

Leicester
City Council

MEETING OF THE NEIGHBOURHOOD SERVICES SCRUTINY COMMISSION

DATE: THURSDAY, 21 OCTOBER 2021

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Thalukdar (Chair)

Councillor Solanki (Vice-Chair)

Councillors Joshi, Nangreave, O'Donnell, Waddington and Westley

One unallocated Labour group place

One unallocated non group place

For Monitoring Officer

Officer contacts:

Anita Patel (Scrutiny Policy Officer)

Jacob Mann (Democratic Support Officer),

Tel: 0116 454 5843, e-mail: Jacob.Mann@leicester.gov.uk
Leicester City Council, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ 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:

Jacob Mann, Democratic Support Officer on 0116 454 5843. Alternatively, email Jacob.Mann@leicester.gov.uk, or call in at City Hall.

For Press Enquiries - please phone the **Communications Unit on 0116 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 to be discussed.

3. CHAIR'S ANNOUNCEMENTS

4. MINUTES OF THE PREVIOUS MEETING

[Appendix A](#)

The minutes of the meeting of the Neighbourhood Services Scrutiny Commission held on 9 September 2021 are attached and Members are 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 AND 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. GAMBLING POLICY 2022-2025

[Appendix B](#)

The Director of Neighbourhood and Environmental Services submits a report to update the Commission on the new gambling policy before it goes before Full Council.

8. LITTER AND FLY-TIPPING STRATEGY

Appendix C

The Director of Neighbourhood and Environmental Services submits a report to provide an overview of the management of litter and fly-tipping in Leicester. It provides information on the current situation, along with the tools for ensuring that Leicester has a strategic framework that allows service actions and interventions to address the recent concerns expressed by councillors and members of the public. The report builds on earlier reports received by the Neighbourhood Service and Community Involvement Scrutiny Commission on 30th November 2016 and 23rd January 2019.

9. PUBLIC SAFETY TEAM UPDATE

Appendix D

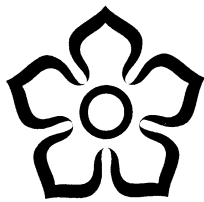
The Director of Neighbourhood and Environmental Services submits an update on the work of the Public Safety Team over the last 12 months.

10. DRAFT WORK PROGRAMME

Appendix E

The current work programme for the Commission is attached. The Commission is asked to consider this and make comments and/or amendments as it considers necessary.

11. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the
NEIGHBOURHOOD SERVICES SCRUTINY COMMISSION

Held: THURSDAY, 9 SEPTEMBER 2021 at 5:30 pm

P R E S E N T :
Councillor Solanki (Chair)

In Attendance:

Councillor Nangreave

Councillor Waddington

Councillor O'Donnell

Also Present:

Deputy City Mayor Councillor Piara Singh Clair

* * * * *

13. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Councillor Thalukdar and Councillor Westley.

14. DECLARATIONS OF INTEREST

There were no declarations of interest.

15. CHAIR'S ANNOUNCEMENTS

None.

16. MINUTES OF THE PREVIOUS MEETING

Agreed:

That the minutes of the meeting of the Neighbourhoods Services Scrutiny Commission on 1 July 2021 be confirmed as a correct record.

17. PETITIONS

The Monitoring Officer noted that none had been received.

18. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer noted that none had been received.

19. EXECUTIVE RESPONSE TO THE NEIGHBOURHOOD SERVICES SCRUTINY COMMISSION FINDINGS INTO 'THE VIABILITY AND APPROPRIATENESS OF A COMMUNITY LOTTERY'

The Director of Finance provided the Commission with an overview of the Executive response for the Commissions recommendations of not to pursue a Community Lottery.

It was noted that the Overview Select Committee had endorsed the recommendations.

The Deputy City Mayor for Culture, Leisure, Sport and Regulatory Services paid tribute to the Late Councillor Jean Khote who chaired the Committee and noted that her input into the viability of a community lottery was dearly missed and thanked the Chair of the Commission for seeing the review through.

Members of the Commission supported the recommendations and suggested that the developing strategy on anti-poverty be considered as an agenda item to be added to the work programme for a future date.

AGREED:

- 1) That the Members of the Neighbourhood Services Scrutiny Commission and Officers be thanked for their contributions to the scrutiny review, and
- 2) That, the Commission note and accept the position adopted by the Executive in response to the scrutiny review.

20. DEALING WITH COMPLEX AND HIGH RISK ANTI-SOCIAL BEHAVIOUR REPORT

The Deputy City Mayor for Culture, Leisure, Sport and Regulatory Services introduced the item.

The Director for Neighbourhood Services introduced the supporting Officers who delivered a presentation updating and informing Members of the Commission.

As part of the discussions it was noted that:

- The CrASBU Team had undertaken work in the New Parks area, including community meetings where interaction with the public allowed for ideas to be communicated with local residents
- Members of the Commission welcomed the Officer attendance at local community meetings and suggested that participation at regular community meetings allowed for a better understanding of resident concerns
- The Housing Scrutiny Commission were also looking in more detail at the role of the Tenancy Management service in dealing with cases of anti-

social behaviour, and that officers will be providing some evidence to that group given the relationship that CrASBU has with housing

- Officers were working with the Police and CrASBU to deliver a working group
- Community Safety Task Groups allowed for targeted work, currently work was being undertaken in high risk areas which were identified through the data that was collected
- Joint action groups were in place to allow for work to be undertaken across the city and working with multiple groups allowed for good working practices to be implemented across the city
- Members of the Commission shared their concerns with dangerous cannabis production factories in residential properties across the city, with the highest number in the Fosse Ward. It was noted that the first point of contact would be the police and that if it was within a council owned property then the CrASBU Team would alert the police and the council would always support the police to tackle criminal activity. It was noted that the Fosse Police would support the council's approach for selective licensing.
- Enquiries that are received by the team are usually responded to within 10 days, but all enquiries are risk assessed on the day they are received and the serious cases are responded to sooner. It was suggested that this was a joint system shared with the police and this was an area that could be improved

AGREED:

- 1) That the Commission note the update outlining the work of CrASBU Team;
- 2) Members of the Commission thank officers and Executive Members for all of their work and for bringing this report to scrutiny and;
- 3) That Officers be requested to provide a further report on the work of CrASBU Team to the Commission within 12 months.

21. CROWDFUND LEICESTER PRESENTATION

The Head of the City Mayors team delivered a presentation providing an overview to Members of the Commission on CrowdFund Leicester and the projects that CrowdFund Leicester have been able to support.

As part of the discussions it was noted that:

- Members of the Commission queried what could be done to engage with more working-class communities to deliver more projects across the more deprived areas of the city
- Officers be requested to bring back the item to the Commission with a supporting report that details accountability and contractual governance
- The Director of Neighbourhood Services suggested that the conversation on CrowdFund should continue as this was the new innovative approach to raise funding.

AGREED:

That Officers be requested that a report be provided to the Neighbourhood Services for the Commission meeting in December

22. VOLUNTARY AND COMMUNITY SECTOR ENGAGEMENT PRESENTATION

AGREED:

That the item on Voluntary and Community Sector Engagement be deferred to a future meeting

23. DRAFT WORK PROGRAMME

- That an item on Serious Knife Crime launch be added to the work programme for a meeting in the new year
- That the anti-poverty strategy be added to the work programme

24. ANY OTHER URGENT BUSINESS

Members of the Commission thanked Councillor Solanki for stepping into the Chair's position.

There being no items of urgent business, the meeting closed at 7:37pm

Gambling policy 2022-2025

Neighbourhood Scrutiny Commission

Decision to be taken by: Council

Date of meeting: 21 October 2021

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

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 is taking 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 Scrutiny Commission is asked to make any comments on the proposed policy, which will be reported to full Council in November.

3. Scrutiny / stakeholder engagement

- 3.1 In accordance with the Gambling Act, consultation is taking 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 are also being contacted directly. The consultation will be available on the council's website between 11 October and 7 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 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 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 such casinos in England and Wales. Leicester City Council has not previously made a ‘no casino’ policy.
- 5.3 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.
- 5.4 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.
- 5.5 In view of the minimal changes it is appropriate to carry out a light touch consultation, referencing the amendments and asking for comments on the proposed policy.
- 5.6 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
- 5.7 Consultation is taking 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 will be available on the council’s website between 11 October and 7 November 2021.
- 5.8 The Licensing & Public Safety Committee will consider the draft policy and the consultation responses at its meeting on 15 November 2021.
- 5.9 The consultation responses and the comments from the City Mayor and Executive, Scrutiny and the Licensing 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 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.

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 Commission¹ refers to the National Strategy to Reduce Gambling Harms², 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).

¹ [Guidance to licensing authorities - Gambling Commission](#)

² [Reducing Gambling Harms - Gambling Commission](#)



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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

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.

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
- 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
- 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
- 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:

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

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 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 assessments³, and an ordinary code provision that says licensees should share their risk assessments with licensing authorities in certain circumstances⁴.

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

³ [LCCP Condition - Gambling Commission](#)

⁴ [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
- 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.”



A strategic approach to litter and fly-tipping in Leicester

Neighbourhood Services & Community
Involvement Scrutiny Commission

21st October 2021

Lead director: John Leach

Director of Neighbourhood and Environmental Services

Useful information

- Ward(s) affected: All
- Report author: Bob Mullins, Head of Standards and Development
- Author contact details: (0116) 454 4921; bob.mullins@leicester.gov.uk

1. Purpose of report

- 1.1 The purpose of this report is to provide an overview of the management of litter and fly-tipping in Leicester. It provides information on the current situation, along with the tools for ensuring that Leicester continues with a strategic approach and framework that fits with need to address service demands with respect to this important agenda.
- 1.2 This report builds on earlier reports received by the Neighbourhood Service and Community Involvement Scrutiny Commission on 30th November 2016 and 23rd January 2019.

2. Summary

- 2.1 Litter and fly-tipping adversely affects the wellbeing of Leicester citizens and visitors to the City, imposing significant costs on the City Council in respect of protection, clearance and investigation.
- 2.2. The nature of fly-tipping, the improper dumping of domestic and commercial waste, is multi-faceted and many Council services are involved in both the prevention and response to fly-tipping.
- 2.3 Like all urban areas, Leicester is not immune from litter and fly-tipping. At times the problem is more acute and visible in some parts of the City, which is reflected in targeted responses whether the problem be by area or by type.
- 2.5 An effective tactical response to incidents, problems and perpetrators requires the sharing of good data, analysis, and management arrangements for designing the response and a frontline capability to deliver.
- 2.6 Appendix A provides a draft strategy and action plan. Having a recognised strategic approach will also allow the Council to source external funding, as/should it become available.

