



Leicester  
City Council

## **MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE**

**DATE: MONDAY, 15 NOVEMBER 2021**

**TIME: 5:30 pm**

**PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

### **Members of the Committee**

Councillor Singh Johal – Vice Chair

Councillor Byrne – Co-Vice Chair

Councillor Pickering – Co-Vice Chair

Councillors Cank, Fonseca, Gee, Govind, Shelton and Westley

One Non-Group Place

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

**Officer contact : Angie Smith**

*Democratic Support*

*Leicester City Council*

City Hall, 115 Charles Street, Leicester, LE1 1FZ

(Tel. 0116 454 6354)

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

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- 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.

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- ✓ 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 Angie Smith, **Democratic Support** on (0116) 454 6354 or email [angie.smith@leicester.gov.uk](mailto:angie.smith@leicester.gov.uk)

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

## **PUBLIC SESSION**

### **AGENDA**

#### **FIRE / EMERGENCY EVACUATION**

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

#### **1. APOLOGIES FOR ABSENCE**

#### **2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business on the agenda.

#### **3. MEMBERSHIP OF THE COMMITTEE**

To note the membership of the Committee for the municipal year 2021-22.

Chair	Councillor Singh Johal
Co Vice-Chair	Councillor Byrne
Co Vice-Chair	Councillor Pickering

Councillor Cank  
Councillor Fonseca  
Councillor Gee  
Councillor Govind  
Councillor Shelton  
Councillor Westley  
1 Non-Group Place

#### **4. MINUTES OF PREVIOUS MEETING**

**Appendix A  
(Pages 1 - 4)**

The minutes of the meeting held on 9<sup>th</sup> February 2021 are attached and the Committee will be asked to confirm them as a correct record.

#### **5. PETITIONS**

The Monitoring Officer to report on the receipt of any petitions submitted in accordance with the Council's procedures.

#### **6. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE**

The Monitoring Officer to report on the receipt of any questions,

representations and statements of case submitted in accordance with the Council's procedures.

**7. REVIEW OF STATEMENT OF LICENSING POLICY** **Appendix B  
(Pages 5 - 70)**

The Director of Neighbourhood and Environmental Services submits a report to the Licensing and Public Safety Committee to obtain Members' views on the proposed Licensing Policy for February 2022 to February 2027, including any observations on the consultation responses.

Members are recommended 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.

**8. GAMBLING POLICY 2022-2025** **Appendix C  
(Pages 71 - 94)**

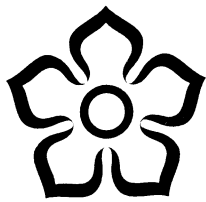
The Director of Neighbourhood and Environmental Policy submits a report to the Licensing and Public Safety Committee. The Council is required to publish its Statement of Gambling Policy at least four weeks before it takes effect. Members are recommended to make any comments on the proposed policy and the consultation responses prior to the proposed policy being reported to Full Council on 25 November 2021 for approval.

**9. TAXI STRATEGY** **Appendix D  
(Pages 95 - 98)**

The Director of Neighbourhood and Environmental Services submits a report to the Licensing and Public Safety Committee to inform Members of progress in relation to the Taxi Strategy. The Committee is recommended to note the report.

**10. ANY OTHER URGENT BUSINESS**





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# Appendix A

Minutes of the Meeting of the  
LICENSING AND PUBLIC SAFETY COMMITTEE  
Microsoft Teams Meeting

Held: TUESDAY, 9 FEBRUARY 2021 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Vice Chair in the Chair)

Councillor Cank  
Councillor Fonseca  
Councillor Gee

Councillor Dr Moore  
Councillor Shelton  
Councillor Thomas

Councillor Westley

\* \* \* \* \*

**56. APPOINTMENT OF CHAIR**

Councillor Singh Johal was appointed as Chair for the meeting.

**57. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dr. Moore and Pickering.

**58. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**59. MINUTES OF PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting held on 15<sup>th</sup> December 2020 be approved as a correct record.

**60. PETITIONS**

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

## **61. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE**

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

## **62. ALCOHOL HARM, PUBLIC HEALTH AND LICENSING - ONGOING WORK IN LEICESTER**

The Consultant in Public Health submitted a presentation to brief Members of the Licensing and Public Safety Committee on the Leicester City Alcohol Strategy. The presentation also informed on Public Health contributions towards the review of the Statement of Licensing Policy and provided an overview on alcohol consumption in the UK during the Covid-19 pandemic.

Grace Brough, Speciality Registrar, Public Health, delivered the presentation and provided the following information:

- Work around alcohol harm specifically linked the Licensing was being undertaken.
- Leicester City previously had an Alcohol Strategy which had expired. The Authority and Partners were working to develop a new strategy.
- There was an element specifically focussing on Licensing. The Statement of Licensing Policy was being updated and provided an opportunity for Public Health to become involved.
- The first meeting occurred in October 2020. Officers were keen to get a wide variety of partners involved (as listed in the presentation) to provide a multi-agency approach to assist with the strategy. Health included acute and primary care services. Providers of alcohol treatment services are among the partners involved.
- The Alcohol Strategy Development Group had met twice, initially to establish the group where the case was put forward as to what work was needed on the Strategy and to get buy-in from the group.
- Alcohol needs in Leicester were reviewed using a couple of key documents:
  - Alcohol Joint Strategic Needs Assessment (JSNA)
  - Clear Peer Assessment – a Public Health England tool where a peer group come and review alcohol need in Leicester and the response of Leicester City Council and partners in response to alcohol, and included specific recommendations for the response to alcohol harm, one of which was to renew the Alcohol Strategy.
- Priorities were agreed for going forward. For the Strategy multi-agency partners were asked based on their work on the ground and expertise what they thought the needs were for alcohol harm in Leicester.
- Public Health asked how they could influence licensing, where could they be of use and where could they use the public health skills to make the most impact. As a responsible authority, Public Health were consulted on new licensing applications, but there was not a specific licensing objective on health.
- Other authorities had been looked at to see how their public health had contributed to their Statement of Licensing Policy. The Local Government



Association guidance had been looked at to see how health could make an impact and influence, and provided a good example of how Newcastle local authority used data that would not have been previously accessed to influence the creation of five new cumulative impact zones, and might be a consideration in Leicester.

