

Leicester  
City Council

## **MEETING OF THE NEIGHBOURHOOD SERVICES SCRUTINY COMMISSION**

**DATE: THURSDAY, 27 JANUARY 2022**

**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](mailto:Jacob.Mann@leicester.gov.uk)  
Leicester City Council, 115 Charles Street, Leicester, LE1 1FZ

## Information for members of the public

### Attending meetings and access to information

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

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

NOTE: Due to COVID restrictions, public access in person is limited to ensure social distancing. If you wish to attend in person, you are required to contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance. A guide to attending public meetings can be found here: <https://www.leicester.gov.uk/your-council/decisions-meetings-and-minutes/public-attendance-at-council-meetings-during-covid-19/>

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

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

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

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

### Making meetings accessible to all

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

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

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

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press

attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at [www.leicester.gov.uk](http://www.leicester.gov.uk) or from Democratic Support.

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

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

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

### **Further information**

If you have any queries about any of the above or the business to be discussed, please contact: **Jacob Mann, Democratic Support Officer on 0116 454 5843.** Alternatively, email [Jacob.Mann@leicester.gov.uk](mailto: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 December 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.

A question had been received from Zina Zelter as follows:

*Climate Action strongly support the introduction of Selective Licencing for private rental accommodation in the City requiring rental housing to reach specific standards of energy efficiency. At the moment you are suggesting a licencing requirement that Energy Performance Certificates (EPCs) demonstrating band E are provided to get licences, and that properties are required to improve to band D by 2025. We understand that if you got full*

*council agreement you could ask for higher energy efficiency standards. Is it correct that you have the power to do this if you choose to?*

*Given that it is both more energy efficient and cheaper, as well as less disturbing to tenants, to do housing improvements in one go, rather than in bits and pieces, and given that considerably higher than EPC band D is needed for the city's housing in order to address climate change, would you consider requiring EPC certification band D for licencing now, rising to band C by 2025?*

This will be considered in accordance with the Council's Constitution under the Scrutiny Procedure Rule 10.

**7. DRAFT REVENUE BUDGET 2022/23 AND DRAFT CAPITAL PROGRAMME 2022/23** **Appendix B**

The Director of Finance submits the following reports setting out the City Mayor's proposed Draft Revenue Budget 2022/23 and Draft Capital Budget 2022/23. The Commission is recommended to consider and comment on the Neighbourhood Services element of the budgets. The Commission's comments will be forwarded to the Overview Select Committee as part of its consideration of the reports before they are presented at the Council meeting on 23 February 2022.

**8. KNIFE CRIME STRATEGY**

The Director of Neighbourhood and Environmental Services will present an update on the Council's knife crime strategy.

**9. AFRICAN CARIBBEAN CENTRE CONSULTATION FINDINGS** **Appendix C**

The Director of Neighbourhood and Environmental Services submits a report to provide a summary of the public consultation exercise undertaken to gather views on the usage and future running of the African Caribbean Centre. The report provides options and a recommendation for the future running of the facility.

**10. STATEMENT OF LICENSING POLICY - 2022-2027** **Appendix D**

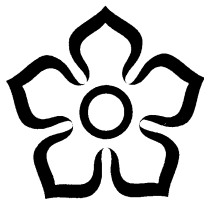
The Director of Neighbourhood and Environmental Services submits a report to update the Commission on the review of the Council's Statement of Licensing Policy under the Licensing Act 2003 and seek any comments before the Policy goes to Full Council on 24 February 2022.

**11. 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.

**12. ANY OTHER URGENT BUSINESS**



Leicester  
City Council

# Appendix A

Minutes of the Meeting of the  
NEIGHBOURHOOD SERVICES SCRUTINY COMMISSION

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

P R E S E N T :

Councillor Thalukdar (Chair)

Councillor Joshi, Councillor Nangreave, Councillor Westley, Councillor Waddington

In Attendance:

Councillor Clair, Deputy City Mayor for Regulatory Services  
Councillor Russell, Deputy City Mayor for Social Care and Anti-Poverty  
Sir Peter Soulsby, Leicester City Mayor

\* \* \* \* \*

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Solanki and O'Donnell.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. CHAIR'S ANNOUNCEMENTS**

The Chair paid tribute to Councillor Ratilal Govind, who passed away the week before.

**4. MINUTES OF THE PREVIOUS MEETING**

AGREED:

1. That the minutes of the meeting of the Neighbourhood Services Scrutiny Commission held 21 October 2021 be confirmed as a correct record.

**5. PETITIONS**

The Monitoring Officer reported that none had been received.

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

The Monitoring Officer reported that none had been received.

## **7. DOMESTIC ABUSE - DRAFT SAFE ACCOMMODATION STRATEGY**

The Chair noted that this was a joint item with the Housing Scrutiny Commission, the Chair welcomed those Members of Housing Scrutiny that were present to the meeting.

Councillor Russell, Deputy City Mayor for Social Care and Anti-Poverty, introduced the item. It was noted that the Domestic Abuse Act 2021 required a change in the Local Authority's duties around domestic abuse.

Stephanie McBurney, Team Manager for Domestic and Sexual Violence, presented the item, it was noted that:

- Under the new legislation, each Local Authority had to assess the need for accommodation-based support and create, publish, and monitor a strategy for the provision of such support.
- As part of the strategy, a locality partnership board would be established, with representatives from the Council, VCS specialists, Police and Health groups, and those affected by domestic abuse.
- Due to national deadlines, the consultation period was only a month long.
- The strategic objective for the strategy were practically focused, focusing on commissioning and structure.
- The themed priorities of the strategy were focused on gathering intelligence and developing the workforce.
- The final strategy would be published on 5 January 2022.
- It wasn't intended to give less focus to none accommodation-based issues in the area, the delivery group could well look at other aspects and issues.

In response to questions from Members of both Commissions, it was noted that:

- A community event in Belgrave hosted by Ward Councillors on the issue of domestic abuse had been a great success. There was interest from other Ward Councillors about holding similar community events in their own wards.
- It was important to make sure that it was well known that resources were there to support victims to whom English wasn't their first language.
- The implementation of the strategy would be fed back to the Commission in a similar way as the domestic abuse contracts.
- Domestic abuse was an issue for every community, and it was important to understand how it could be hidden. Previous work had been undertaken with communities to help spot signs of hidden abuse. One example of a community group that had previously been involved in this area was the Polish Mums and Children's Group.



- The issue of timely move-on had been exacerbated by Covid, but connections with Housing Officers had helped ease the issue of overcrowding in emergency accommodation. Respite Rooms, a new pilot, had shown some positive signs in this area.
- Police could be invited to Commission meetings by the Chair to feed into this area and other areas.
- The National Domestic Abuse Network would remain important in cases of needing to move victims out of the city for their safety.
- A diversity of provision was necessary in order to be able to respond to different demographics and circumstances.

#### AGREED:

1. That the Commission recommends that Members' comments be taken into account for the new strategy.
2. That the Commission requests an update on progress in 6 months.
3. That the Commission praises the Belgrave community event that was held on domestic abuse and encourages other communities to hold similar events.
4. That the Commission recommends that Domestic Abuse services should seek to be as inclusive as possible with regards to language.
5. That the Commission praises the strategy.

### **8. CROWDFUND LEICESTER UPDATE**

The City Mayor introduced the item, it was noted that Crowdfund Leicester launched in 2017 and was run in collaboration with the Spacehive crowdfunding platform. It was noted that the funding generated by the platform was not intended to in any way replace statutory funding but was there to respond to the enthusiasm of communities.

Miranda Cannon, Director of Delivery, Communications, and Political Governance, and Georgia Humby, Executive Support Officer, presented the item. It was noted that:

- A short presentation had previously been brought to the Commission, but the Commission Members requested more detail. Hence why the report was being brought.
- The Spacehive platform was used by a number of other Local Authorities such as Liverpool City Council.
- Other funds were channelled through the platform, including the City Mayor's Community Engagement Fund.
- The platform enabled organisers to showcase projects and ideas in a digital environment.
- Other types of resources were provided by the platform, including a land offer.
- Spacehive were commissioned for £19,000 per annum, £10,000 was for the licence of the micro site the platform was hosted on.

- It was accepted that the platform wasn't very well known across the city, but that because the team working on it was small, they didn't want to take on more work than they could handle.
- 26 projects had been successfully supported through the platform, and it was hoped that this experience would help expand the number of projects that could be delivered in the future.
- The team welcomed Councillors approaching them to make connections with local community groups who might be interested in the platform.
- Future efforts to spread awareness of the platform was hoped to include Member briefings, attending Ward Community Meetings, and internal meetings with different service areas such as economic regeneration.
- Business workshops had recently started to find partners in the private and public sectors.
- In the first step in the process for projects, project developers could create a page to describe and pitch their idea for free.

In response to Member's questions, it was noted that:

- The Community Engagement Fund had specific criteria for whether projects would qualify to receive it. The aims of the fund were around supporting the public sector equality duty. This fund was largely channelled through the platform
- Work was ongoing to see what other service specific funding pots might be available to support projects.
- Long term risks with the land offer would have to be considered. Only one project had been delivered with the land offer included.
- The platform was one aspect of the Council's support for the Voluntary and Community Sector. Meaning that other projects might be inappropriate for crowdfunding and more appropriate for other strands of funding such as Ward Community Funds.
- The cost of commissioning Spacehive was built into the budget for the Delivery, Communications and Political Governance Division.
- During the pandemic, the Council increased links with Voluntary and Community sector organisations, it was hoped that these links could be used to spread awareness of the platform.