3. Recommendations

The Scrutiny Commission are invited to comment on the detail and proposed action plan (Appendix A), and the embedded approach to:

- Prepare the capability and capacity of Leicester City Council and its partners to deliver a response that is more effective, efficient, economic and equitable.
- Protect Leicester City Council and other land from being the destination and location of fly-tips
- Prevent the occurrence of fly-tipping by encouraging and facilitating the proper and timely disposal of waste
- Pursue perpetrators of fly-tipping to recover costs, impose punitive sanctions and deter them and others from similar behaviour

4. Report

- 4.1 In 2016, in response to levels of fly-tipping and complaints about litter, Leicester City Council developed an approach to reduce both issues. This approach emphasised the importance of the intelligence led approach and was developed into a more strategic approach, with better collection and reporting of data, and targeted interventions arising from analysis of the data. This approach proved successful and from 2015/16 to 2018/19 a 15 % reduction in fly-tips was achieved (from 9,442 to 7,997 incidents). However, not unlike other areas sadly fly tipping in Leicester, particularly during 2020/21 (COVID-19 pandemic year), saw an increase with incidents recorded at 9,999 incidents for that year. This 24% increase brought the level of fly-tipping back to that last seen in 2015/16, prior to the previous successful interventions.
- 4.2 Nationally, Leicester has compared well with other similar authorities (Appendix A, section 5.4) and the previous interventions resulted in the Council bucking the national trend of ever-increasing numbers of fly-tips. As seen in appendix A this continued to be the case in 2019/20, which is the most recent available national data. The 2020/21 figures will not be published by DEFRA until November 2021 and these are expected to reflect a national increase, similar to that experienced in Leicester. Locally, complaints about litter and fly-tipping increased through the COVID-19 restrictions and a rigorous approach to the issues is being adopted by services to recover the progress previously made. Detail on how this will be achieved is given in appendices A and B.

Impact of COVID-19

- 4.3 Services continued to operate throughout the lockdown, albeit adjusted to protect both employees and the public, and to conform with COVID-19 restrictions. The Street Cleansing service maintained its operations but there was closure of the HWRC sites (including those in the County), and City Wardens ceased face-to-face enforcement and were utilised in the support of other services, such as ensuring social-distancing in parks.
- 4.4 Staffing levels for all services varied (and continue to do so) due to COVID-19 illness and self-isolations.

Short-term recovery

- 4.5 As services return to normal there are several standard measures that have begun to have an impact. These are the timely removal of litter and fly-tipping to avoid accumulation; fly-tipping investigations; enforcement actions.
- 4.6 In line with the DEFRA Code of Practice on Litter and Refuse there is a programme of regular litter clearance, with daily street cleaning schedules in place, and schedules for Parks cleaning, dependant on usage.
- 4.7 Fly-tipping on the public highway is a priority for clearance. Services have a 24-hour target time for clearance, starting from report or discovery. This is to enable evidence to be secured and removal arrangements made. The actual time for removal of some fly-tips may be extended for the purposes of securing evidence or if the fly tip is not accessible or contains dangerous materials. Fly-tipping on private land is more problematic as it falls on the landowner to remove it. In some instances, it can take over 6 months for the Council to achieve compliance for a large fly-tip using Section 80 of the Environment Act and Community Protection Notices.
- 4.8 Fly-tipping investigations are generally undertaken by the City Wardens and the Enviro-Crime teams. Where the perpetrator is identified then the appropriate enforcement action is taken. Although the majority of fly-tipping in Leicester is relatively small in respect of volumes it does affect a large number of people. Enforcement action therefore is not confined solely to the larger cases. However, to assure residents that punitive action is not just taken against individuals and perceived 'easy' wins, it is important for the Council to be shown as prepared to take an even-handed approach.
- 4.9 The above measures are shown to work, and fly-tipping has begun to show a decrease in comparison to the same period in 2020. A further measure of the success of the above is the increased use of the HWRCs both in respect of use and tonnage.

Long-term recovery: the strategic approach

- 4.10 In order to return to the pre-COVID-19 standard, and improve on this, the approach outlined above is being refined to ensure co-ordinated actions (Appendix A, section 8).
- 4.11 The Council provides a range of services and facilities for residents and businesses to dispose of their waste legitimately. It has the weekly household waste collection, free bulky collections, clinical waste collections, two household waste recycling centres, a trade waste site, a garden waste collection service and circa 3,000 mixed waste litter bins. This all provides a comprehensive framework for services to develop a strategic approach.
- 4.12 Promotion of responsible waste disposal is important in guiding people to the services outlined above and demonstrates, in respect of enforcement, that the

Council is taking a strategic and incremental approach, key when leading to prosecutions.

- 4.13 Information is provided to students. New and existing students moving into rented accommodation are informed of the Council's waste services and facilities. There is use of the Council's website and social media, with information on the weekly household waste collection service, recycling centres, bulky waste collection, and garden waste service provided. There is also a new residents' information pack; new households are identified and information on the Council's waste services and facilities is sent out to them, using multi-lingual information where required.
- 4.14 Not all publicly accessible and visible land in the city is under the control of the Council. To that end services have operational links with the Environment Agency and the Canal and River Trust for fly-tips on water courses, and contacts with Network Rail and British Transport Police for fly-tipping on their land.
- 4.15 The Council, as a member of the Leicestershire Enforcement Forum, participated in the Countywide (including Rutland) *If Only* campaign. This was an educational campaign, followed by an increase in enforcement activity. For Leicester the main outcomes were:
- 2,679 warning letters and campaign literature sent out
 - Fly-tipping down by 9.5% in May 2018
 - Fly-tipping down by 12% in June 2018
 - An increase in the use of the HWRC
 - An increase in the take up of the Bulk Collection service
- 4.16 A current example of partnership working is that of the Willowbrook where Highway Services and the Environment Agency are working to clean and maintain the area through clearance, education, and enforcement.
- 4.17 As part of the strategic approach, the categories of publicly accessible land, as defined under the DEFRA Code of Practice on Litter and Refuse, will be reviewed and amended as necessary. This will then determine the cleaning regime to be applied. There will also be a review of the placement of litter bins, in line with the WRAP Right Bin, Right Place guidance.
- 4.18 Targeted interventions, to primarily address local fly-tipping problems, will be further developed to tackle the worst areas in the city. This will build on a model originally developed for an area of the Fosse ward, and which is currently being used in an area of the Stoneygate ward. The model looks to address issues of both household and business waste.
- 4.19 Analysis of fly-tip data allows the Council to identify hotspots areas where they occur. Where required households are written to, informed of the Council's waste services and facilities, and of the potential legal consequences. There is a legal duty on persons to ensure that their waste is legally disposed of by persons authorised to do so. Businesses can demonstrate that they meet this duty by contracting with authorised waste disposal suppliers and/or being

authorised to transport their own waste. Addressing this across the City is expected to help in reducing the level of fly-tips, although it is to be noted that the generated waste is often placed in other waste streams, notably domestic and on-street, rather than just being fly-tipped. One effect of running this intervention has been to increase use of the HWRC and the number of lower tier waste carrier licences applied for, i.e. allowing small businesses to legally transport their own waste.

4.20 Where enforcement action is necessary, use of modern technology proves useful. The Bring Sites available in Leicester account for circa 15% of the total number of recorded fly-tips. Following a successful trial, utilising deployable CCTV cameras, those bring sites with a substantial number of incidents are targeted as appropriate.

4.21 As noted in the short-term recovery above, enforcement action is taken where necessary and in line with the Council's proportionate and incremental approach.

Strategic Action Plan

4.22 As provided in appendices A and B, a detailed action plan to achieve a return to, and improve on, the pre-COVID-19 standard, has been developed in line with the four Ps – Prepare, Protect, Prevent, Pursue. In summary:

Aim 1 – Prepare

- Reporting arrangements:
 - work towards streamlining the methods of contact into the services
 - ensure all contacts are entered into the new case management system to allow better reporting and analysis
 - Use of smart technology as appropriate
- Effective partnership working:
 - establish and agree a data sharing agreement/protocol
 - continue to work with other organisations with statutory powers, such as the Environment Agency, the Canals and Rivers Trust, Network Rail, the Police
 - continue to work with organisations such as Keep Britain Tidy and Trolleywise to promote anti fly-tipping and littering messaging
 - Participate in DEFRA research / focus groups

Aim 2 – Protect

- Target hardening of vulnerable sites:
 - continue to work with communities and businesses to ensure that previously fitted alley gates function to assist in preventing a range of ASB, including fly-tipping
- Review:
 - DEFRA categorisations applied to land in the city
 - cleaning frequencies to ensure that the DEFRA categorisations (as applied) are met

- city-wide provision of bring sites
- Prioritise:
 - timely removal of litter and fly-tipping to avoid accumulation

Aim 3 – Prevent

- Provision:
 - ensuring access to waste disposal services: provision of a range of services and facilities for residents and businesses to dispose of their waste
- Targeted interventions:
 - deployable CCTV cameras at Bring Sites with substantial fly-tipping
 - Private Sector Housing enforcement work
 - programme of area-based projects that target the street environment
 - provision of Action Days to target specific issues in specific locations
 - Service based focus groups to develop actions
- Promotion:
 - Responsible waste disposal through the provision of regular information

Aim 4 – Pursue

- Enforcement:
 - Where the Council investigates and takes enforcement action against the perpetrators of fly-tipping.

5. Financial, legal and other implications

5.1 Financial implications

This report sets out the strategic approach being adopted by the Neighbourhood and Environmental Services, which will be managed within the existing financial resources of the division.

Stuart McAvoy, Principal Accountant, Ext 37 4004

5.2 Legal implications

Environmental Protection Act 1990

Controlled waste

Section 75(4) provides the definition of controlled waste as “household, industrial and commercial waste or any such waste.”

Unauthorised deposit of waste

The unauthorised deposit of waste (commonly referred to as fly-tipping) is dealt with in section 33(1)(a) which provides that a person who deposits controlled waste on any land, or a person who knowingly causes or knowingly permits controlled waste to be deposited on any land, commits an offence unless an environmental permit authorising the deposit is in force and the deposit is in accordance with the permit.

Offending is punishable on summary conviction in the Magistrates’ Court with an unlimited fine and/or 6 months’ custody, and on conviction on indictment at the Crown Court by an unlimited fine and/or 5 years’ custody [section 33(8)].

Littering

It is an offence contrary to section 87(1) to throw down, drop or otherwise deposit litter and leave it in any place to which the public has access (with or without payment) which is open to the air.

Offending is punishable on summary conviction in the Magistrates’ Court with a fine not exceeding level 4 on the standard scale (currently £2,500) [section 87(5)].

John Moss, Qualified Lawyer, Ext 37 3010

5.3 Climate Change and Carbon Reduction implications

Whilst there are limited direct climate emergency implications associated with this report, a reduction in littering and fly-tipping levels will have a positive wider environmental impact due to the negative impacts this waste can have on nature

and biodiversity. Ensuring that waste is disposed of correctly should also decrease emissions through reducing the amount of vehicle trips required to collect waste.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.4 Equalities Implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their activities, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't, and to foster good relations between people who share a protected characteristic and those who don't. The PSED is a continuing duty and remains with the authority when services are commissioned and, therefore, it is important to monitor and, where necessary, set expectations to ensure that due regard is paid to the general aims. Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Fly-tipping and littering is unsightly and can affect the quality of life of residents and communities who see it. Scope for a more strategic, joined up, problem-solving approach to fly-tipping with greater use of analysis, more co-operation between authorities and stronger evaluation of initiatives to build a firmer knowledge-base for dealing with the issues as mentioned in the report should lead to positive impacts for people from across all protected characteristics. It is important to make communications and messages about available services accessible.