- It was noted that Derby City Council Public Health Team had adopted the Cardiff model (a model of violence prevention). The principal of it was multi-agency data sharing was key to prevent violence, and a consideration for alcohol related violence with regards to licensing. Derby City had used health data, specifically Accident and Emergency (A&E), for violent incidences. Research was carried out by Cardiff University who estimated that up to two-thirds of violent incidents that went to hospital, some of which would be alcohol related, were not reported to the police, which would make it difficult to understand the full effect of alcohol harm if data was missing. Derby City got the hospital to agree to provide certain data around those incidents: the nature of the incident, time it occurred, where it took place, and the day of the week to provide a standard data set.
- The data could help to look at where to put more police resource, for example, if there were violent incidents at a particular place in Leicester that had not been picked up by the police. The Data and Intelligence Team had met with Derby, where it was established there was a requirement by hospital trusts to provide the data.
- From a resource perspective the Public Health Team were able and willing to gather the data, and had spoken to the Licensing Team about ways to disseminate the data to better inform licensing decisions, for example, attending night time economy meetings, or by providing a data report to responsible authorities to help them make a more informed decision when licensing applications were submitted.
- The impact of Covid-19 and changes on alcohol consumption was discussed. National data was looked at and different surveys on consumption from various charities who were concerned with the negative effect of alcohol consumption and people drinking at harmful levels. One report brought together the results of all the surveys. Key highlights from the report were:
  - People reported drinking more during lockdown generally.
  - Many people reported drinking more frequently.
  - Heavier drinkers had increased their consumption the most – at higher risk of alcohol related harm.
  - Increase in the prevalence of risky drinking.
  - However, there was a shift in non-drinkers choosing not to drink.
  - The over 55 age group increased in largest proportion.

Links to the reports were provided:

[Research: drinking in the UK during lockdown and beyond | Alcohol Change UK](#)

[08 October 2020 – Alcohol harms: a hidden pandemic in the age of COVID-19? – IAS](#)

In response to Members' questions, the following points were noted:

- Date included the age and ethnicity of a person.
- There was a mandatory duty on hospitals to collect to data. University Hospitals Leicester were yet to be approached.
- Initially a report would be provided to give a good overview of alcohol related violence, when and where it occurred, what day etc., which would help the responsible authorities make representations when new licences were applied for or when reviewing a licence, for example, if many incidents were connected to a premises, but the police were not always aware of incidents if not reported to them.
- The data could be tied in with data from the police and health regarding premises to help inform decision making.
- Information would assist with the development of the Statement of Licensing Policy, for example, when reviewing Cumulative Impact Zones.
- The workstreams was one part under the umbrella of the Alcohol Strategy and was a good opportunity for Public Health to make a difference.
- When aligning to licensing objectives and reviewed alcohol needs in Leicester, Members would be relieved to see need to see less alcohol use in Leicester. Public Health reported alcohol use was harmful and that reduced alcohol consumption would benefit health.
- Providers such as Turning Point had been included. Initial thinking was the Alcohol Strategy would go out consultation to get views, including those of voluntary sector organisations on the Strategy.
- There were five Cumulative Impact Zones in Leicester which would be reviewed as part of the Statement of Licensing Policy to see if they were fit for purpose. They had been set up in consultation with the Police due to areas requiring concentrated police resources and would be reviewed to see if fit for purpose, revised or needed to be moved to other areas of the city.

The Chair thanked the Public Health Officer for the presentation and asked that the Licensing and Public Safety Committee be kept informed on development of the Alcohol Strategy.

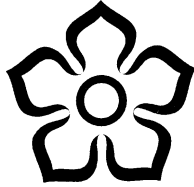
RESOLVED:

That:

1. The presentation be noted.
2. An update on the Alcohol Strategy be brought to a future meeting of the Licensing and Public Safety Committee.

### **63. CLOSE OF MEETING**

There being no further items of urgent business the meeting closed at 6.08pm.



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**WARDS AFFECTED**  
**All**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
**Licensing and Public Safety Committee**

**15 November 2021**

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**Review of Statement of Licensing Policy**

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**Report of the Director Neighbourhood and Environmental Services**

**1. Purpose of Report**

- 1.1. To obtain the Licensing and Public Safety Committee's views on the proposed Licensing Policy for February 2022 to February 2027, including any observations on the consultation responses.

**2. Recommendations**

- 2.1. Members are 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.

**3. Background**

- 3.1 The Licensing Policy sets out the authority's position on matters relating to the Licensing Act 2003. This Act deals with

- The sale or supply of alcohol
- Regulated entertainment
- Late night refreshment

- 3.2 Authorities are required to review and consult on their Licensing Policy every five years. Leicester City Council's current policy expired in February 2021. Due to the impact of coronavirus the Government permitted an extension to the requirement to revise and consult on Statement of Licensing Policies.

**4 Proposals**

- 4.1 The main changes to the licensing policy are as follows:

- 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.**
- 4.3 The review also takes 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.
- 4.4 The policy has been tidied up in general and made into a much more user friendly document for those who need to read it and understand what will be expected by the Licensing Authority from applicants and licence holders. It also has been expanded to include more background information and updated to include links to various websites where additional useful documentation can be accessed.
- ## 5 Consultation
- 5.1 The proposed Licensing Policy for 2022-2027 is attached at Appendix A.
- 5.2 The consultation took place between 6 September 2021 and 20 October 2021 via the council's online consultation hub. 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 Councils Social Media to the wider public. An email was also sent to all licence holders who have an up to date email address on our systems. A full list of consultees is attached at Appendix B.
- 5.3 The responses received and officers' comments on those responses are at Appendix C.
- 5.4 It is proposed that the draft licensing policy in light of those responses is amended as follows:-
- 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;

## **6 Next steps**

- 6.1 The draft policy will be updated as appropriate in accordance with the Committee's comments. The report and any further observations will be reported to the Neighbourhoods Scrutiny Commission and subsequently to full Council on 23 February 2022.

