impacts of the amendments suggested in the report and the revised policy.

*Kalvaran Sandhu, Equalities Manager, Ext 37 6344*

#### 6.4 Climate Emergency implications

There are no significant climate emergency implications associated with this report.

*Aidan Davis, Sustainability Officer, Ext 37 2284*

#### 6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

#### **7. Background information and other papers:**

None

#### **8. Summary of appendices:**

Appendix A – Draft Statement of Licensing Policy for 2022-2027

Appendix B – List of Consultees

Appendix C – Responses received with Officers Comments

#### **9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

#### **10. Is this a “key decision”? If so, why?**

No

# **Statement of Licensing Policy 2022 - 2027**

**Licensing Act 2003**

DRAFT

**Further copies of this document can be obtained from:**

Licensing  
Leicester City Council  
City Hall  
115 Charles Street  
Leicester  
LE1 1FZ  
Tel: 0116 454 3030

Email: [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)

Web: [www.leicester.gov.uk/business/licences-and-permits/entertainment-food-and-drink-licensing](http://www.leicester.gov.uk/business/licences-and-permits/entertainment-food-and-drink-licensing)

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**Please note:**

The information contained within this document may be made available in different languages and formats – please contact the Licensing Team for further information.

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## Executive Summary

The Licensing Act 2003 came into effect in 2005.

Under Section 5 of the Licensing Act 2003 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every five years.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally, the council has regard to several other local strategies such as the Equalities Strategy, Health and Wellbeing Strategy, Economic Action Plan, Tourism Action Plan.

The licensing regime is separate from other regulatory requirements e.g. the need for planning permission. The granting of a licence does not mean or imply that other regulations do not need to be complied with or other permissions obtained.

The council may grant licences for premises and certificates for club premises. It also grants personal licences and accepts temporary event notices.

Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. All applicants should review the section relating to Areas of Interest & Consultation within this document.

The policy includes information on specific localities in the city that the council considers to be particularly impacted by the effects of licensed premises. Applicants need to be aware of this information and liaise with the responsible authorities prior to submitting their application so that their Operating Schedule deals with these issues, and should a licence be granted/varied there will be no adverse impact on the licensing objectives and the area where the premise is located.

Where relevant the council consults with the responsible authorities as described in the Act.

Local people and Members of the council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications for premises licences or requesting reviews of licences for problem premises.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council. This policy describes the council's enforcement principles and the principles underpinning the right of review.

### Purpose of the policy

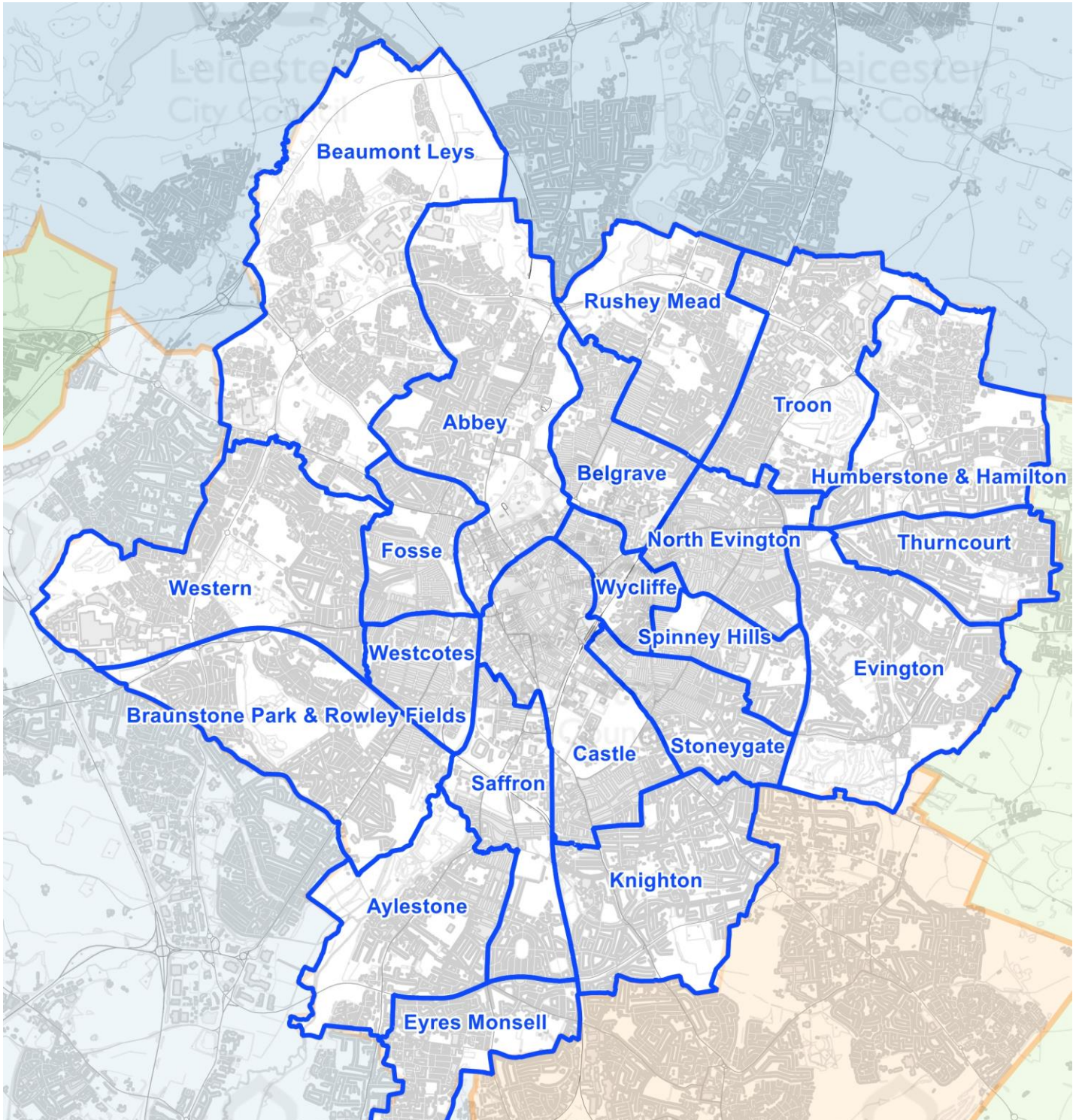
- 1.1 This policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Leicester City Council as Licensing Authority on (insert date) to come into effect on (insert date). It will be kept under review and as a minimum will be reviewed no later than 2025, with a new policy in place by (insert date) unless statute changes. Unless otherwise stated any references to the council are to the Leicester Licensing Authority.
- 1.2 In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:
- Representatives of local businesses
  - Local residents and their representatives
  - Local members of parliament
  - Representatives of existing licence holders including
    - The British Beer and Pub Association
    - Licensing solicitors
    - Musicians Union
  - The responsible authorities namely:
    - Leicestershire Police who also act as Responsible Authority for Safeguarding of Children
    - Leicestershire Fire and Rescue Service
    - Leicester City Council – Noise and Pollution/ Public Safety Team
    - Leicester City Council – Planning
    - Leicester City Council – Director of Public Health
    - Leicester City Council - Trading Standards
    - Secretary of State (Immigration Enforcement)
  - Charitable organisations that deal with the social impact of alcohol misuse
  - Other charitable organisations
- 1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.4 The council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm.
- 1.5 The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. In partnership with responsible authorities, appropriate enforcement action will be taken against those that fail to promote the licensing objectives in line with the enforcement approach and protocols.
- 1.6 This will be in partnership with key agencies such as Leicestershire Police, Leicestershire Fire and Rescue Service, Health and Safety Executive, Crime and Disorder Reduction Partnerships, Director of Public Health and Leicester City Council Trading Standards.
- 1.7 This policy is concerned with the regulation of licensable activities taking place on licensed premises, at qualifying clubs and at temporary events. The conditions that the council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.



- 1.8 The council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as City Watch and also by way of regular meetings with the responsible authorities

### **Scope of the policy**

- 1.9 This policy covers licensable activities within Leicester as defined by the Licensing Act 2003. These are:
- The sale of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of regulated entertainment
  - The provision of late-night refreshment
- 1.10 The Act includes exemptions that apply in certain circumstances and should be the first point of reference when determining whether or not a licence is required.
- 1.11 Throughout this policy the wording will refer to 'applicants' for licences. However, it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.
- 1.12 Under the Licensing Act applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the council must grant the application. Only if relevant representations are made will the council's discretion be engaged.
- 1.13 Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues where representations have been made.



- 2.1 Leicester is the largest City in the East Midlands Region.
- 2.2 The Census 2011 estimated that Leicester is home to almost 330,000 people, making it the most populous urban centre in the East Midlands. The City has many cultures, languages, races and faiths. In all, Leicester residents hail from over 50 countries from across the globe, making the city one of the most ethnically and culturally diverse places in the UK. Leicester has the highest proportion of people of Indian heritage of any place in England and Wales and hosts the largest Diwali Celebration outside of India. More information on the 2011 Census is available on the council's website <https://www.leicester.gov.uk/your-council/how-we-work/equality-and-diversity/a-changing-city/>

- 2.3 Each area of the city has its own character and challenges. The council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. The policy includes links to data sources where information can be found about localities in Leicester that are of special interest due to the impact of licensed premises on the four licensing objectives. Please see section 8 for further information.

### **Cultural Activities in Leicester**

- 2.4 Leicester City Council is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of the city. **The Live Music Act 2012 deregulated certain types of entertainment when provided under certain circumstances – organisers of events are encouraged to look at the Section 182 Guidance which highlights what is regulated/deregulated entertainment when organising events.**
- 2.5 Commercially promoted events take place in a variety of locations throughout the City.
- 2.6 **The Festival and Events Team organise and support a wide variety of culturally diverse events all year across Leicester. These include the St. George's Festival, the Caribbean Carnival and Diwali.**
- 2.7 Within local communities, groups and associations use church halls and community centres for social and fund-raising activities. Within the city there are church halls, community halls and schools licensed for regulated entertainment and/or the sale or supply of alcohol.
- 2.8 Leicester has a long-established reputation for the encouragement of community and diverse cultural events and public entertainment as an essential aid to community involvement and an increasing sense of common identity. The Golden Mile in the Belgrave area of the city hosts the largest Diwali celebration outside India.

## Section 3 Integrating other guidance, policies, objectives and strategies

- 3.1 In preparing this licensing policy the council has had regard to and sought to ensure that the licensing policy is aligned with other Corporate Strategies and Policies.
- 3.2 The council (through its Licensing and Public Safety Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.
- 3.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

### Vision for Leicester

- 3.4 The City Mayor has a vision for the City: **“It is vital to enhance people's confidence and pride in our city, because when people feel proud about where they live they become part of it. These pledges set out our bold and challenging vision for the future of our city:**
- **Fair City**
  - **Homes for All**
  - **Connecting Leicester**
  - **Sustainable Leicester**
  - **Health and Care**
  - **Lifelong learning**
  - **A city to enjoy**
  - **A safe and inclusive city”**
- 3.5 More details can be found on the council’s website <https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/my-vision/>
- 3.6 This licensing policy seeks to promote the licensing objectives within the overall context of these aims set out in the City Mayor’s Vision for Leicester. These are underpinned by Key Strategic Policies which can be found on the council’s website:
- **Leicester Economic Recovery 1<sup>st</sup> Steps**
    - This document can be found here:- [Economic Recovery First Steps \(leicester.gov.uk\)](#)
  - **Joint Health and Wellbeing Strategy 2019-2024**
    - This document can be found here:- [The Joint Health and Wellbeing Strategy 2019-2024 \(leicester.gov.uk\)](#)
  - **Tourism Action Plan 2020-2025**
    - This document can be found here:- [tourism-action-plan-2020-2025.pdf \(leicester.gov.uk\)](#)
  - **Leicester City Alcohol Harm Reduction Strategy 2021-2026**
    - The aim of the Leicester City Alcohol Harm Reduction Strategy is ‘To reduce alcohol harm in Leicester in all its forms’. The Leicester Alcohol Strategy Development Group has overseen the development of the strategy and is committed to creating an action plan to take forward actions that will achieve our aim in Leicester to reduce alcohol harm.
    - The Alcohol Harm Reduction Strategy has specific actions relating to licensing. These include working with licensing colleagues to encourage new licensees when making licensing applications to demonstrate how they will provide alcohol alternatives.
    - *Once the strategy has been approved a link to the document will be inserted here.*

## Section 4 Promotion of the licensing objectives

- 4.1 The council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives. These are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 4.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the council at all times.
- 4.3 It is for the applicant to decide what, if any, measures to suggest in their operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in their operating schedule will be interpreted into conditions on their licence.
- 4.4 The council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.
- 4.5 Applicants are reminded that responsible authorities or other people may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures. We have provided policy guidelines in relation to Areas of Interest and Consultation for applicants to consider within section 8 of this policy.
- 4.6 The council recommends early consultation with responsible authorities. The responsible authorities will be prepared to discuss matters with applicants with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities can be found on the council's website at [Alcohol, entertainment and late night refreshment \(leicester.gov.uk\)](http://leicester.gov.uk)
- 4.7 Ultimately where conditions cannot adequately address the issues, an application may be refused if this is necessary for the promotion of one or more of the licensing objectives.

### **Crime and Disorder**

- 4.8 Under the Crime and Disorder Act 1998, the council must exercise its functions having regard to the likely effect on crime and disorder in its area and must do all it can to prevent crime and disorder.
- 4.9 Where its discretion is engaged, the council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports any local crime reduction strategy.
- 4.10 There are many steps an applicant may take to prevent crime and disorder. The council will look to the Police as the main source of advice on these matters.
- 4.11 If relevant representations are made in relation to an application the council will arrange a hearing to consider whether it is necessary to impose conditions to regulate behaviour on and access to the premises. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.

- 4.12 Conditions will be targeted on deterrence and the prevention of crime and disorder. The council may consider matters including but not limited to:
- The need for and location of CCTV cameras
  - The need for door supervision
  - The need for a text or radio pager system allowing communication between premises and with the Police
  - Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence
  - Membership of a recognised pub watch or similar scheme
- 4.13 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm if they relate to the occasional use of the premises for adult entertainment.

### **Public Safety**

- 4.14 The public safety objective is concerned with the safety of both the building and premises as well as the safety of persons in attendance.
- 4.15 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The council will not seek to impose fire safety conditions as conditions on licences where the Order applies.
- 4.16 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.
- 4.17 Applicants are advised to consult with the Public Safety Team, who can offer guidance on appropriate measures to be included in risk assessments, and potentially in operating schedules. On receipt of relevant representations, the council will have regard to the views of the Public Safety Team. The team can also offer advice in relation to workplace health and safety matters, including compliance with the Health Act 2006 (smoke free).
- 4.18 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence in an individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals, and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.
- 4.19 Special events in the open air or within temporary structures raise particular issues. Applicants are referred to section 5 of this document where guidance on holding these types of event is given.

### **Public Nuisance**

- 4.20 In considering the promotion of this licensing objective applicants need to focus on the effect of licensable activities on people living and working in the area around the premises, particularly where that effect may be disproportionate and/or unreasonable.

- 4.21 The council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 4.22 The council encourages applicants to have regard to the location of the proposed or actual premises, and in particular whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship.
- 4.23 Applicants are recommended to consult the Noise and Pollution Control Team for advice on measures that may need to be incorporated into the operating schedule.
- 4.24 If relevant representations are made in relation to an application the council will consider whether it is necessary to impose conditions to regulate behaviour on and access to the premises. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 4.25 The council will consider whether issues relating to public nuisance can be effectively dealt with by appropriate and proportionate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 4.26 There are many steps an applicant may take to prevent public nuisance. The council will look to the Noise and Pollution Control Team as the main source of advice on these matters. We have provided policy guidelines in relation to Areas of Interest and Consultation for applicants to consider in section 8 of this policy.
- 4.27 The council may consider matters including but not limited to:
- Whether doors and windows can be kept closed in rooms where amplified music and voice are played.
  - Whether other noise control measures such as lobby doors or speaker mounts are required.
  - The fact that lighting outside the premises may help to prevent crime and disorder but may give rise to light pollution for neighbours.
  - Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the needs of residents.
  - The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking.
  - Provision of litter bins in the vicinity of premises serving hot food after 11pm.
  - Display of contact details or a direct telephone link to a private hire/taxi firm.
  - Restrictions on times for activity such as disposal of bottles that may cause noise disturbance.
- 4.28 The council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities, and those who wish to use such facilities.