Surinder Singh, Equalities Officer, Ext 37 4148

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

N/A

6. Background information and other papers:

- Fly-tipping; Neighbourhood Services and Community Involvement Scrutiny Commission, 30th November 2016.
- Waste minimisation communications – university students; Neighbourhood Services and Community Involvement Scrutiny Commission, 5th December 2018.
- The management of Fly-tipping; Neighbourhood Services and Community Involvement Scrutiny Commission, 23rd January 2019.

7. Summary of appendices:

- Appendix A – draft strategic approach to litter and fly-tipping in Leicester, including proposed action plan.
- Appendix B – Slide deck, to be presented at Neighbourhood Services and Community Involvement Scrutiny Commission, 21st October 2021.

8. 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.

9. Is this a “Key Decision”?

No.

10. If a “Key Decision” please explain the reason.

N/A.

Leicester's strategic approach to litter and fly-tipping

DRAFT

1. INTRODUCTION

In 2016, in response to levels of fly-tipping and complaints about litter, Leicester City Council developed an approach to reduce both issues. This approach emphasised the importance of the intelligence led approach and has been further developed into a more strategic approach, with better collection and reporting of data, and targeted interventions arising from analysis of the data. This approach proved successful and from 2015/16 to 2018/19 a 15 % reduction in fly-tips was achieved (from 9,442 to 7,997 incidents).

The ability of the services to continue this good work faltered in the final quarter of 2019/20 and was fully compromised through 2020/21 due to Covid-19 with recorded fly-tips increasing to 9,999 incidents for that year, a 24% increase that brought the level of fly-tipping back to that last seen in 2015/16, prior to the previous successful interventions. This, along with concerns expressed by members of the public and ward councillors about litter and fly-tipping has led the services to review their approach, also needed as services begin to reset following the removal of Covid-19 restrictions and the opening up of social and economic life.

The following provides an overview and context, details on the services, the intelligence led approach, the use of the Four Ps in relation to the Neighbourhood and Environmental Services division, and an action plan to address and reduce the level of fly-tipping and concerns over amounts of litter.

2. OVERVIEW AND CONTEXT

As an English Unitary Authority Leicester City Council is both a waste Collection Authority (WCA) and a Waste Disposal Authority (WDA). A WCA is a local authority in the UK charged with the collection of municipal waste from homes and some businesses. A WDA is a local authority responsible for developing and implementing plans to deal with municipal waste.

As a WCA, the Council has a duty to:

- provide all Leicester residents with a kerbside collection of their household waste, including key recyclable materials
- provide for the same collections from businesses (known as trade waste collections) when these are requested

As a WDA, the Council has a duty to:

- provide places for Leicester residents to deposit their household waste, i.e. Household Waste Recycling Centres (HWRCs)
- arrange for the appropriate treatment or disposal of all the waste that it handles

Certain legal duties also apply directly to businesses, regarding the waste which they generate. This includes ensuring that they consider the 'waste hierarchy' when deciding how to manage their waste, along with licensing / permitting requirements for any waste haulage, treatment, or disposal.

The purpose of these legal requirements is that local residents and businesses have access to services and the opportunities needed to ensure that their waste is dealt with appropriately and in a way that maximises the value obtained from it, including prioritising reuse and recycling.

In Leicester, all domestic waste operations, including collection, treatment, and disposal, are provided through a PFI contractual arrangement with a British based waste management contractor. As part of this arrangement the contractor manages the Council's two HWRCs (Gypsum Close, Freeman's Common as well as providing some services directly such as the management of the trade waste service at Gypsum Close and customer management of the garden waste service.

Trade waste generated by the City Council as part of its service activities is collected and processed by the Council's Cleansing Services team.

Through the Environment Protection Act 1990, local authorities as a 'duty body' have a statutory duty to keep both specified land clear of litter and refuse, and to keep clean public highways for which they are responsible. The duty is to keep both categories of land as clean, so far as is practicable¹. Within this framework the City Council has two service areas that ensuring the Council's duty is met, Cleansing Services, and City Wardens, these services having direct responsibility for managing litter and fly-tipping.

¹ Code of Practice on Litter and Refuse, DEFRA, September 2019

3. THE FOUR Ps

3.1. In managing litter and fly-tipping, the City Wardens and Cleansing Services adopt the 'Four Ps':

- Prepare the capability and capacity of Leicester City Council and its partners to deliver a response that is more effective, efficient, economic and equitable
- Protect Leicester City Council and other land from being the destination of litter and fly-tips
- Prevent the occurrence of litter and fly-tipping by encouraging and facilitating the proper use of the street environment
- Pursue perpetrators of littering and fly-tipping to recover costs, impose punitive sanctions and deter them and others from similar behaviour

3.2. Prepare

Allows the Council to enhance its capacity and capability to quickly and effectively tackle litter and fly-tipping by the use of.

- Effective reporting arrangements:
- Effective recording mechanisms:
- Effective partnership working:

3.3. Protect

Ensures that Leicester City Council and other owners of land protect their land from litter and fly-tipping.

- Target hardening of vulnerable sites:
- Timely removal of fly-tipping to avoid accumulation

3.4. Prevent

Enables and encourages individuals and businesses to dispose of waste responsibly, through education, deterrents and discouragement.

- Promoting responsible waste disposal
- Ensuring access to waste disposal services
- Targeted interventions

3.5. Pursue

Where the Council investigates and takes enforcement action against the perpetrators of littering and fly-tipping.

- Investigations
- Enforcement actions

4. LITTER

4.1. Litter - The National Picture

4.1.1. £1 billion is spent every year cleaning 30 million tonnes of litter from streets in Britain².

Key findings from recent DEFRA and Keep Britain Tidy research³ show that:

- Cigarette butts make up the vast majority (66%) of litter items but only 0.2% of overall litter volume.
- Small plastic bottles and non-alcoholic cans together make up 43% of the volume of all litter, while only comprising 3% of the litter item count.
- There is a correlation between deprivation and levels of litter. There were more than three times as many litter items found per site, on average, in the 10% most deprived areas as compared to the 10% most affluent areas.
- The 20% most deprived areas contained seven times as many small non-alcoholic plastic bottles as compared to the 20% most affluent.
- The overall environmental quality of a site was clearly interrelated with levels of litter – sites with higher levels of graffiti, staining, and flyposting also had more litter present.
- Overall, there are lower levels of litter in areas with more green space and trees, which also tend to be more affluent areas.
- Litter items that are most likely to be dropped as opposed to binned is, perhaps unsurprisingly, that they are smaller, more discrete items.

4.2. Litter and the Law

4.2.1. There is no legal definition, however litter is commonly assumed to include materials, often associated with smoking, drinking and eating, that are improperly discarded and left by members of the public. Following an extensive local consultation exercise, spitting and the wrongful disposal of chewing gum in Leicester is now treated as litter and may result in the issue of a Fixed Penalty Notice.

4.2.2. To throw down, drop or otherwise deposit and leave litter in any place open to the air, including private land, is a criminal offence under section 87 of the Environmental Protection Act 1990 (EPA), (as amended by the Clean Neighbourhoods and Environment Act 2005). This offence includes dropping litter in water such as rivers, streams and lakes.

4.2.3. Leicester City Council has duties under the Environmental Protection Act 1990 (EPA 1990) to maintain highway land as far as is practicable:

- Section 89(1) of the Environmental Protection Act 1990 places a duty on certain bodies to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse.
- Section 89(2) places a further duty on the Secretary of State in respect of motorways and a few other similar public highways, and on local authorities in respect of all other publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean.

² Keep Britain Tidy, <https://www.KeepBritainTidy.org/local-authorities/reduce-litter/general-litter>, May 2021

³ Litter Composition Survey, Keep Britain Tidy, DEFRA, 2020

- This is in addition to the section 89(1) requirement and therefore means removal of detritus as well as litter and refuse. The removal of detritus is deemed to be practicable from metalled surfaces only. It is recommended, but not a duty, that detritus is also removed from other hard surfaces.
- Clean refers to the removal of litter and detritus from roads, duty holders also need to consider what else might make a road appear unclean
- The Council, therefore in conjunction with a number of other bodies, is required by law to keep streets/roads and open spaces which people have access to, clear of litter and refuse and clean.

4.2.4. The duty requires responsible landowners to remove litter and/or refuse within time limits specified within the Code of Practice on Litter and Refuse⁴ (The Code). This outlines the standards expected nationally:

“It is recognised that a grade A cannot be maintained at all times, and the presence of a few small items of litter and refuse, not yet accumulating, are regarded by the public as acceptable for short periods of time. It is expected that managers of land should, through monitoring and the appropriate use of resources, keep their land clear of litter and refuse so that it does not fall below a grade B and is cleansed to an A on a regular basis’.

4.2.5. The duty applies to roads, streets, and pavements, and other open space areas accessible to the public. The grading criteria is provided below.



⁴ Code of Practice on Litter and Refuse, DEFRA, September 2019

4.3. Litter Enforcement Powers

- 4.3.1.** Prosecution for dropping litter is time consuming and expensive, making it very difficult to prosecute large numbers of litter offenders, an alternative to prosecution, section 88 of the EPA gives the power to issue a Fixed Penalty Notice (FPN) for the offence of leaving litter. Local authorities have the power to specify the level of fine that will apply in their area, with a standard default amount of £75 if they choose not to do so. The offender has 14 days to pay. Failure to pay can result in a prosecution. Where appropriate, penalty notices may be issued to children aged 10 or over, as well as to adults
- 4.3.2.** The police or local authority can prosecute the offender; it is also possible for private individuals to prosecute. The offence is dealt with by the magistrates' court, with a maximum fine of £2,500.

4.4. Litter in Leicester and its Management

- 4.4.1.** The Code advises the use of existing "small-area statistical geography" or Zones. To comply with the Code the Council has followed the guidance and the city is organised into 16,712 Zones, classified as below:
- Main Retail and Commercial
 - High Density Housing
 - Medium Density Housing
 - Low Density Housing
 - Industry and/or Warehousing
 - Main Roads
 - Other Highways
- 4.4.2.** In line with The Code the Council maintains standards at grades A–B. The Council has categorised how quickly it should return a Zone to a litter free standard (when littered), unless there are difficult circumstances such as snow and ice:
- High density of use = ½ day
 - Medium density of use = 1 day
 - Low density of use = 14 days

General areas

- 4.4.3.** Daily street cleaning schedules are undertaken maintaining- high, medium, and low-density housing areas Monday–Friday. The main gateways into the City are cleaned Monday–Sunday and on Bank Holidays.

City Centre

- 4.4.4.** Cleaned daily Monday-Sunday through a mix of hand brushing, mechanical footway sweeping, litter bin emptying, street washing, and Eco gum removal.