## **7 Financial, Legal, Equalities, Climate Emergency and other Implications**

### **Financial Implications**

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

*Stuart McAvoy – Principal Accountant*

### **Legal Implications**

- 7.2 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*

### **Equalities Implications**

- 7.3 A Statement of Licensing Policy sets out how the Licensing Authority will carry out its functions under the Licensing Act 2003.

The statement of licensing policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age,

disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The statement of licensing policy should refer to this legislation, and explain how the Equality Duty has been complied with. In order 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.

*Equalities Officer, Surinder Singh, Ext 37 4148*

### **Climate Emergency Implications**

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

*Aidan Davis, Sustainability Officer, Ext 37 2284*

### **8 Other Implications**

None.

### **9 Background Papers – Local Government Act 1972**

None

### **10 Consultations**

Legal Services  
Finance  
Equalities  
Environment Team

### **11 Report Author**

Deborah Bragg Licensing Manager (Policy and Applications)  
0116 4541924  
[deborah.bragg@leicester.gov.uk](mailto:deborah.bragg@leicester.gov.uk)







# **Statement of Licensing Policy 2022 - 2026**

**Licensing Act 2003**

**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)

**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.

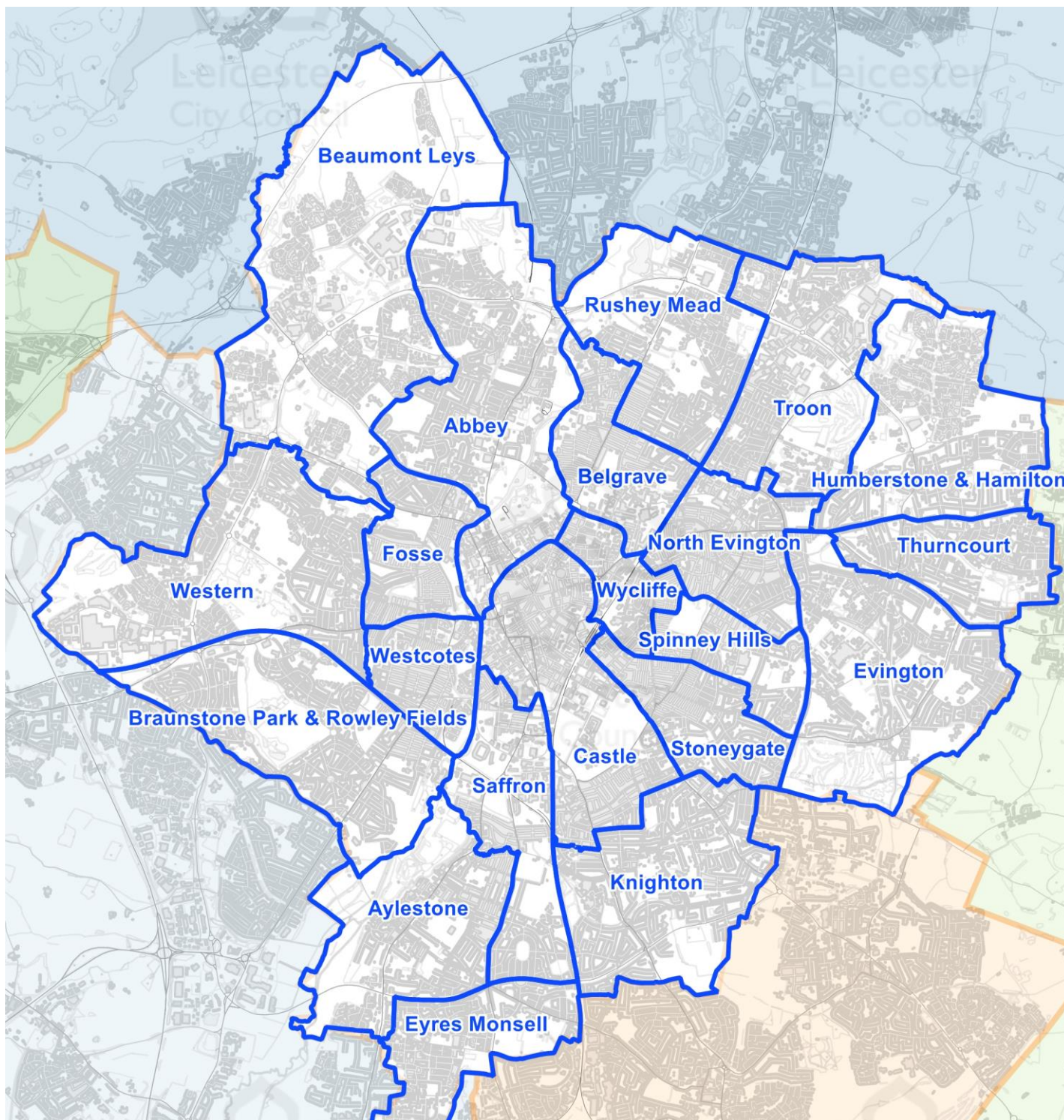
### Purpose of the policy

- 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
  - 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 *(Additional background information may be inserted from other departments following consultation)*
- 2.4 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**

- 2.5 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.
- 2.6 Commercially promoted events take place in a variety of locations throughout the City.
- 2.7 *(Additional information may be inserted here from the Festival & Events team following consultation)*
- 2.8 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.
- 2.9 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 \(leicester.gov.uk\)](https://www.leicester.gov.uk/economic-recovery-first-steps/)
  - **Joint Health and Wellbeing Strategy 2019-2024**
    - This document can be found here:- [The Joint Health and Wellbeing Strategy 2019-2024 \(leicester.gov.uk\)](https://www.leicester.gov.uk/joint-health-and-wellbeing-strategy-2019-2024/)
  - **Tourism Action Plan 2020-2025**
    - This document can be found here:- [tourism-action-plan-2020-2025.pdf \(leicester.gov.uk\)](https://www.leicester.gov.uk/tourism-action-plan-2020-2025.pdf)
  - **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.
    - *(Note: Once the strategy has been consulted on and 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 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/Alcohol,entertainmentandlatenightrefreshment)
- 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 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 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 after a particular time.
  - Whether other noise control measures such as acoustic curtains or other 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 \(www.gov.uk\)](https://www.gov.uk/guidance/equality-act-2010-guidance)
- 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,entertainmentandlatenightrefreshment(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-and-wards/)
- 6.23 Other publicly available sources which may be of use to applicants include:
- Crime statistics - <https://www.police.uk/pu/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 (24), 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 (5548) (12).
  - 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.