#### AGREED

1. That the Commission recommends that Members' comments raised be taken into account by Officers who manage Crowdfund Leicester, and Spacehive.
2. That the Commission requests a progress update on Crowdfund Leicester in 6 months.
3. That the Commission requests that more information be provided on the criteria for the City Mayor's Community Engagement Fund.

## **9. HOMELESS AND ROUGH SLEEPERS STRATEGY**

Caroline Carpendale, Head of Service for Homelessness, and Justin Haywood, Service Manager for Homelessness Prevention and Support, presented the item. It was noted that:

- Due to the Covid-19 pandemic, the 'Everyone In' directive was in place from March 2020 until April 2021, longer than most other Local Authorities.
- The Service was still in recovery from the pandemic.
- The MyHome app, which allowed service users to get information and early help had seen increasing usage.
- Approaches from service users were above average so far in the municipal year.
- The track record of the Council in sustaining accommodation had been good.
- 1,500 new affordable homes were planned over the next 4 years.
- New incentive schemes had been launched in the private rented sector.
- As part of the 'Homes Not Hostels' objective, all temporary accommodation was now self-contained.
- Strong links were maintained with Health and Justice Services.
- Care Leaver pathways were being continually monitored.

In response to Members questions it was noted that:

- Suitability of accommodation was considered by case workers as mandated by legislation, and those who were in unsuitable accommodation could be defined as homeless.
- There were plans to increasing marketing on the MyHome app. The app was used across Leicester, Leicestershire, and Rutland.
- The St Mungos charity supported service users with finding employment.
- The Council worked with various external agencies to find and help hotspot areas.
- The Council had a cold weather plan which brought on additional accommodation.

AGREED:

1. That the Commission recommends that Members' comments raised be taken into account by Officers implementing this work.
2. That the Commission requests to be kept informed on any concerning issues or impacts relating to neighbourhood areas.

## **10. DRAFT WORK PROGRAMME**

The Chair noted that any suggestions for future items for the Commission should be emailed to himself or the Scrutiny Policy Officer.

**11. ANY OTHER URGENT BUSINESS**

There being no other business, the meeting closed at 8.00pm.

# Overview Select Committee

Date: 10<sup>th</sup> February 2022

## **Draft Revenue Budget 2022/23**

Lead director: Director of Finance

DRAFT

## Useful information

■ Ward(s) affected:

■ Report author: Catherine Taylor/Mark Noble

■ Author contact details: [catherine.taylor@leicester.gov.uk](mailto:catherine.taylor@leicester.gov.uk)  
[mark.noble@leicester.gov.uk](mailto:mark.noble@leicester.gov.uk)

■ Report version number: 1

### 1. **Purpose**

- 1.1 The purpose of this report is to describe the City Mayor's draft budget for 2022/23, which will be considered by scrutiny committees in the new year and by the Council on the 23<sup>rd</sup> February 2022.
- 1.2 In recent years, a full draft budget report has been published in December, prior to the Council meeting. This year, due to lack of information from the government at an early enough stage, it has not been possible to produce a full report. This is therefore a shortened version, summarising the position.

### 2. **Summary**

- 2.1 The budget for 2022/23 has been preceded by ten years of austerity between 2010 and 2020, and a "stop-gap" budget in 2021/22 which was occasioned by the Covid pandemic.
- 2.2 Since 2010, the Council has been forced by government cuts to make substantial savings in its budgets, whilst simultaneously making more money available for social care. By 2020, the budget for services other than social care had been cut by 50% in real terms.
- 2.3 The Council's previous approach to achieving budget reductions was based on the following approach:
  - (a) An in-depth review of discrete service areas (the "Spending Review Programme"); and
  - (b) Building up reserves in order to "buy time" to avoid crisis cuts and to manage the Spending Review Programme effectively. We termed this the "Managed Reserves Strategy."
- 2.4 The Spending Review approach served us well: savings of nearly £50m were made between 2014 and 2020, and left the Council with a relatively healthy level of reserves at the start of 2021 (compared to other authorities).
- 2.5 The budget for 2021/22 was set in the middle of the Covid pandemic. It was recognised that a significant programme of savings could not be delivered at that time. As a consequence:
  - (a) The budget for 21/22 was balanced using reserves. It was effectively a "standstill" budget representing the underlying position before any further cuts;

- (b) We “drew a line” under the Spending Review Programme;
  - (c) It was anticipated that significant additional savings would be required beyond 2021/22, to ensure future financial sustainability.
- 2.6 The outlook for the medium term, at the time the 2021/22 budget was set, was unknown.
- 2.7 The budget outlook for 2022/23 and beyond has been established by the Comprehensive Spending Review, published on 27<sup>th</sup> October 2021. As a consequence we believe, without further action, we face an increasing and unsustainable budget gap in future years. We do not yet have the local government finance settlement, the outcome of which is more unpredictable than usual.
- 2.8 As a result of past processes and firm action taken by the Council to balance earlier budgets, our reserves remain healthier than many authorities’. This will enable us to balance the budget for 2022/23 without crisis cuts.
- 2.9 The budget for 2022/23 has therefore been constructed as follows:
  - (a) Increases to budgets have been made where absolutely essential to maintain service provision. In practice, this amounts to £22m for adult social care and special education services;
  - (b) Where departments have identified efficiency savings which can be achieved from management action, these have been built into budgets. £4m has been saved in this way.
- 2.10 In September, the Government published “Build Back Better - Our Plan for Health and Social Care” which promises reforms to social care, principally to limit the amounts users will have to pay towards their own care over their lifetimes. Funding has been announced, totalling £3.6 billion over the next three years, although we do not yet have full details and have reason to believe it will prove to be insufficient.
- 2.11 The national social care proposals explicitly do not provide any funding towards existing pressures in social care, which continue to escalate nationally. At the time of writing, the only support announced towards these costs is the ability to increase council tax by an additional 1% - this will raise just £1.3m in Leicester. Adult social care costs, conversely, are estimated to increase by £18m in 2022/23 rising to £43m by 2023/24 as a result of rising numbers of people needing care, increases in the needs of those already receiving care, and the impact of increases in the national living wage and a tight labour market.
- 2.12 The Comprehensive Spending Review provides an additional £1.4bn for local government in 2022/23, in addition to monies provided for social care reform. Our working assumption is that £9m of this will be allocated to Leicester. Whilst this is intended for all services, in practice it will do no more than make a small contribution to the growth of costs in social care. There is no further money in 2023/24 or 2024/25.



- 2.13 Unfunded social care pressures present a severe threat to the financial sustainability of the Council. The City Mayor has made this case strongly to the Government.
- 2.14 Some services continue to experience income shortfalls arising from the pandemic. The key areas are car parking and bus lane enforcement. Funding has been received from the Government to help meet these pressures in 2021/22, but none is expected in 2022/23. Departments have identified likely pressures of some £4m, and a one off sum has been set aside to meet these pressures.
- 2.15 The budget proposes a tax increase of just under 3%, which is the maximum we are allowed without a referendum.
- 2.16 The medium term outlook is attached as Appendix 3 and shows the escalating scale of the financial pressures facing the council.

### 3. **Budget Overview**

- 3.1 The table below summarises the proposed budget for 2022/23 (summary projections for a three-year period are included in the medium term strategy at Appendix 3):

	<b>2022/23 £m</b>
<b>Service budget ceilings</b>	323.0
<b>Corporate Budgets</b>	
Capital Financing	7.5
Miscellaneous Corporate Budgets	1.2
Contingency	1.0
<b>Total forecast spending</b>	<b>332.7</b>
<b>Rates retention scheme:</b>	
Business rates income	65.3
Top-up payment	49.8
Revenue Support Grant	38.4
<b>Other resources:</b>	
Council Tax	133.6
Collection Fund deficit	(2.9)
Social Care grants	13.1
New Homes Bonus	3.7
<b>Total forecast resources</b>	<b>301.0</b>

<b>Underlying gap in resources</b>	<b>31.7</b>
Proposed funding from reserves	(31.7)
<b>Gap in resources</b>	<b>NIL</b>

#### 4. **Departmental Budget Ceilings**

- 4.1 Budget ceilings will be prepared for each service, calculated as follows:
- (a) The starting point is last year's budget, subject to any changes made since then which are permitted by the constitution (e.g. virement);
  - (b) An allowance for non-pay inflation has been added to the budgets for independent sector adult social care (2%), foster care (2%) and the waste PFI contract (RPI, in line with contract terms). Apart from these areas, no allowance has been made for non-pay inflation;
  - (c) Unavoidable growth has been built into the budget, as described in the sections below. This includes provision for the increase in employers' national insurance rates which the Government has announced, to pay for social care reform;
  - (d) Where savings are achievable through management action, these have been deducted.
- 4.2 At the time of writing, the local government pay awards for 2021/22 and 2022/23 have not been finalised. A provision is held centrally to fund this (and is shown within the "service budgets" line in the table above, as it will eventually be transferred to the relevant budget ceilings). The budget assumes pay awards of 1.75% in 2021/22, in line with the offer made by local government employers; and 2.5% in 2022/23.
- 4.3 The role of the Council is to determine the financial envelopes within which the City Mayor has authority to act. Notwithstanding the way the budget has been constructed, the law does not enable the Council to determine how the City Mayor provides services within these envelopes: this is within his discretion.