Parks

- 4.4.5.** Litter bins are emptied a minimum of twice weekly, with the frequency of operation for other cleansing activities varying according to the season. During the autumn and winter months they are cleaned of litter weekly with the heavily used parks cleaned twice a week. In the spring and summer months, parks and open spaces are cleaned of litter twice weekly; the heavily used parks have their

litter bins emptied and are cleaned of litter a minimum of four times per week, at least one of which occurs at the weekend.

- 4.4.6.** Leicester Environmental Volunteers fulfil a vital role in keeping the city's parks, open spaces, and waterways clean. To support this Environmental Rangers lead regular outdoor volunteering sessions, which include community litter-picks.

Waterways

- 4.4.7.** To prevent the littering of waterways, preventative measures such as education are utilised. The Council also works in partnership with key stakeholders, such as the Environment Agency, The Canal and River Trust, and Keep Britain Tidy.

Litter Bins

- 4.4.8.** Nearly 3,000 litter bins are installed across the city. These are installed at high footfall areas and those sites that are known problematic litter areas. Litter bin locations are mapped, and their placement reviewed based on local intelligence.

5. FLY-TIPPING

5.1. Fly-tipping – The National Picture

5.1.1. In the 2019/20 financial year, local authorities in England dealt with just under 1 million (976,000) fly-tipping incidents, an increase of 2% from 2018/19⁵.

5.1.2. Key findings from the DEFRA published *Fly-tipping statistics for England 2019-20* show:

- 65% of fly-tips involved household waste. Total incidents involving household waste were 632,000 in 2019/20, an increase of 7% from 588,000 in 2018/19.
- The most common place for fly-tipping to occur was on highways (pavements and roads), which accounted for over two fifths (43%) of total incidents in 2019/20.
- The number of highway incidents was 419,000, which was an increase of 6% from 396,000 in 2018/19.
- The most common size category for fly-tipping incidents in 2019/20 was equivalent to a 'small van load' (34% of total incidents), followed by the equivalent of a 'car boot or less' (28%).
- 33,000 or 3% of total incidents were of 'tipper lorry load' size or larger, which is a decrease of 8% from 36,000 in 2018/19. For these large fly-tipping incidents, the cost of clearance to local authorities in England in 2019/20 was £10.9 million, compared with £12.8 million in 2018/19.
- The number of fixed penalty notices issued was 75,400 in 2019/20, a decrease of 2% from 77,000 in 2018/19. This is the second most common action (after investigations) and accounted for 16% of all actions in 2019/20.
- The number of court fines issued increased from 2,056 (30%) to 2,671 in 2019/20, with the value of total fines increasing to £1,170,000 (an increase of 7% on the £1,090,000 total value of fines in 2018/19)

5.2. Fly-tipping and the Law

5.2.1. Fly-tipping is the illegal dumping of liquid or solid waste on land or in water. The waste is usually dumped to avoid disposal costs⁶.

5.2.2. Fly-tipping differs from littering in that it involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it unlawfully, or as a result of legitimate outlets not being available. The offence of fly-tipping, and the additional offences of 'knowingly causing' or 'knowingly permitting' fly-tipping, are set out in section 33(1)(a) of the Environmental Protection Act 1990. Section 33 is enforceable by both the Environment Agency and local authorities.

5.2.3. Local authorities are responsible for clearing the waste from Public land only. Local Authorities may investigate incidents on private land, but they have no obligation to clear the waste from private land. This is dependent upon the discretion of the Local Authority.

⁵ Fly tipping statistics for England, 2019-20, DEFRA, February 2021

⁶ <https://www.gov.uk/guidance/fly-tipping-council-responsibilities>, May 2021

5.2.4. The Environment Agency investigates major illegal fly-tipping incidents if they occur on public or private land. These include:

- Large illegal waste sites (greater than 20 tonnes)
- Evidence of organised tipping or criminal business practice
- Drummed hazardous waste

The Environment Agency only clears up waste where there is an immediate risk to the environment and human health. They are not funded to clean up all illegally dumped waste on private or public land.

5.2.5. Anyone who produces waste has a duty of care under section 34 of Environmental Protection Act 1990 to ensure that it is disposed of properly. A person may be guilty of an offence under section 34 if their waste has been found to be dumped, even if the dumping was carried out by someone else. The duty of care applies to both businesses and householders.

5.2.6. The registered keeper of a vehicle is liable for conviction if their vehicle is used during a fly-tipping offence.

5.3. Fly-tipping Enforcement Powers

4.3.1 The following statutory powers are available:

Section 33 Environment Protection Act 1990

Offences committed under section 33 of the Environmental Protection Act 1990 carry a maximum custodial sentence of 5 years and an unlimited fine. Whilst such cases can be heard in the Magistrates Court or the Crown Court if confiscation proceedings (recovery of the financial criminal benefit) are to be considered then the case must be transferred to the Crown Court.

Section 34 Environment Protection Act 1990

Everyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed properly. This duty of care is provided under section 34 of the Environmental Protection Act 1990 (EPA). It also applies to anyone who acts as a broker and has control of waste. A breach of the duty of care could lead to a penalty of up to £5,000 if convicted in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

Householders must ensure that household waste is properly disposed of. Household waste is defined in section 75(5) of the Environmental Protection Act 1990 and includes waste from domestic properties, caravans and residential homes. The householder duty of care is provided by Section 34(2A) of the Environmental Protection Act 1990. A breach of the household duty of care would also attract penalties up to £5,000 on conviction in the Magistrates Court or an unlimited fine if convicted in the Crown Court.

5.4. Fly-tipping in Leicester and its Management

Leicester compares favourably with its other similar local authorities. Table 1 below, includes data returned by authorities to inform DEFRA's Waste Data Flow⁷. It should be noted that population size, geography, and in some cases how councils count fly-tipping (albeit DEFRA provide detailed guidance) can lead to true comparisons being more challenging. The nature of fly-tipping, the improper dumping of domestic and commercial waste, is multi-faceted and in Leicester, many Council services are involved in both the prevention and response to fly-tipping.

Local Authority	15/16	16/17	17/18	18/19	19/20	19/20 per 1,000 pop
Leicester City Council	9,442	8,716	8,512	7,997	8,164	21.5
Birmingham City Council	12,348	14,799	15,993	17,575	21,761	19.1
Camden LB	7,268	6,778	12,170	25,765	34,465	127.6
Derby City Council	4,283	5,316	5,640	6,004	5,728	22.3
Liverpool City Council	20,016	20,832	20,576	20,210	20,780	41.7
Manchester City Council MBC	22,251	28,508	17,497	19,056	18,270	33.0
Newham LB	30,900	19,917	15,206	14,656	11,145	31.6
Nottingham City Council	3,907	No return	7,374	7,864	10,859	32.6
Peterborough City Council	6,765	8,186	7,198	7,282	6,820	33.7
Blaby DC	534	531	588	689	676	6.7
Charnwood BC	522	603	673	852	924	5.0
Harborough DC	475	653	608	728	484	5.2
Hinckley and Bosworth BC	513	754	731	844	791	7.0
Melton BC	298	387	410	382	343	6.7
North West Leicestershire DC	746	884	731	716	695	6.7
Oadby and Wigston BC	11	17	8	17	4	0.1
Rutland	266	461	329	340	219	5.5

Table 1 – Fly-tipping incidents

5.4.1. Information in Table 1 provides detail on the national picture. Leicester's data is drilled down to area level, allowing services to analyse volumes, waste type, and, as location details are recorded, identify hot-spot areas.

5.4.2. This in turn allows services to select the most appropriate actions to address the problem. One size does not fit all, and a range of interventions are required to address the problem across the City; ranging from the use of deployable and

⁷ WasteDataFlow is the web-based system for municipal waste data reporting by UK local authorities to government. Now established some years the system went live on 30 April 2004 WasteDataFlow is designed for local authorities to:

- allow faster and more accurate data collection of municipal waste statistics, more regularly and efficiently;
- enhance their local data management for reporting and strategic planning purposes;
- offer them streamlined access to performance benchmarking with other authorities

covert CCTV; providing targeted information on services; undertaking programmed visits.

5.4.3. Whilst data shows that no part of Leicester is immune from fly-tipping it is more acute in some parts of the City. These tend to be areas of high- density residency; high levels of private rented housing; transient populations with lower than average vehicle ownership. At times the problem is more acute and visible in some parts of the City, which is reflected in targeted responses whether the problem be by area or by type. An effective tactical response to incidents, problems and perpetrators requires the sharing of good data, analysis, and management arrangements for designing the response and a frontline capability to deliver.

5.4.4. For the reporting year 2019/20, local authorities in England dealt with just under 1 million fly-tipping incidents, an increase of 2%⁸. Incidents in Leicester increased to 8,164 incidents after three years of steady decrease, a 2% increase in line with the national trend.

5.4.5. There are a number of reasons why some people fly-tip, such as:

- Council has always collected waste
- Habit
- Avoidance of cost
- Lack of transport
- Ignorance of the Council's waste collection services and facilities (sometimes but not always linked to language)
- Ignorance of the law

⁸ Fly tipping statistics for England, 2019-20, DEFRA, February 2021

6. THE INTELLIGENCE LED APPROACH

6.1. The Approach

The 'Intelligence Led' approach is a common technique used by regulatory and law enforcement agencies. In this approach the problem is identified, analysed, understood and an appropriate package of control measures designed and applied. It ensures that there is an effective application of scarce officer resources on a problem through well practised interventions.

6.2. The Four Ps and the Intelligence Led Approach

As given in section 2 above, the four Ps provide a robust framework for services to operate within and are a good fit with the 'Intelligence Led' approach.

6.2.1. Prepare

Allows the Council to enhance its capacity and capability to quickly and effectively tackle identified problems.

- Effective reporting arrangements:
 - There are several ways to contact services, the main routes being: Customer Services; Ward Councillors; MyAccount; Love Leicester; direct to Council officers.
- Effective recording mechanisms:
 - All enquiries are to be logged in the new case management system 'Idox Cloud', which will enable improved tracking of enquiries and provide a history, thereby ensuring the correct intervention is applied.
 - Effective recording allows analysis, the better identification of issues and trends, thereby ensuring that resources and interventions are targeted.
 - Use of smart technology where appropriate
- Effective partnership working:
 - The Leicestershire Enforcement Forum meets regularly through the year. Membership includes all the Leicestershire and Rutland authorities and the Environment Agency.
 - There are operational links with Environment Agency and the Canal and River Trust for fly-tips on water courses, and contacts with Network Rail and British Transport Police for fly-tipping on their land.

6.2.2. Protect

Ensures that Leicester City Council and other owners of land and property protect their assets from fly-tipping.