### **Conditions**

- 6.38 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.
- 6.39 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.
- 6.40 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 6.41 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**

- 6.42 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.
- 6.43 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.
- 6.44 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**

- 6.45 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.
- 6.46 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.
- 6.47 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**

- 6.48 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.

- 6.49 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.
- 6.50 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**

- 6.51 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**

- 6.52 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**

- 6.53 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.

- 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 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 (text to be inserted according to consultation responses and decision of the full Council)
- 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 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 in (*timescales to be determined* )

## 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 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. *(Note for consultation – this will be provided in the final version of the policy)*
- 8.5 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.
- 8.6 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.
- 8.7 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 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 Pollution) Team

- 11.7 The Act provides that in exceptional circumstances, the police or environmental health team (Noise Pollution) may issue an objection notice because they believe the event would undermine one or more of the four licensing objectives. The Police or Noise 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 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 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.

## Section 12 Enforcement and reviews

- 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.

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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	
Department for Culture, Media & Sport	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>

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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.cinema.uk.org.uk/contact-us">www.cinema.uk.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
NTLT 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
<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>		
<b>Should this be included in the new policy?</b>		
<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>  <b>Belgrave Road and Melton Road (up to the junction of Marfitt Street)</b>  <b>Braunstone Gate and Narborough Road (up to the railway bridge)</b>  <b>Evington Road</b>  <b>Granby Street, Belvoir Street and Market Street</b></p>		

High Street (from the junction of Carts Lane) and St Nicholas Place.		
Do you agree with this approach?		
<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'.
Question - Should these areas be 'areas of special interest and concern'? - Belgrave Road and Melton Road (up to the junction of Marfitt Street)		
<i>7 Respondents agreed - 1 Respondent said possibly- 1 Respondent did not answer – 1 Respondent had no opinion</i>		
Question - Should these areas be 'areas of special interest and concern'? - Braunstone Gate and Narborough Road (up to the railway bridge)		
<i>7 Respondents agreed - 2 Respondents said possibly</i>		
Question - Should these areas be 'areas of special interest and concern'? - Evington Road		
<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'? - Granby Street, Belvoir Street and Market Street		
<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 alchol 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 alchol 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 alchol 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>		
<i>0 Responses</i>		
<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>		

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)		
5 Respondents said leave as it is – 4 Respondents said extend – 0 Respondents said reduce – 0 Respondents said remove – 1 Respondent did not answer		
Residents Body	On-sales should be included as well as off-sales in the London Road part of the fourth CIZ.	<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 amending the CIZ for Granby Street/London Road to include on sales or from the Public Consultation.</p>
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		
2 Responses		
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	<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>Belgrave Road and Melton Road up to the junction of Marfitt Street have been proposed as areas of special interest and concern.</p>
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?		
2 Respondents said yes – 7 Respondents said no – 1 Respondent did not answer		
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	Having safer cleaner city centre streets will make the city centre more attractive to residents and to visitors	Noted

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 recieved. 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.	<p>must be based on one or more of the four Licensing Objectives, and there is not a public health objective.</p> <p>There is other legislation in place to cover Public Health concerns that venues and businesses must adhere to.</p>
<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 alcoholics	
<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</i> - 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.</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</i> – 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).</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</i> – 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?</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>



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# **Gambling policy 2022-2025**

Licensing & Public Safety Committee

Decision to be taken by: Council

Date of meeting: 15 November 2021

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

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### **Useful information**

- Ward(s) affected: All
- Report author: Rachel Hall, Chief Licensing Officer
- Author contact details: rachel.hall@leicester.gov.uk
- Report version number: 1

## **1. Summary**

- 1.1 The Council is required to publish its statement of gambling policy at least four weeks before it takes effect.
- 1.2 The current statement of gambling policy expires on 31 January 2022.
- 1.3 Consultation has taken place with relevant stakeholders and approval for the new policy will be sought at Full Council on 25 November 2021.

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

- 2.1 The Licensing and Public Safety Committee is asked to make any comments on the proposed policy and the consultation responses prior to the proposed policy being reported to Full Council in November for approval.

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

- 3.1 In accordance with the Gambling Act, consultation has taken place with:
  - The Chief Officer of Police
  - Representatives of the gambling trade
  - Representatives of people who may be affected by the Gambling Policy
- 3.2 Holders of existing gambling permissions have also been contacted directly. The consultation has been available on the Council's website between 11<sup>th</sup> October and 7<sup>th</sup> November 2021.

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

- 4.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2022-25 no later than 3<sup>rd</sup> January 2022 (4 weeks before the new policy takes effect).
- 4.2 In exercising its functions under the 2005 Act, section 153 states that the licensing authority shall aim to permit the use of premises for gambling insofar as the authority thinks it:
  - a) in accordance with any relevant code of practice under s.24
  - b) in accordance with any relevant guidance issued by the Commission under s.2
  - c) reasonably consistent with the licensing objectives (subject to a and b above)

- d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

4.2 No key issues of significance requiring a change in the policy have been raised since it came into effect in February 2019. This policy was not significantly different to the original policy introduced in February 2007.

## 5. Detailed report

- 5.1 The current statement of gambling policy expires on 31<sup>st</sup> January 2022. The Council is required to publish its new statement of gambling policy at least four weeks before it takes effect.
- 5.2 Licensing Authorities may consider having a “no casino” policy, and if they do, this must be included in their Gambling Policy. A “no casino” policy has no effect on existing casinos, but prevents a licensing authority from issuing a new casino licence. The Gambling Act limits the number of new casinos nationally to one regional, eight large and eight small. There are currently no approved locations for regional casinos in England and Wales. Leicester City Council has not previously made a ‘no casino’ policy.
- 5.3 Section 166 of the Gambling Act 2005 provides that a licensing authority may resolve not to issue casino premises licences and that in passing a resolution a licensing authority may have regard to any principle or matter. Officers are not aware of concerns in relation to the existing casinos in Leicester to indicate that this sector is particularly problematic. There are currently three licensed casinos in the city, two of which are operational.
- 5.4 A local area profile has been produced for Leicester and is available on the Council's website at [Gambling licensing \(leicester.gov.uk\)](https://www.leicester.gov.uk/gambling-licensing/). It was first produced in April 2019 and is updated regularly. Existing and new operators are expected to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives.
- 5.5 The existing policy has been updated, with the changes being those required to bring the policy up to date and align it with revised guidance from the Gambling Commission. The updated policy is attached at Appendix A and a summary of the changes is attached at Appendix B.
- 5.6 In view of the minimal changes it was appropriate to carry out a light touch consultation, referencing the amendments and asking for comments on the proposed policy.
- 5.7 The Gambling Act 2005 states that the licensing authority must consult the following before determining its statement of gambling policy:
- The Chief Officer of Police
  - Representatives of the gambling trade
  - Representatives of people who may be affected by the Gambling Policy