#### **Protection of children from harm**

- 4.29 The council recognises Leicestershire Police, acting on behalf of the Safeguarding Children's Board, as the responsible authority for the protection of children from harm.

- 4.30 The protection of children from harm includes protection from physical and psychological harm.
- 4.31 The council notes that the admission of children to premises holding a premises licence or club premises certificate should be freely allowed unless there is good reason to restrict entry or exclude children completely.
- 4.32 Issues about access of children to premises may give rise to concern:
- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
  - where there have been convictions of the current management for serving alcohol to minors;
  - where the premises have a reputation for allowing under-age drinking;
  - where requirements of proof of age is not the norm;
  - where premises have a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises; and
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.
- 4.33 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others and seek only to exclude children from areas of highest risk.
- 4.34 On receipt of relevant representations, the council will consider whether conditions are necessary. If conditions are necessary, these may include:
- limitations on the hours when children will be present
  - limits on the parts of the premises to which children may have access
  - age limitations
  - limitations or exclusions only when certain activities are taking place
  - requirements for an accompanying adult
- 4.35 In such cases, representations by the Police will be given considerable weight where they address issues regarding the admission of children.
- 4.36 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. However, the council supports the Challenge 25/Check 25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the council determines the licence application.
- 4.37 No condition will be imposed by the council requiring the admission of children to any licensed premises. No condition will normally be imposed by the council prohibiting the admission of children except in the case of exhibition of films where a mandatory condition is applied to all licences with this activity.



- 5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 of the Act. Where it is necessary to depart from the guidance or this policy the council will give clear and cogent reasons for doing so.
- 5.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

### Human Rights

- 5.3 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.
  - Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
  - Article 8 that everyone has the right to respect for his home and private life.

### Protection of Privacy and Data

- 5.4 The Council's corporate privacy notice, which includes details of the authority's Data Protection Officer and your information rights is available at: <https://www.leicester.gov.uk/your-council/how-we-work/our-website/privacy/>

### Equality Act 2010

- 5.5 The council is committed to eliminating unlawful discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations within and between our communities.
- 5.6 It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of
- Age
  - being or becoming a transsexual person
  - being married or in a civil partnership
  - being pregnant or on maternity leave
  - disability
  - race including colour, nationality, ethnic or national origin
  - religion, belief or lack of religion/belief
  - sex
  - sexual orientation
- 5.7 In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council asks that applicants aim to achieve inclusive access to their venues and events. For example, discrimination will be experienced if access to the venue is denied due to lack of a ramp or if the venue does not provide means for someone to book a ticket who cannot speak. Further guidance is available at [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/equality-act-2010)
- 5.8 The council cannot enforce the Act but those who experience discrimination may take legal action

following a complaints procedure. Where complaints are received by the council we advise the complainant of their rights under the Equality Act.

- 5.9 In addition the planning process, which is likely to be relevant to new premises or events, will also seek to support the council's objective of making Leicester a great place to live.
- 5.10 Further guidance on how the Equality Act affects pubs is available from the British Beer and Pub Association. [British Beer and Pub Association - Accessibility – British Beer and Pub Association](#)

### **Impact of Licensed Activity**

- 5.11 Where no representations are made the council will grant a licence subject to conditions consistent with the operating schedule.
- 5.12 When determining any application where relevant representations are made, the council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises.
- 5.13 Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the council is looking at the impact of the activities concerned:
- the style of operation, the numbers of customers and customer profile likely to attend the premises
  - the location of the premises and the proximity of noise sensitive properties
  - the proposed hours of operation
  - any proposed methods for the dispersal of customers
  - the scope for mitigating any impact
  - the extent to which the applicant has offered conditions to mitigate the impact
  - how often the activity occurs
- 5.14 In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, the council may take into account, in addition to the above matters, any evidence
- of past demonstrable adverse impact from the activity especially on local residents or businesses
  - that if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact
- 5.15 Other relevant matters may be considered as the individual case dictates.

### **Special Events in the Open Air or in Temporary Structures**

- 5.16 The promotion and the organisation of live music and similar entertainment in the open air or in temporary structures can provide opportunities for community involvement, civic pride and can attract visitors to the City.
- 5.17 However, the success of such events by way of contribution to the council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.
- 5.18 In recognition of the special factors that are relevant, particularly with respect to major open-air events such as a concerts or festivals, the council has an established multi-agency safety advisory group to assist organisers in coordinating such events. This includes council departments who have an interest in, or legislative role relevant to, such events, together with representatives of the emergency services.

- 5.19 Members of the forum are notified about all proposals to hold such events and where necessary one or more special meetings will be organised in order to consider any issues that need to be addressed and to open up lines of communication with organisers.
- 5.20 The Health and Safety Executive provides specialist guidance on event safety through their website at [www.hse.gov.uk](http://www.hse.gov.uk)
- 5.21 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

### **Community Applicants**

- 5.22 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the council sees a distinction between large or permanent activities, such as those proposed by commercial operators, and small or temporary activities, such as those which might be proposed by cultural or community groups.
- 5.23 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or expertise or access to professional advice. Such groups may wish to seek legal advice and contact the Responsible Authorities well in advance of any proposed event to seek guidance on what would be expected of them when running an event.
- 5.24 Whatever the nature of the applicant and activity proposed, the overriding principle is that the council will consider the individual merits of the application and act so as to promote the licensing objectives.

### **Other Regulatory Regimes**

- 5.25 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control. The licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the council plan and the management of the evening and night time economy in Leicester.
- 5.26 In preparing this policy the council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However, on occasions it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with legal requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

### **Application Process**

- 5.27 Applications must be made to the council in the form prescribed by Regulations. The forms and additional information are available on the council's website at [Alcohol, entertainment and late night refreshment \(leicester.gov.uk\)](http://Alcohol, entertainment and late night refreshment (leicester.gov.uk)).

### **Licensing and Public Safety Committee**

- 5.28 The council has appointed a licensing committee of 10 Councillors. Licensing functions will often be delegated to a licensing subcommittee of 3 Councillors or, in appropriate cases to officers of the council. Councillors will have regard to the Leicester City Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing and Public Safety Committee or sub-committee has a disclosable pecuniary interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application.

- 5.29 A sub-committee may refer an application to another sub-committee or to the Licensing and Public Safety Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 5.30 The Licensing and Public Safety Committee will subsequently refer an application to the full Council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

### **Representations**

- 5.31 Depending on the type of application, representations may be made by a responsible authority or other people (as defined by the Licensing Act 2003). The council has agreed protocols with responsible authorities and issued guidance to other people making representations, setting out the detail of the process. Guidance is available on the council website [Alcohol, entertainment and late night refreshment \(leicester.gov.uk\)](http://leicester.gov.uk).
- 5.32 Members of the public who wish to submit a representation about an application need to be aware that their personal details will be made available to the applicant. If this is an issue, they may ask a local representative such as a councillor or any other locally recognised body such as a resident's association to submit a representation on their behalf. The council is not able to accept anonymous representations. Any petitions received in relation to an application will be treated as a single representation made by the person submitting the representation, supported by all of the signatories.
- 5.33 Where a representation is received which is not from a responsible authority the council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.
- 5.34 A 'relevant representation' is a representation about the likely effect of the premises licence on the promotion of the licensing objectives that has not been withdrawn and is not, in the opinion of the council, frivolous or vexatious.
- 5.35 Where one or more relevant representations are received about an application the council will hold a hearing to consider them unless the council, the applicant and everyone who has made representations agree that a hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented. Where either party is not professionally represented this mediation should be conducted via the Licensing team.
- 5.36 Where hearings are required as a result of relevant representations, the council may extend the time limits involved in calling hearings in order to allow the parties to negotiate suitable conditions to be added to the operating schedule and thus avoid the need for a hearing. Such an extension of time is considered to be in the public interest.

### **Reasons for Decisions**

- 5.37 Every decision made by the Licensing and Public Safety Committee, subcommittee or officers shall be accompanied by clear reasons for the decision.

- 6.1 Premises licences and club premises certificates may authorise the sale or supply of alcohol, regulated entertainment and late-night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

### Planning

- 6.2 The use of premises for the sale or supply of alcohol, regulated entertainment or late-night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 6.3 In line with the Section 182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by planning committees, and vice versa.
- 6.4 Where businesses have indicated when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers may consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 6.5 Where relevant representations are received, any determination of a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

### Licensing Hours

- 6.6 The government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the council the power to make decisions regarding the opening hours of licensed premises based on local knowledge and in consultation with other responsible authorities.
- 6.7 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. The intention behind this is to reduce the friction at late-night fast-food outlets, taxi ranks and other sources of transport which currently lead to disorder and disturbance.
- 6.8 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy. However, any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.
- 6.9 The council supports the development of a wide ranging and culturally diverse night-time economy. However, this must be achieved whilst promoting the four licensing objectives and without compromising local services associated with the night-time economy such as street cleansing.

- 6.10 Under the Act there are no permitted hours for the sale of alcohol. Applicants have the freedom to state in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.
- 6.11 If relevant representations are made the council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:
- the applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for
  - the potential effect on the licensing objectives is not significant
  - the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses
- 6.12 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the operating hours of existing licensed premises in an area when considering what steps, if any, are appropriate to promote the licensing objectives. Applications that request hours significantly different to others in the same locality will need to demonstrate that granting the hours sought will not impact on the licensing objectives. This is important given the potential for neighbouring premises to seek the same additional hours in order to remain competitive.
- 6.13 As a general rule shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

#### **Local, national and international occasions**

- 6.14 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.
- 6.15 Additional occasions for which extensions may be required may be covered by Temporary Event Notices.

#### **Drinking up time**

- 6.16 The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants seeking permission for the sale of alcohol for consumption on the premises are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The council considers that a 30-minute drinking up time, where relevant, will assist in the gradual dispersal of customers and consequently reduce the impact on the area.
- 6.17 Where relevant representations are made the council will consider incorporating drinking up time where this is necessary and proportionate in order to promote the licensing objectives in any individual case.

#### **Operating Schedules**

- 6.18 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. They are expected to have regard to the council's Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

- 6.19 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 6.20 Applicants should make their own enquiries and demonstrate how they have considered the following, amongst others, in their operating schedule:
- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young people may congregate;
  - Any risk posed to the local area by the proposed licensable activities; and
  - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors and other schemes), which may help mitigate potential risks.
- 6.21 Whilst applicants are not legally required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 6.22 Applicants may find contacting their local ward Councillor helpful. Leicester City Councillors provide a voice to the people living in the ward that they represent. They are aware of the needs of their community and are in touch with the issues that local people face. As well as influencing council decisions on funding and development, they work with other organisations, such as the police, local schools and health services to help bring about improvements to services and the environment for their local community. Information about Ward Councillors is available on the council's website - [Councillors and wards \(leicester.gov.uk\)](https://www.leicester.gov.uk/councillors)
- 6.23 Other publicly available sources which may be of use to applicants include:
- Crime statistics - <https://www.police.uk/your-area/leicestershire-police/>
  - Local information - <https://data.leicester.gov.uk/pages/home/Data> – *this is on the Council website and provides information on the city and its governance, public safety and wellbeing, business and economy, population and communities as well as host of other bits of information*
  - English indices of deprivation - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/835115/loD2019\\_Statistical\\_Release.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835115/loD2019_Statistical_Release.pdf) - *this is document produced by the Ministry of Housing, Communities and Local Government and its predecessors have calculated local measures of deprivation in England. This Statistical Release contains the latest iteration of these statistics, the English Indices of Deprivation 2019 (IoD2019). The IoD2019 is an update to the 2015 Indices and retains the same model of multiple deprivation, using the same approach and utilising data inputs from the most recent time points where possible.*
  - websites or publications by local voluntary schemes and initiatives; and
  - on-line mapping tools.
- 6.24 The council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives.
- 6.25 Any application or operating schedule not completed in accordance with the Act and the regulations will be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by council.

## Risk assessments

- 6.26 The council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the council and responsible authorities to assess how they will seek to promote the licensing objectives.

## Local Concerns regarding Alcohol Consumption in Leicester

- 6.27 Alcohol use can contribute to a variety of harms, including health, economic, social and community harms. Below are some of the ways alcohol harm manifests in Leicester City.

- Despite high abstinence amongst the Leicester population, alcohol mortality is high in Leicester men compared to the England rates. The most recent Health and Wellbeing Survey in Leicester (2018) indicated one in ten (9%) of those who drink do so at levels above the CMO's recommended limit in a typical week that they are drinking<sup>1</sup>.
- Not only is alcohol a greater cause of death in Leicester men than England, hospital admissions linked to alcohol are higher in Leicester men also.
- Alcohol misuse is a major contributing factor in many cases of homelessness, and homelessness can be a barrier to recovery. During 2016/17, 35% of all clients using Leicester City Council funded homelessness services indicated that they had drug or alcohol problems.
- Alcohol is a contributing factor to crime in Leicester, in 2018/19 almost 5500 alcohol-related violent crimes were recorded, including more than two-fifths of all violent crimes in the city. Alcohol is a factor in 1 in 8 crimes in the city.
- Alcohol impacts children and families in Leicester. 1 in 5 of all children in need<sup>2</sup> in Leicester had alcohol cited as a factor.
- Alcohol harm in Leicester is against a backdrop of high abstinence, which indicates that those drinking are possibly drinking at more harmful levels, that not everyone who drinks acknowledges or admits to drinking or that more accurate surveillance of drinking habits is required. It is important to note that many people who have alcohol-related health problems aren't people who would necessarily see themselves as 'having a problem', but may be people who have regularly drunk more than the recommended levels for some years.
- Anecdotally there is hidden drinking within Leicester, with some communities hiding their drinking as it is not seen as culturally or religiously acceptable. There is also an issue with street drinking in some areas, local services are working to reduce this in collaboration with local communities.

- 6.28 In these more deprived areas there is concern about:

- Sale of alcohol
  - The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
  - The contributory factor and possible links between violent crime and domestic violence which may be exacerbated by the availability of alcohol sold in these areas.
  - The higher proportion of premises licensed for alcohol for consumption off the premises.
  - The ability for people with mental health or alcohol problems to easily obtain alcohol.
  - The ability for people who are already intoxicated to easily obtain more alcohol.
  - The pack size super strength white cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.
- Protection of children
  - The normalisation of alcohol abuse and the effect this has on children living in the area

<sup>1</sup> Based on a sample of 1076 who said they drank, out of a total 2224 responses in Leicester

<sup>2</sup> Children in need are defined in law as children who are aged under 18 and:

- need local authority services to achieve or maintain a reasonable standard of health or development
- need local authority services to prevent significant or further harm to health or development
- are disabled



- The sale and supply of alcohol to young people and children and the impact this has on the behaviour in the community and impact on their health.
  - Public nuisance
    - The accumulation of premises providing takeaway food and off sales of alcohol
    - Littering of food wrappers and waste food originating from takeaways
    - Harassment of women and girls by groups of men drinking in the streets
- 6.29 The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this policy. As such the council would expect anyone wishing to open or extend premises that sell alcohol or sell hot food to provide extra measures to ensure these problems are not exacerbated.
- 6.30 An application for premises in an area which has been highlighted as being of specific interest, which includes the sale by retail of alcohol or the sale of hot food and drink may attract representations from a number of interested people. Applicants are encouraged to contact Licensing, Leicestershire Police, Environmental Health and Public Health to see if there are any specific measures that can be included in the operating schedule to mitigate local concerns.
- 6.31 Applicants in the areas of specific interest should carefully consider if the measures relating to the following concerns could be offered as part of their operating schedule:
- **Crime and disorder**
    - Measures that control the display of alcohol including proximity to the door, display of spirits and high strength alcohol
    - The sale of high-strength lager and cider
    - CCTV coverage of alcohol displays
  - **Prevention of public nuisance**
    - Hourly checks of the surrounding area and removal of litter
  - **Protection of children**
    - Display of alcohol, name of premises and windows advertising which normalise the availability of alcohol

### **Excessive Consumption of Alcohol**

- 6.32 The council is acutely aware of the link between the supply of alcohol that is subject to certain promotions and the possibility of resultant incidents of alcohol related crime and disorder and implications for public safety, public nuisance and the risk of harm to children.
- 6.33 The council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an indirect impact on public health.
- 6.34 The British Beer and Pub Association states that a promotion is irresponsible where it encourages or incites individuals to drink to excess, behave in an anti-social manner or fuels drunkenness. The council, as the licensing authority, will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.
- 6.35 In April 2010 mandatory conditions came into effect which:
- Ban irresponsible promotions
  - Ban the dispensing of alcohol directly into the mouth; an
  - Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- 6.36 The legislation makes it clear that an irresponsible promotion is one that is "carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carried a significant risk of leading or contributing to crime and disorder, prejudice to public

safety, public nuisance or harm to children”.