- Target hardening of vulnerable sites:
 - The Council's CrASBU service works with communities and business on installation of alley gates that assist in preventing a range of ASB, including fly-tipping.
- Timely removal of litter and fly-tipping to avoid accumulation:

- As described above, the Council has categorised areas of land in line with DEFRA's Code of Practice for litter and refuse and reviews its cleansing frequencies on a regular basis to ensure it meets the categorisation.
- The provision of litter bins is assessed.
- Fly-tipping on the public highway is a priority for clearance. Services have a 24-hour target time for clearance, starting from report or discovery. This is to enable evidence to be secured and removal arrangements made. The actual time for removal of some fly-tips may be extended for the purposes of securing evidence or if the fly tip is not accessible or contains dangerous materials.
- Fly-tipping on private land is more problematic as it is for the landowner to remove it. In some instances, it can take over 6 months for the Council to achieve compliance for a large fly-tip using Section 80 of the Environment Act and Community Protection Notices.

6.2.3. Prevent

Enables and encourages individuals and businesses to dispose of waste responsibly, through education, deterrents and discouragement.

- Promoting responsible waste disposal:
 - Student information. New and existing students moving into rented accommodation are informed of the Council's waste services and facilities
 - Website and social media. Information on the weekly household waste collection service, recycling centres, bulky waste collection, and garden waste service is provided
 - New resident's information pack. New households are identified and information on the Council's waste services and facilities is sent out to them, using multi-lingual information where required
- Ensuring access to waste disposal services:
 - The Council provides a range of services and facilities for residents and businesses to dispose of their waste legitimately:
 - Weekly household waste collection
 - Free bulky collections
 - Clinical waste collections
 - Two Household Waste Recycling Centres
 - One Trade Waste site
 - Garden waste collection service
- Targeted interventions – household waste:
 - Analysis of fly-tip data allows the Council to identify the 'Top Ten Streets', i.e. the worst for fly-tipping, over a three-month period. Households within the given areas are written to, informed of the Council's waste services and facilities, and of the potential legal consequences. For the most part this works well and what were the worst offending streets have either dropped down or dropped completely off the list. However, occasionally this does not reduce the problem and so more targeted interventions are necessary
 - The Council, as a member of the Leicestershire Enforcement Forum, participated in the Countywide (including Rutland) *If Only* campaign.

This was an educational campaign, followed by an increase in enforcement activity. For Leicester the main outcomes were:

- 2,679 warning letters and campaign literature sent out
 - Fly-tipping down by 9.5% in May 2018
 - Fly-tipping down by 12% in June 2018
 - An increase in the use of the HWRC
 - An increase in the take up of the Bulk Collection service
- Targeted interventions – Area work:
 - As mentioned above, occasionally the standard interventions do not always work. Interventions to ensure that residents are aware of their responsibilities and the services available to them are designed and implemented for areas of the city that are affected.
 - Targeted interventions – business waste:
 - There is a legal duty on persons to ensure that their waste is legally disposed of by persons authorised to do so. Businesses can demonstrate that they meet this duty by contracting with authorised waste disposal suppliers and/or being authorised to transport their own waste.
 - Addressing this across the City is expected to help in reducing the level of fly-tips, although it is to be noted that the generated waste is often placed in other waste streams, notably domestic and on-street, rather than being fly-tipped. One effect of interventions in this area has been to increase use of the HWRC and the number of lower tier waste carrier licences applied for, i.e. allowing small businesses to legally transport their own waste.
 - Targeted interventions – Bring sites:
 - The forty-four Bring sites in Leicester account for circa 15% of the total number of recorded fly-tips. Following a successful trial, utilising deployable CCTV cameras, those bring sites with a substantial number of incidents will be targeted through 2019.
 - Temporary Bring sites, as reported in December 2018, can have a positive effect if targeted accurately.
 - Targeted interventions – HMO licencing:
 - Houses of Multiple Occupancy (HMO) generally have a transient population, who are not always aware of the Council's services and facilities. The introduction of licences for HMOs, which cover a range of compliance matters to ensure a safe and suitable residence, has allowed the Council to include the management of waste as a condition. This takes some responsibility, in particular provision of waste storage and the presentation of waste for collection, away from the tenant and places it under the responsibility of the landlord. It is anticipated that as HMO licensing becomes embedded the effect of fly-tipping in high density housing areas will be reduced.

6.2.4. Pursue

Where the Council investigates and takes enforcement action against the perpetrators of fly-tipping.

- Fly-tipping investigations
 - Generally undertaken by the City Wardens and the Enviro-Crime teams. Where the perpetrator is identified then the appropriate enforcement action is taken.
- Enforcement actions
 - These vary according to each case. Although the majority of fly-tipping in Leicester is relatively small in respect of volumes. It does affect a large number of people. Enforcement should therefore not confine itself solely to the larger cases.
 - However, counter to this, in order to assure residents that punitive action is not just taken against individuals and perceived 'easy' wins, it is important for the Council to be shown as prepared to take an even-handed approach.

7. RESOURCES

These are not confined to one specific service area. The Council's Housing and Estates and Building Service divisions and the Neighbourhood and Environmental Services division's Cleansing, City Wardens, Enviro-Crime, CrASBU, Waste Management, and Private Sector Housing teams all have a part to play in managing litter and fly-tipping.

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8. ACTION PLAN

Aim 1: Prepare

Tasks	Who	When	Resource	Cost	Measure
Reporting arrangements; work towards streamlining the methods of contact into the services	City Wardens Cleansing Services	Mar- 22	City Wardens Cleansing Services	Officer time	Reduction in the methods of contact
Reporting arrangements: ensure all contacts are entered into the new case management system to allow better reporting and analysis	City Wardens Cleansing Services	Jun-22	City Wardens Cleansing Services Service Support and Intelligence	Officer time Revenue	Accurate reporting Better analysis Better interventions
Effective partnership working: Establish and agree a data sharing agreement/protocol	City Wardens Cleansing Services	Aug-21	City Wardens Cleansing Services	Officer time	Memorandum of Understanding
Effective partnership working: continue to work with other organisations with statutory powers, such as the Environment Agency, the Canals and Rivers Trust, Network Rail, the Police	City Wardens Cleansing Services	On-going	City Wardens Cleansing Services	Officer time Revenue	Reduction in the number of fly-tips
Effective partnership working: continue to work with organisations such as Keep Britain Tidy and Trolleywise to promote anti fly-tipping and littering messaging	City Wardens Cleansing Services	On-going	City Wardens Cleansing Services	Officer time Revenue	Reduction in the number of fly-tips
Continue to improve data collection and analysis, using 'smart' technology as appropriate	City Wardens Cleansing Services	On-going	City Wardens Cleansing Services	Officer time Revenue	Accurate reporting Better analysis Better interventions

Aim 2: Protect

Tasks	Who	When	Resource	Cost	Measure
Target hardening of vulnerable sites: continue to work with communities and businesses to ensure that previously fitted alley gates function to assist in preventing a range of ASB, including fly-tipping.	City Wardens	Mar-22	City Wardens	Officer time Revenue	Mapping of alley gates and review of their condition Service contact details to be provided to residents via appropriate signage
Review: DEFRA categorisations applied to land in the city	Cleansing Services	Mar-22	Cleansing Services	Officer time Revenue	Completion of task
Review: cleaning frequencies to ensure that the DEFRA categorisations (as applied) are met	Cleansing Services	Mar-22	Cleansing Services	Officer time Revenue	Completion of task
Review: city-wide provision of litter bins	Cleansing Services	Mar-22	Cleansing Services	Officer time Revenue	Completion of task
Review: city-wide provision of bring sites	Waste Management	Oct-21	Waste Management	Officer time Revenue	Reduction in incidents of fly-tipping
Prioritise: timely removal of litter and fly-tipping to avoid accumulation	City Wardens Cleansing Services	On-going	City Wardens Cleansing Services	Officer time Revenue	Reduction in incidents of littering and fly-tipping.

Aim 3: Prevent

Tasks	Who	When	Resource	Cost	Measure
Ensuring access to waste disposal services: provision of a range of services and facilities for residents and businesses to dispose of their waste legitimately: <ul style="list-style-type: none"> • Weekly household waste collection • Free bulky collections • Clinical waste collections • Two Household Waste Recycling Centres • One Trade Waste site • Garden waste collection service 	Waste Management	On-going	Waste Management	Officer time Revenue	Service satisfaction
Targeted interventions: Introduction of Houses of Multiple Occupancy (HMO) licensing	Private Sector Housing	Oct-21	Project Team	Officer time	Introduction of licences Reduction in incidents of fly-tipping
Targeted interventions: deployable CCTV cameras at Bring Sites with substantial fly-tipping	City Wardens CCTV	On-going	City Wardens CCTV	Officer time	Reduction in incidents of fly-tipping
Targeted interventions: programme of area-based projects that target the street environment: <ul style="list-style-type: none"> • Bins on streets • Side-waste • Duty of care information and visits • Fly-tipping • Abandoned cars • Untidy gardens 	City Wardens Street Cleansing	Oct-21	City Wardens Street Cleansing	Officer time Revenue	Reduction in bins on street; littering; fly-tipping Increase in use of the HWRC sites Increase in use of the trade waste site
Targeted interventions: provision of Action Days to target specific issues in specific locations	City Wardens Street Cleansing	Oct-21	City Wardens Street Cleansing	Officer time Revenue	Reduction in incidents relating to the specific target
Targeted interventions: household waste duty of care campaigns	City Wardens	May-22	City Wardens	Officer time Revenue	Reduction in incidents of fly-tipping Increase in use of the HWRC sites Increase in take up of the Bulk Collection service

Tasks	Who	When	Resource	Cost	Measure
Targeted interventions: business waste duty of care visits	City Wardens	May-22	City Wardens	Officer time Revenue	Reduction in incidents of fly-tipping Increase in use of the HWRC sites Increase in use of the trade waste site
Targeted interventions: service-based focus groups to develop actions	Heads of Service	Nov-21	City Wardens Street Cleansing	Officer time Revenue	Development of actions to reduce littering and fly-tipping
Promoting responsible waste disposal: achieved through the provision of student information to new and existing students moving into rented accommodation; promotion through the Council's website and social media; provision of a New Residents' information pack, using multi-lingual information where required	Waste Management	On-going	Waste Management	Officer time Revenue	Service satisfaction Reduction in incidents of fly-tipping Increase in use of the HWRC sites Increase in take up of the Bulk Collection service
Promoting responsible waste disposal: achieved through the provision of resident information on a regular basis; translated into the appropriate languages and signposting residents to provided services, e.g. bulk waste collection, HWRC facilities	City Wardens	On-going	City Wardens	Officer time Revenue	Service satisfaction Reduction in incidents of fly-tipping Increase in use of the HWRC sites Increase in take up of the Bulk Collection service
Promoting responsible waste disposal: achieved through the development of a 'New Resident' pack to be trialled and, if successful, rolled out citywide.	Waste Management City Wardens	Dec-21	Waste Management Street Cleansing City Wardens	Officer time Revenue	Service satisfaction Reduction in incidents of fly-tipping Increase in use of the HWRC sites Increase in take up of the Bulk Collection service
Promoting responsible waste disposal: achieved through the development of 'one-service' social media accounts to cover Waste Management; Street Cleansing, and City Wardens, thereby providing cohesive information.	Waste Management City Wardens	Dec-21	Waste Management Street Cleansing City Wardens	Officer time Revenue	Service satisfaction Reduction in incidents of fly-tipping Increase in use of the HWRC sites Increase in take up of the Bulk Collection service