- 5.8 Consultation has taken place with the above parties and also with other relevant stakeholders such as councillors and charities/services for people adversely affected by gambling. The consultation was available on the Council's website between 11<sup>th</sup> October and 7<sup>th</sup> November 2021. The responses are not available at the time of writing the report but will be made available to Members at the meeting, together with officers' observations.
- 5.9 The draft policy has been considered by the City Mayor and Executive on 14<sup>th</sup> October 2021 and by the Neighbourhoods Scrutiny Commission on 21<sup>st</sup> October 2021. The City Mayor and Executive asked for further detail and context around the Council's limited powers regarding controls on the growth of gambling establishments, limits in relation to online gambling and details of where support can be found for addiction issues. Neighbourhoods Scrutiny recommended that Council consider whether to make a "No casinos" resolution and to raise awareness of online gambling.
- 5.10 Licensing authorities have a duty to aim to permit gambling as set out in paragraph 4.2 above. In determining an application for a gambling licence it is not for a licensing authority to have a view on any impact gambling may have on individuals or communities. However, as a local authority Members may wish to note the observations of colleagues in Public Health, who say that problem gambling is considered a public health issue for the following reasons;
- a) The impact of problematic gambling is not just on the gambler but on their family friends and wider society (i.e it affects a lot of people)
  - b) There is an inequality in terms of the detrimental effects of problem gambling. E.g. people from a BAME background are less likely to gamble overall but are more likely to classify as a problematic gambling. Similarly people classified as unskilled/manual workers gamble less but experience more harmful effects. (i.e it exacerbates health inequalities)
  - c) There is a strong link between problematic gambling and other harmful behaviours such as excess alcohol consumption and other health conditions such as mental health issues.
  - d) There is also a difference in terms of take up of treatment and support services with people from a BAME background and lower Socioeconomic status less likely to access services
- 5.11 Licensed gambling establishments must comply with the law and with relevant codes of practice issued by the Gambling Commission, including age restrictions and the provision of signposting to organisations offering support.
- 5.12 The consultation responses and the comments from the City Mayor and Executive, Neighbourhoods Scrutiny and the Licensing & Public Safety Committee will be submitted to Full Council on 25 November 2021, when full Council will be asked to approve the authority's gambling policy for 2022-25.

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

### **6.1 Financial implications**

Premises licence fees are set based on the type of premises, with a prescribed maximum fee for each type. Licensing authorities are able to set licence fees so as to ensure full cost



recovery, subject to these caps. Over the life of the policy being proposed in this report, fees will be subject to periodic review to ensure that all costs are being recovered.

Stuart McAvoy – Principal Accountant

## 6.2 Legal implications

Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Licensing Policy Statement. The Licensing Policy Statement will last for a maximum of 3 years, but can be reviewed and revised by the authority at any time. It must set out the principles the Authority proposes to apply in exercising its functions under the Act during the 3 year period to which the Policy applies. Any revision must be published before it is given effect.

The statement must be produced following widespread consultation with

- 1) the chief officer of Police for the authority's area
- 2) persons who appear to the authority to appear to the authority to represent the interests of the persons carrying on gambling businesses within the area, and
- 3) persons who appear to the authority to represent the interests of persons who are to be affected by the exercise of the authority's functions under the Act.

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the form of Licensing Policy Statements and the procedures to be followed in relation to preparing, revision and publication of the Statements.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that determining the Licensing Authority Policy Statement is not a function within the sole responsibility of the executive. Therefore it has to be considered by the Cabinet and approved by full Council before it is published.

Under S.166 (1) of the Gambling Act 2005, a Licensing Authority may resolve not to issue casino premises licences and adopt a 'no casino policy'. In passing such a resolution, a Licensing Authority may have regard to any principle or matter.

A resolution under Subsection (1) –

- (a) must apply to the issue of casino premises licences generally,
- (b) must specify the date on which it takes effect,
- (c) may be revoked by a further resolution, and
- (d) shall lapse at the end of the period of three years beginning with the date on which it takes effect (without prejudice to the ability to pass a new resolution).

Katherine Jamieson – Legal Services

## 6.3 Equalities implications

Under the Equality Act 2010, public authorities 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 any 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 and sexual orientation.

If the proposed policy is agreed this could have an impact on people from across a range of protected characteristics, with one of the objectives of the policy being to protect vulnerable persons from being harmed or exploited by gambling. Equality considerations need to be embedded throughout the policy and an Equality Impact Assessment is currently underway. The EIA should inform the process going forward, taking into account any consultation feedback.

Sukhi Biring, Equalities Officer, 454 4175

#### 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 gambling policy for 2022-2025

Appendix B – summary of proposed changes to gambling policy

#### **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

# **LEICESTER CITY COUNCIL**

## **STATEMENT OF GAMBLING POLICY**



# Leicester City Council

## Statement of Gambling Policy

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## **PART A**

### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005 (the Act), the City Council must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.” Guidance issued to licensing authorities by the Gambling Commission<sup>1</sup> refers to the National Strategy to Reduce Gambling Harms<sup>2</sup>, and notes that experience suggests that close working between licensing authorities and public health colleagues can deliver important results in relation to the third objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”.

The Act requires that the City Council should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority’s statement of licensing policy

### **2. Introduction**

Leicester City Council is a unitary authority situated in the County of Leicestershire. The Council area has a population of 330,000 (2011 Census), covering 73.09 square kilometres (28.22 square miles).