- 6.37 As a consequence, any on-trade premises that participates in irresponsible drinks promotions may be breaching licence conditions as such may face relevant enforcement action.

### **Portman Group**

- 6.38 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks contains rules which prevent the encouragement of immoderate consumption of alcohol and also prevent the marketing of products based on high alcoholic strength and intoxicating effect.
- 6.39 The Code was reviewed in 2019 and as part of this the guidance was updated to specifically address harm caused by high strength products packaged in single-serve non-resealable containers. Guidance states that if a high strength product in a single-serve non-resealable container contains more than 4 units then such products need to incorporate mitigating factors to ensure that they do not encourage immoderate consumption. This could be through inclusion of a sharing message or a per serve recommendation. This position has received support from the Chief Medical Officers’ and the Department of Health and Social Care as an appropriate threshold to help reduce alcohol-related harms.
- 6.40 The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner, only to those who are 18 and over, and in a way that does not appeal particularly to those who are vulnerable.
- 6.41 The Code, now in its sixth edition, has continued to evolve in step with changes in society over the last 25 years, with the latest edition in 2019 contains new rules to prevent marketing considered to cause serious or widespread offence, as well as a tightening of the rules surrounding links to illegal behaviour and suggestions of mind-altering qualities.
- 6.42 If the Council or any other person/organisation is aware of products breaching the Code, they can be brought to the attention of the Portman Group Complaints Team - [complaints@portmangroup.org.uk](mailto:complaints@portmangroup.org.uk).

### **Conditions**

- 6.43 The council may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.
- 6.44 The council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.
- 6.45 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 6.46 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the council.

### **Designated Premises Supervisor**

- 6.47 An applicant for a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a personal licence.

- 6.48 The Act does not require the presence of the DPS at all material times and authorisation for the sale of alcohol may be made by another personal licence holder. It is the council's recommendation that this authorisation is made in writing.
- 6.49 If a DPS is not specified on the licence no sale or supply of alcohol may be made. Similarly, no sale or supply of alcohol can be made if the DPS does not hold a personal licence. Licence holders must ensure that the nominated DPS is still involved with the business and, if not, that they are replaced promptly.

### **Staff Training**

- 6.50 The council recommends that all people employed at licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Similarly people employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and suitable training should also be provided to all staff involved in managing or supervising the premises.
- 6.51 It is also recommended that people employed on premises providing entertainment for children and youths attend training programmes in basic child protection and safety, and if appropriate have the necessary DBS checks.
- 6.52 All people employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

### **Club Premises Certificate**

- 6.53 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason, qualifying clubs may apply for a club premises certificate as an alternative to a premises licence.
- 6.54 A Designated Premises Supervisor and personal licence holders are not required where a club premises certificate is in force. However, an applicant for a club premises certificate is still required to act in a manner which promotes the licensing objectives. An application for a club premises certificate must be in the form prescribed by regulations.
- 6.55 Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also give Temporary Event Notices (TENs).

### **Community Halls**

- 6.56 The management committees of community premises can apply to remove the requirements for a designated premises supervisor and the authorisation of the sale of alcohol by a personal licence holder. If they do so all sales of alcohol are authorised by the management committee. Applicants should refer to the guidance issued under section 182 of the Licensing Act 2003 for information on the process to be followed.

### **Minor Variations**

- 6.57 Small changes to premises licences or club premises certificates may be made through the minor variation process, which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. Applicants should refer to the guidance issued under section 182 of the Licensing Act 2003 for information on the process to be followed.

## Alcohol Deliveries

6.58 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over the age of 18
- That alcohol is only delivered to a person over the age of 18
- That a clear audit trail of the order process including order, dispatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer on reasonable request
- The time that alcohol is sold on the website/over the phone is within the hours stated on the licence for the sale of alcohol.

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- 7.1 The concept of “cumulative impact” has been described in the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003. Cumulative impact assessments were introduced at Section 5A in the Licensing Act 2003 by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 7.2 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of customers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 7.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of people leading to issues such as street fouling, littering, traffic and public nuisance.
- 7.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town or city centres but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 7.5 Once away from the licensed premises, a minority of customers will behave badly. Other mechanisms for addressing such concerns may be more appropriate than the introduction of a cumulative impact area or may work alongside the licensing policy. For example:
- Planning control
  - Positive measures to create a safe and clean town or city centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practice schemes such as City Watch or Business Improvement Districts
  - Community Protection Orders
  - The provision of CCTV surveillance in town centres, taxi ranks, public conveniences open late at night, street cleansing and litter patrols
  - Public Space Protection Orders
  - Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
  - Late Night Levy
  - Early Morning Restriction Orders
- 7.6 Other licensing measures such as fixed closing times, staggered closing times and zoning may also be considered, subject to evidence.

### Cumulative Impact Assessments

- 7.7 A cumulative impact assessment (CIA) may be published by a licensing authority to help it limit the number or type of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 7.8 The council first published a cumulative impact assessment under section 5A of the Licensing Act 2003 for the Churchgate area in 2005 and in 2011 for the Belvoir Street, Braunstone Gate, London Road /

Granby Street areas. These relate to new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates.

- 7.9 In this assessment the council have reviewed the evidence for all four existing cumulative impact areas (Churchgate, Belvoir Street, London Road / Granby Street, Braunstone Gate).
- 7.10 This assessment included a call for evidence from the responsible authorities, crime statistic reports commissioned by Leicestershire Police and nuisance statistics provided by the Council's Licensing Enforcement and Noise and Pollution Control Teams.
- 7.11 As required by the law, the council has undergone a formal consultation process on the cumulative impact assessments. This was carried out alongside the consultation for the licensing policy and involved:
- the responsible authorities
  - licensees and those representing licensees
  - local residents and businesses
  - those representing local residents and businesses
- 7.12 Responses from these consultations have been reviewed.
- 7.13 In light of the evidence produced around the cumulative impact areas that were in place – the Council has determined not to designate any Cumulative Impact Areas in the City.
- 7.14 The Council has also deemed it appropriate, based on far reaching evidence including Public Health data and information from Leicestershire Police as well as the Licensing Enforcement and Noise and Pollution Control Teams, to highlight areas within Leicester that are of special interest in terms of alcohol harm, street drinking, anti-social behaviour etc. Please see section 8 for more details.
- 7.15 **The above decisions will be reviewed after the Policy has been in place for 12 months.**

## Section 8 Areas of Special Interest and Consultation

- 8.1 It is imperative that all applicants fully consider the environmental factors of the area in which they are applying. Section 182 guidance states that applicants should proactively engage with the responsible authorities to ensure that a premises and their management uphold the licensing objectives.
- 8.2 Within Leicester, there are several such areas where the environmental factors may require further considerations by the applicant in order to uphold the objectives. Some examples of these can be some or all, yet not exclusively, any of the below:
- Number of existing licensed premises
  - Types of licensed premises
  - Sensitive premises
  - Density and locality of residential premises
  - Traffic or pedestrianised sensitive areas
  - Conservation and cultural areas, children/young person's facilities, etc
  - Alcohol related public health concerns (see public health information section within policy and website)
  - Areas of alcohol related crime, disorder or anti-social behaviour including Noise Pollution concerns.
- 8.3 The areas of Leicester that this section of the policy relate to are:
- Granby Street, Belvoir Street & Market Street
  - High Street (from the junction of Carts Lane) & St Nicholas Place
  - Braunstone Gate & Narborough Road (up to the railway bridge)
  - Evington Road
  - Belgrave Road & Melton Road (up to the junction of Marfitt Street)
- 8.4 **Other areas will be considered on a case by case basis and their inclusion will be based on what relevant evidence is produced to support their inclusion.**
- 8.5 Further information for applicants is attached at Appendix XX. This provides more detail about the responsible authorities' concerns and will help applicants when preparing their operating schedules prior to pre-consultation with the responsible authorities.
- 8.6 **Actions required by applicants**
- Applicants should fully review the relevant 'Information for applicants' documents related to this policy summarising the types of issues that relate to that particular area.
  - The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
  - Applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site.
- 8.7 The circumstances of each application will be considered properly and if there are no representations the application will be granted as applied for. If relevant representations are received in relation to a new application or a variation of an existing licence, the council will consider whether it would be justified in departing from its policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council considers the application is unlikely to have an impact on the licensing objectives it may be granted. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 8.8 The council may update these areas and add additional areas or locations or extra supporting information as appropriate.

- 9.1 The power conferred on licensing authorities to make, vary or revoke an Early Morning Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31<sup>st</sup> October 2012 and the government has provided guidance as part of the S182 Guidance to Licensing Authorities.
- 9.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 9.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which are not directly attributable to specific premises.
- 9.4 It is the council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However, where this has deemed to fail then an EMRO could be considered as a possible solution.
- 9.5 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
  - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
  - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
  - Applies to the whole or any part of the licensing authority's area
  - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
  - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
  - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

### EMRO Request

- 9.6 It is expected that the need for an EMRO may be identified by a number of different organisations. It is likely that more than one organisation may be involved in the process.
- 9.7 Any request would be referred to the Licensing Team for an initial assessment of the evidence. If it appears that an EMRO may be appropriate the request would be referred to the Deputy City Mayor and the Licensing and Public Safety Committee. Members would be supplied with evidence of the issues being experienced in the area in support of the EMRO. The Licensing and Public Safety Committee/Deputy City Mayor will decide if, on the strength of the evidence provided, an EMRO is appropriate for the promotion of the licensing objectives and if further work is to be undertaken to support the case. Members may decide that other measures would be more effective in dealing with the problems, or that licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

### Evidence

- 9.8 The Section 182 Guidance to Licensing Authorities states that:  
*"The licensing authority should be satisfied that it has sufficient evidence to demonstrate that its*



*decision is appropriate for the promotion of the licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premise licences. The licensing authority should consider the evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine when an EMRO would be appropriate for the promotion of the licensing objectives.”*

- 9.9 The council will follow the procedure set out in the 2003 Act to determine whether or not to introduce an EMRO.

#### **Formal Decision**

- 9.10 If the licensing authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the authority will send a notice to all affected people and make it available for 28 days on the website.
- 9.11 A variation or a revocation of an order will follow the same process. However, an order could be applied for a specified time and in this case the order ceases to apply on the final day.
- 9.12 Once an EMRO is in place, the licensing authority will update this policy as soon as possible to include reference to the EMRO in this section.

#### **Current position**

- 9.13 There are currently no EMROs in place in the city.

## Section 10 Personal licences

- 10.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. The Act does not require the presence of a personal licence holder at all material times but if any sales are made when a personal licence holder is not present, then they must have been authorised by somebody who holds a personal licence. Regardless of whether a personal licence holder is present or not they will not be able to escape responsibility for the actions of those they have authorised to make such sales.
- 10.2 The council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may have multiple personal licence holders.
- 10.3 The council recognises it has no discretion regarding the granting of personal licences where
- the applicant is 18 or over,
  - possesses a licensing qualification,
  - has not had a licence forfeited in the last five years and
  - has not been convicted of a relevant offence.
- 10.4 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also produce evidence of the relevant qualifications and their right to work in the UK.
- 10.5 Applicants should produce a basic disclosure from the Disclosure & Barring Service certificate along with the application form. The certificate must be current and comply with the regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.
- 10.6 Where the application discloses relevant unspent convictions, the council will notify the police of that application and the convictions. The police may make a representation on the grounds of crime and disorder. If the police do not make a representation the personal licence will be granted, but if a representation is lodged a hearing must be held.
- 10.7 The council will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

## Section 11 Temporary event notices

- 11.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or TEN).
- 11.2 Temporary event notices are subject to various limitations. These are concerned with:
- the number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
  - the number of times a TEN may be given for any particular premises (15 times in a calendar year);
  - the maximum duration of an event authorised by a TEN is 168 hours (seven days);
  - the maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
  - the maximum number of people attending at any one time (fewer than 500); and
  - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises’ user (24 hours).
- 11.3 The most important aspect of the system of temporary event notices is that no permission is required for these events from the council. In general, only the police or Environmental Health (Noise and Pollution Control Team) may intervene to prevent such an event or modify the arrangements for such an event. The council will only intervene in its role as licensing authority if the limits on the number of notices that may be given in various circumstances would be exceeded.
- 11.4 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds, at which licensable activities will take place.
- 11.5 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. In both instances this does not include the date of the event or the date the council receives the notice.
- 11.6 The council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure.

### **Police or Environmental Health (Noise and Pollution Control Team)**

- 11.7 The Act provides that in exceptional circumstances, the police or environmental health team (Noise and Pollution Control) may issue an objection notice because they believe the event would undermine one or more of the four licensing objectives. The Police or Noise and Pollution Control Team must issue an objection notice within three working days of being served with a TEN. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled and licensable activities are not authorised.
- 11.8 The ability of Police and Noise and Pollution Control Team to serve such a notice is a further reason why event organisers are strongly encouraged by the council not to rely on giving the minimum amount of notice and to contact the local police and Noise and Pollution Control Team at the earliest possible opportunity about their proposals.

## **Additional limitations**

- 11.9 The council will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.
- 11.10 The Act defines an associate as being:
- the spouse or civil partner of that person;
  - a child, parent, grandchild, grandparent, brother or sister of that person; or
  - an agent or employee of that person;
  - the spouse or civil partner of a person listed in either of the two preceding bullet points.
- 11.11 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

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- 12.1 The Licensing Act contains measures to ensure that the responsible authorities are able to deal with premises that willfully and persistently undermine the licensing objectives. The responsible authorities are committed to encouraging a thriving day time, evening and night-time licensed economy but will act appropriately on those premises whose activities infringe upon the quality of life for local residents and businesses in line with legislation.
- 12.2 The Licensing Enforcement Team has established a multi-agency enforcement protocol which sets out the framework for the risk and information based enforcement of the Licensing Act 2003 and allows for carrying out of joint inspections with the police, the fire authority and other relevant agencies including sharing of relevant information.
- 12.3 The enforcement strategy is to protect the public, interested parties and the environment from harm caused as a result of negative activity made licensable by virtue of the Licensing Act 2003 whilst encouraging those that promote the licensing objectives.
- 12.4 The Licensing Enforcement Team's professional approach will be:
- Fair
  - Impartial
  - Respectful
  - Lawful
  - Proportionate
- 12.5 The Licensing Enforcement Team's enforcement protocol wherever possible will follow the four E's as good practice. Each case and matter will be taken on its own merits and may require different enforcement strategies or processes. The four E's are:
- To Engage
  - To Explain
  - To Encourage
  - To Enforce

### Prosecution of breaches

- 12.6 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection and trading standards also have their own powers.
- 12.7 The council has incorporated the principles of the Hampton Report in its enforcement approach. Formal enforcement will be a last resort if possible and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.

### Reviews of Licences

- 12.8 The council recognises that the ability of the police, other responsible authorities and other people to apply for a review of a premises licence, is an incentive to effective self-regulation.
- 12.9 On receipt of a relevant request to carry out a review the council has a range of options available to it under the Act. These include:
- To take no formal action
  - To issue an informal warning or require in a particular period of time
  - To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
  - To exclude a licensable activity from the scope of the licence (permanently or temporarily)

- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

12.10 The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

### **Prosecution of breaches**

12.11 In accordance with the enforcement protocol, the council adopts a multi-agency approach to the prosecution of offences under the Licensing Act.

12.12 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection and trading standards also have their own powers.

12.13 The council has adopted the principles of the Hampton Report in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.