#### **Adult Social Care**

- 4.4 Adult social care services nationally have been facing severe cost pressures for some years, and these are expected to continue. In our own case, we anticipate cost growth of £18m in 2022/23, accelerating in future years, as a consequence of rising numbers of older and younger adults requiring care, increases in the level of need of the average care recipient, pressure on providers due to National Living Wage increases, and difficulties in recruiting and retaining staff in the face of stiff competition from other sectors.
- 4.5 The government has generally responded to these pressures on an ad-hoc basis, making one-off resources available year by year. Over recent years, this has averaged an additional £8m per year, from a combination of one-off grant sources, and council tax increases via the "adult social care precept."
- 4.6 On 7<sup>th</sup> September, the government announced a number of reforms to the way social care will be funded, chiefly limiting the amount individuals will have to contribute to their own care. An additional 1.25% has been added to employers' (and employees') national insurance rates to provide funding for these reforms

(although the majority of the money raised will go to the NHS initially). In the recent Comprehensive Spending Review, £3.6 billion was provided for local government's costs over the years 2022-23 to 2024-25.

- 4.7 The government has also promised to compensate public bodies for the cost of national insurance increases they will incur, but it appears that this is included in the additional £1.4bn announced in the CSR.
- 4.8 It is not yet known whether the new monies will be sufficient to meet the new costs. In particular, it is assumed that the government will not compensate authorities for the cost of national insurance rises for the staff of care providers, which will inevitably be passed on to us.
- 4.9 The government has stated that funding for the cost of demographic growth will need to be covered through core funding and council tax, via a 1% adult social care precept (which will raise £1.3m). This presents a substantial challenge to the authority, and is the prime cause of the looming cuts described in the medium term outlook.
- 4.10 The proposed budget includes the following growth for adult social care:

	<b>2022/23</b>	<b>2023/24</b>
	<b>£000</b>	<b>£000</b>
Growth in cost of care packages	17,487	41,977
NI cost increases falling on care sector	500	500
Limitation of individual contributions to care costs	400	400
	<hr/>	<hr/>
	18,387	42,877
Less measures to reduce package cost increases	(1,927)	(1,927)
	<hr/>	<hr/>
<b>Net Growth</b>	<b>16,460</b>	<b>40,950</b>

- 4.11 Predicting future costs of care packages has been made more difficult because of the effects of the pandemic and its aftermath. In 2020/21, requests for adult social care support fell as people were reluctant to enter residential care or to invite carers into their homes. It is assumed that, in 2022/23, cost growth will return to trend:
- (a) a 3% per year increase in the number of older people, and a 5% increase in the numbers of working age people requiring support;
  - (b) An increase in the in-year average cost of existing care packages of 6% per year;
  - (c) The impact of a National Living Wage increase to £9.50, announced in the Comprehensive Spending Review. This must be paid by care sector providers, and the cost will inevitably be passed on to local authorities.

- 4.12 In addition to package growth, money needs to be provided for:
- (a) The expected amount we will need to pay to compensate care providers for their national insurance increases;
  - (b) Loss of income due to limitation of increases in the level of contribution made by individuals towards the cost of the care they receive, which will arise because of increases in the minimum income guarantee.
- 4.13 In order to reduce overall cost increases, the department is taking further measures to reduce costs. These include:
- (a) Reviewing existing packages of care;
  - (b) Exploring the use of technology prior to putting a package of care in place.
- 4.14 These measures are expected to reduce the overall level of growth by £1.9m per year.

### **Education and Children's Services**

- 4.15 In common with authorities across the country, increased demand for children's social care services has created substantial budget pressure for many years.
- 4.16 It is difficult to make accurate forecasts about spending need in 2022/23 and beyond, due to the distorting effect of the pandemic and its aftermath. At the time of preparing the 2021/22 budget, the pandemic had made no appreciable difference to demand for social care and early help (rather unexpectedly), although the number of entrants to the service started to increase in the second half of 2020/21. This led to a cost pressure which was compounded by court delays, delaying young people who were ready to leave the service. Consequently, the population of children who are looked after on 1<sup>st</sup> April 2021 was higher than budgeted.
- 4.17 A forecast of placement costs in 2022/23 has been made, which assumes the number of entrants to the care system stabilises at 150 per year, with existing preventative therapy teams being used to their full extent. On this basis, pressures on the overall budget are estimated to be £1.3m in 2022/23. However, given the current level of uncertainty, it is proposed to fund this cost from earmarked social care reserves rather than building growth into the budget. The position will be reviewed when the situation has settled down post-pandemic.
- 4.18 Work has taken place to create a wider range of semi-independent provision than we previously had, and to enhance the foster care offer and sustain foster carer numbers. Further measures are being taken to reduce placement costs:
- (a) Regular review of long-term and high cost placements;
  - (b) Development of additional internal residential homes to mitigate against independent sector price increases;
  - (c) Development of an advanced foster carer scheme to look after children with more complex needs.

4.19 Growth for the Education and Children's Services budget is, however, proposed in respect of areas related to education services:

- (a) The need for additional resources to deal with an ever-growing number of requests for education, health and care plans (EHCPs), driven in part as a result of the pandemic, something other local authorities are also experiencing;
- (b) Deficiencies in the budget for special educational needs transport, where savings were not achieved following the abandonment of a fixed rate taxi procurement contract. A new contract is now being procured, which will be implemented from April 2022. Work is also taking place to further promote the use of personal budgets and thereby reduce the need for taxi provision.

4.20 The budget makes provision for the following additional monies:

	<b>2022/23</b>	<b>2023/24</b>
	<b>£000</b>	<b>£000</b>
SEN transport	2,948	2,948
Special Education Service staffing	562	562
<b>Total Growth</b>	<b>3,510</b>	<b>3,510</b>

4.21 In addition to the General Fund budget, Dedicated Schools' Grant (High Needs Block) budgets for children and young people with special educational needs and disabilities continue to be under severe pressure.

#### **City Development and Neighbourhoods**

4.22 Normally, the department's costs are reasonably predictable, when compared to social care. This year, however, forecasting is more difficult because the department's income continues to suffer from the effect of the pandemic; it is difficult to anticipate when income will return to normal levels (or if, indeed, it will do so at all for some sources). The position has, however, improved during 2021/22.

4.23 As discussed at section 8 below, the Council has made one-off monies available to deal with the pressures arising from the pandemic. Of this, approximately £4.3m will be required for income shortfalls in City Development and Neighbourhoods. The key shortfalls are:

- (a) Car parking and bus lane enforcement (the loss is estimated at £2.6m in 2022/23, and a further £1.1m in 2023/24);
- (b) £0.2m in respect of De Montfort Hall;
- (c) £0.2m in respect of rent arrears from the corporate estate;
- (d) Smaller amounts for Building Control, City Wardens, Neighbourhood Services, the King Richard III Centre and the retail market.

- 4.24 The above pressures will be dealt with from monies set aside for Covid. Otherwise, the department is expecting to manage within its resources in 2022/23, and no growth is proposed in the draft budget.
- 4.25 The department has reviewed its budget during 2021, and has identified the following efficiency savings which have been, or are being, given effect by management action:

	£000
2022/23	524
2023/24	845
2024/25	928

### **Health and Wellbeing**

- 4.26 The Health and Wellbeing division consists of core public health services, together with sports and leisure provision.
- 4.27 The division has been at the centre of the authority's response to Covid 19, and has been supported by a number of grants provided by the Department of Health and Social Care. The chief one in 2021/22 has been the Contain Outbreak Management Fund, which has met the costs of the contact tracing team amongst other things.
- 4.28 The division, together with a number of services provided by other departments, is paid for from the public health grant. This grant is ring-fenced for defined public health purposes wherever they are provided in the Council. General Fund monies have also been spent on public health services, both before and after 2013/14 when the function transferred from the NHS.
- 4.29 The future of public health grant is unclear, although it is expected to be protected in real terms until 2024/25 (at national level). The Government's original intention was that the grant would be consolidated into the new 75% Business Rates Retention Scheme, the introduction of which continues to be deferred.
- 4.30 The department is able to live within its resources in 2022/23, and no budget growth is proposed.

### **Corporate Resources Department**

- 4.31 The department primarily provides back office support services, but also some public facing services such as benefits and collection of council tax. It has made considerable savings in recent years in order to contribute to the Council's overall savings targets. It has nonetheless achieved a balanced budget each year.
- 4.32 No growth is required for the departmental budget in 2022/23. The draft budget does, however, propose to use £0.5m of one-off monies set aside for the Covid response. This will temporarily boost our complement of legal staff who are catching up work delayed due to the pandemic. Many commercial procurements were halted due to the pandemic, resulting now in a backlog of contracts to be procured, and an increase in the need for contract variations and extensions. The

pandemic also led to a backlog in property transactions related to the Council's commercial estate.