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<sup>1</sup> [Guidance to licensing authorities - Gambling Commission](#)

<sup>2</sup> [Reducing Gambling Harms - Gambling Commission](#)



The City Council is required by the Gambling Act 2005 to publish a statement of the principles that it proposes to apply when exercising its functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Leicester City Council consulted upon this policy statement before finalising and publishing it. A list of the persons we consulted directly is provided below. It also enabled consultation via its website and sent out copies of the draft policy and questionnaire on request.

The Gambling Act requires that licensing authorities consult:

- the Chief Officer of Police;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

The City Council consulted the following:

- Leicestershire Police
- Existing providers of gambling facilities in Leicester:
- Leicester City Council’s Children’s Services Department
- Leicester City Council’s Public Health Department
- Other consultees:
  - Association of British Bookmakers
  - Lotteries Council
  - BACTA
  - Bingo Association

- British Horseracing
- Remote Gambling Association
- Advertising Association
- National Casino Forum
- Gamcare
- Salvation Army

Our consultation took place between xxxx and xxxx. The policy was approved at a meeting of the Full Council on xxxx.

Should you have any comments about this policy statement please send them via e-mail or letter to the following contact:

Name: Licensing Team Manager

Address: Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

E-mail: [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

In producing this licensing policy statement, the City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

### **4. Responsible Authorities**

The City Council has designated the Local Safeguarding Children Partnership Board as the body it considers competent to advise the authority about the protection of children from harm. The principles applied by the City Council in making this designation are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

The Responsible Bodies under the Gambling Act 2005 are:

- Leicester City Council Licensing and Public Safety Committee
- The Gambling Commission
- Leicestershire Police
- Leicestershire Fire and Rescue Service
- Leicester City Council Development Control Team
- Leicester City Council Environmental Health
- Leicester City Council Local Safeguarding Children Partnership Board
- HM Customs and Excise

Their contact details are available via the Council's website at: [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing).

## **5. Interested parties**

Interested parties can make representations about licence applications or apply for an existing licence to be reviewed. Interested parties are defined in the Gambling Act 2005 as a person that -

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b).

The licensing authority is required to state the principles it will apply in determining whether a person is an interested party. The principles are:

- Each case will be decided upon its merits.
- The City Council will not apply a rigid rule to its decision making, and will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities (8.9-8.17)

Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these persons, the City Council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of those persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Sub-Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section:

- by telephone - (0116) 454 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## **6. Exchange of Information**

Licensing authorities are required to include in their policy statement the principles to be applied by the authority with respect to the exchange of information with the Gambling Commission, and with those bodies listed in schedule 6 to the Act that

- have functions under the Act,
- are enforcement or regulatory bodies, or
- are sport governing bodies.

The principle that the City Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information. This includes the provision that the General Data Protection Regulation will not be contravened. The City Council will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act 2005.



Should any protocols be established regarding information exchange with other bodies then they will be made available.

Please contact the Licensing section for further information:

- by telephone - (0116) 454 3040
  - by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Licensing Section, Leicester City Council, York House,  
91 Granby Street, Leicester, LE1 6FB

## **7. Enforcement**

Licensing authorities are required to state the principles they will apply when inspecting premises and taking criminal proceedings in respect of offences under the Act.

The City Council's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: intervening only when necessary and ensuring remedies are appropriate to the risk posed, and costs identified and minimised;
- Accountable: being able to justify decisions, and be subject to public scrutiny;
- Consistent: ensuring rules and standards are joined up and implemented fairly;
- Avoiding duplication with other regulatory regimes as far as possible;
- Transparent: being open, and keeping requirements simple and user friendly; and
- Targeted: focusing on the problem, and minimising side effects.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the Licensing department

- by telephone - (0116) 454 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

Our risk methodology is also available upon request.

## **8. Other regulatory regimes**

Leicester City Council will endeavour to avoid duplication with other regulatory regimes, such as legislation covering employment, health and safety and fire safety.

## **9. Licensing Authority functions**

Licensing Authorities are required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* which wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol on-licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for alcohol on-licensed premises (under the Licensing Act 2003), where more than two machines are required
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- Set and collect fees

Licensing authorities will not be involved in licensing remote gambling. This will be the responsibility to the Gambling Commission via Operator Licences.

## PART B PREMISES LICENCES

### 1. General principles

Premises licences are subject to the permissions, restrictions and conditions set out in the Gambling Act 2005 and Regulations. Licensing authorities are able to exclude certain of these conditions and also attach others, where they consider this is appropriate.

In exercising its functions under the 2005 Act, section 153 states that the licensing authority shall aim to permit the use of premises for gambling insofar as the authority thinks it:

- a) in accordance with any relevant code of practice under s.24
- b) in accordance with any relevant guidance issued by the Commission under s.2
- c) reasonably consistent with the licensing objectives (subject to a and b above)
- d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

### 2. Location

The demand for gambling premises cannot be considered with regard to the location of premises, but matters concerning the licensing objectives can be considered. The City Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as preventing crime and disorder.

In deciding whether a licence for a particular premises should be granted, each case will be decided on its merits. However, the City Council considers the general suitability of the following locations is as shown:

	<b>Suitable Locations</b>	<b>Unsuitable Locations</b>
<b>Casinos</b>	<ul style="list-style-type: none"> <li>City Centre</li> </ul>	<ul style="list-style-type: none"> <li>Local Shopping Centres</li> <li>Residential Areas</li> <li>Other Business/Commercial Areas</li> <li>Near sensitive locations eg schools and places of worship</li> </ul>
<b>Bingo Premises</b>	<ul style="list-style-type: none"> <li>City Centre</li> <li>Local Shopping Centres</li> </ul>	<ul style="list-style-type: none"> <li>Residential Areas</li> <li>Near sensitive locations eg schools and places of worship</li> </ul>
<b>Adult Gaming Centres</b>	<ul style="list-style-type: none"> <li>City Centre</li> <li>Local Shopping Centres</li> </ul>	<ul style="list-style-type: none"> <li>Residential Areas</li> <li>Near sensitive locations eg schools and places of worship</li> </ul>
<b>Pubs with Gaming Machines</b>	<ul style="list-style-type: none"> <li>City Centre</li> <li>Local Shopping Centres</li> </ul>	<ul style="list-style-type: none"> <li>Residential Areas</li> <li>Near sensitive locations eg schools and places of worship</li> </ul>
<b>Family Entertainment Centres</b>	<ul style="list-style-type: none"> <li>City Centre</li> </ul>	<ul style="list-style-type: none"> <li>Residential Areas</li> <li>Other Business/Commercial Areas</li> <li>Near sensitive locations eg schools and places of worship</li> </ul>
<b>Betting Offices</b>	<ul style="list-style-type: none"> <li>City Centre</li> <li>Local Shopping Centres</li> </ul>	<ul style="list-style-type: none"> <li>Residential Areas</li> <li>Near sensitive locations eg schools and places of worship</li> </ul>