12.14 The council has a zero tolerance to antisocial behaviour and environmental crime.

12.15 Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.

12.16 Where a Magistrates Court makes a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will usually ask the council to carry out a review of the licence.

12.17 Where a closure order has been made under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of noise) the council's Environmental Health section may request a review of the licence.

12.18 Where any agency provides evidence of the keeping of smuggled goods, such as counterfeit alcohol or tobacco, or the employment of persons who do not possess the right to work in the UK, the relevant agency may request a review of the premises licence.

### **Matters to be considered**

12.19 When considering a review request or the possibility of enforcement action the council will take into account all relevant circumstances but will view the following matters particularly seriously:

- use of the premises for criminal activities such as the supply of drugs or money laundering
- failure to promptly respond to a warning properly given by a responsible authority
- failure to engage with the responsible authorities in an effective manner
- previous convictions for licensing offences
- previous failure to comply with licence conditions

### **The Violent Crime Reduction Act 2006**

12.20 The Violent Crime Reduction Act 2006 has amended parts of the Licensing Act 2003 and now expands police and council powers to deal with problem premises in a more expedient manner.

12.21 A power to carry out summary reviews in serious cases of crime and disorder is given by section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the licensing authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

## APPENDIX B

Postal Name	Address 1	Address 2	Address 3	Address 4	Address 5	Email
Association of Conservative Clubs	24 Old Queen Street	London	SW1 H9HP			assistance@toryclubs.co.uk
Association of Convenience Stores	Federation House	17 Farnborough Street	Farnborough	Hampshire	GU14 8AG	acs@acs.org.uk
Association of Licensed Multiple Retailers	9 Central Chambers	Ealing	London	W5 2NR		info@almr.org.uk
Association of Town Centre Management	1 Queen Anne's Gate	Westminster	London	SW1H 9BT		info@atcm.org
Berwin Leighton Paisner	Adelaide House	London Bridge	London	EC4R 9HA		
Blake Morgan	Harbour Court	Compass Road	North Harbour	Portsmouth	PO6 4ST	info@blakemorgan.co.uk
British Beer & Pub Association	Ground Floor	Brewers' Hall	Aldermanbury Square	London	EC2V 7HR	<a href="mailto:contact@beerandpub.com">contact@beerandpub.com</a>
British Board of Film Classification	3 Soho Square	London	W1D 3HD			<a href="mailto:feedback@bbfc.co.uk">feedback@bbfc.co.uk</a>
British Hospitality Association	Queens House	55-56 Lincolns Inn Fields	London	WC2A 3BH		
British Institute of Innkeeping	Infor House	1 Lakeside Road	Farnborough	GU14 6XP		<a href="mailto:enquiries@bii.org">enquiries@bii.org</a>

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British Retail Consortium	21 Dartmouth Street	London	SW1H 9BP			<a href="mailto:info@brc.org.uk">info@brc.org.uk</a>
Campaign for Real Ale	230 Hatfield Road	St Albans	Hertfordshire	AL1 4LW		<a href="mailto:camra@camra.org.uk">camra@camra.org.uk</a>
Campaign for Real Ale (Leicester branch)						<a href="mailto:chairman@leicestercamra.org.uk">chairman@leicestercamra.org.uk</a>
Chief Fire Officer	Leicestershire Fire & Rescue Service	12 Geoff Monk Way	Birstall	Leicestershire	LE4 3BU	<a href="mailto:rist@lfrs.org">rist@lfrs.org</a>
Chief Officer of Police	Leicestershire Police	Mansfield House	74 Belgrave Gate	Leicester	LE1 3GG	<a href="mailto:licensing@leicestershire.pnn.police.uk">licensing@leicestershire.pnn.police.uk</a>
CIU	Leicestershire Branch	Newfoundpool Non-Political Club	55 Beatrice Road	Leicester	LE3 9FJ	
<del>Department for Culture, Media &amp; Sport</del>	100 Parliament Street	London	SW1A 2BQ			<a href="mailto:enquiries@culture.gov.uk">enquiries@culture.gov.uk</a>
Eversheds LLP	1 Royal Standard Place	Nottingham	NG1 6FZ			
Federation of Licensed Victuallers Associations	The Raylor centre	James Street	York	YO10 3DW		<a href="mailto:admin@flva.co.uk">admin@flva.co.uk</a>
Federation of Small Businesses	Sir Frank Whittle Way	Blackpool	Lancashire	FY4 2FE		<a href="mailto:customerservices@fsb.org.uk">customerservices@fsb.org.uk</a>
Fraser Brown	Solicitors	84 Friar Lane	Nottingham	NG1 6ED		<a href="mailto:Nottingham@fraserbrown.com">Nottingham@fraserbrown.com</a>



## APPENDIX B

Freeth Cartwright LLP	One Colton Square	Leicester	LE1 1QH			
General Secretary	Equity	Guild House	Upper St Martins Lane	London	WC2H 9EG	<a href="mailto:info@equity.org.uk">info@equity.org.uk</a>
Health & Safety						<a href="mailto:healthandsafetyteam@leicester.gov.uk">healthandsafetyteam@leicester.gov.uk</a>
Health & Safety Executive	900 Pavilion Drive	Northampton Business Park	Northampton	NN4 7RG		
Home Office	2 Marsham Street	London	SW1P 4DF			<a href="mailto:Public-enquiries@homeoffice.gsi.gov.uk">Public-enquiries@homeoffice.gsi.gov.uk</a>
Independent Street Arts Network	54 Charlton Street	London	NW1 1HS			<a href="mailto:info@isanuk.org">info@isanuk.org</a>
Institute of Licensing						<a href="mailto:info@instituteoflicensing.org">info@instituteoflicensing.org</a>
Joelson Wilson	30 Portland Place	London	W1B 1LZ			<a href="mailto:info@joelsonwilson.com">info@joelsonwilson.com</a>
Justices Clerks' Society						<a href="mailto:jcs@hmcts.gsi.gov.uk">jcs@hmcts.gsi.gov.uk</a>
Kuits LLP	3 St Mary's Parsonage	Manchester	M3 2RD			<a href="mailto:info@kuits.com">info@kuits.com</a>
Leicester Safeguarding Children Board						<a href="mailto:lcitylscb@leicester.gov.uk">lcitylscb@leicester.gov.uk</a>
Leicestershire Chamber of Commerce	1 Mill Lane	Leicester	LE2 7HU			
Musicians Union	Midlands Region	2 Sovereign House	Graham Street	Birmingham	B1 3JR	<a href="mailto:midlands@theMU.org">midlands@theMU.org</a>

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National Federation of Sub Postmasters	Midlands Branch, Ayston Road Post Office	10 Ayston Road	Braunstone	Leicester	LE3 2GA	
National Pub Watch	PO Box 3523	Barnet	EN5 9LQ			<a href="mailto:admin@nationalpubwatch.org.uk">admin@nationalpubwatch.org.uk</a>
NOCTIS	5 Waterloo Road	Stockport	Cheshire	SK1 3BD		<a href="mailto:info@noctisuk.org">info@noctisuk.org</a>
Planning						<a href="mailto:planning@leicester.gov.uk">planning@leicester.gov.uk</a>
Pollution						<a href="mailto:noiseteam@leicester.gov.uk">noiseteam@leicester.gov.uk</a>
Poppleston Allen	37 Stoney Street	The Lace Market	Nottingham	NG1 1LS		Online form
PRS for Music	2 Pancras Square	London	N1C 4AG			<a href="mailto:customerservice@prsformusic.com">customerservice@prsformusic.com</a>
Public Health						<a href="mailto:Julie.oboyle@leicester.gov.uk">Julie.oboyle@leicester.gov.uk</a>
Salisbury, Harding and Barlow	Solicitors	1 Berridge Street	Leicester	LE1 5JT		<a href="mailto:law@shbsolicitors.co.uk">law@shbsolicitors.co.uk</a>
Shakespeare Martineau	Two Colton Square	Leicester	LE1 1QH			<a href="mailto:info@shma.co.uk">info@shma.co.uk</a>
The Portman Group	4 <sup>th</sup> Floor	20 Conduit Street	London	W1S 2XW		<a href="mailto:info@portmangroup.org.uk">info@portmangroup.org.uk</a>
Trading Standards						<a href="mailto:Trading.standards@leicester.gov.uk">Trading.standards@leicester.gov.uk</a>
UK Cinema Association	3 Soho Square	London	W1D 3HD			Form on website <a href="http://www.cinemauk.org.uk/contact-us">www.cinemauk.org.uk/contact-us</a>
VisitLeicester	51 Gallowtree Gate	Leicester	LE1 5AD			<a href="mailto:info@visitleicester.info">info@visitleicester.info</a>
Wine and Spirit Trade Association	39-45 Bermondsey Road	London	SE1 3XF			<a href="mailto:info@wsta.co.uk">info@wsta.co.uk</a>

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Working Men's Club and Institute Union Ltd.	253-254 Upper Street	Islington	London	N1 1RY		<a href="mailto:info@wmciu.org">info@wmciu.org</a>
All Licence holders with email addresses						Emails sent to all on record with an email address
Festivals Team – Leicester City Council						festivals@leicester.gov.uk
City Centre Management – Leicester City Council						Sarah.M.Harrison@leicester.gov.uk
Oadby and Wigston Borough Council						licensing@oadby-wigston.gov.uk
North West Leicestershire Council						ANDY.COOPER@NWLeicestershire.gov.uk
Charnwood Borough Council						Grace.Dowson@charnwood.gov.uk
Hinckley and Bosworth Borough Council						Mark.Brymer@hinckley-bosworth.gov.uk

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Melton Borough Council						'licensing@melton.gov.uk'
Blaby District Council						Matt.Pickering@blaby.gov.uk
Rutland County Council						'licensing@rutland.gov.uk'
Harborough Borough Council						J.Nicholls@harborough.gov.uk
Gosschalks Solicitors						Email sent to contact
Woods Whur Solicitors						Email sent to contact
DLT Solicitors						Email sent to contact
John Gaunt and Partners						Email sent to contact
Keystone Law						Email sent to contact
Flint Bishop Solicitors						Email sent to contact
Licensing Law Consultancy						Email sent to contact

Organisation/Person/Business Responding	Respondent Comments	Officer Comments
<p><b>Question - The draft policy now includes a section on local concerns about excessive consumption of alcohol in Leicester. This section has been written by Public Health, who are a Responsible Authority under the Licensing Act 2003, and aims to ensure that Public Health can fulfil that role by making applicants and licence holders aware of the impact of excessive alcohol consumption on the communities of Leicester.</b></p> <p><b>Should this be included in the new policy?</b></p>		
<i>10 Respondents agreed</i>		
Licence holder	I think the council should be encouraging management at venues in training staff to spot customers excessively drinking and refuse if they need too. Additionally encouraging the security companies to not let customers in who are overly intoxicated, this generally happens anyway but its more relaxed at certain establishments. This comes down to how relaxed management are.	<p>Licensing Enforcement and Leicestershire Police regularly monitor licensed premises and deal with any issues. Training of staff is a matter for the operators of the businesses.</p> <p>Door Supervisors are licensed by the Security Industry Authority (SIA) and receive appropriate training in order to obtain the licence which includes dealing with intoxicated customers.</p>
Licence holder	The purchase of alcohol has to be something that adults have to 'go out of their way' to do. The easy availability of alcohol has a direct effect on children and those that are trying not to drink. Advertising it in windows and at the entrances of supermarkets greatly harms this.	<p>Advertising of alcohol is a matter for the Advertising Standards agency and other regulators including the Portman Group.</p> <p>It is a matter for the business themselves where they place the alcohol for sale on the premises – some licences may have conditions on them stipulating that alcohol will not be placed in certain areas of the premise.</p>
Licence holder	It is important to some sectors to highlight these areas	Noted
Body representing Alcohol Industry	There is value in considering public health within licensing requirements. We recognise the harm that excessive alcohol consumption and misuse can cause to both individuals and those around them, and believe it is right that Leicester City Council's Licensing Policy encourages license holders to take	Noted –We are proposing including the additional information within the Statement of Licensing Policy regarding the Portman Group at 6.38 under Excessive Consumption of Alcohol.

	<p>steps to honour their obligations under the Licensing Act and help tackle harmful alcohol use.</p> <p>It is also worth noting that the vast majority of those who choose to drink alcohol do so responsibly and moderately within the Chief Medical Officer’s low-risk weekly guidelines, as supported by the 2018 Health and Wellbeing Survey cited in this consultation. It is part of an ongoing trend towards responsible drinking across the UK, with annual alcohol consumption falling 15% over 15 years (WHO, May 2021), as well as associated declines in underage drinking, alcohol-related violence and anti-social behaviour:</p> <ul style="list-style-type: none"><li>• In England, the proportion of pupils who drink at least once a week fell by 73% between 2006 and 2014. Under the new methodology it has remained at 6% since 2016. (NHS Digital, August 2019)</li><li>• In England and Wales, the number of alcohol-related violent crime incidents has declined by 47% since 2009/10. (ONS, September 2020)</li><li>• The percentage of people saying that people being drunk or rowdy is a big problem in their area has almost halved (-46%) in the last decade. (ONS, July 2020)</li></ul> <p>Regarding the availability of alcohol, we would encourage the Licensing Policy to recognise that the vast majority of licensed premises sell alcohol responsibly. Drinks producers and retailers have put a huge amount of effort into tackling underage drinking through robust ID schemes; support for local partnership initiatives; and effective industry self-regulation of alcohol marketing. Representatives from retailers of all size are members of the Retail of Alcohol Standards Group which created best practice such as the ‘Challenge 25’ age verification policy for alcohol sales. They ensure that training is rolled out, including through specific</p>	
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	<p>local Community Alcohol Partnership schemes that take a local approach to work with all local groups to deliver targeted measures resulting in change. There is a positive impact from these measures in terms of reducing attempts to purchase drinks by people who are underage. The latest data from NHS Digital suggests that only 5% of 11-15 year olds who had obtained alcohol in the last month had bought from a shop, with the vast majority (71%) having obtained it from a parent. However, operators should remain vigilant for proxy purchasing, as close to a third (32%) of pupils said that the alcohol had been 'bought by someone else'. (NHS Digital, August 2019)</p> <p>We would encourage the Licensing Policy to encourage licence holders to take part in local partnership initiatives and accreditation schemes such as Best Bar None and National Pubwatch, which are backed by both the Home Office and the police. These initiatives work to help reduce alcohol-related crime and underage drinking and promote safe, secure and social drinking environments. These initiatives help operators meet their Licensing Act obligations such as providing a range of free downloadable policies and procedures documentation that can be adjusted to each business. The documentation can be used by operators as evidence of their due diligence in upholding the licensing objectives and also assist them in achieving accreditation.</p> <p>We also note that the draft policy highlights concerns around pack size and the sale of high-strength lager and cider. We believe instead of raising broad concerns around the entire category, which may unfairly capture products sold and marketed in a responsible manner, that the Council should take the opportunity to highlight any individual products of concern through the existing Portman Group self-regulatory complaints mechanism.</p>	<p>Noted - There is a City watch in the City Centre and officers are aware of steps to reintroduce a Best Bar None scheme.</p> <p>Noted –We are proposing including the additional information within the Statement of Licensing Policy regarding the Portman Group at 6.38 under Excessive Consumption of Alcohol.</p>
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	<p>Our Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks contains rules which prevent the encouragement of immoderate consumption of alcohol and also prevent the marketing of products based on high alcoholic strength and intoxicating effect. We are currently celebrating the 25th year anniversary of Code, which has helped the industry to work effectively within the context of a self-regulatory model in a cost-effective, responsive and effective way. The Code was reviewed in 2019 and the Home Office and Department of Health both engaged with the updating process. As part of this process we updated guidance to specifically address harm caused by high strength products packaged in single-serve non-resealable containers. Guidance states that if a high strength product in a single-serve non-resealable container contains more than 4 units then such products need to incorporate mitigating factors to ensure that they do not encourage immoderate consumption. This could be through inclusion of a sharing message or a per serve recommendation. This position has received support from the Chief Medical Officers' and the Department of Health and Social Care as an appropriate threshold to help reduce alcohol-related harms.</p> <p>We also updated the Code to explicitly make clear that its purpose is to protect vulnerable consumers with the addition of: The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner, only to those who are 18 and over, and in a way that does not appeal particularly to those who are vulnerable.</p> <p>The Code, now in its sixth edition, has continued to evolve in step with changes in society over the last 25 years, with the latest edition in 2019 contains new rules to prevent marketing considered to cause serious or widespread</p>	
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	<p>offence, as well as a tightening of the rules surrounding links to illegal behaviour and suggestions of mind-altering qualities.</p> <p>If the Council is aware of products breaching the Code, we would encourage them to bring them to the attention our Complaints Team - <a href="mailto:complaints@portmangroup.org.uk">complaints@portmangroup.org.uk</a>.</p>	
Member of the Public	<p>Alcohol sale should be controlled. Specially the retail ones in major wards like Belgrave, North Evington, Evington - there are cases where people buy alcohol and drink it in public spaces, specially at the vicinity of parks, garden or in some hideaway. They cause not only littering, antisocial behaviours but other nuisances as well like urinating, spitting.</p> <p>Retail sale of alcohol should be very much controlled. Cumulative impact zone in these kind of off-licence retail sale of alcohol shops should be encouraged as well</p>	<p>There are Public Space Protection Orders in place to deal with on street drinking and related anti social behaviour issues.</p> <p>In order for CIZs to be created/amended we require up to date crime statistics from the Police and any other information regarding anti social behaviour issues etc from teams such as Licensing Enforcement /Noise Team.</p> <p>We have had no data from these agencies to suggest the creation of CIZs in North Evington or Evington or from the Public Consultation.</p> <p>Belgrave Road and Melton Road up to the junction of Marfitt Street is proposed as an area of special interest where applicants will be expected to engage more closely with the Responsible Authorities before making applications.</p>
<p><b>Question - The draft policy identifies areas in the city that are of special interest and consultation due to evidence of increased anti-social behaviour/noise nuisance/street drinking:</b></p> <p><b>Belgrave Road and Melton Road (up to the junction of Marfitt Street)</b></p> <p><b>Braunstone Gate and Narborough Road (up to the railway bridge)</b></p> <p><b>Evington Road</b></p> <p><b>Granby Street, Belvoir Street and Market Street</b></p>		