- 4.33 The department has reviewed its budget during 2021, and has identified the following efficiency savings which have been, or are being, given effect by management action:

	£000
2022/23	1,083
2023/24	1,114
2024/25	1,169

## 5. **Corporately held Budgets and Provisions**

- 5.1 In addition to the services' budget ceilings, some budgets are held corporately. These are described below.
- 5.2 The budget for **capital financing** represents the cost of interest and debt repayment on past years' capital spending. These budgets are under pressure due to falling interest rates – whilst interest rates on our debt are mostly fixed, our investment income is reducing due to rates which fell during the pandemic. We were protected from these falls in 2021/22, as we lent money to other authorities for periods in excess of one year, prior to 2021. These loans are due to be (or have been) repaid, and we will be unlikely to secure the same level of interest when the funds are reinvested even if rates do start to edge up.
- 5.3 A **contingency** of £1m has been included in the budget to manage significant pressures that arise during the year.
- 5.4 **Miscellaneous central budgets** include external audit fees, pension costs of some former staff, levy payments to the Environment Agency, bank charges, general insurance costs, money set aside to assist council tax payers suffering hardship and other sums it is not appropriate to include in service budgets. These budgets are offset by the effect of recharges from the general fund into other statutory accounts of the Council.

## 6. **Resources**

- 6.1 This draft budget has been prepared on the basis of the government's Spending Review published in late October. At the time of writing, we do not know the details of the grant funding we will receive next year (this is expected in December).

### **Business rates and core grant funding**

- 6.2 Local government retains 50% of business rates collected locally, with the balance being paid to central government. In recognition of the fact that different authorities' ability to raise rates do not correspond to needs, there are additional elements of the business rates retention scheme: a top-up to local business rates, paid to authorities with lower taxbases, and Revenue Support Grant (RSG).
- 6.3 The top-up and RSG are set by the government. Figures in the draft budget are based on the national-level information published by the government in October,

which indicated an increase in core funding in 2022/23, albeit not sufficient to reverse previous cuts or to deal with growing pressures in social care.

- 6.4 Forecasts for business rates are particularly sensitive to assumptions around the speed and extent of the economic recovery since 2020. The figures in the draft budget assume no significant growth or decline in rates from the current position, apart from inflationary increases and improving collection rates as the economy recovers.

#### Council tax

- 6.5 Council tax income is estimated at £133.6m in 2022/23, based on a tax increase of just below 3% (the maximum allowed without a referendum). The proposed tax increase includes the additional “social care levy” allowed since 2016/17, and designed to help social care authorities mitigate the growing costs of social care. The allowable levy has decreased since last year, despite the escalating demographic and cost pressures facing the service.
- 6.6 The estimated council tax base has increased since last year’s budget; this is largely the result of reducing costs of the local council tax support scheme, as employment and the economy recover after the pandemic.

#### Other grants

- 6.7 The majority of grant funding is treated as income to the relevant service departments and is not shown separately in the table at 3.1. New Homes Bonus and grants to support social care, continuing from previous years, are held corporately.
- 6.8 In recent years, the amount of social care grant has increased annually, to reflect national cost and demographic pressures. The recent Comprehensive Spending Review did not commit any additional funding to continue this support.

#### Managed Reserves Strategy

- 7.1 Since 2013, the Council has used a managed reserves strategy, contributing money to reserves in the early years of the strategy, and drawing down reserves in later years. This policy has bought time to more fully consider how to make the substantial cuts which have been necessary.
- 7.2 As at April 2021, resources available for the strategy totalled £69.4m. Of this, £17m is required to balance the 2021/22 budget, leaving £52m for future years, subject to any over- or under-spends in the current year.
- 7.3 The budget will therefore leave £20m of reserves to offset pressures in 2023/24. This indicates that substantial cuts will be required to balance the budget in that year:

	£m
Available to support budget as at 1/4/2021	69.4
Used by 2021/22 budget	(17.3)
Estimated amount required for 2022/23 budget	(31.7)
<b>Balance Remaining for 2023/24</b>	<b>20.4</b>



## 8. **Earmarked Reserves**

- 8.1 In addition to our general reserves, the Council also holds earmarked reserves which are set aside for specific purposes. These include ringfenced funds which are held by the Council but for which we have obligations to other partners or organisations; departmental reserves, which are held for specific services; and corporate reserves, which are held for purposes applicable to the organisation as a whole.
- 8.2 Earmarked reserves are shown at Appendix 2 to this report.
- 8.3 The earmarked reserves also include sums set aside to support covid recovery. Together with unringfenced government grant received in 21/22, the following monies are available to support the aftermath of the pandemic:

	£m
Government emergency grant 21/22	11.5
Reserves to support revenue costs	10.9
Reserves to support capital	10.0
<b>Total</b>	<b>32.4</b>

- 8.4 The Council is seeking a further £3m from the Government to compensate loss of fees and charges income in 2021/22.
- 8.5 As reported in budget monitoring reports to OSC, these sums are being spent, but there is no indication at present that they will be insufficient. Some of the capital monies will be spent on projects in 2023/24, if Council approves the capital programme (also on your agenda).
- 8.6 The above money is additional to specific government schemes such as the Contain Outbreak Management Fund. We also have separate schemes to support residents facing hardship as a result of the pandemic – such as council tax hardship and crisis support schemes.

## 9. **Budget and Equalities**

- 9.1 The Council is committed to promoting equality of opportunity for its residents; both through its policies aimed at reducing inequality of outcomes, and through its practices aimed at ensuring fair treatment for all and the provision of appropriate and culturally sensitive services that meet local people's needs.
- 9.2 In accordance with section 149 of the Equality Act 2010, the Council must "have due regard", when making decisions, to the need to meet the following aims of our Public Sector Equality Duty :-
- (a) eliminate unlawful discrimination;
  - (b) advance equality of opportunity between those who share a protected characteristic and those who do not;
  - (c) foster good relations between those who share a protected characteristic and those who do not.

- 9.3 Protected groups under the public sector equality duty are characterised by age, disability, gender reassignment, pregnancy/maternity, race, religion or belief, sex and sexual orientation.
- 9.4 When making decisions, the Council (or decision maker, such as the City Mayor) must be clear about any equalities implications of the course of action proposed. In doing so, it must consider the likely impact on those likely to be affected by the recommendation; their protected characteristics; and (where negative impacts are anticipated) mitigating actions that can be taken to reduce or remove that negative impact.
- 9.5 The budget does not propose any service changes which will have an impact on residents. Where appropriate, an individual Equalities Impact Assessment for any service changes will be undertaken when these decisions are developed.
- 9.6 The budget does recommend a proposed council tax increase for the city's residents. The City Council's proposed tax for 2022/23 is £1,745.74, an increase of just below 3% compared to 2021/22. As the recommended increase could have an impact on those required to pay it, an assessment has been carried out to inform decision makers of the potential equalities implications. This includes the potential impacts of alternative options.
- 9.7 A number of risks to the budget are addressed within this report (section 10 below). If these risks are not mitigated effectively, there could be a disproportionate impact on people with particular protected characteristics and therefore ongoing consideration of the risks and any potential disproportionate equalities impacts, as well as mitigations to address disproportionate impacts for those with particular protected characteristics, is required.
10. **Risk Assessment and Estimates**
- 10.1 Best practice requires me to identify any risks associated with the budget, and Section 25 of the Local Government Act 2003 requires me to report on the adequacy of reserves and the robustness of estimates.
- 10.2 In the current climate it is inevitable that the budget carries significant risk. In my view, although very difficult, the budget for 2022/23 is achievable subject to the risks and issues described below.
- 10.3 The most significant risks in the 2022/23 budget include:
- (a) Adult Social Care spending pressures, specifically the risk of further growth in the cost of care packages;
  - (b) The costs of looked after children, which have seen growth nationally;
  - (c) The risk of a further wave of covid infections, potentially arising from a new variant;
  - (d) Inflation, which has been increasing, and was expected to reach 4.4% by the spring of 2022 by the Office of Budgetary Responsibility; some commentators have suggested that it could even peak later next year at

as much as 6%. This would put upwards pressure on pay and other costs, although partially offset by increased income on investments if interest rates rise correspondingly;

- (e) Economic downturn, which could result in new cuts to grant; falling business rates income; and increased cost of council tax reductions for tax-payers on low incomes. It could also lead to a growing need for council services and an increase in bad debts. This risk appears to have reduced since 2021/22 – the level of council tax support we are paying, for instance, has now fallen to pre-pandemic levels. The economy is recovering more quickly than feared, although it is still below pre-pandemic forecasts (and likely to remain so).

10.4 The budget seeks to manage these risks as follows:

- (a) A minimum balance of £15m of reserves will be maintained;
- (b) Reserves have been identified in 2021/22 to meet pandemic pressures, some of which will be available into 2022/23 as described above;
- (c) A contingency of £1m has been included in the budget for 2022/23;
- (d) As a last resort, managed reserves could be used, but this increases pressure in 2023/24.

10.5 Subject to the above comments, I believe the Council's general and earmarked reserves to be adequate. I also believe estimates made in preparing the budget are robust. (Whilst no inflation is provided for the generality of running costs in 2022/23, some exceptions are made, and it is believed that services will be able to manage without an allocation).

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

### **11.1 Financial Implications**

This report is exclusively concerned with financial issues.

### **11.2 Legal Implications**

11.2.1 The budget preparations have been in accordance with the Council's Budget and Policy Framework Procedure Rules – Council's Constitution – Part 4C. The decision with regard to the setting of the Council's budget is a function under the constitution which is the responsibility of the full Council.

11.2.2 At the budget-setting stage, Council is estimating, not determining, what will happen as a means to the end of setting the budget and therefore the council tax. Setting a budget is not the same as deciding what expenditure will be incurred. The Local Government Finance Act, 1992, requires an authority, through the full Council, to calculate the aggregate of various estimated amounts, in order to find the shortfall to which its council tax base has to be applied. The Council can allocate greater or fewer funds than are requested by the Mayor in his proposed budget.