### 3. Local Area Profiles

The City Council will maintain a local area profile. The area profile will be held on the City Council's website [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing) and will be updated from time to time.

The Gambling Commission's licence conditions and codes of practice require operators of existing and new gambling premises to consider local risks to the licensing objectives that may be posed by the provision of gambling facilities at each of their premises. This includes a requirement to have policies, procedures and control measures to mitigate those risks. In carrying out this obligation, operators must take account of relevant matters identified in the licensing authority's statement of policy.

The City Council expects existing and new operators to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives. This is in addition to reference to this statement of policy, and particularly to part B.

### 4. Local risk assessments

The Gambling Commission has introduced social responsibility code provisions that require operators of premises-based businesses to conduct local risk assessments<sup>3</sup>, and an ordinary code provision that says licensees should share their risk assessments with licensing authorities in certain circumstances<sup>4</sup>.

### 5. Conditions

The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- reasonably consistent with the licensing objectives; and
- reasonable in all other respects.

Decisions about individual conditions will be made on a case-by-case basis. The City Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

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<sup>3</sup> [LCCP Condition - Gambling Commission](#)

<sup>4</sup> [LCCP Condition - Gambling Commission](#)

- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Locating gaming machines in direct line of sight from a staffed counter to promote the protection of children and vulnerable adults
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and merely gives examples of measures.

The City Council will also consider specific measures that may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in gambling premises that admit children, in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

It is noted that there are conditions that the licensing authority cannot attach to premises licences, which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes

## **6. Door Supervisors**

The City Council believes that adequate door supervision has an important role to play in promoting the licensing objectives, and will consider whether there is a need for door supervision on a case-by-case basis. Door supervision may provide benefits in terms of preventing children from entering adult only areas and preventing crime and disorder. In assessing the need for door supervision, the City Council will take into account the location of the premises, the likely clientele and the history of the premises.

The Gambling Act 2005 has amended the Private Security Industry Act 2001 so that in-house door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the Security Industry Authority. However, the City Council considers that registration with the SIA brings benefits in terms of training and establishing that the door supervisor is a suitable person. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc. It will therefore consider whether, in individual cases, it should apply a condition that door supervisors should be registered with the SIA. This decision will be influenced by the manner in which door supervision is undertaken and the likely clientele.

## **7. Casinos**

### *No Casinos resolution*

The City Council has not passed a 'no casino' resolution, but is aware that it has the power to do so. If it were to do so in the future, this policy statement will be updated with details. Any such decision would be made by the Full Council, and would not affect existing casinos licensed before the coming into force of the Gambling Act 2005.

### *Responsibility in Gambling*

The City Council supports responsibility in gambling and envisages that any proposal for a new casino will embrace this aim.

## **PART C**

### **Permits**

#### **1. Unlicensed Family Entertainment Centres**

Where a premises is not licensed, but the applicant wishes to provide gaming machines, they may apply to the licensing authority for an Unlicensed Family Entertainment Centre gaming machine permit.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.

#### *Statement of Principles*

The principles that Leicester City Council has adopted requires the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include

- DBS checks for staff
- a policy on the suitability of staff, taking into account convictions for violence, dishonesty, sexual offences, certain motoring offences.
- appropriate measures / training for staff as regards suspected truant school children on the premises
- training for staff to ensure a full understanding of the maximum stakes and prizes.
- measures / training covering how staff would deal with unsupervised very young children being on the premises
- children causing perceived problems on / around the premises.

In addition to the above, the City Council will also expect that:

- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; and
- the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

#### **2. Alcohol Licensed premises gaming machine permits**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or

- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than 2 machines, an application for a permit is needed. The City Council will decide each application on a case-by-case basis but will make its decision based on the licensing objectives and any other matters it considers relevant, which may include:

- the location and size of the premises
- expected clientele
- how the applicant intends to protect children and vulnerable persons from harm or being exploited by gambling
- the measures proposed by the applicant to ensure that anyone under 18 does not have access to the adult only gaming machines, which could include:
  - adult machines being in sight of the bar
  - arrangements for supervision by staff
  - notices and signage
- provision of information leaflets / helpline numbers for organisations such as GamCare.

### **3. Prize Gaming Permits**

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.

The principles that Leicester City Council has adopted require the applicant to show that:

- the applicant should set out the types of gaming that he or she is intending to offer
- the applicant should be able to demonstrate that:
  - they understand the limits to stakes and prizes that are set out in Regulations; and
  - the gaming offered is within the law
- the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

### **4. Club Gaming and Club Machines Permits**

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. Members' clubs, miners' welfare institutes and commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

A licensing authority may only refuse to grant a club gaming or machine permit under certain circumstances specified in the Act. In deciding whether to grant a permit, the licensing authority must have regard to any guidance issued by the Gambling Commission and the licensing objectives. A licensing authority may not attach conditions to a permit.



## **5. Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities

## **6. Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## **7. Small Society Lotteries**

This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes

- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority to seek further advice:

- by telephone - (0116) 454 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## **APPENDIX B – Summary of proposed changes to Gambling Policy**

### **PART A**

#### *Section 1 – The Licensing Objectives*

Added sentence “Guidance issued to licensing authorities by the Gambling Commission refers to the National Strategy to Reduce Gambling Harms, and notes that experience suggests that close working between licensing authorities and public health colleagues can deliver important results in relation to the third objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”.” and two footnotes.