<b>High Street (from the junction of Carts Lane) and St Nicholas Place.</b>		
<b>Do you agree with this approach?</b>		
<i>8 Respondents agreed - 1 Respondent Disagreed - 1 Respondent did not answer</i>		
Licence holder	<p>I think whilst these extra cautions could make a difference, it should be based on what the said project is proposed to offer the area and city culturally.</p> <p>For example if a certain area had in the opinion of the relevant authorities too many drinking establishments and a application was put in to open up another, it matters who's running it and what is the offering. For example if it support the growth of the music, arts and culture sector. It would be unfair and not progressive for the city to deny the application.</p>	<p>Noted</p> <p>The proposed areas of special interest have been defined in order to deal with this issue.</p>
Licence holder	Heavier footfall with licensed premises selling incredibly cheap and strong alcohol will always have a connection to noise/violence/abuse issues	All licences which allow alcohol for consumption 'on' the premises have mandatory conditions which prevent 'irresponsible drinks promotions'.
<b>Question - Should these areas be 'areas of special interest and concern'? - Belgrave Road and Melton Road (up to the junction of Marfitt Street)</b>		
<i>7 Respondents agreed - 1 Respondent said possibly- 1 Respondent did not answer – 1 Respondent had no opinion</i>		
<b>Question - Should these areas be 'areas of special interest and concern'? - Braunstone Gate and Narborough Road (up to the railway bridge)</b>		
<i>7 Respondents agreed - 2 Respondents said possibly</i>		
<b>Question - Should these areas be 'areas of special interest and concern'? - Evington Road</b>		
<i>7 Respondents agreed - 2 Respondents said possibly- 1 Respondent did not answer</i>		
<b>Question - Should these areas be 'areas of special interest and concern'? - Granby Street, Belvoir Street and Market Street</b>		
<i>7 Respondents agreed - 2 Respondents said possibly- 1 Respondent did not answer</i>		

Question - Should these areas be 'areas of special interest and concern'? - High Street (from the junction of Carts Lane) and St Nicholas Place		
8 Respondents agreed - 1 Respondent said possibly- 1 Respondent did not answer		
Question - Are you aware of any other areas that should be included in this list?		
Licence holder	<p>Braunstone Gate and Narb Road has becoming a hot spot at the moment because of the criminal activity happening in the licensed venues that the owners of the businesses allow. From drug dealing to money laundering.</p> <p>I have the belief that crime gets committed in areas where operators aren't being responsible and their is crime behind it.</p> <p>I've been open with Audrey now for over three months and I'm glad AU is no longer open as I think that would be a big issue. Mosh can't really do anything about the young people being drunk as they can be a nuisance but not really violent, if anything I think they are vulnerable to other members of the public when they leave.</p> <p>The high street at the moment is ran by experienced operators, it would be a shame for someone to come in attract public that do cause violence and disorder in the area.</p>	<p>Braunstone Gate and Narborough Road are proposed areas of special interest It has also been subject to a CIZ since 2011..</p> <p>Licensing Enforcement and Leicestershire Police regularly monitor licensed premises and deal with any issues.</p> <p>Appropriate Action can be taken against those premises where issues are found e.g. Action Plans/Reviews/Prosecution</p>

Member of the Public	<p>ou seem to have missed out on the most worst area where alcohol sale and consumption is allowed - that is the North Evington ward -</p> <p>Area - Green Lane Road - from Mere Road all the way to Coleman Road</p> <p>2. Uppingham Road - Humberstone Road all the way to Coleman Road -</p> <p>Concentration of small licences bars, and corner shops selling alcohol is worst;</p> <p>PLEASE ALSO INCLUDE THESE AREA to the other areas cited by you</p>	<p>In order for CIZs to be created/amended we require up to date crime statistics from the Police and any other information regarding anti social behaviour issues etc from teams such as Licensing Enforcement /Noise Team.</p> <p>We have had no data from these agencies to suggest this area as an area of special interest and concern or from the Public Consultation.</p>
<b>Question - Should applicants seeking licences in these areas be asked to review the relevant 'Information for applicants' documents that summarise the types of concerns that relate to that particular area</b>		
<i>8 Respondents agreed - 1 Respondent said no - 1 Respondent did not answer</i>		
Licence holder	I see this as a supportive process rather than putting areas under the spotlight. it also raises awareness to those looking to run a premises in these areas.	Noted
Member of the Public	Yes - sale and consumption of alcohol should be controlled drastically	Noted
<b>Question - If No, please indicate why</b>		
<i>1 Response – made no further comment</i>		
<b>Question - Should applicants seeking licences in these areas be asked to make early contact with the responsible authorities to discuss their plans and suggested control measures.</b>		
<i>8 Respondents agreed - 1 Respondent said no - 1 Respondent did not answer</i>		
<b>Question - If No, please indicate why</b>		
<i>1 Response – made no further comment</i>		

<b>Question - Should applicants seeking licences in these areas be asked to have particular regard to the guidance issued by the Home Office under section 182 of the Act.</b>		
<i>9 Respondents agreed - 1 Respondent did not answer</i>		
Residents Body	It would have been useful to provide a link to this guidance from within the consultation in order to provide the context for responding to this question.	Noted - this information is widely available on the gov.uk website.
<b>Question - If No, please indicate why</b>		
<i>1 Response – made no further comment</i>		
<b>Question - Should applicants seeking licences in these areas be asked to submit a full and thoroughly considered application at the earliest opportunity. The onus will be on the applicant to demonstrate to the responsible authorities the suitability and detail for their site.</b>		
<i>9 Respondents agreed - 1 Respondent did not answer</i>		
<b>Question - If No, please indicate why</b>		
0 Responses		
<b>Question - There are currently four cumulative impact zones (CIZ). What are your views on the area(s) they cover? - CIZs - Belvoir Street</b>		
<i>6 Respondents said leave as it is – 3 Respondents said extend – 0 Respondents said reduce – 0 Respondents said remove – 1 Respondent did not answer</i>		
<b>Question - There are currently four cumulative impact zones (CIZ). What are your views on the area(s) they cover? - CIZs - Braunstone Gate</b>		
<i>7 Respondents said leave as it is – 2 Respondents said extend – 0 Respondents said reduce – 0 Respondents said remove – 1 Respondent did not answer</i>		
<b>Question - There are currently four cumulative impact zones (CIZ). What are your views on the area(s) they cover? - CIZs - Church Gate</b>		
<i>6 Respondents said leave as it is – 3 Respondents said extend – 0 Respondents said reduce – 0 Respondents said remove – 1 Respondent did not answer</i>		

<b>Question - There are currently four cumulative impact zones (CIZ). What are your views on the area(s) they cover? - CIZs - Granby Street/London Road (off-licences premises only)</b>		
<i>5 Respondents said leave as it is – 4 Respondents said extend – 0 Respondents said reduce – 0 Respondents said remove – 1 Respondent did not answer</i>		
Residents Body	On-sales should be included as well as off-sales in the London Road part of the fourth CIZ.	In order for CIZs to be created/amended we require up to date crime statistics from the Police and any other information regarding anti social behaviour issues etc from teams such as Licensing Enforcement /Noise Team.  We have had no data from these agencies to suggest amending the CIZ for Granby Street/London Road to include on sales or from the Public Consultation.
<b>Question - There are currently four cumulative impact zones (CIZ). What are your views on the area(s) they cover? - Please provide any additional comments on the CIZs, including any evidence to support the retention or extension of the existing zones</b>		
<i>2 Responses</i>		
Member of the Public	Cumulative impact zones are important - As I earlier suggested these should also relate to areas in the Belgrave ward and North Evington ward which are cited above	In order for CIZs to be created/amended we require up to date crime statistics from the Police and any other information regarding anti social behaviour issues etc from teams such as Licensing Enforcement /Noise Team.  Belgrave Road and Melton Road up to the junction of Marfitt Street have been proposed as areas of special interest and concern.
<b>Question - Do you think any new cumulative impact zones should be introduced to address problems with crime and disorder or nuisance associated with the number of licensed premises in a specific area?</b>		
<i>2 Respondents said yes – 7 Respondents said no – 1 Respondent did not answer</i>		
Member of the Public	Green Lane Road Uppingham Road and Belgrave Road - concentration of corner shops and small bars are too high in these areas and they contribute to anti social behaviour	In order for CIZs to be created/amended we require up to date crime statistics from the Police and any other information regarding anti social behaviour issues etc from teams such as Licensing Enforcement /Noise Team.

		<p>We have had no data from these agencies to suggest Green Lane Road or Uppingham Road as areas of special interest and concern or from the Public Consultation.</p> <p>Belgrave Road and Melton Road up to the junction of Marfitt Street have been proposed as areas of special interest and concern.</p>
<p><b>Question - The draft policy now includes references to other council corporate policies and strategies to make licence holders and applicants aware of the council's vision and aims for the city.</b></p> <p><b>Do you think this is relevant to the statement of licensing policy?</b></p>		
<p><b>City Mayor's vision for the city - CM Vision</b></p>		
<p><i>6 Respondents said yes – 3 Respondents had no opinion either way – 1 Respondent did not answer</i></p>		
Licence holder	<p>Yes and no. As mentioned before it's all well and good to put these restrictions in place but their needs to be a balance of supporting operators that want to put the effort in to make it a city to enjoy. How are the council doing this? What support is their for venues that have a great cultural impact that protect their preservation from things like noise complaints?</p> <p>Putting restrictions in place isn't the solution to making it a city to enjoy. Helping people who are experienced in the hospitality industry is. I think then then create a better standard to adhere to.</p>	<p>Any issues with noise are dealt with by the noise team under their own legislation as well as the Licensing Act 2003 where appropriate – the city has a mixture of residential and commercial premises – the Planning Department are responsible for the local plan and what types of business are permitted where and likewise in terms of residential properties.</p> <p>If developers are proposing residential properties in an area alongside existing properties including licensed venues then it is their responsibility to put measures in place to mitigate any noise etc issues on behalf of the residents.</p>
Licence holder	<p>Having safer cleaner city centre streets will make the city centre more attractive to residents and to visitors</p>	<p>Noted</p>

Member of the Public	A Fair city is important and so too the Health and safety aspects - drinking alcohol cause poor health and hygiene and the whole family affected by the consequences of too much drink	Noted
<b>Leicester economic recovery - first steps - recovery 1st steps</b>		
<i>6 Respondents said yes – 2 Respondents had no opinion either way – 1 Respondent said no – 1 Respondent did not answer</i>		
Licence holder	<p>Enjoying life comes in the form of enjoying night-life, music and drinking socially for a lot of people. Leicester is not appealing to retain the most creative and ambitious people. These people move on because of what a city may offer in terms of opportunity and night-life.</p> <p>Leicester NEEDS a night-time economy adviser to feedback to the relevant authorities to aide decision making.</p>	<p>The respondent has not provided evidence to support this comment.</p> <p>PURPLE FLAG was awarded to Leicester City centre in 2019, and its diverse offering of entertainment/venues/restaurants/activities/bars etc was noted.</p>
Member of the Public	Thats far too much to read. Couldn't you have summarised it?	Noted – the consultation had a link to this document for people to click on and read should they wish to read it in more detail.
Residents Body	Where businesses are encouraged to implement street cafes by granting free and/or temporary street cafe licences, these street cafes must still be subject to the same conditions as those that are paid for.	<p>This is outside scope of the Statement of Licensing Policy. However, both pavement café regimes have standard conditions attached to them. Both licences were funded by a grant via the City Centre Team in the first instance.</p> <p>Any new licences must be granted as applied for unless relevant representations are received. Representations</p>



	Any new premises licences should require enhanced ventilation to ensure buildings are designed to be safe for Covid-19 and any future viruses.	must be based on one or more of the four Licensing Objectives, and there is not a public health objective.  There is other legislation in place to cover Public Health concerns that venues and businesses must adhere to.
<b>Joint health and wellbeing strategy - JHWS</b>		
<i>6 Respondents said yes – 2 Respondents had no opinion either way – 1 Respondent said no – 1 Respondent did not answer</i>		
Member of the Public	Health and well being is important	Noted
<b>Tourism action plan – Tourism</b>		
<i>5 Respondents said yes – 2 Respondents had no opinion either way – 2 Respondents said no – 1 Respondent did not answer</i>		
Licence holder	The city has loads to offer tourists but the look and feel of the city centre is totally lacking in appeal.	Noted – not within the scope of the consultation
Member of the Public	The city looks healthier without alcohols	
<b>Leicester alcohol harm reduction strategy - AHRS</b>		
<i>8 Respondents said yes – 0 Respondents had no opinion either way – 1 Respondent said no – 1 Respondent did not answer</i>		
Member of the Public	It is relevant, but more needs to be done to help those dependant on alcohol to access real timely help. Support is severely lacking.	Noted – this is not within the scope of our Licensing Policy but the AHRS is designed to deal with these issues.
Residents Body	The link to the consultation on the draft version of the Leicester Alcohol Harm Reduction Strategy is broken, nor can it be found by searching the consultation hub or via a google search, so we're unable to	The consultation for the Alcohol strategy ended during the consultation on the Statement of Licensing Policy.

	comment on its content but it would seem to be highly relevant to the Statement of Licensing Policy.	
<b>Question - Do you have any final comments about other aspects of the draft statement of licensing policy? - Final comments</b>		
<i>5 Responses</i>		
Licence holder	Put a position for a night-time economy advisor available, it would help the mayor, licensing, the director and police exponentially to make better informed decisions.	This is not within the scope of the Statement of Licensing Policy.
Licence holder	The late night and hospitality industries have been in decline, not just because of COVID but because more and more people don't want to come in to the city centre and as a licensee, I can see why. There are area's in the city centre that have bars and nightclubs that do not prioritise the welfare of their staff, customers and surrounding areas - this then effects venues, specifically the small independent ones that work hard to be individual and customer based. The local authority would be wise to actively support small hospitality businesses as these are the ones that ensure the individuality of the late night trade and ensure that they and their customers are well and safe.	This is not within the scope of the Statement of Licensing Policy.
Body representing Alcohol Trade	We note that the previous Statement of Licensing Policy contained the following reference to the Portman Group: "The Licensing Authority supports the Code of Practice on the Naming, Packaging and	Noted –We are proposing the inclusion of additional information within the Statement of Licensing Policy regarding the Portman Group at 6.38 of the Policy under Excessive Consumption of Alcohol.