11.2.3 As well as detailing the recommended council tax increase for 2022/23, the report also complies with the following statutory requirements:-

- (a) Robustness of the estimates made for the purposes of the calculations;
- (b) Adequacy of reserves;
- (c) The requirement to set a balanced budget.

11.2.4 Section 65 of the Local Government Finance Act, 1992, places upon local authorities a duty to consult representatives of non-domestic ratepayers before setting a budget. There are no specific statutory requirements to consult residents, although in the preparation of this budget the Council will undertake tailored consultation exercises with wider stakeholders in addition to ratepayers.

11.2.5 The discharge of the 'function' of setting a budget triggers the duty in s.149 of the Equality Act, 2010, for the Council to have "due regard" to its public sector equality duties. These are set out in paragraph 9. There are considered to be no specific proposals within this year's budget that could result in new changes of provision that could affect different groups of people sharing protected characteristics. Where savings are anticipated, equality assessments will be prepared as necessary. Directors and the City Mayor have freedom to vary or abort proposals under the scheme of virement where there are unacceptable equality consequences. As a consequence, there are no service-specific 'impact assessments' that accompany the budget. There is no requirement in law to undertake equality impact assessments as the only means to discharge the s.149 duty to have "due regard". The discharge of the duty is not achieved by pointing to one document looking at a snapshot in time, and the report evidences that the Council treats the duty as a live and enduring one. Indeed case law is clear that undertaking an EIA on an 'envelope-setting' budget is of limited value, and that it is at the point in time when policies are developed which reconfigure services to live within the budgetary constraint when impact is best assessed. However, an analysis of equality impacts has been prepared in respect of the proposed increase in council tax, and this is set out in Appendix One.

11.2.6 Judicial review is the mechanism by which the lawfulness of Council budget-setting exercises are most likely to be challenged. There is no sensible way to provide an assurance that a process of budget setting has been undertaken in a manner which is immune from challenge. Nevertheless the approach taken with regard to due process and equality impacts is regarded by the City Barrister to be robust in law.

**Provided by: Kamal Adatia, City Barrister**

**Catherine Taylor / Mark Noble**

**7<sup>th</sup> December 2021**

## **Appendix 1**

### **Equality Impact Assessment**

#### **1. Purpose**

- 1.1 This appendix presents the equalities impact of a proposed 2.99% council tax increase. This includes a precept of 1% for Adult Social Care, as permitted by the Government without requiring a referendum.
- 1.2 The alternative option for comparison is a freeze on council tax at 2021/22 levels. It would of course be possible to set a council tax increase between these two levels, or indeed to *reduce* the Band D tax.

#### **2. Who is affected by the proposal?**

- 2.1 As at October 2021, there are 130,173 properties liable for Council Tax in the city (excluding those registered as exempt, such as student households).
- 2.2 All non-exempt working age households in Leicester are required to contribute towards their council tax bill. Our current council tax support scheme (CTSS) requires working age households to pay at least 20% of their council tax bill and sets out to ensure that the most vulnerable householders are given some relief in response to financial hardship they may experience.
- 2.3 Council tax support for pensioner households follows different rules. Low-income pensioners are eligible for up to 100% relief through the CTSS scheme.

#### **3. How are they affected?**

- 3.1 The table below sets out the financial impact of the proposed council tax increase on different properties, before any discounts or reliefs are applied. It shows the weekly increase in each band, and the minimum weekly increase for those in receipt of a reduction under the CTSS for working-age households.

<b>Band</b>	<b>No. of Properties</b>	<b>Weekly increase</b>	<b>Minimum Weekly Increase under CTSS</b>
A-	261	£0.54	£0.11
A	77,202	£0.65	£0.13
B	26,029	£0.76	£0.15
C	14,878	£0.87	£0.26
D	6,296	£0.98	£0.37
E	3,362	£1.19	£0.59
F	1,515	£1.41	£0.80
G	595	£1.63	£1.02
H	35	£1.95	£1.35
<b>Total</b>	<b>130,173</b>		

- 3.2 In most cases, the change in council tax (around £0.76 per week for a band B property with no discounts; and just 15p per week if eligible for the full 80% reduction under the CTSS) is a small proportion of disposable income, and a small contributor to any squeeze on household budgets. A council tax increase would be applicable to all properties - the increase would not target any one protected group, rather it would be an increase that is applied across the board. However, it is recognised that this may have a more significant impact among households with a low disposable income.
- 3.3 Many households at all levels of income have seen significant income shocks due to the coronavirus pandemic and the economic downturn. More recently, some households have also seen the ending of national schemes such as the £20/week increase to Universal Credit and furlough payments. These pressures are not limited to any protected group; however, there is evidence that some types of household are more likely to be struggling with their finances. The Joseph Rowntree Foundation has identified that households are more likely to be in arrears on bills if they are younger adults; from certain ethnic minorities; or have children in the household<sup>1</sup>. This gives an indication of the groups most likely to see an impact from a CT increase.

#### 4. **Alternative options**

- 4.1 The realistic alternative to a 3% council tax increase would be a lower (or no) increase. A reduced tax increase would represent a permanent diminution of our income unless we hold a council tax referendum in a future year. In my view, such a referendum is unlikely to support a higher tax rise. It would also require a greater use of reserves and more cuts to services in 2023/24.
- 4.2 The budget situation is already extremely difficult, and it seems inevitable that further cuts will have severe effects on front-line services. It is not possible to say precisely where these future cuts would fall; however, certain protected groups (e.g. older people; families with children; and people with disabilities) could face disproportionate impacts from reductions to services.

#### 5. **Mitigating actions**

- 5.1 The Council has a range of mitigating actions for residents. These include: funding through Discretionary Housing Payments, Council Tax Discretionary Relief and Community Support Grant awards; the council's work with voluntary and community sector organisations to provide food to local people where it is required – through the council's or partners' food banks; through schemes which support people getting into work (and include cost reducing initiatives that address high transport costs such as providing recycled bicycles); and through support to social welfare advice services. The Council is also running a welfare benefits take-up campaign, to raise awareness of entitlements and boost incomes among vulnerable groups.

---

<sup>1</sup> *Dragged Down by Debt*, JRF, October 2021

6. **What protected characteristics are affected?**

- 6.1 The table below describes how each protected characteristic is likely to be affected by the proposed council tax increase. The table sets out anticipated impacts, along with mitigating actions available to reduce negative impacts.
- 6.2 Some protected characteristics are not, as far as we can tell, disproportionately affected (as will be seen from the table) because there is no evidence to suggest they are affected differently from the population at large. They may, of course, be disadvantaged if they also have other protected characteristics that are likely to be affected, as indicated in the following analysis of impact based on protected characteristic.

### Analysis of impact based on protected characteristic

Protected characteristic	Impact of proposal:	Risk of negative impact:	Mitigating actions:
<b>Age</b>	<p>Older people (pension age and older) are least affected by a potential increase in council tax and can access more generous (up to 100%) council tax relief. However, in the current financial climate, a lower council tax increase would require even greater cuts to services in due course. While it is not possible to say where these cuts would fall exactly, there are potential negative impacts for this group as older people are the primary service users of Adult Social Care.</p> <p>Working age people bear the brunt of the impacts of welfare reform reductions – particularly those with children. There is some evidence that younger adults and families with children are already more likely to be under financial stress.</p>	<p>Working age households and families with children – incomes squeezed through low wages and reducing levels of benefit income.</p> <p>Younger people are more likely to have lost jobs during the pandemic and may not yet have found permanent full-time employment.</p>	<p>Access to council discretionary funds for individual financial crises; access to council and partner support for food; and advice on managing household budgets.</p>
<b>Disability</b>	<p>Disability benefits have been reduced over time as thresholds for support have increased.</p> <p>The tax increase could have an impact on such household incomes.</p> <p>However, in the current financial climate, a lower council tax increase would require even greater cuts to services in due course. While it is not possible to say where these cuts would fall exactly, there are potential negative impacts for this group as disabled people are more likely to be service users of Adult Social Care.</p>	<p>Further erode quality of life being experienced by disabled people as their household incomes are squeezed further as a result of reduced benefits.</p>	<p>Disability benefits are disregarded in the assessment of need for CTSS purposes. Access to council discretionary funds for individual financial crises; access to council and partner support for food; and advice on better managing budgets.</p>
<b>Gender Reassignment</b>	<p>No disproportionate impact is attributable specifically to this characteristic.</p>		



Protected characteristic	Impact of proposal:	Risk of negative impact:	Mitigating actions:
<b>Pregnancy &amp; Maternity</b>	Maternity benefits have not been frozen and therefore kept in line with inflation. However, other social security benefits have been frozen, but without disproportionate impact arising for this specific protected characteristic.		
<b>Race</b>	<p>Those with white backgrounds are disproportionately on low incomes (indices of multiple deprivation) and in receipt of social security benefits. Some ethnic minority people are also low income and on benefits.</p> <p>Nationally, one-earner couples have seen particular falls in real income and are disproportionately of Asian background – which suggests an increasing impact on this group.</p> <p>There is some evidence that minority ethnic groups have been more likely to face job losses in the pandemic.</p>	Household income being further squeezed through low wages and reducing levels of benefit income.	Access to council discretionary funds for individual financial crises, access to council and partner support for food and advice on managing household budgets. Where required, interpretation and translation will be provided to remove barriers in accessing support.
<b>Religion or Belief</b>	No disproportionate impact is attributable specifically to this characteristic.		
<b>Sex</b>	Disproportionate impact on women who tend to manage household budgets and are responsible for childcare costs. Women are disproportionately lone parents. Analysis has identified lone parents as a group particularly likely to lose income from welfare reforms.	Incomes squeezed through low wages and reducing levels of benefit income. Increased risk for women as they are more likely to be lone parents.	<p>If in receipt of Universal Credit or tax credits, a significant proportion of childcare costs are met by these sources.</p> <p>Access to council discretionary funds for individual financial crises, access to council and partner support for food and advice on managing household budgets.</p>
<b>Sexual Orientation</b>	There have been reports published which suggest LGBT people are at increased financial risk during COVID-19. There is not enough data available to evidence the disproportionate impact attributable specifically to this characteristic but we will continue to monitor this.		