Aim 4: Pursue

Tasks	Who	When	Resource	Cost	Measure
Litter – issue of on the spot FPNs.	City Wardens	On-going	City Wardens	Officer time	Number of FPNs issued Number of complaints received (reduction)
Fly-tipping investigations: identify the perpetrator and take the appropriate enforcement action	City Wardens Enviro-Crime	On-going	City Wardens Enviro-Crime	Officer time	Number of FPNs issued Number of successful court cases Reduction in the incidents of fly-tipping

A strategic approach to litter, fly-tipping, and graffiti in Leicester

Neighbourhood Services and
Community Involvement Scrutiny
Commission

21st October 2021

Service Provision

- Three responsible service areas within Neighbourhood and Environmental Services:
 - Waste Management
 - Cleansing Services
 - City Wardens and Enviro-Crime
- Use of the “Four Ps” within the context of N&ES:
 - Prepare: *service provision framework; gathering of data; analysis; partnership working*
 - Protect: *regular service provision; target hardening*
 - Prevent: *education; campaigns; interventions*
 - Pursue: *appropriate levels of enforcement*

Prepare

- Leicester's waste and recycling services are managed by Leicester City Council in partnership with Biffa Leicester.
- A 25 year contract deals with household waste collection, treatment and disposal, from 2003 - 2028, and encompasses:



43 collection
vehicles



£18m per year



183 full
time staff



13 million
collections per year



140,000
tonnes
collected per
year



2 treatment
facilities



Leicester
City Council

Prepare

64



Dry Mixed Recycling
(weekly collection)

General Waste
(weekly collection)

Garden Waste
(fortnightly
subscription service,
March - Nov)

Bulky Waste
(on request)

Clinical Waste and
Sharps
(on request)

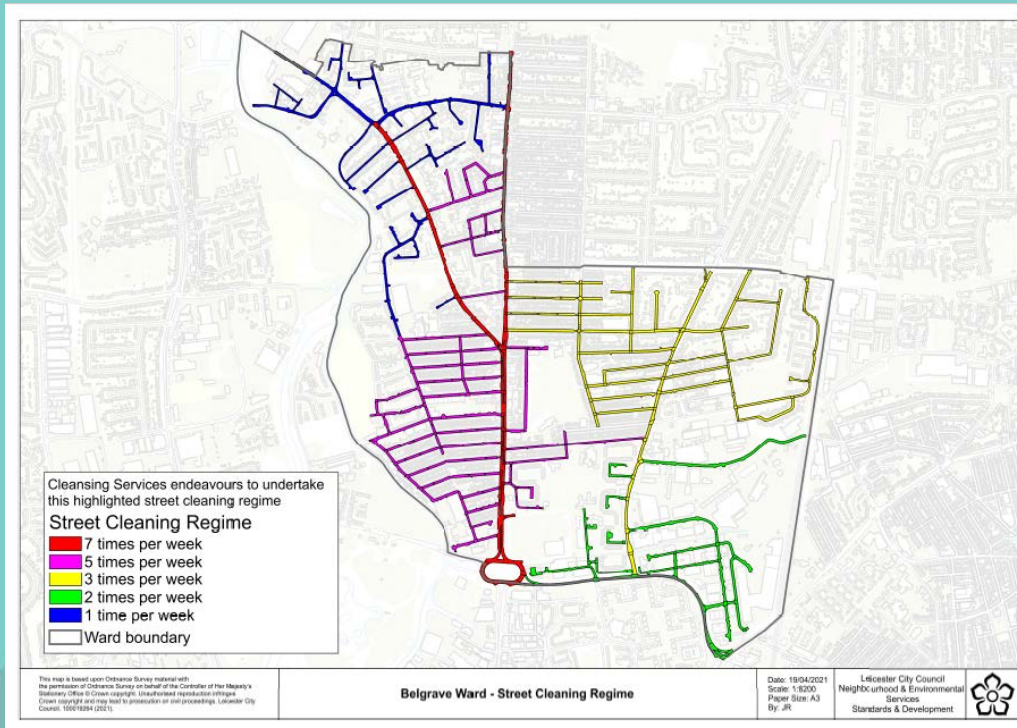
Household Waste
Recycling Centres &
Trade Waste Facility

Recycling Banks

Prepare

- C. 140 Street Cleansing staff provide weekly maintenance of c. 3,000 streets or c. 620 miles of highway land
- Provision of c. 2,900 multi-purpose litter and dog waste bins
- DEFRA standards of cleanliness; streets classed accordingly

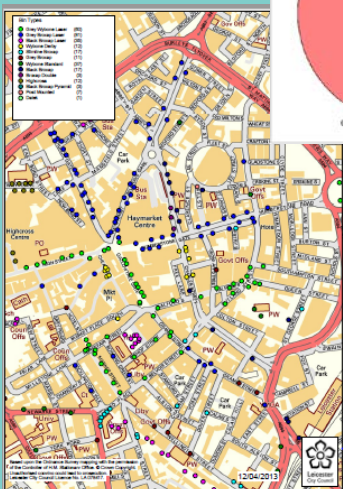
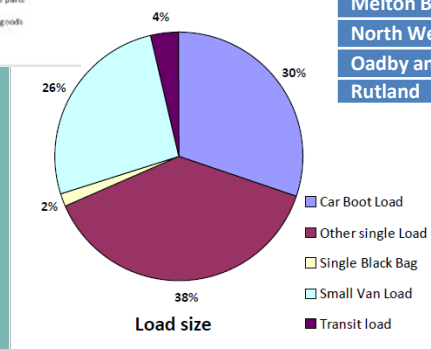
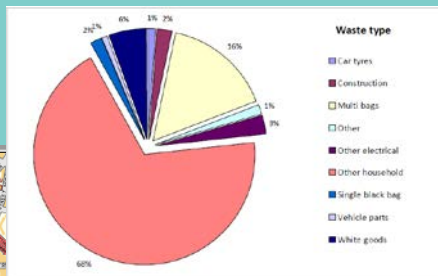
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Prepare

- Collection and analysis of data:
 - Analysis of fly-tipping data
 - Analysis of graffiti data
 - Reviews of cleansing frequency
 - Reviews of waste bin provision

Local Authority	15/16	16/17	17/18	18/19	19/20	19/20 per 1,000 pop
Leicester City Council	9,442	8,716	8,512	7,997	7,633	21.5
Birmingham City Council	12,348	14,799	15,993	17,575	21,761	19.1
Camden LB	7,268	6,778	12,170	25,765	34,465	127.6
Derby City Council	4,283	5,316	5,640	6,004	5,728	22.3
Liverpool City Council	20,016	20,832	20,576	20,210	20,780	41.7
Manchester City Council MBC	22,251	28,508	17,497	19,056	18,270	33.0
Newham LB	30,900	19,917	15,206	14,656	11,145	31.6
Nottingham City Council	3,907	No return	7,374	7,864	10,859	32.6
Peterborough City Council	6,765	8,186	7,198	7,282	6,820	33.7
Blaby DC	534	531	588	689	676	6.7
Charnwood BC	522	603	673	852	924	5.0
Harborough DC	475	653	608	728	484	5.2
Hinckley and Bosworth BC	513	754	731	844	791	7.0
Melton BC	298	387	410	382	343	6.7
North West Leicestershire DC	746	884	731	716	695	6.7
Oadby and Wigston BC	11	17	8	17	4	0.1
Rutland	266	461	329	340	219	5.5



Prepare

- Partnerships

- DEFRA
- KBT (Keep Britain Tidy)
- Environment Agency
- Clean Up Britain
- County and Districts (information sharing)
- Canal and River Trust
- Network Rail
- Trolleywise

Protect

- Regular service provision
- Target hardening where applicable
 - Alley gates
 - S215 (Town and Country Planning Act 1990)
- Community Protection Warning Notices
- Community Protection Notices
- Deployable CCTV

Prevent

- Campaigns:
 - KBT partner initiatives
 - Bin it your Way (chewing gum)
 - Spring Clean
 - Don't be a Tosser (littering from vehicles)
 - If Only (county waste partnership)



Prevent

- Campaigns
 - River Monster; Kick it to Plastic; Earth Project
 - Willowbrook (working with Highways and EA)
 - Leicester Environment Volunteers
 - Corporate awaydays



Prevent

- Interventions
 - Area based activities
 - *bins on street*
 - *untidy gardens*
 - *duty of care*
 - Action Days
 - *specific local issues*

Pursue

- Fixed Penalty Notices
- Community Protection Notices
- Court proceedings

Action Plan – Aim 1 - Prepare

- Reporting arrangements:
 - work towards streamlining the methods of contact into the services
 - ensure all contacts are entered into the new case management system to allow better reporting and analysis
- Effective partnership working:
 - establish and agree a data sharing agreement/protocol
 - continue to work with other organisations with statutory powers, such as the Environment Agency, the Canals and Rivers Trust, Network Rail, the Police
 - continue to work with organisations such as Keep Britain Tidy, Clean Up Britain, and Trolleywise to promote anti fly-tipping and littering messaging
 - Participate in DEFRA research / focus groups

Action Plan – Aim 2 - Protect

- Target hardening of vulnerable sites:
 - continue to work with communities and businesses to ensure that previously fitted alley gates function to assist in preventing a range of ASB, including fly-tipping
- Review:
 - DEFRA categorisations applied to land in the city
 - cleaning frequencies to ensure that the DEFRA categorisations (as applied) are met
 - city-wide provision of bring sites
- Prioritise:
 - timely removal of litter, fly-tipping and graffiti to avoid accumulation
 - removal of racist, political and obscene material from council buildings and private property

Action Plan – Aim 3 - Prevent

- Provision:
 - ensuring access to waste disposal services: provision of a range of services and facilities for residents and businesses to dispose of their waste
- 75 • Targeted interventions:
 - Houses of Multiple Occupancy (HMO) licensing
 - deployable CCTV cameras at Bring Sites with substantial fly-tipping
 - programme of area-based projects that target the street environment
 - provision of Action Days to target specific issues in specific locations
 - Service based focus groups to develop actions
- Promotion:
 - Responsible waste disposal through the provision of regular information

Action Plan – Aim 4 - Pursue

- Litter:
 - Issue of on the spot Fixed Penalty Notices
- Fly-tipping investigations:
 - Identify the perpetrator and take the appropriate enforcement action

Neighbourhood Services & Scrutiny Commission

Briefing Report

PUBLIC SAFETY TEAM 2020 UPDATE AND 2021 FORWARD PLAN

Lead director: **JOHN LEACH**
**Director of Neighbourhood and Environmental
Services**

Useful information

- Ward(s) affected: **All**
- Report author: **Govind Mandora**
- Author contact details: **Tel: 37 3199 Email: govind.mandora@leicester.gov.uk**
- Report version: **Final**
- Date of report: **11 October 2021**

1. Summary

- 1.1 The aim of the Public Safety Team (PST) is to prevent and protect those working, living or visiting the city of Leicester from activities or events that could endanger their safety from significant dangers leading to injury, harm or damage.
- 1.2 Currently the PST is made-up of a Team Manager, 5 Environmental Health Officers and 1.6 FTE Enforcement Officers.
- 1.3 The PST regulates a wide range of regulatory legislation governing public safety including health and safety at work legislation, sports ground safety requirements, public health/health protection legislation, explosives/fireworks safety regulations, Health Act and Smokefree legislation, and local byelaws relating to invasive treatments. The PST also regulates Coronavirus regulations in the businesses they visit.
- 1.4 The Key Activities undertaken by the Public Safety Team are:

Infectious diseases/Outbreak Management

The team will work with other public health protection agencies (LCC Public Health, Public Health England, CIEH etc.) to prevent the spread of disease to protect public health. This may include investigating outbreaks of infectious diseases (coronavirus), prohibiting unsafe beauty treatment premises, and other public protection activities. The team will take formal action against anyone risking public health.