#### *Section 2 – Introduction*

Added Public Health department as a consultee.

Deleted consultation dates pending update for final version.

#### *Section 4 – Responsible authorities*

Updated title of Local Safeguarding Children Partnership Board.

#### *Section 7 – Enforcement*

Updated title of Office for Product Safety and Standards.

#### *Section 8 – Other regulatory regimes*

New section referring to not duplicating other regulatory regimes.

#### *Section 9 – Licensing Authority functions*

Added function “Set and collect fees”

### **Part B**

#### *Section 1 – General principles*

Added extract from Gambling Act 2005 to clarify the authority’s duty to aim to permit the use of premises for gambling.

#### *Section 2 – Location*

Added Adult Gaming Centres

#### *Section 3 – Local Area Profiles*

Updated to show the Local Area Profile has been produced.

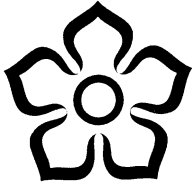
#### *Section 4 – Local Risk Assessments*

New section to reflect Gambling Commission guidance, plus two footnotes.

#### *Section 5 – Conditions*

New sentence added “The ‘aim to permit’ framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant

guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.”



Leicester  
City Council

**WARDS AFFECTED: ALL**

**LICENSING & PUBLIC SAFETY COMMITTEE**

**15 November 2021**

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## **TAXI STRATEGY**

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### **Report of the Director of Neighbourhood and Environmental Services**

#### **1. Purpose of Report**

- 1.1 The purpose of the report is to inform the committee of progress in relation to the Taxi Strategy.

#### **2. Background**

- 2.1 The aim of the strategy document is to set the overall tone for taxi licensing and steer policy development.
- 2.2 On 12 February 2019 the committee received a report about the taxi strategy, which said “The Licensing and Public Safety Committee will be involved in changes to policies on licensing drivers, operators and vehicles. Reports will be brought to the Committee at the appropriate time.”
- 2.1 There has been separate consultation on various proposals for taxi drivers, vehicles and private hire operators flowing from the overarching strategy. These proposals contribute to the overall taxi strategy for the city for the coming years. Reports were brought to the committee about the three areas of licensing on 9 July, 22 October and 10 December 2019.
- 2.2 The statutory taxi and private hire standards have been introduced since work began on the taxi strategy, and the opportunity has been taken to combine these two pieces of work. These standards were reported to the committee on 15 September 2020.

#### **3. Taxi strategy**

- 3.1 The Communications and Marketing team has provided input to ensure that the strategy is consistent with the ‘house style’ for Leicester City Council. They have suggested that this document be produced as an online strategy only, to allow improved accessibility, better promotion, and lower costs. This has the added advantage of ensuring that content can be easily amended/added and data can more visual and interactive.

- 3.2 Work has been delayed by the coronavirus pandemic but the taxi strategy has now been finalised in consultation with Cllr Clair, Deputy City Mayor for Culture, Leisure, Sport and Regulatory Services. Final approval will be sought from the City Mayor once the document has been properly laid out and formatted as an online resource. This will be shared with members of the Committee at that time.
- 3.3 Once the overall strategy is implemented work can begin on implementing the straightforward changes resulting from consultation (eg, updates to conditions of fitness and various procedures) as well as the commencement of work on more detailed changes (eg, new ways of undertaking medicals and the taxi knowledge test).

#### **4. Recommendations**

- 4.1 The committee is asked to note the report.

### **5 Financial, Legal, Equalities and Climate Emergency Implications**

#### **Financial Implications**

- 5.1 As an update report to the committee, there are no financial implications arising. There may be financial implications of the strategy itself, and these will be considered as part of the report proposing its adoption.

*Stuart McAvoy, Principal Accountant, Ext 37 4004*

#### **Legal Implications**

- 5.2 In addition to its duties under the Equality Act 2010, in providing the taxi strategy documentation as an 'online strategy only' the Council must meet its obligations under the Public Sector Bodies (Websites and Mobile Applications) (No 2) Accessibility Regulations 2018. The Regulations aim to make websites and mobile applications of public sector bodies more accessible to users, particularly persons with disabilities by requiring compliance with the "accessibility requirement" which is the requirement to make a website or mobile application accessible by making it "perceivable, operable, understandable and robust".

*John Moss, Solicitor, Legal Services, Ext 37 3010*

#### **Equalities Implications**

- 5.3 Following consultation with trade, regulators and safety campaign groups, the government issued statutory taxi and private hire vehicle (PHV) standards to licensing authorities, outlining how they should carry out their licensing function. Whilst the focus of these standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations, which aim to better regulate the taxi and PHV sector. There are no direct equalities implications arising from this update report. An equality impact assessment has been carried out as part of the development of the strategy.

It is important to note that consideration should be given to providing information in a different format if requested.

*Surinder Singh, Equalities Officer, Ext 37 4148*

### **Climate Emergency Implications**

- 5.4 Whilst there are no significant climate emergency implications directly associated with this progress report, there are wider implications of the Taxi Strategy itself, as noted below.

Transport is responsible for around 25% of carbon emissions in Leicester. Following the city council's declaration of a Climate Emergency in 2019, and its aim to achieve carbon neutrality, addressing transport-related emissions is a vital part of the council's work. This is particularly important in those areas where the council has influence, including through its licensing activities. This is reflected within the Taxi Strategy, which notes low emission services as one of the five strategic objectives. This includes two of the actions, around enabling a choice of an ultra-low emissions vehicle and updating vehicle conditions of fitness to be environmentally sustainable. Further opportunities to support these aims should be considered, for example through engagement with future opportunities to provide or refer drivers to grants and guidance on the purchase of low emission vehicles, as appropriate.

*Aidan Davis, Sustainability Officer, Ext 37 2284*

## **6 Background Papers – Local Government Act 1972**

Licensing and Public Safety Committee reports:

- 12 February 2019
- 9 July 2019
- 22 October 2019
- 10 December 2019
- 15 September 2020

## **7 Consultations**

Legal Services  
Finance  
Equalities  
Sustainability

## **8 Report Author**

Rachel Hall – Chief Licensing Officer  
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Rachel.hall@leicester.gov.uk