	<p>Promotion of Alcoholic Drinks. It will seek to ensure that premises licensed for the sale of alcohol comply with the code.”</p> <p>We are grateful for the inclusion and support retaining a reference to the Portman Group Code of Practice and Independent Complaints Panel in the latest iteration of the licensing policy.</p> <p>We note that other councils and local authorities have found it useful to include a fuller explanation of the Portman Group and its work in relation to license holders. If this would be of interest, we would suggest the inclusion of the wording below or similar in the updated policy document:</p> <p>“The Portman Group operates a self-regulatory Code of Practice that applies to the whole of the alcohol sector for the naming, packaging and promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner, only to those who are 18 and over, and in a way that does not appeal particularly to those who are vulnerable. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published. If a product’s packaging or point-of-sale marketing is found to be in breach of the Code, the Portman Group may issue a</p>	
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	<p>Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups”.</p>	
Residents Body	<p>This consultation doesn't provide a link to either the existing version of the Statement of Licensing Policy or to the new draft version. Links to both of these or better still a link to a version marked up to show the changes between the two would have provided much better context for responding to this consultation.</p>	<p>The consultation hub provided extracts of the proposed policy that were the subject of the questions in the consultation.</p>
Member of the Public	<p>It is good that there are more concern in terms of granting licence to the sale and use of alcohol - and that various agencies have a better say in terms of public health, police etc this must be encouraged</p>	<p>Noted</p>

**Response received from Body Representing Musicians directly via email not on Consultation Hub**

Comment	Officer Comments
<p><i>With reference to paragraph 1.2 of the proposed policy - we are not a charitable organisation, we are a trade union representing musicians, so I don't know who else is on the consultation list or how exhaustive your list is. I'm not saying you include us on the list as that is your prerogative, but you may wish to have the 'other' title to cover any other charities and/or representative bodies you have sought to engage with.</i></p>	<p>Agreed. The Musicians Union can be added to the list of organisations consulted at paragraph 1.2 of the proposed policy.</p>
<p><i>With reference to paragraph 2.5 of the proposed policy – cross reference to Live Music Act 2012 (as amended) required and the terms contained within that Act (I understand licensing policy covers regulated activity but Live Music is largely a deregulated activity now and it deserves mention as it can and will take place in licence premises and indeed community facilities that may have obtained an alcohol licence for an event – such inclusion of this information is instructive rather than anything else. And I have seen it in many other local authority licensing policies for this reason).</i></p>	<p>Agreed. A reference to deregulated entertainment as indicated can be made at paragraph 2.5 of the proposed policy.</p>
<p><i>4.27 Agent of change principles – it is not clear to me in this document how existing venues coming up for renewal or impacted by material changes (eg new developments and/or new housing etc) to the environment outside of the venue's control may be protected and not made to pay for measures (eg sound control) that should be the responsibility of developers in planning law?</i></p>	<p>Licences are not renewable – any issues such as this are dealt with in planning consents and conditions imposed by planning when allowing developments to take place.</p>



# Council Report

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## **Pay Policy Statement 2022/2023 Gender Pay Gap Report 2021**

Decision to be taken by: Full Council on 23 February 2022  
Lead director: Miranda Cannon

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**City Mayor**

## Useful information

- Ward(s) affected: None
- Report author: Miranda Cannon, Director of Delivery, Communications and Political Governance
- Author contact details: 37 0102
- Report version number: 1

### 1. Summary:

Section 38 of the Localism Act 2011 places a requirement on all local authorities to prepare and publish a Pay Policy Statement for each financial year in order to achieve public accountability, transparency, and fairness in the setting of local pay. The Statement must be approved by Full Council and published by 1 April each year.

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 require public sector employers, as part of their public sector equality duty, to publish specific details of their gender pay as at 31 March each year.

This report seeks approval of the Council's Pay Policy Statement for 2022/23 and asks Council to note the Gender Pay Gap Report for 2021.

### 2. Recommendations:

- a) That Council approves the Pay Policy Statement for 2022/23 (Appendix A)
- b) That Council notes the Gender Pay Gap Report for 2021 (Appendix C)

### 3. Supporting information including options considered:

#### Pay Policy Statement

The Pay Policy Statement is required to focus on the pay of senior staff and to set this in the context of the pay of the wider workforce. The Statement must cover the Council's approach to a number of elements of pay for senior staff including salary scales, any performance related pay, bonuses or additional elements of pay, termination payments and approach to pensions. Similar information must be included in relation to the wider workforce and the remuneration of the lowest paid employees must be specified.

After approval by Full Council, the Pay Policy Statement must be published on the Council's website by 1 April for public scrutiny. The intention is to ensure that Members consider how they pay their senior staff and can justify their policy on senior pay in the light of potential public scrutiny.

The Statement includes the ratio between the top earner's salary and the median salary which is 5.3:1, the same as last year. This remains significantly lower than our neighbouring councils – Nottingham City Council, Derby City Council (who both had ratios of more than 6:1 in 2021/22) and Coventry City Council (who had a ratio of



than 7:1 in 2020/21).

As of 1 April 2021, following an increase in the UK Living Wage (UKLW), the council has paid a 'living wage supplement' to those whose hourly rate falls below £9.50. In November 2021, the 'UK Living Wage' rate was increased to £9.90. The Council will implement this increase from 1 April 2022 with a revised 'living wage supplement' paid to those whose hourly rate falls below this.

### Gender Pay Gap Report 2021

This is the Council's fifth Gender Pay Gap Report. It is important to note that gender pay gap reporting is not about men and women being paid differently for the same job but about the differences between the overall average pay of men and women within an organisation. The key figures to be published are the median and mean gender pay gaps, i.e. the percentage difference between the median and mean hourly rates for men and women. The table below compares these figures over the last two years as at 31 March.

Year	Mean pay gap %	Women mean hourly rate	Men mean hourly rate	Median pay gap %	Women median hourly rate	Men median hourly rate
2020	0.9%	14.68	14.80	0	14.03	14.03
2021	0.1%	15.16	15.18	-1.1%	14.42	14.27

The council's median gender pay gap at 31 March 2021 was -1.1% with the median hourly rate of pay being slightly higher for women (£14.42) than men (£14.27). This represents a small shift away from the ideal figure of 0%. Possible reasons for this include:

- Women benefited more from a basic pay increase in 2021 (+42p per hour increase for women compared to +36p per hour for men).
- There was an increase in payments of honoraria for women in 2021 (from an average of 1p per hour to 1.7p per hour) possibly as a result of the COVID-19 pandemic and the need for a responsive and flexible workforce.
- Women sacrificed less of their salary via childcare vouchers in 2021 (1.5p per hour compared to 3p per hour in 2020).

At 31 March 2021 the council's mean gender pay gap was 0.1% with the mean hourly rate of pay being marginally higher for men (£15.18) than women (£15.16). When considered against the previous year's figure (0.9%) this represents a positive move towards the ideal position of 0%.

The council's figures also continue to compare very positively against median and mean gender pay gaps for the public sector as a whole (18% and 14.8% respectively) – i.e. average pay for men being significantly higher than for women.

Furthermore, at 31 March 2020 the Council was one of only two, out of 35 local authorities in the same employee headcount band (5000–19,999), with a zero median pay gap and, the Council's mean pay gap was one of the closest to zero.

It is not yet possible to compare our 2021 figures with other local authorities as this data does not need to be published until 30 March 2022. The council will, however, continue to monitor the mean and median gender pay gap and consider any further actions which may be required to achieve 0%.

#### **4. Details of Scrutiny**

The Pay Policy Statement is essentially a statement of existing policy. Pay Policy Statements from previous years remain available for public scrutiny on the Council's website.

The Gender Pay Gap Report is a statement of fact. Reports must remain on the Council's website for a minimum of three years for public scrutiny. Data must also be uploaded to a Government portal, where the public can access the data.

#### **5. Financial, Legal and Other Implications**

##### 5.1 Financial Implications

The Pay Policy Statement sets out the framework for the Council's employees' pay with a particular focus on senior staff (Head of Paid Service and Directors) in the context of the wider workforce. The Council's budget for 2022/23 includes an estimate of pay costs which will be incurred.

There are no financial implications associated with the gender gap report.

Colin Sharpe  
Deputy Director of Finance

Ext: 374081

##### 5.2 Legal Implications

The Localism Act 2011 requires local authorities to prepare a Pay Policy Statement each year. This document must set out the Council's approach to the remuneration of chief officers, the remuneration of its lowest paid employees and the relationship between the remuneration of chief officers and employees who are not chief officers. In preparing a Pay Policy Statement, local authorities must have regard to any guidance issued or approved by the Secretary of State. Guidance was issued by the Department for Communities and Local Government initially in November 2011 and supplementary guidance was issued in February 2013. Each year's Pay Policy Statement must be approved by Full Council before it comes into force.

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 place a duty on public authorities with more than 250 employees to publish their gender pay gap statistics by no later than 31 March every year.

The statistics that must be published are the mean and median differences in the

hourly full pay between male and female employees; the mean and median differences in bonus pay between male and female employees; the proportion of male and female employees who have received bonus pay and finally the proportion of male and female employees in the lower quartile, lower middle quartile, upper middle quartile and upper quartile of the pay scales.

Paul Holmes  
Head of Law, City Barrister & Head of Standards

Ext 371428

### 5.3 Climate Change and Carbon Reduction Implications

No climate change implications.

### 5.4 Equality Implications

Under the Equality Act 2010, public authorities (including the local authority and schools), have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations place a duty on public authorities with more than 250 employees to publish their gender pay gap statistics by no later than 31 March every year.

Although there are no equalities implications arising for people with protected characteristics directly related to the pay policy statement itself, the purpose of the pay policy statement is to increase accountability, transparency, and fairness in the setting of local pay. It will be important to assess against other authorities when they also publish their data to consider if our offer is comparative and fair.

Kalvaran Sandhu  
Equalities Manager

Ext 37 6344

### 5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply.)

No other implications.

**6. Background information and other papers:**

‘Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act’  
‘Localism Act: Pay Policy Statements – Guidance for Local Authority Chief Executives’  
‘Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act – Supplementary Guidance’  
The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017  
The Public Sector Equality Duty – Section 149 of the Equality Act 2010

**7. Summary of appendices:**

Appendix A: Proposed Pay Policy Statement 2022/23 and supporting documents (1–4)  
Appendix B: Gender Pay Gap Report 2020  
Appendix C: Gender Pay Gap Report 2021

**8. Is this a confidential report? (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)**

No.

**9. Is this a “key decision”?**

No.

## APPENDIX A

# Leicester City Council

## Pay Policy Statement 2022/23

### 1 Introduction and Purpose

- 1.1 Section 38(1) of the Localism Act 2011 requires all local authorities in England and Wales to produce and publish a Pay Policy Statement for each financial year. The principle behind this requirement is to ensure transparency and accountability in local approaches to public sector pay, particularly in respect of senior staff, by enabling public scrutiny.
- 1.2 As specified in the Act, this requirement does not extend to schools and, therefore, the Statement does not include school-based employees. Leicester City Council's Pay Policy Statement is set out in accordance with the mandatory requirements of the Localism Act and also takes account of The Local Government Transparency Code 2015. It sets out information on the council's pay and conditions of service for its chief officers and the wider workforce.
- 1.3 The Pay Policy Statement is designed to enable communities to access the information they need to determine whether remuneration, particularly senior remuneration, is appropriate and commensurate with responsibility. It also helps ensure that policies on pay and reward for the most senior staff are clearly set within the context of the pay of the wider workforce.
- 1.4 The Act recognises that each local authority has the right to determine its own policy towards pay in order to address local priorities, the local marketplace and its own economic circumstances. There is a requirement for the Pay Policy Statement to be approved by Full Council. Councils are encouraged to set up Remuneration Committees to oversee pay policy; councillors are also encouraged to have a significant role in determining pay. At Leicester City Council, decisions on terms and conditions are made by the Employees Committee or the Executive.
- 1.5 At the time of writing the 2021/22 national pay award for Local Government Services ('Green Book') employees remains unsettled. Once settled the pay award will be backdated to 1 April 2021. National negotiations regarding the 2022/23 pay awards for Chief Officers and Local Government Services employees are expected to commence in early 2022 and any pay awards resulting will come into effect from 1 April 2022. As such, the pay figures referenced within this statement are subject to change.

### 2 Context

- 2.1 Leicester City Council is a unitary authority serving the largest city in the East Midlands region with a population of 354,000<sup>1</sup> in 2020. It is one of the largest

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<sup>1</sup> Source: Office of National Statistics - [Labour Market Profile - Nomis - Official Labour Market Statistics \(nomisweb.co.uk\)](#)

employers in the city with a current workforce headcount of 5,890 and a full-time equivalent workforce of 5,064 excluding schools.

- 2.2 The Council operates under a mayoral model of governance and provides a comprehensive set of local authority services to the population of the city. These include: education, social services, environmental services, highways, economic regeneration, planning, libraries, museums, revenues and benefits, housing, parks and open spaces amongst others.
- 2.3 Since 2010, the Council has been required to make substantial savings due to government spending cuts which saw government grants reduce by over £100m between 2010 and 2020. The on-going Covid pandemic has placed further strain on Council resources and led to the agreement of a “stop-gap” budget in 2021/22 which recognised that a significant programme of savings could not be delivered at that time. The 2021/22 budget was, instead, balanced using reserves achieved through firm action taken by the Council to balance earlier budgets and previous spending review processes.
- 2.4 The budget outlook for 2022/23 and beyond has been established by the Government’s Comprehensive Spending Review, published on 27 October 2021. Due to increasing demand and costs within Adult Social Care and inadequate government funding to meet these, the Council faces an increasing and unsustainable budget gap in future years. The Council’s reserves, which remain healthier than many authorities’, will, however, allow the Council to balance the budget for 2022/23 without crisis cuts. A substantial review of spending will, nonetheless, be required to ensure the financial sustainability of the Council after this.
- 2.5 A key requirement of the Localism Act is to set senior pay in the context of pay for the wider workforce, and specifically its lowest paid staff.
- 2.6 Most staff within the wider workforce, covered by this Pay Policy Statement, are paid in accordance with a pay structure (and its associated terms and conditions of service) that was implemented in March 2011. This pay structure applies to all staff covered by the National Joint Council for Local Government Services (LGS). A revised version of this pay structure took effect from 1 April 2019, as the LGS national pay spine was restructured.

### **3 Scope and Definitions**

- 3.1 This Pay Policy Statement covers all Leicester City Council employees except those employed in schools, apprentices and casual workers.
- 3.2 There are a number of employees who are on terms and conditions from their previous employer which they have retained under the Transfer of Undertakings (Protection of Employment) Regulations. For this reason, some or all of this Pay Policy Statement may not apply to those employees.
- 3.3 Although the Leicester and Leicestershire Enterprise Partnership (LLEP) is a separate legal entity, Leicester City Council is the employing body on behalf of that entity. The Director of the LLEP is employed by the Council on the same

conditions of service as its Strategic and Divisional Directors, and the LLEP Director and its staff are covered by this Pay Policy Statement.