## **Appendix 2**

### **Earmarked Reserves**

1. The table below shows the position on earmarked reserves, after the changes made in the 2020/21 outturn report:

	<b>Balance at 1/4/2021 £000</b>
<b><u>Ring-fenced Reserves</u></b>	
School Balances	24,108
DSG not delegated to schools	1,433
School Capital Fund	2,753
Schools Buy Back	2,429
Education & Skills Funding Agency Learning Programmes	1,112
Arts Council National Portfolio Organisation Funding	845
Business Support Grants	2,722
Covid-19 Collection Fund Compensation	25,720
<b>Subtotal Ring-fenced Reserves</b>	<b>61,122</b>
<b><u>Departmental Earmarked Reserves</u></b>	
Social Care Reserve	7,341
ICT Development Fund	8,436
City Development & Neighbourhoods	9,382
Delivery, Communications & Political Governance	3,477
Health & Wellbeing Division	4,291
Financial Services Reserve	3,052
NHS Joint Working Projects	9,420
Housing	2,358
Other Departmental Reserves	464
<b>Subtotal Departmental Reserves</b>	<b>48,221</b>
<b><u>Corporate Reserves</u></b>	
Managed Reserves Strategy	69,362
COVID Pressures	10,899
Capital Programme Reserve	97,587
Insurance Fund	10,608
BSF Financing	8,638
Welfare Reserve	6,429
Severance Fund	4,827
Service Transformation Fund	5,867
Other Corporate Reserves	4,652
<b>Subtotal Corporate Reserves</b>	<b>218,869</b>
<b>Total Earmarked Reserves</b>	<b>328,212</b>

2. Earmarked reserves can be divided into ring-fenced reserves, which are funds held by the Council but for which we have obligations to other partners or organisations; departmental reserves, which are held for specific services; and corporate reserves, which are held for purposes applicable to the organisation as a whole. The need for each reserve will be reviewed before the outturn for 2021/22 is completed, with a view to releasing more funds for the managed reserves strategy.
3. Ring-fenced reserves include:-
  - **Reserves for schools:**
    - School Capital Fund
    - Schools Buyback
    - Dedicated Schools Grant
    - Schools balances
  - Two smaller reserves held because grant funding has been received to fund specific schemes.
  - **Business Support Grants:** the government provided grant funding in 2020/21 to support businesses during the pandemic. The balance of funding is required for grants to businesses in 2021/22.
  - **Covid-19 Collection Fund Compensation:** the government provided grant funding in 2020/21 to enable councils to pay additional business rate reliefs. However, due to the way local tax is accounted for, the reliefs do not affect the general fund until 2021/22. This reserve is essentially an accounting reserve which will be fully used in 2021/22.
4. Departmental reserves include amounts held by service departments to fund specific projects or identified service pressures. Significant amounts include:-
  - **Social Care Reserve:** to assist in the management of budget pressures in adults' and children's social care. The available balance takes account of £10m committed to offset ASC pressures in the 2022/23 budget, as per the 2020/21 outturn report.
  - **ICT Development Fund** this reserve funds a rolling programme for network and server upgrades and replacement of PC stock. It also includes funding put aside to support the delivering new ways of working programme.
  - **City Development and Neighbourhoods:** to meet known additional pressures, including one off costs associated with highways functions and the cost of projects that have carried forward into 2021/22.
  - **Health & Wellbeing:** to support service pressures, channel shift and transitional costs.
  - **Delivery, Communications & Political Governance:** this is principally for elections and other projects within the department.
  - **Financial Services:** for expenditure on improving the Council's main financial systems; spikes in benefit processing and overpayment

recovery; and to mitigate budget pressures including reducing grant income to the Revenues & Benefits service.

- **NHS joint working projects:** for joint projects with the NHS.
- **Housing:** to meet spikes in temporary accommodation costs, hold grant funding for homelessness projects, and government funding to support recent arrivals to the city.

5. Corporate reserves include:-

- **Managed Reserves Strategy:** a key element to delivering this budget strategy, and discussed further in section 7 of the main report. The available amount takes account of transfers from the social care reserve, and to support COVID pressures, as set out in the 2020/21 outturn report;
- **COVID-19 pressures:** set aside to support services facing COVID-related pressures or income shortfalls that continue into 2021/22;
- **Capital Programme Reserve:** to support approved spending on the Council's capital programme;
- **Insurance Fund:** to meet the cost of claims which are self-insured;
- **BSF Financing:** to manage costs over the remaining life of the BSF scheme and lifecycle maintenance costs of the redeveloped schools;
- **Welfare Reserve:** set aside to support welfare claimants who face crisis, following the withdrawal of government funding; to mitigate longer-term impacts of Covid-19; and to support the anti-poverty strategy;
- **Severance Fund:** to facilitate ongoing savings by meeting the redundancy and other costs arising from budget cuts;
- **Service Transformation Fund:** to fund projects which redesign services enabling them to function more effectively at reduced cost, including the New Ways of Working programme;
- **Other reserves:** includes monies for "spend to save" schemes that reduce energy consumption, the combined heat and power reserve, and the surplus property reserve which is used to prepare assets for disposal.

## Appendix 3

### Medium Term Financial Outlook 2022/23 – 2024/25

1. The purpose of this medium term financial outlook is to provide members with details of the forecast financial position of the Council for the next 3 years, and to set the context within which the budget process will need to work to achieve a balanced position. The figures are indicative and volatile, especially 2024/25.
2. Our central forecasts for the period up to 2024/25 are set out in the table at paragraph 5, and show that:
  - **Expenditure pressures are increasing at a faster rate than income.** Over the period we expect expenditure to increase by nearly 30% (in cash terms) while income projections rise by only 10% assuming there is no change in Government policy.
  - **The biggest factor in these increases is the rising cost of adult social care, as illustrated in the chart below.** These increases have been seen nationally for several years now, and now present a substantial challenge to the authority's future sustainability. These pressures arise from factors largely outside the authority's control (e.g. increases in the minimum wage and demographic pressures). The rate of growth is now accelerating.



NB scale does not start at zero

- **We have already invested significant amounts in social care.** Since 2016 we have seen the cost of adults' social care packages increase by £44m, or 60%, due to a combination of increasing need and higher wage costs. Over the same period we have invested over £20m in children's social care.
  - **Other budget areas have already seen significant cuts in the last decade.** Expenditure on services other than adults and children's social care has fallen from £192m in 2010 to £106m in 2020. Our ability to find further savings from within these services is now severely limited.
3. The 2021/22 budget was balanced by using £17m of reserves. On current projections, sufficient reserves remain to balance the 2022/23 budget and provide some support to the 2023/24 budget. After this, ongoing savings will need to be found to ensure the longer-term financial stability of the Council.
  4. Our approach is to tackle the position for 2023/24 by means of the Fundamental Budget Review, which is aiming to achieve savings of £40m. The need to achieve further savings for 24/25 will be reviewed during the course of the year when we have more clarity about Government funding and the impact of social care reforms. The level of savings currently projected by 2024/25 would appear to be unachievable without change in Government policy.
  5. A summary of the central budget projections for the next three years is set out below:

	<b>2022/23 £m</b>	<b>2023/24 £m</b>	<b>2024/25 £m</b>
Net service budget (including inflation)	323.0	354.2	381.3
Corporate and other centrally held budgets	8.7	9.6	10.4
Contingency	1.0		
Planning provision		3.0	6.0
<b>Expenditure total</b>	<b>332.7</b>	<b>366.8</b>	<b>397.7</b>
Business rates income	65.3	67.3	69.1
Top-up payment	49.8	51.3	52.6
Revenue Support Grant	38.4	39.3	40.1
Council Tax	133.6	138.8	143.9
Collection Fund deficit	(2.9)	(2.4)	
Social Care grants	13.1	13.1	13.1
New Homes Bonus	3.7	2.7	1.7
<b>Income Total</b>	<b>301.0</b>	<b>310.2</b>	<b>320.5</b>
<b>Indicative Budget gap</b>	<b>31.7</b>	<b>56.6</b>	<b>77.2</b>