Beauty/Invasive Treatments

The team currently enforces the registration requirements for hairdressers, cosmetic piercers, tattooists, semi-permanent skin colouring, electrolysis and acupuncture to ensure hygiene requirements are met and maintained to protect public health. However, the team is aware that the beauty industry is rapidly evolving and some of these new treatments pose a similar or greater risk to public health. The team continues to work with colleagues to develop and adopt national legislation that would allow the team to impose a minimum hygiene standard via a license regime on these new and evolving treatments.

Protecting Vulnerable Persons

One of the main priorities for the team is to protect vulnerable persons within our community by partnership working with relevant agencies (eg OFSTED, CQC, Leicestershire Constabulary, Leicestershire Fire and Rescue, Borders Agency, and Social Services). By enforcing a wide range of regulatory legislation, the team accesses a range of premises for example residential care homes, public houses, day nurseries and tattooists. With wide-ranging enforcement powers, the PST are able to help ensure that business owners have adequate safeguards in place to protect vulnerable persons.

Health and Safety at work

For certain places of work, the Team has regulatory powers. The PST will proactively ensure the safety of all involved with these premises/activities by undertaking risk-based inspections to ensure compliance with regulatory requirements. Typical premises that PST enforces includes shops, offices,

warehouses, stadiums, consumer services, hotels, care homes, nurseries, entertainment businesses, pubs/clubs & circuses. The team will also instigate investigations following alerts, complaints, notifications and/or accidents.

Smokefree advice/enforcement

Smoking is not permitted in smoke free premises. The team enforces the smoking ban in smokefree premises using various techniques including covert monitoring. There is 99% compliance with the only exceptions being shisha cafes.

Event Safety/Crowd Safety

Large scale events (Caribbean Carnival, Pride, Eid Festival etc.) occur in the city resulting in large crowds, the team will work with event organisers to ensure that adequate controls are put in place to ensure crowd safety.

Sports Ground Safety

Leicester also has 3 certificated sports stadiums (football, rugby, speedway) that hold regular sporting and other events that attract 1000s of spectators. The primary purpose of a safety certificate is to set the safe capacity of a designated ground, in addition the safety certificate will set out the detailed terms and conditions with which the certificate holder must comply if that capacity is maintained. The team will prioritise public safety by developing and reviewing certificates as necessary, carrying out regular inspections and undertaking events monitoring of key events. Leicester also has two non-certified sports (cricket and basketball) that also require regular inspections to ensure the public are protected.

Public Safety in Leisure and Entertainment Premises

The team will ensure public safety in Leisure and Entertainment premises where Leicester City Council has enforcement responsibilities, the team will proactively ensure the safety of all involved with these premises/activities by undertaking risk-based inspections to ensure compliance with regulatory requirements. The team will also instigate investigations following alerts, complaints, notifications and/or accidents relating to such premises.

Firework safety

Only licensed businesses are allowed to sell certain types of fireworks to members of the public. Also, those storing fireworks (except those for personal use) must register with the team. The team will ensure that fireworks that are sold and stored by businesses in Leicester not only meet our licensing requirements but that they also meet health and safety legislation.

Dealing with the Coronavirus Pandemic

The Public Safety Team has helped provide advice and guidance to members of the public, businesses, places of worship, educational and residential settings; other teams within LCC (Public Health; Corporate Health & Safety, Estates Management) and partner agencies including the Health & Safety Executive, Leicestershire Police, Leicestershire Fire & Rescue, Public Health England.

The team has led on outbreaks of Coronavirus within different types of settings (workplaces, educational establishments and accommodation settings). The team

have provided advice and guidance and also had to take formal action to ensure compliance.

The team have delivered mailshots to a number of business sectors as the legislation continually changed and this was followed up with advice visits. Sectors included Hotels, Shisha cafes, Gyms, Student accommodation, Large venues, hosiery manufacturers (for the HSE), hair and beauty businesses.

The team also undertook joint visits and interventions with Leicestershire Police.

The team has also taken formal action when businesses were not adhering to their legal obligations. This included the service of Fixed Penalty Notices, Coronavirus Improvement Notices and Coronavirus Prohibition Notices.

Following intelligence, projects were carried out which led to monitoring of shisha premises and massage parlours who were trading during lockdown.

Example: A provider of beauty products was served with a Coronavirus Prohibition Notice when they were allowing customers to enter their premises when they were only allowed to trade by providing deliveries, online sales, click and collect and telephone orders.

1.5 This report seeks to provide:

- An update of the Team's work for past 12 months; and
- Proposed regulatory interventions for April 2021 onwards.

2. Recommendations

2.1 The Commission is asked to:

- a) Note the work undertaken by Leicester City Council's Public Safety Team
- b) Comment on issues raised on 2020/21 interventions and proposed 2021/22 programme.

3. Leicester's Commercial Premises Sector

3.1 Leicester is the largest city in the East Midlands region and the tenth largest in England. The city is a major regional commercial, manufacturing and retail centre located close to the M1 and M69. Although it is known for diversity of its trades rather than for the dominance of any single industry, it has a sizeable number of SME's from many diverse ethnic backgrounds.

3.2 The Authority is only responsible for health and safety enforcement in certain premises. The sectors Leicester City Council is responsible are:

- Retail shops (Petrol stations,
- Warehouses (Cash & carry's & distribution centres)
- Offices (Call centres, estate agents,
- Catering premises (Cafes, restaurants, pubs, take-aways)
- Hotels, guest-houses & hostels,

- Residential care homes & sheltered living
- Nurseries (Playgroups, creches & day care)
- Consumer Services (Beauty, hairdressers, tattooists, piercers, acupuncturists etc)
- Sports/Entertainment (Stadiums, arenas, circuses, golf clubs, cinemas, theatres & nightclubs)
- Other (Betting shops, casinos, launderettes, galleries, car/tool hire, funeral directors, health clubs, gyms & zoos)

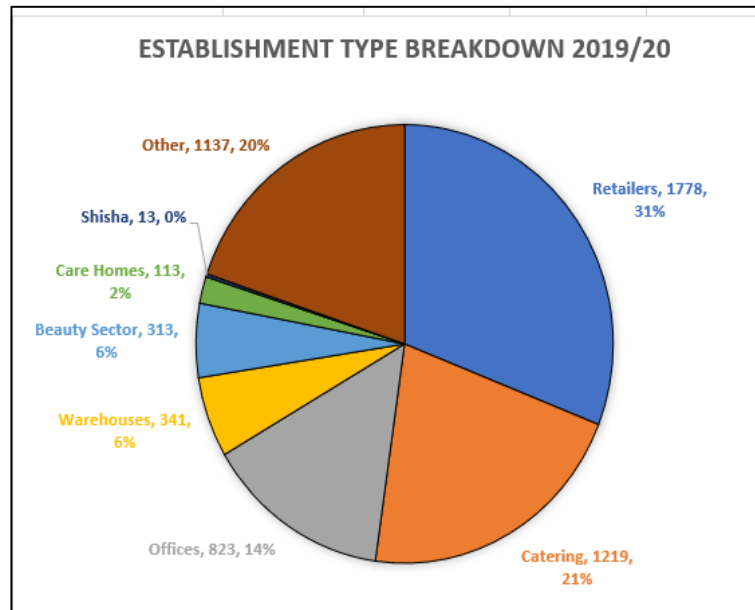
3.3 The number of businesses enforced by the Public Safety Team has steadily increased over the past 5 years. In the past 12 months is has increased by 3%.

Year		2016/17	2017/18	2018/19	2019/20	2020/21
Enforced Businesses		5682	5684	5715	5737	5905

- 3.4 The number of new businesses has been constant pre pandemic but fewer new businesses were noted during lockdown.

Year	2016/17	2017/18	2018/19	2019/20	2020/21
New Businesses	675	660	713	505	508

- 3.5 The type of businesses enforced by the PST shown below. Retailers, catering and offices make-up around 2/3 of the premises in Leicester at present. See below:



- 3.6 Leicester's commercial sector is made-up of a high number of SMEs that are historically from the Asian sub-continent but now there are an increasing number of Eastern European businesses starting-up. Some are run by people for whom English is not their first language. Several languages are spoken by operators and staff including Bengali, Gujarati, Urdu, Chinese, Turkish, Vietnamese, Turkish and now several eastern European languages. This continues to provide advice/enforcement challenges for officers on a regular basis

4. Interventions, Enforcement and Compliance Levels

4.1 The PST carry out regular interventions (based on risk) to help ensure businesses are compliant and workers protected.

4.2 Performance reports below show the importance of the Teams interventions to ensure continued and long-term compliance:

Service Demand

Intervention Type		2016/17	2017/18	2018/19	2019/20	2020/21
Advice		287	356	240	189	440
Complaints		294	313	318	267	90
Statutory notifications		99	92	80	91	6
Accidents		66	82	51	59	42
Licences/Registrations		142	130	154	115	92

Interventions

Intervention Type		2016/17	2017/18	2018/19	2019/20	2020/21
Advice visits		287	356	240	189	49
Inspections		420	747	668	496	43
Compliance checks		258	374	344	381	31
Investigations		426	458	267	304	54

Enforcement

Enforcement Type		2016/17	2017/18	2018/19	2019/20	2020/21
Advice		762	989	826	915	414
Warning		1086	1603	712	663	150
Improvement notice		9	12	25	21	0
Immediate prohibition		20	24	30	29	0
Prosecution		2	7	0	3	0

Coronavirus Interventions

Enforcement Type	2020/21
Service Requests received	681
Advice Given	210
Visits	800
Revisits	204
Covid Warning Letters	75
Covid Fixed Penalty Notices	4
Covid Prohibition Notices	4
Covid Mailshots	17

Compliance levels

Year	2015/16	2016/17	2017/18	2018/19	2019/20
Broadly Compliant %	98%	98%	98%	98%	98%

5. Highlights of 2020 Workplan/Interventions

5.1 Inspections projects

Petrol stations – No formal action needed – contracting sector as supermarkets taking more market share.

5.2 Explosives Licencing

Significant fall in number of applications received/licences issued. 2 to 5 years licences now affecting figures as well. One licence revoked.