- 3.4 The Statement includes policies on:
  - a) The level and elements of remuneration for Chief Officers
  - b) The remuneration of lowest paid employees
  - c) The relationship between the remuneration of Chief Officers and other officers.
- 3.5 Remuneration in the context of the Localism Act is defined widely to include; salary, bonuses, performance related pay, allowances, fees, benefits in kind and contractual arrangements relating to any possible future severance payments.
- 3.6 The definition of Chief Officer includes Head of Paid Service<sup>2</sup>, Strategic Directors and Divisional Directors.
- 3.7 In line with the Local Government Transparency Code 2015, the Council publishes information showing the top three tiers of its structure, on its website: <https://www.leicester.gov.uk/your-council/how-we-work/performance-and-spending/senior-salaries-and-job-descriptions>

#### **4. Senior Pay**

- 4.1 Under the mayoral model, the Council retains a statutory role of Head of Paid Service who is also the Chief Operating Officer. The overall purpose of this post is to support the City Mayor and to work with the Corporate Management Team, Council and Executive to deliver the Council's vision, strategic aims and objectives. The salary range for this post is £145,816 - £150,524 pa. There are no additional performance, bonus or ex gratia payments applicable to this role.
- 4.2 Appendix one details each Chief Officer's substantive salary range and current salary.
- 4.3 The conditions of service for Chief Officers are in accordance with the Joint Negotiating Committee for Chief Officers agreement and the local terms and conditions which apply to other staff. Directors do not receive additional performance, bonus or ex gratia payments.
- 4.4 Officers at this level are expected to work those hours necessary to fulfil their duties without additional pay. They receive no additional payments for overtime, standby etc.
- 4.5 Chief Officers are eligible for a council owned mobile device but, in common with other staff, those who choose instead to use their personal device for business purposes, e.g., for voice calls, SMS and data, receive a 'Bring Your Own Device Scheme' allowance. The allowance at the time of writing was £15 per month and has been paid to 3 Officers since 1 April 2021. The allowance is treated as normal

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<sup>2</sup> The Council does not have a post of Chief Executive but is still legally required to have a Head of Paid Service.

income for tax purposes. The scheme is open to all council employees who are eligible for a council owned mobile device.

#### Placing on Grades and Incremental Progression

- 4.6 Appointments to both Strategic and Divisional Director grades are normally made on the minimum point of the salary range unless an appointee is already on a higher salary in which case placing on the grade will reflect this. The only other factor normally considered, where necessary, is market forces. Market supplements above the grade of the post are not, however, normally awarded at this level. Decisions on placement within the grade are normally taken by the most senior manager involved in the selection process who may, if required, consult the relevant member of the Executive.
- 4.7 Progression through the grade is by one increment on 1 April each year, subject to satisfactory performance, until the maximum of the grade is reached.

#### Fees

- 4.8 The only Chief Officer to receive fees is the Returning Officer who receives payment in accordance with the relevant legislation set by Government for each election. The Returning Officer is the Director of Delivery, Communications, and Political Governance.

#### Termination Payments

- 4.9 The Restriction of Public Sector Exit Payments Regulations, which came into force on 4 November 2020 and capped the total exit payments payable to individual public sector employees at £95,000, was formally revoked on 19 March 2021.
- 4.10 Following a recent consultation on reforming local government exit pay it is expected that further changes to exit payments will be introduced by the Department for Levelling Up, Housing and Communities (formally Ministry of Housing, Communities & Local Government). At the time of writing, what these changes will be, and when they will come into force, was, however, unknown.
- 4.11 Redundancy payments are based on the number of weeks' pay staff are entitled to in accordance with statute, with reference to their age and length of continuous service, using an actual week's pay.
- 4.12 In terms of early retirement, the Council's normal position is not to top up pension benefits but it will consider requests to do so on a case by case basis. This approach applies to all employees and there are no special arrangements for senior staff. The Council reserves, however, the right to enter into settlement agreements for staff in exceptional circumstances.
- 4.13 Where the total of the capitalised costs and redundancy pay for a voluntary redundancy are £60K or more, authorisation by the Chief Operating Officer, in consultation with the City Mayor, is required.



4.14 The Council has provisions for flexible retirement and for early retirement on compassionate grounds in exceptional circumstances. The Council does not award additional membership under regulation 31.

4.15 The Council has in place a policy on re-engagement after redundancy or early retirement. This sets out the circumstances in which an employee who has left the council on the grounds of redundancy and/or early retirement may, or may not, be re-engaged by the Council.

Comparison of Senior Pay with Similar Authorities

4.16 Geographically the nearest unitary councils are Derby, Nottingham and Coventry City Councils. A comparison of Leicester’s Chief Officer salary ranges against the salary ranges for similar posts in these authorities, as of 1<sup>st</sup> April 2021, is shown in the table below.

4.17 It should be noted that actual posts and structures vary between authorities and none of these other City Councils is a mayoral authority. One key difference is that Leicester does not have a Chief Executive and the Head of Paid Service is undertaken by the Chief Operating Officer (who, in effect, also acts as the Strategic Director for Corporate Resources and Support). The most senior role in the other three Councils (as their Head of Paid Service) is the Chief Executive.

<b>Authority</b>	<b>Most senior role - Head of Paid Service</b>	<b>Top tier - Strategic Directors</b>	<b>Second tier - Divisional Directors</b>
<b>Leicester</b>	£145,816 - £150,524	£131,697 - £141,108	£86,624 - £99,944
<b>Coventry</b>	£193,700 - £199,233	£112,641 - £137,577	£85,257 - £110,684
<b>Derby</b>	£177,097	£119,633 - £131,594	£76,420 - £90,300
<b>Nottingham</b>	£182,510	£132,822 - £155,974	£104,996 - £116,164

4.17 The comparison table above shows that:

- Leicester City Council’s Head of Paid Service is currently paid considerably less than the three nearest unitary authorities. This reflects that we do not have a Chief Executive and, instead, have combined the Head of Paid Service with our Chief Operating Officer role.
- The maximum salary for Leicester’s Strategic Directors is broadly comparable to the maximum salary for post holders at Coventry City Council. Derby pay slightly less, with the maximum salary for these postholders being comparable to the minimum salary paid to Strategic Directors at Leicester, and Nottingham have a pay scale which, at the top, pays significantly higher.
- Leicester City Council’s Divisional Director salaries are comparable with Coventry’s. Derby pay less and Nottingham pay significantly more.

## Value for Money

- 4.18 One of the key issues underlying the requirement to produce a Pay Policy Statement is consideration of whether senior pay levels represent value for money.
- 4.19 Both Strategic and Divisional Directors have significant responsibilities for the delivery of services under their control and the effective use of workforces and budgets assigned to these. They advise the City Mayor and elected members on Council decisions and the future direction of the authority. They guide major projects, plan and deliver a wide range of council services, are responsible for the effective performance of their service areas, lead on complex changes, make tough day to day decisions on 'doing more with less' and commission services from others. All these activities are delivered against a challenging economic environment of cutbacks, which has been exacerbated by the Covid pandemic.
- 4.20 Most Directors are responsible for large numbers of staff or manage highly complex technical areas with smaller staff complements. The numbers of staff managed are included in Appendix 1. Some senior roles hold statutory responsibilities, such as the Head of Paid Service, Section 151 Officer role (in charge of the Council's finances), Electoral Registration Officer, Local Returning Officer and Monitoring Officer, or responsibilities for safeguarding vulnerable adults or children.
- 4.21 The Chief Operating Officer and the two Strategic Directors, with the City Mayor and the Executive, are responsible for setting out a strategic vision for the way forward for the service areas under their control and providing clear leadership to the organisation. They also provide effective management for their departments. Some senior roles focus around partnership working and relationship management with external partners to integrate strategy, maximise effective use of resources or to facilitate/deliver a shared agenda.
- 4.22 Strategic Directors are responsible for overseeing large departments and Divisional Directors manage the divisions within departments. The size of budgets varies according to the nature of the service. Details of divisional budgets are attached at Appendix 2.
- 4.23 The job descriptions for all these roles are available on the Council's website: <http://www.leicester.gov.uk/your-council/how-we-work/performance-and-spending/senior-salaries-and-job-descriptions/>
- 4.24 The council's leadership qualities, which set out the behaviours expected of all leaders, are at Appendix 3.

## **5 The Wider Workforce**

- 5.1 Senior pay needs to be set in the context of the pay policy in relation to the rest of the workforce. The Council's current pay structure for all staff covered by the National Joint Council for Local Government Services, which includes the

majority of non-school staff including most Heads of Service<sup>3</sup>, has 15 grades. The overall salary range (as at 1.4.20) is £17,842 - £68,827 per annum. The bottom three grades have two increments and the remainder have four increments (Appendix 4).

- 5.2 The grading of jobs is determined through job evaluation, using a scheme which is compliant in terms of equal pay for work of equal value principles.
- 5.3 Employees are normally appointed to the minimum point of the grade and progress through the grade by one increment on 1 April each year, subject to satisfactory performance, until the maximum of the grade is reached. Sometimes, for market reasons, employees are appointed above the minimum point. Accelerated increments may also be awarded for exceptional performance.
- 5.4 The Council has made a positive commitment to support lower paid staff and their families. As such, the Council adopted the 'UK Living Wage', to provide a better standard of living for lower paid employees. The Council therefore pays a supplement to employees whose hourly rate falls below the 'UK Living Wage'. At the time of writing, the Council paid this supplement to 296 employees on points 1 and 2 of the LGS pay scale.
- 5.5 In November 2021, the 'UK Living Wage' rate was increased to £9.90. The Council intends to implement this increase from 1 April 2022 however, at the time of writing, it is unclear which employees will be eligible for the supplement as the 2021/22 and 2022/23 pay awards are yet to be agreed.
- 5.6 The following local provisions for staff are in place for certain posts:
  - Overtime payment at plain time or time and a third
  - Payment at time and a third for work at night, on Saturday, Sunday or Bank Holiday
  - Standby allowance of £111.46 per week.
  - Payment for sleeping in duty at the rate of £37.07 per 12-hour period.
  - First Aid allowance of £180 per annum (pro-rata for part time and job-share employees).
- 5.7 Employee career development is encouraged, and the Council offers apprenticeships and training to assist staff to progress in their careers. Managers are encouraged to develop career ladders linked to achieving relevant competencies; work of the relevant level and financial provision being available. A framework is also in place for appraising employees.
- 5.8 In addition to those staff covered by the pay and conditions described above, a small proportion of the non-school workforce is covered by national pay scales

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<sup>3</sup> There are eight senior officers paid on 'city officer' grade, which sits outside of this structure. Pay for the city officer grade is, as of 1 April 2021, £72,195 - £80,504 p.a. Pay awards for these staff are determined in line with the Joint Negotiating Committee for Chief Officers Agreement.

for teachers, educational improvement professionals, educational psychologists, young people's/community service managers and youth and community workers.

## Market Pay

- 5.9 Sometimes job evaluation results in a salary range which is below the market rate for a particular role. Where there is significant difficulty with recruitment and retention because of this, the manager may put forward a business case to the Market Pay Panel. This panel will consider both the recruitment and retention issues and independent market pay data to determine whether it is appropriate to award a market supplement. Market supplements are based, depending on the evidence, on lower, median or upper quartile market pay data figures (or a level between these values) and are reviewed every two years.
- 5.10 The use of market pay is subject to robust governance and control procedures. Over the past three years the number of posts in receipt of market pay has consistently remained between 10 and 20, with roles typically falling within professions such as social work, IT, accounting/finance where skill shortages and recruitment difficulties are well documented nationally.

## **6 Relationship of Senior Pay to the Pay of the Wider Workforce**

- 6.1 The Hutton Report on fair pay recommended that local authorities should publish the ratio of top earner to the median earner in the authority (excluding school staff and apprentices). At Leicester City Council the ratio, based on the top earner's salary of £148,300 and a median full-time equivalent salary of £27,741 (April 2020 salary rates), is 5.3:1. The ratio is the same as last year when the median salary was £27,041.
- 6.2 The ratio is significantly lower compared to our neighbouring unitary councils, Nottingham City Council and Derby City Council, which had a ratio of 7.6:1 and 6.1:1 respectively in 2021/22, whilst Coventry City Council's pay ratio was 7:1 in 2020/21.

## **7 Pension**

- 7.1 As of 1 April 2021, all staff belonging to the Local Government Pension Scheme (LGPS) make contributions to the scheme based on their salary level as follows:

Contribution Band	Salary Range	Contribution Rate
1	Up to £14,600	5.5%
2	£14,601 to £22,900	5.8%
3	£22,901 to £37,200	6.5%
4	£37,201 to £47,100	6.8%
5	£47,101 to £65,900	8.5%
6	£65,901 to £93,400	9.9%
7	£93,401 to £110,000	10.5%
8	£110,001 to £165,000	11.4%
9	More than £165,001	12.5%

- 7.2 As of 1 April 2021, the Council makes employer's contributions to the scheme at a rate of 26.7%.
- 7.3 The Council's approach to termination payments is set out in paragraphs 4.9 to 4.15 and is the same for staff at all levels.
- 7.4 If a former employee in receipt of a pension re-joins the council, their pension is not normally abated. The only exception is when added years were awarded when the member previously retired. In this case, if new earnings plus existing pension exceed previous salary, then abatement applies.

## **8 Review**

- 8.1 The Pay Policy Statement will be updated annually as required by the Localism Act.



Name	Post Title	Employees (Headcount)		Employees (FTE)		Salary Range		Salary at 01/01/22
		Central	Schools	Central	Schools	Minimum	Maximum	
<b>Head of Paid Service</b>								
Alison Greenhill	Chief Operating Officer	6368	5522	5,064	3741	£145,816	£150,524	£150,524
<b>Strategic Directors</b>								
Richard Sword	Strategic Director City Development & Neighbourhood Services	3035		2394		£131,697	£141,108	£136,400
Martin Samuels	Strategic Director Social Care and Education	1823	5522	1533	3741	£131,697	£141,108	£141,108
<b>Divisional Directors</b>								
Andrew Leach	Director Neighbourhood & Environmental Services	711		620		£86,624	£99,944	£99,944
Andrew Smith	Director Planning, Development & Transportation	413		355		£86,624	£99,944	£99,944
Caroline Tote	Director Social Care & Early Help	642		547		£86,624	£99,944	£99,944
Christopher Burgin	Director of Housing	1006		899		£86,624	£99,944	£99,944
Colin Sharpe	Deputy Director of Finance	416		365		£86,624	£99,944	£89,952
Ivan Browne	Director of Public Health	429		232		£86,624	£99,944	£99,944
Kamal Adata*	City Barrister & Head of Standards	113		99		£86,624	£99,944	£79,955
Mandip Rai**	Director of LLEP	19		17		£86,624	£99,944	£99,944
Matt Wallace	Director Estates & Building Services	299		238		£86,624	£99,944	£99,944
Mike Dalzell	Director Tourism, Culture & Inward Investment	645		270		£86,624	£99,944	£99,944
Miranda Cannon***	Director Delivery, Communications & Political Governance	613		386		£86,624	£99,944	£99,944
Ruth Lake	Director of Adult Social Care & Safeguarding	436		372		£86,624	£99,944	£99,944
Tracie Rees	Director for Adult Social Care & Commissioning	516		419		£86,624	£99,944	£99,944

\*0.8 FTE

\*\*The Leicester and Leicestershire Enterprise Partnership (LLEP) is a separate legal entity, however, Leicester City Council is the employing body on behalf of that entity. The Director of the LLEP is employed by the Council on the same conditions of service as its Strategic and Divisional Directors

\*\*\* Plus honorarium of £6552 p.a..





# Enabling our best work

## Leadership Qualities



Leicester City Council's Leadership Qualities underpin the Vision and Values and outline the behaviours we expect our leaders to demonstrate in the workplace. These behaviours are what our people say enables and inspires them to do their best work.

### People Centred

Be fair, put people at the centre of what we do

- ✓ Takes time to understand individual's views and feelings and adapts their own behaviour and style as appropriate.
- ✓ Shows respect for the views of others and gives recognition for their contributions; valuing diversity.

### Achieve

Be Accountable and outcome focused

- ✓ Agrees clear outcomes / objectives and holds the individual and team to account.
- ✓ Involves team in creating a shared purpose to help them develop and achieve results.

### Reflect

Be clear, making time to reflect, analyse and develop.

- ✓ Encourages and enables team to reflect and act on evaluation and feedback.
- ✓ Creates a culture of continuous improvement: sees successes and setbacks as opportunities to learn and develop.

### Inspire

Be confident, igniting creativity, supporting development and role modelling

- ✓ Creates space and time for the team to be innovative and creative.
- ✓ Supports team development and encourages autonomy and freedom to enable team to do their best work.

### Connected

Be respectful, build impactful relationships

- ✓ Has regular quality conversations, speaks honestly and challenges constructively.
- ✓ Proactively develops positive trusting relationships within the team.

Leicester City Council will operate with creativity and drive for the benefit of Leicester and its people.