5. Key assumptions and risks in the forecast are set out below:

	Assumptions	Risks
<b>Expenditure</b>		
Pay costs	<p>We assume the 1.75% pay offer for 2021/22 is implemented. The projections include 2.5% per year from 2022/23 to 2023/24.</p> <p>A provision is included for the 1.25% increase in National Insurance for 2022/23, as announced in September 2021.</p> <p>No provision is included for increasing employers' pension contributions (in recent years, increases have been absorbed by departmental budgets)</p>	Inflation has been rising in recent months, reaching 4.2% (CPI) in October 2021. If it remains high, there will be additional pressures on pay awards and non-pay inflation.
Non-pay inflation	In line with the policy in past years, departments are expected to absorb the costs of non-pay inflation in most cases. The exceptions are independent sector care package costs, fostering allowances and the waste management contract; an allowance is built in for these increases.	
Adult social care costs	<p>Demographic pressures lead to 3% per year increase in service users aged 65+, and 5% for working age.</p> <p>National Living Wage increases at 6.6% per year (4% in 2024/25).</p> <p>Need – average 6% per year in-year increase in package costs</p>	
Other service cost pressures	Departments are expected to find savings to manage cost pressures within their own areas. From 2023/24 onwards, a £3m per year planning provision has been included to meet unavoidable costs that cannot be managed within departments.	Costs relating to children who are looked after have been increasing nationally, and are a particular risk for future years.
<b>Income</b>		
Council Tax	<p>Band D Council Tax will increase by 2.99% per year (2% base increase plus 1% for the Adult Social Care precept).</p> <p>Council tax baseline increases by 500 Band D properties per year, in line with historic growth levels.</p>	Further economic downturn leading to increased costs of council tax support to residents on a low income.
Business rates	<p>The multiplier freeze for 2022/23, and new reliefs announced in October 2021, are fully funded.</p> <p>No significant movements in the underlying baseline for business rates</p>	<p>Business rates are particularly sensitive to economic conditions.</p> <p>Government changes to business rates (e.g. new reliefs) will affect our retained income. To date, these have been met by additional government grant</p>

Government grant	<p>Government-controlled elements of the rates retention scheme (RSG and top-up) increase in line with CPI inflation: 3.1% for 2022/23 and 2% thereafter.</p> <p>In 2022/23, RSG will increase by an estimated £9m, which is our share of the £1.4bn growth announced in the Comprehensive Spending Review. This includes funding to meet the cost of National Insurance increases.</p> <p>There is no net impact from Fair Funding reforms; the 2023 rates revaluation; or any move towards 75% local rates retention.</p> <p>We assume grant support towards Adult Social Care continues at 2021/22 cash levels, but no additional funding is available.</p>	<p>We do not yet have the details of local government funding for 2022/23 and subsequent years – these are expected in December.</p> <p>The impact and timing of Fair Funding reforms remains a significant unknown.</p>
<b>COVID-19 impacts</b>	<p>The forecasts assume no long-term impact of the pandemic on service costs or income.</p> <p>To the extent that there are effects persisting into 2022/23, it is assumed that these can be met from one-off resources.</p>	



---

# Capital Programme 2022/23

Decision to be taken by: Council

Date of meeting: 23<sup>rd</sup> February 2022

Lead director: Colin Sharpe, Deputy Director of Finance

---

## Useful information

- Ward(s) affected: All
- Report author: Ben Matthews
- Author contact details: ben.matthews@leicester.gov.uk
- Report version number: 1.0

## 1. Summary

- 1.1 The purpose of this report is to ask the Council to approve a capital programme for 2022/23.
- 1.2 Capital expenditure is incurred on works of lasting benefit and is principally paid for by grant, tenants' rents, and the proceeds of asset sales (capital receipts). Money can also be borrowed for capital purposes, but the scope for this is limited as borrowing affects the revenue budget.
- 1.3 Traditionally, the Council has prepared a multi-year capital programme but for 2020/21 and 2021/22 we set a one year programme due to uncertainty over future resources. There continued to be uncertainty during the period in which we prepared this programme, and we did not know what grant to expect, either in 22/23 or beyond. The COVID-19 pandemic also added uncertainty, creating significant slippage on our recent programmes. We are therefore presenting another one year programme. Schemes already approved and in the current programme for 2021/22 will continue to form part of the programme.
- 1.4 The proposed schemes set out in this report for the "General Fund" element of the capital programme will cost £56m. In addition to this, the HRA capital programme (which is elsewhere on your agenda) includes works estimated at £117m, £100m of which relates to the affordable homes programme.
- 1.5 The table below summarises the proposed spending for capital schemes starting in 2022/23, as described in this report:-

	<u>£m</u>
<b><u>Proposed Programme</u></b>	
<b><u>Immediate Starts:</u></b>	
Estates and Building Services	6.1
Housing General Fund	5.4
Neighbourhood and Environmental Services	0.8
Planning, Development and Transportation	11.3
Tourism, Culture and Inward Investment	1.2
Social Care and Education – Children's Services	8.4
Policy Provisions	22.5
<b>Total New Schemes</b>	<b>55.7</b>

### Funding

Monies ringfenced to Schemes	12.6
Unringfenced Resources	43.1
<b>Total Resources</b>	<b>55.7</b>

- 1.6 The table below presents the total spend on General Fund and Housing Revenue Account schemes:

	<u>£m</u>
General Fund	55.7
Housing Revenue Account	117.5
<b>Total</b>	<b>173.2</b>

- 1.7 In addition to the above, the current programme is still being delivered and therefore a number of significant schemes will continue to spend in future years.
- 1.8 The Council's total capital expenditure now forecast for 2022/23 and beyond is expected to be around £300m, including the HRA.
- 1.9 The Council continues to bid for significant sums from government initiatives and has been extremely successful at the end of 2020/21 and during 2021/22. Examples include:
- Receiving £24m in Government Grant for the funding of energy efficiency technology on the Council's estate.
  - Being successful in "levelling up" grant bids towards Pioneer Park, Pilot House and the Railway Station, that will bring a total investment on these schemes of £59m.
  - Awarded £19m in Government Grant towards the purchase of 96 electric buses and their associated charging infrastructure, with there also being substantial operator contributions to the scheme.
- 1.10 The capital programme is split into two parts:-
- (a) Schemes which are "**immediate starts**", being schemes which directors have authority to commence once the council has approved the programme. These are fully described in this report;
  - (b) Schemes which are "**policy provisions**", where the purpose of the funding is described but money will not be released until specific spending proposals have been approved by the Executive.

1.11 Immediate starts have been split into three categories:-

- (a) **Projects** – these are discrete, individual schemes such as a road scheme or a new building. These schemes will be monitored with reference to physical delivery rather than an annual profile of spending. (We will, of course, still want to make sure that the overall budget is not going to be exceeded);
- (b) **Work Programmes** – these will consist of minor works or similar schemes where there is an allocation of money to be spent in a particular year;
- (c) **Provisions** – these are sums of money set aside in case they are needed, but where low spend is a favourable outcome rather than indicative of a problem.

## 2. Recommendations

2.1 The Council is asked to:-

- (a) Approve the capital programme described in this report and summarised at Appendices Two to Six, subject to any amendments proposed by the City Mayor;
- (b) For those schemes designated immediate starts, delegate authority to the lead director to commit expenditure, subject to the normal requirements of contract procedure rules, rules concerning land acquisition and finance procedure rules;
- (c) Delegate authority to the City Mayor to determine a plan of spending for each policy provision, and to commit expenditure up to the maximum available;
- (d) For the purposes of finance procedure rules:
  - Determine that service resources shall consist of service revenue contributions; HRA revenue contributions; and government grants/third party contributions ringfenced for specific purposes (but see below for LLEP investment programmes);
  - Designate the operational estate capital maintenance programme, highways maintenance programme and transport improvement programme as programme areas, within which the director can reallocate resources to meet operational requirements.

- (e) As in previous years, delegate to the City Mayor:
- Authority to increase any scheme in the programme, or add a new scheme to the programme, subject to a maximum of £10m corporate resources in each instance;
  - Authority to reduce or delete any capital scheme, subject to a maximum of 20% of scheme value for “immediate starts”; and
  - Authority to transfer any “policy provision” to the “immediate starts” category.
- (f) In respect of Government investment programmes for which the Council receives grant as the accountable body to the Leicester and Leicestershire Enterprise Partnership (LLEP):-
- Delegate to the City Mayor approval to accept Government offers of funding, and to add this to the capital programme;
  - Delegate to the Strategic Director, City Development and Neighbourhoods, in consultation with the Director of Finance, authority to allocate the funding to individual schemes (in effect, implementing decisions of the LLEP);
  - Agree that City Council schemes funded by the programme can only commence after the City Mayor has given approval;
  - Delegate to the Director of Finance authority to reallocate programme funding between schemes, if permissible, to ensure the programme as a whole can be delivered; and
  - Note that City Council contributions to schemes will follow the normal rules described above (i.e. nothing in this paragraph permits the City Mayor to supplement the programme with City Council resources outside of normal rules).
- (g) Delegate to directors, in consultation with the relevant deputy/assistant mayor, authority to incur expenditure in respect of policy provisions on design and other professional fees and preparatory studies, but not any other type of expenditure;
- (h) Approve the capital strategy at Appendix 7.