Year	2016/17	2017/18	2018/19	2019/20
Licences	53	53	56	32

5.3 Sports Grounds Safety

3 certified stadiums - Regular interventions through-out 2020 during the period they could carry out matches. KP Stadium/Tigers have major developments planned. LCCC, Grace Road now holding regular non-sporting events requiring PST input with crowds of 20,000 expected. Morningside Arena now holds regular non-sporting events and plans to extend to 5,000 as well. More team resources will be required in 2021.

5.4 Infection Control

The majority of work carried out by PST has been to tackle the Coronavirus pandemic. This required the team to utilise their Infection Control specialism by preventing and reducing the spread of the infection in workplaces, educational establishments, places of worship, sports grounds and in the community in general. The Team also had to assist HSE during lockdown by visiting factories to ensure covid compliance.

5.5 Event Safety

Following Government guidance most events as with the rest of the country were postponed during 2020/21. However, as restrictions lifted the number of events occurring in the city have steadily been increasing. This years Eid celebrations attracted thousands of worshippers and the team were involved to ensure public safety measures were in place at all events.

5.6 Smokefree

99.9% of businesses are smokefree compliant. The exception is shisha premises. The Team have had to devote significant resources to ensure these businesses remain compliant. Enforcement action leading to prosecutions has been noted since the introduction of smokefree legislation.

5.7 Coronavirus

A business selling beauty products was served with a Coronavirus Prohibition Notice for allowing customers into their premises when they were only allowed to trade via Click and Collect, Online sales, through deliveries or telephone sales. This immediately prevented the business trading, by allowing customers onto their premises during lockdown.



A Shisha Café was also served with a Prohibition Notice for trading when they were required to remain closed.

The team also served Fixed Penalty Notices on a range of businesses who were operating when they required to remain closed. This included a beauty business operating from their premises, a beautician operating from home and a gym operating when they required to remain closed.

The team also provided advice and guidance to educational establishments and workplaces when they were notified of outbreaks. This involved working collaboratively to ensure all Coronavirus control measures were in place.

The team carried out several high profile Coronavirus Blitz days with Leicestershire Police, visiting businesses in areas which had been identified as flouting the legislation.

The team concentrated on and visited many high-risk sectors as gradual easing of restrictions was introduced. This included close-contact beauty premises, gyms, shisha cafes, car washes, jewellers, places of worship, massage parlours and indoor hospitality venues.

The team were involved in undertaking visits along with other partner agencies to the many garment factories in Leicester.

The team followed up on referrals from the Health & Safety Executive by carrying out advice visits.

The team also worked closely with the Director of Public Health on a range of matters during the pandemic

5.8 Reactive work

Reactive work continues to be resource intensive and enforcement normally requires two officers per investigation for evidence gathering and corroboration purposes. 681 service requests for incidents relating to Coronavirus were recorded during this period. For non-coronavirus related requests; 440 advice requests were received by PST, 90 complaints, 42 accidents were investigated and 92 licences/ registrations were processed.

6. Proposed 2021/22 Business Plan

6.1 Planning for the 2021/22 Business Plan (BP) has already commenced. The Plan is implemented 1 April 2021.

6.2 All high-risk premises (A and B1) will receive a full inspection. B2 and C rated businesses will receive an intervention (local project visit or self-inspection questionnaire).

6.3 Likely Projects/Areas of Focus to be included in BP:

High risk

- High Risk Activities/Premises

All identified high risk activities/premises (eg petrol stations, A rated premises etc) will undergo proactive inspection. This is a national HSE priority to contribute towards making Leicester a safer place to work.

- Sports Grounds/Arenas

All identified sports arenas, grounds and stadia will undergo regular interventions (inspections & monitoring) to ensure compliance. This is primarily for public safety and to ensure safety certificate requirements are met.

- Large Public Events

All identified public events (Concerts, Holi, Caribbean Carnival, Eid Festival, Leicester Pride, Circuses etc.) will be provided with appropriate health and safety advice in advance and monitoring will be carried out to ensure compliance. This is primarily a public safety role to ensure events run smoothly and without incident.

- Explosives (Fireworks) Licensing

All premises storing and/or selling explosives (fireworks) within premises require licences. All such premises will be inspected based on risk to ensure compliance as part of the licensing application process. This is primarily for public safety and to ensure licence requirements are met. This year licences will expire 31st August to allow more time to consider and process applications, carry out site visits and do fit-and-proper checks.

Local Projects/Activities/Interventions

- Reduce risks associated with shisha smoking

PST will continue with a risk-based programme of monitoring inspections of shisha premises to help ensure employees and others vulnerable persons are protected from the effects of second-hand-smoke and ensure smoking areas are compliant with smokefree legislation.

- Maintain/Improve health and safety standards within Beauty premises

This has been noted as a growth area in Leicester. Registered premises will be inspected to help ensure they meet current standards, they are properly maintained and the public protected.

Educational/Awareness Raising

- Reduce the number of illegal and unsafe practitioners within beauty sector

Working with our public health colleagues to educate the public on the risks associated with having invasive treatment in illegal, un-registered and usually unsafe premises with poor hygiene controls.

Low Risk Premises

- Self Inspection Questionnaire – Reduce risk and provide advice

All low risk businesses due an intervention in 2020/21 will be sent an 'self inspection questionnaire' by email. Businesses are asked to complete the questionnaire online in place of an inspection.

7. Financial, Legal and Other implications

Financial implications

None

Colin Sharpe
Head of Finance
Ext 37 4081

Legal implications

The local authority is required to comply with all of its obligations under the health & safety and public health legislation. These are delegated to officers within the Public Safety Team to be carried out. The increased level of non-compliance noted over the past few years particularly in shisha premises will result in an increase in matters being referred to Legal Services for advice, training and prosecution.

Climate Change and Carbon Reduction implications

Delivery of the services described in the report will generate some carbon emissions from the travel involved. Carbon emissions from travel undertaken by staff across the council are managed through a policy of asking staff to consider options for using sustainable travel options, where this is feasible and will not negatively affect the effectiveness and efficiency of service delivery.

Leicester City Council runs a scheme called Green BELLE, which provides grants to improve SMEs energy efficiency, reducing their costs and carbon emissions. The scheme is currently applying for further funding and should be able to support food businesses in the city later in the year.

Aidan Davis, Sustainability Officer, Ext 37 2284

8. Background information and other papers:

None.

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

Yes.

Neighbourhood Services Scrutiny Commission - Work Programme 2021 to 2022

Meeting date	Meeting items	Actions Arising	Progress
1 July 2021	<ul style="list-style-type: none"> Overview of N/hoods Services Scrutiny portfolio Covid 19 Recovery plans – brief update (John Leach) Ward Meetings and Ward Funding reports (Lee Warner and John Leach) Tree Strategy Review (Steve Doughty) 	<p>Overview item members agreed:</p> <ul style="list-style-type: none"> Report to future meeting with more info re: CRASBU (<i>Potential task group review, led by housing to be added to the work programme - tbc</i>). Commission to receive reports to future meeting relating to VCSE work and strategy, and also on the Crowdfunding work and projects Council 'Annual Library Plan' – officers to check if this needs to go to a full council meeting, as a legal requirement? Officers to provide photos to comm members re: city centre deep clean that has taken place. Commission to receive report to future meeting re: 'Litter and Fly-tipping' issues and councils work on this. <p>Ward meetings item members agreed:</p> <ul style="list-style-type: none"> Members raised issues re: need better publicity and attendance low numbers, and virtual meetings pros and cons. Members praised Lee for an excellent report, and also praise to be passed onto the community engagement officers team, who have supported councillors. Members requested further details on comm mobilisation fund and breakdown of council-led schemes (and city warden schemes). <p>Tree Strategy item members agreed:</p> <ul style="list-style-type: none"> Stewart to provide to members a version of the structure chart with the names of the officers included. Members praised the trees strategy work, and the officers in the trees division team for their excellent work. 	
9 September 2021	<ul style="list-style-type: none"> Executive response report re: Scrutiny review report of findings into 'The Viability and Appropriateness of a Community Lottery' (Colin Sharpe and Exec lead Cllr Clair) 	<p>Executive response to community lottery review</p> <ul style="list-style-type: none"> The Commission note and accept the position adopted by the Executive which supported the scrutiny review findings and recommendations. Members suggested that the developing strategy on anti-poverty be considered as an agenda item for a future date <p>CRASBU item:</p> <ul style="list-style-type: none"> Members of the Commission thanked officers and Executive Members for all of their work and for bringing this report to scrutiny. That Officers be requested to provide a further report on the work of CRASBU Team to the Commission within 12 months. 	

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	<ul style="list-style-type: none"> • CRASBU report (lead John / Daxa) • VCS & Engagement work report (lead Andrew / Miranda) • Crowdfunding Project (lead Andrew / Miranda) 	<p>Crowdfunding Project item:</p> <ul style="list-style-type: none"> • Officers be requested to bring back the item to the Commission in December with a supporting written fuller report that details accountability and contractual governance. • The Director of Neighbourhood Services suggested that the conversation on CrowdFund should continue as this was the new innovative approach to raise funding. <p>VCS & Engagement Work item:</p> <ul style="list-style-type: none"> • That the item on Voluntary and Community Sector Engagement be deferred to a future meeting (members requested a fuller written report on the VCSE strategy development work) <p>Work Programme item:</p> <ul style="list-style-type: none"> • That an item on Serious Knife Crime launch be added to the work programme for a meeting in the new year • That the anti-poverty strategy be added to the work programme 	
21 October 2021	<ul style="list-style-type: none"> • Litter & Fly-Tipping Strategy • Public Safety Team report • Gambling Policy 		
9 December 2021	<p>Suggested items:</p> <ul style="list-style-type: none"> • VCSE (vol comm sector engagement work) • Crowdfunding Project • Local Plan -tbc 		
6 January 2022	<p>Suggested items:</p> <ul style="list-style-type: none"> • Serious Knife Crime Strategy work • Council budget - tbc 		
3 March 2022			

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FORWARD PLAN / SUGGESTED ITEMS		
Topic	Detail	Proposed Date
KEY DECISIONS & NON-KEY DECISIONS	WATCHING BRIEF – members to consider relevant items to this commission, from the councils Corporate Plan of Key & Non-Key Decisions	Ongoing / watching brief
CONSULTATIONS	WATCHING BRIEF – members to consider relevant items to this commission from planned or live consultations to provide scrutiny comments and views	Ongoing / watching brief
COUNCIL BUDGET	WATCHING BRIEF – members to consider any budget impacts relevant to this commission, as necessary.	Ongoing / watching brief
Possible items – forward planning: <ul style="list-style-type: none"> • Domestic Violence Strategy update • Public Safety Team update • Waste & Recycling Services • Pilot on Modern Day Slavery – results • Cyber Fraud – enhancing support outside city centre to n/hoods (community safety) • Community Gold project – update • Council Annual Budget 2021/22 reports relating to N/hoods Services portfolio - Capital and Revenue (Jan 2022) • Voluntary and Community Sector strategy / engagement and support • Litter & Fly-Tipping Strategy • Afghan Resettlement Programme • CRASBU update 		

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