**Be confident | Be clear | Be respectful | Be fair | Be accountable**



## LGS pay scale WEF 1 April 2020

Grade	SCP	Annual £	Monthly £ p	Hourly Rate £ p
1	1	£17,842	1,486.79	9.25
	2	£18,198	1,516.50	9.43
2	3	£18,562	1,546.82	9.62
	4	£18,933	1,577.73	9.81
3	5	£19,312	1,609.32	10.01
	6	£19,698	1,641.52	10.21
4	7	£20,092	1,674.31	10.41
	8	£20,493	1,707.79	10.62
	9	£20,903	1,741.96	10.83
	10	£21,748	1,812.34	11.27
5	11	£22,183	1,848.56	11.50
	12	£23,080	1,923.31	11.96
	13	£23,541	1,961.75	12.20
	14	£24,491	2,040.96	12.69
6 (1 month notice)	15	£25,481	2,123.41	13.21
	16	£25,991	2,165.88	13.47
	17	£27,041	2,253.39	14.02
	18	£27,741	2,311.79	14.38
7 (2 month notice)	19	£28,672	2,389.37	14.86
	20	£29,577	2,464.72	15.33
	21	£30,451	2,537.58	15.78
	22	£31,346	2,612.16	16.25
8 (2 month notice)	23	£32,234	2,686.14	16.71
	24	£32,910	2,742.48	17.06
	25	£33,782	2,815.18	17.51
	26	£34,728	2,894.04	18.00
9 (2 month notice)	27	£35,745	2,978.72	18.53
	28	£36,922	3,076.85	19.14
	29	£37,890	3,157.51	19.64
	30	£38,890	3,240.82	20.16
10 (3 month notice)	31	£39,880	3,323.36	20.67
	32	£40,876	3,406.33	21.19
	33	£41,881	3,490.08	21.71
	34	£42,821	3,568.42	22.20

<b>11</b> (3 month notice)	35	£43,857	3,654.73	22.73
	36	£44,863	3,738.56	23.25
	37	£45,859	3,821.62	23.77
	38	£46,845	3,903.73	24.28
<b>12</b> (3 month notice)	39	£48,038	4,003.14	24.90
	40	£49,230	4,102.47	25.52
	41	£50,417	4,201.45	26.13
	42	£51,614	4,301.20	26.75
<b>13</b> (3 month notice)	43	£52,914	4,409.52	27.43
	44	£54,220	4,518.35	28.10
	45	£55,517	4,626.40	28.78
	46	£56,822	4,735.15	29.45
<b>14</b> (3 month notice)	47	£58,247	4,853.91	30.19
	48	£59,681	4,973.44	30.93
	49	£61,117	5,093.06	31.68
	50	£62,545	5,212.08	32.42
<b>15</b> (3 month notice)	51	£64,046	5,337.18	33.20
	52	£65,603	5,466.90	34.00
	53	£67,195	5,599.62	34.83
	54	£68,827	5,735.59	35.67

# Leicester City Council

## Gender Pay Gap Report 2019/20



*Leicester City Council will operate with creativity and drive for the benefit of Leicester and its people*

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# About this report

This report is based on the 'The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017' which came into force on 31 March 2017 and which require public sector employers to publish specific details of their gender pay.

Data has been gathered in line with ['The gender pay gap data you must gather'](#) guidance (published December 2020).

## Scope

This report covers all employees of Leicester City Council except those based in schools. (Under the regulations the governing body of a maintained school is treated as the employer.) Included are all staff permanently and temporarily employed on the reporting 'snapshot date' (31 March 2020). This includes those on casual contracts that worked during the pay period ending 31 March 2020.

## Definition of Pay

Under the regulations, and therefore in this report, 'pay' includes: basic pay, paid leave (including annual leave, sick leave, maternity, paternity, adoption and parental leave (except where an employee is paid less than usual because of being on leave)), allowances, shift premium pay and bonus pay. 'Pay' does not include: overtime pay, expenses, the value of salary sacrifice schemes (however the reduction to salary is included), benefits in kind, redundancy pay and tax credits.

## Gender pay gap and equal pay

The gender pay gap is defined as the difference between the pay of men and women. While there are many ways of presenting this data, under the regulations and in this report there are only two measures: median hourly pay and mean hourly pay. Each is represented as the percentage of the difference with men's pay being the divisor. Therefore, where men are paid more than women, the pay gap will be 'positive' (i.e. with a 3% pay gap women earn 97p for every £1 a man earns). Negative pay gaps are represented as minus percentages (i.e. with a negative pay gap of minus 3% women earn £1.03 for every £1 a man earns). Gender pay gap is not about men and women being paid differently for the same job which has been prohibited by equal pay legislation since 1975. Even with this legislation, historically certain occupations have attracted greater pay due to the value placed on typical masculine and feminine skills.

To comply with equal pay legislation, as well as to mitigate unconscious gender-biased skill appraisal, we operate a recognised job evaluation scheme which covers the majority of posts within the council. This is supported by periodic equal pay audits to ensure that our pay structure remains transparent and free from gender bias. The last equal pay audit was completed in 2014. The overall finding of the audit was that there were no significant areas of concern, the independent author of the report found that 'the JE scheme used by the council, and the method of operation, should provide reliable and consistent job evaluation results. The use of the ongoing moderation process is good and is something that is not very often seen in other organisations. There were no concerns raised about the operation of our scheme and there were no recommendations for any changes.

# Summary

The following summary has been prepared in line with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017. This page covers all aspects of the mandatory reporting requirements under these regulations.

At Leicester City Council, **women earn £1** for every £1 that men earn when comparing median hourly wages. Women's median hourly wage is **0% lower** than men's.

1. The mean pay for women is **£14.68** per hour, and mean pay for men is **£14.80** per hour. Therefore the mean gender pay gap is **0.9%**.
2. The median pay for women is **£14.03** per hour, and the median pay for men is **£14.03** per hour. Therefore median gender pay gap is **0.0%**.

At Leicester City Council, women occupy **60%** of the highest paid jobs and **61%** of the lowest paid jobs.

## Top quartile (highest paid)



## Upper-middle quarter



## Lower-middle quarter



## Lower quartile (Lowest paid)



## Bonus pay gap

No bonuses were paid.





# Leicester City Council

## Gender Pay Gap Report 2020/21



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# About this report

This report is based on the 'The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017' which came into force on 31 March 2017 and which require public sector employers to publish specific details of their gender pay.

Data has been gathered in line with ['The gender pay gap data you must gather pay gap'](#) guidance (published December 2020).

## Scope

This report covers all employees of Leicester City Council except those based in schools. (Under the regulations the governing body of a maintained school is treated as the employer.) Included are all staff permanently and temporarily employed on the reporting 'snapshot date' (31 March 2021). This includes those on casual contracts that worked during the pay period ending 31 March 2021.

## Definition of Pay

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## Gender pay gap and equal pay

The gender pay gap is defined as the difference between the pay of men and women. While there are many ways of presenting this data, under the regulations and in this report there are only two measures: median hourly pay and mean hourly pay. Each is represented as the percentage of the difference with men's pay being the divisor. Therefore, where men are paid more than women, the pay gap will be 'positive' (i.e. with a 3% pay gap women earn 97p for every £1 a man earns). Negative pay gaps are represented as minus percentages (i.e. with a negative pay gap of minus 3% women earn £1.03 for every £1 a man earns). Gender pay gap is not about men and women being paid differently for the same job which has been prohibited by equal pay legislation since 1975. Even with this legislation, historically certain occupations have attracted greater pay due to the value placed on typical masculine and feminine skills.

To comply with equal pay legislation, as well as to mitigate unconscious gender-biased skill appraisal, we operate a recognised job evaluation scheme which covers the majority of posts within the council. This is supported by periodic equal pay audits to ensure that our pay structure remains transparent and free from gender bias. The last equal pay audit was completed in 2014. The overall finding of the audit was that there were no significant areas of concern. Rather, the independent author of the report found that "the JE scheme used by the council, and the method of operation, should provide reliable and consistent job evaluation results. The use of the ongoing moderation process is good and is something that is not very often seen in other organisations". There were no concerns raised about the operation of our scheme and there were no recommendations for any changes. A new Equal Pay Audit is currently underway with the results expected in the spring of 2022.

# Summary

The following summary has been prepared in line with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017. This page covers all aspects of the mandatory reporting requirements under these regulations.

At Leicester City Council, **women earn £1.01** for every £1 that men earn when comparing median hourly wages. Women's median hourly wage is **1.1% higher** than men's.

1. The mean pay for women is **£15.16** per hour and mean pay for men is **£15.18** per hour. Therefore, the mean gender pay gap is **0.1%**.
2. The median pay for women is **£14.42** per hour and the median pay for men is **£14.27** per hour. Therefore, the median gender pay gap is **negative 1.1%** (-1.1%).

At Leicester City Council, women occupy 60% of the highest paid jobs and 60% of the lowest paid jobs.

## Top quartile (highest paid)



## Upper-middle quarter



## Lower-middle quarter



## Lower quartile (Lowest paid)



## Bonus pay gap

No bonuses were paid.



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# City of Leicester Award

Decision to be taken by: Council

Date of meeting: 23 February 2022

Lead director/officer: Miranda Cannon, Director of  
Delivery, Communications and Political Governance

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## Useful information

- Ward(s) affected: All
- Report author: Miranda Cannon
- Author contact details: [Miranda.cannon@leicester.gov.uk](mailto:Miranda.cannon@leicester.gov.uk)
- Report version number: 0.1

### 1. Summary

To consider the introduction of a new civic award recognising persons of distinction who have been significant advocates of the city, and the conferment as the first recipients of this award, to Khun Vichai Srivaddhanaprabha, and Khun Aiyawatt Srivaddhanaprabha.

### 2. Recommended decision

That the City Council:

- Approve the introduction of a new civic honours known as the 'City of Leicester Award'.
- Confirm the first recipients of this award to be Khun Vichai Srivaddhanaprabha, and Khun Aiyawatt Srivaddhanaprabha in recognition of the commitment they have demonstrated to the city and the significant role they have played as advocates of the city nationally and internationally.

### 3. Report

#### 3.1 City of Leicester award purpose and criteria

The City of Leicester award aims to provide an opportunity for individuals to be honoured for outstanding achievements which have a positive and wide-reaching impact on the City of Leicester. Recipients of the City of Leicester award should have demonstrated outstanding performance in their given field which has been a source of inspiration to the residents of the city.

This new award is designed to complement the existing civic awards which include the Honoured Citizen Award Scheme which has been in existence for around 20 years and which is aimed at recognising acts of bravery, helping others and improving the community at a more local level. The Honoured Citizen Award doesn't recognise achievements which are perceived to be part of an individual's paid employment and it doesn't recognise significant achievements which impact on the city or citizens of Leicester more widely. The Honorary Freedom of the City award is considered a maximum of once in every administrative term, is governed by the provisions of Section 249 (5) of the Local Government Act 1972 and has certain conditions including a requirement that the nominee where this is an individual, has been on the electoral role for 5 years out of the last 20 years.

The City of Leicester award would differ from Honorary Freedom of the City in so much as it is not governed by legislation and unlike Freedom of the City, can be awarded posthumously as well as to those who are not and may never have been resident in the

city or wider county. It is an award to individuals not organisations, which themselves can be recognised via Freedom of the City.

The City of Leicester award recognises and acknowledges an individual's outstanding performance in their given field which has both inspired the city's residents and has positively impacted on the City of Leicester by delivering clear and demonstrable benefits to the educational, cultural, civic or economic life of the city as a whole and / or who has gained the city wider recognition. Recipients will be considered on the following basis:

- their achievements have resulted in a positive impact on the local community and its residents and / or has delivered a lasting benefit to Leicester;
- their achievements will result in educational, cultural, civic or economic improvement and may be recognised at a wider level throughout the city, county or nationally;
- the nominee does not need to be a resident of the City, but should have a close association to Leicester through their work or significant voluntary contribution;
- the nominee would not be eligible for, or have previously been awarded, Freedom of the City;
- the nominee should not be a serving politician or currently hold a political role within the City; and
- awards can be awarded posthumously, where a recipient's achievements are acknowledged subsequent to their death (up to a period of 5 years).

### **3.2 City of Leicester award process**

The process that is proposed for the City of Leicester Award is as follows:

- Nomination requests will be considered once in each calendar year, usually in June/July and nominations will be held on file until the review takes place;
- All requests should be submitted in writing, together with supporting documentation, and sent to the Member & Civic Support Team;
- Applications will need to include the reason for the nomination together with clear evidence, documentation or testimonials to support this and evidence of the contribution the person has made and their link to the City of Leicester;
- Completed nomination forms will be retained until the time of the annual review, when they will initially be evaluated against the criteria by the Director of Delivery, Communications and Political Governance together with a senior member of the Member & Civic Support Team. A report will be prepared with a recommendation to the City Mayor.
- Where it is clearly evident that an application does not meet the criteria the Director of Delivery, Communications and Political Governance will not prepare a report but will inform the City Mayor of the application and the reason for not proceeding. Unsuccessful nominations may be considered for an Honoured Citizen Award if appropriate.
- The report and supporting documentation are put forward to the City Mayor for consideration and for consultation with elected members. Where appropriate the City Mayor will then make a recommendation to Council seeking their approval of the nomination at the next full council meeting (usually September).
- Nominations receiving a majority vote in favour by the Council will be accepted as successful and the decisions of the Council on all nominations (whether affirmative or negative) are final.
- Once the Council has agreed to proceed, recipients will be invited to an appropriate civic ceremony.

### **3.3 Khun Vichai Srivaddhanaprabha**

In 2010 Leicester City Football Club were taken over by a Thai-led consortium called Asian Football Investments, led by King Power's Khun Vichai Srivaddhanaprabha. Khun Vichai became Chairman of the Club in 2011 and made significant investments in the Club which saw them return to the Premier League in 2013/14 as the Championship title winners. The Club then went on to their historic Premier League title win in 2015/16, despite pre-season odds of 5,000/1.

During his time as Chairman of the club Khun Vichai invested both in the Club and also in the community with over £4million of personal donations to the city including £1million to Leicester University's medical department, £1million to Leicester Royal Infirmary, and £2million towards a new children's hospital.

Sadly, on Saturday 27 October 2018 Khun Vichai Srivaddhanaprabha, was killed in a helicopter accident, alongside four others, outside King Power Stadium. The Foxes Foundation formed in 2011/12 was renamed The Vichai Srivaddhanaprabha Foundation in November 2018 in Khun Vichai's honour and it continues to provide significant support for local charities.

### **3.4 Khun Aiyawatt Srivaddhanaprabha**

Khun Aiyawatt Srivaddhanaprabha replaced his late father, Khun Vichai Srivaddhanaprabha as Chairman of Leicester City Football Club. Khun Aiyawatt has continued his Father's legacy of investing in both the Club and the city, which has included the opening of a new £100m training ground, extensive plans for extension to the King Power Stadium and a renovation of the surrounding area, and the formal acquisition of Leicester City Women's Football Club who have also been enjoying success with their 2021 Women's Championship win and promotion to the FA Women's Super League.

### **3.5 Conferment of City of Leicester Award**

The significant contribution of Khun Vichai Srivaddhanaprabha and Khun Aiyawatt Srivaddhanaprabha to both Leicester City Football Club and to the wider community of Leicester has shown them to be key advocates of the city of Leicester locally, nationally and internationally. They are widely recognised and acknowledged by many Leicester residents for the success and recognition they have brought to the city as well as the commitment they have made personally to the city's communities. They each rightly deserve to be recognised for this through the conferment of the new City of Leicester Award.

## **4. Financial, legal, equalities, climate emergency and other implications**

### **4.1 Financial implications**

There are no financial implications arising from this report.

*Martin Judson, Head of Finance, Ext 37 4101*

### **4.2 Legal implications**



There are no direct legal implications arising from this proposal. This is a non-statutory gesture of recognition that confers no specific rights or obligations and the Council has the general competence to make it.

*Kamal Adatia, City Barrister, Ext 37 1401*

#### 4.3 Equalities implications

Under the Equality Act 2010, public authorities (including the local authority and schools), have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equalities implication arising from the report, but the introduction of City of Leicester Award would be positive to support the work of individuals for the work they have potentially done to foster good relations and advance equality of opportunity between people who share a protected characteristic and those who don't, as described in the report.

*Kalvaran Sandhu, Equalities Manager, Ext 37 6344*

#### 4.4 Climate Emergency implications

There are no significant climate emergency implications directly associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

#### **5. Background information and other papers:**

None