### 3. Proposed Programme

#### Key Policy Issues

- 3.1 In preparing the 2022/23 capital programme, similar to previous years the key focus is to deliver strategic objectives and meet (as far as possible) a level of need which considerably exceeds the level of resources the Council has available.
- 3.2 The resulting capital programme is primarily focussed around some key pledges of the Council. The key pledges are:
- A fair city
  - Connecting Leicester
  - Homes for all
  - Lifelong learning
  - A city to enjoy
- 3.3 The capital programme for 2022/23 is a one year programme for the reasons stated above. Nonetheless, it complements the existing programme and explicitly aims to support the City Mayor's delivery plan.
- 3.4 When the outturn for 2020/21 was approved, sums were set aside to assist with the aftermath of the pandemic. This included £20m set aside for potential match funding for "levelling up" schemes and a further £10m for schemes supporting recovery. In the event, our levelling up grant application to the Government was wholly successful, but will only require half of the £20m set aside. The remainder is available to support the capital programme. Some of the recovery monies are being utilised for schemes in this programme, such as assisting retail and to support New Ways of Working within the Council. This is further detailed in the financial implications to this report.
- 3.5 It is important to note that the council's commitment to tackling the climate emergency is most obviously but not exclusively addressed within the Connecting Leicester and the Transport Improvement Works Programmes.
- 3.6 However, addressing the energy and bio-diversity requirements of all our capital projects is central to the entire capital programme. Recent years' capital projects have included energy saving and generating elements across the corporate estate, as well as a raft of energy efficiency measures in our schools and on our housing estates. The Council is currently working to obtain further government grant funding to expand such schemes.
- 3.7 Similarly, our commitment to invest in the whole city cuts right across our capital programme. The housing, children's and transport capital

investment programmes represent the largest components of this and likely future capital programmes. These capital investment strands will benefit the entire city from our outer estates to the city centre.

## Resources

- 3.8 Resources available to the programme consist primarily of Government grant and capital receipts (the HRA programme is also supported by tenants' rent monies). Most grant is unringfenced, and the Council can spend it on any purpose it sees fit.
- 3.9 Appendix One presents the unringfenced resources available to fund the proposed programme, which total some £43m. The key funding sources are detailed below.
- (a) £5.8m of general capital receipts and £0.7m of Right to Buy Receipts;
  - (b) £13.6m of unringfenced grant funding;
  - (c) £10.4m of Earmarked Reserves set aside to support schemes in the Levelling Up programme, which are surplus to requirement, as a result of being successful in the bid for government grant.
  - (d) £12.5m of monies we already have, primarily from savings achieved in previous programmes. This figure is net of £0.94m which will be used to support phase 2 of the Leisure Centre Capital Programme in line with a decision on 27<sup>th</sup> October 2021.
- 3.10 The Council has a policy of not committing capital receipts until they are received. This increases the resilience of the capital programme at a time when revenue budgets are under severe pressure. £5.8m of general capital receipts are available for 2022/23 based on receipts received or due at the time of writing. Subsequent receipts will be available to fund the 2023/24 programme.
- 3.11 The exception to not committing receipts in advance is the expected receipts from the sale of council housing. Where tenants exercise their "Right to Buy" the RTB receipts are layered, with different layers being available for different purposes. A sum of £0.7m will be available for general purposes: this is predictable. Further tranches are available to us but must be used for new affordable housing or returned to the government.
- 3.12 For some schemes the amount of unringfenced resources required is less than the gross cost of the scheme. This is because resources are ringfenced directly to individual schemes. Ringfenced resources are shown throughout Appendix Two and include the following:
- (a) Other grants and match funding, such as government grant and contributions made to support the delivery of specific schemes;

- (b) Borrowing. Because borrowing has an impact on the revenue budget, it is only used for reasons detailed in capital strategy at Appendix 7 of this report;
- (c) Earmarked reserves, such as the Covid Recovery Reserve and the Transformation Fund

3.13 Finance Procedure Rules enable directors to make limited changes to the programme after it has been approved. For these purposes, the Council has split resources into corporate and service resources. These are similar to, but not quite the same as, ringfenced and unringfenced resources. Whilst all unringfenced resources are corporate, not all ringfenced monies are service resources. Borrowing, for instance, is treated as a corporate resource requiring a higher level of approval.

3.14 Directors have authority to add schemes to the programme, provided they are funded by service resources, up to an amount of £250,000. This provides flexibility for small schemes to be added to the programme without a report to the Executive.

#### Proposed Programme – Immediate Starts

3.15 Schemes classified as immediate starts can commence as soon as required, once the Council has approved the capital programme. No further approval is necessary. The whole programme is summarised at Appendix 2. Responsibility for the majority of projects rests with the Strategic Director of City Development and Neighbourhoods. The exceptions are the children's homes refurbishments and the Children's Capital Improvement Programme which are the responsibility of the Strategic Director of Social Care and Education.

3.16 £6.1m is provided for Estates and Building Services. This area is focussed on the Council's corporate estate.

- (a) £252,000 is provided to replace the Air Handling Units at the **African Caribbean Centre Ventilation**. The new system will be more efficient, cost effective and would provide suitable ventilation throughout the building.
- (b) £680,000 is provided to support the **Changing Places – Disabled Toilet Facilities** scheme. The Council is contributing £200,000 as match funding and is expecting to receive £480,000 in government grant. The project focusses on provision of larger accessible toilets for severely disabled individuals, with equipment such as hoists, privacy screens, adult-sized changing benches, peninsula toilets and space for carers.



- (c) £1m is provided for the **Malcolm Arcade Refurbishment** to create a lighter more vibrant atmosphere with the intention to entice new businesses and customers. Refurbishment works will include a roof replacement, which will help to reduce maintenance costs and ensure the building is watertight. Other works will be updates to the floors, walls, staircase, lighting, doors and windows.
- (d) £400,000 is provided for **Feasibility Studies**. This will enable studies to be done, typically for potential developments not included elsewhere in the programme or which might attract grant support, without requiring further decisions.
- (e) £3.8m has been provided to support the annual **Operational Estate Capital Maintenance Programme**. This will support works to the properties the Council uses. This is a rolling annual programme and spending is prioritised to reflect asset condition and risk. The proposed programme is shown at Appendix 4, but may vary to meet emerging operational requirements.

3.17 £5.4m is provided for the Housing General Fund.

- (a) £100,000 is provided in 2022/23 to continue the programme of **Repayable Home Repair Loans**. These grants aid vulnerable, low income home owners to carry out repairs or improvements to their homes, to bring properties up to decent home standards. Any loan will remain in place until a change of ownership or sale of the property, after which repayment of the loan is required.
- (b) £1.9m has been provided for **Disabled Facilities Grants** to private sector householders. This is an annual programme which has existed for many years. These grants provide funding to eligible disabled people for adaption work to their homes, and help them maintain their independence.
- (c) £3.4m has been made available to fund the annual **Fleet Replacement Programme** as part of a rolling programme. This programme is funded from borrowing, which is repaid from existing budgets.
- (d) £50,000 continues to be made available to top up **the Long Term Empty Home Acquisitions** pot in 2022/23. The Empty Homes Team gives advice and assistance to owners, helping them bring homes back into occupation. As a last resort, when all avenues have been exhausted, we have to use compulsory purchase. £50,000 covers the incidental costs associated with acquisition where CPO or negotiated purchase is required, where such costs cannot be recouped from the sale proceeds.

3.18 £0.8m is provided for Neighbourhoods and Environmental Services.

- (a) £592,000 is provided for the **Library Self-Access Rollout** scheme encompassing nine Leicester libraries, to enable customers to access library facilities outside of staffed hours. The rollout follows on from the pilot project implemented during 2021/22 at two libraries. The scheme is being funded by the transformation fund earmarked reserve.
- (b) £200,000 is provided for **Grounds Maintenance Equipment** to replace ageing machinery with up to date, energy efficient models to provide continued maintenance of our parks and open spaces. The replacement of this equipment is met from borrowing, and a revenue budget exists for this purpose.

3.19 £11.3m is provided for Planning, Development and Transportation.

- (a) £4m is provided for the **Connecting Leicester** scheme to support the continuation and expansion of the City Mayor's programme to enhance the city centre and local centres through improvements to public realm and accessibility by modes other than use of private cars. A work programme will be determined in due course and the priority areas are as follows: St Martin's; Queens Road; Granby Street; Braunstone Gate.
- (b) £100,000 has been provided for the **Front Walls Enveloping Scheme** and is a continuation of previous schemes. It involves the enclosure of small spaces in front of housing. Enveloping schemes can make a significant improvement to local neighbourhoods and enable occupiers to tend house fronts more effectively.
- (c) £250,000 is included as part of the continued rolling programme to replace **Festive Decorations**. This is a higher than usual amount in order to make a step improvement in displays, which will assist economic recovery. It will be funded from the covid recovery reserve.
- (d) £300,000 is provided to continue the **Flood Risk Prevention** scheme into 2022/23. The programme supports the Local Flood Risk Management Strategy and action plan, and the delivery of our statutory role to manage and reduce flood risk in collaboration with the Environment Agency & Severn Trent Water.
- (e) £400,000 has been provided for **Local Environmental Works** in wards. This scheme will focus on local neighbourhood issues including residential parking, local safety concerns, pedestrian

routes, cycle ways and community lighting to be delivered after consultation with ward members.

- (f) £1.6m is provided for **Strategic Sites Development** to continue with the Council's ongoing development programme and commitment to creating more homes. The sites included are Ashton Green, Western Park Golf Course and Land at Beaumont Park. This programme will enable the continuation of strategic plans for development of key sites for future homes to be built. This programme will initially be funded from prudential borrowing and repaid with future capital receipts that it generates.
- (g) £2.2m is provided as part of the continued **Highway Capital Maintenance Programme**. This is a rolling annual programme and spending is prioritised to reflect asset condition, risk and local neighbourhood priorities. The proposed programme is shown at Appendix 5. £50,000 has also been included to continue the successful street branding programme.
- (h) £2.6m is provided in 2022/23 to continue the rolling programme of works constituting the **Transport Improvement Programme**. Some of the priority areas include:
  - Delivering cross cutting cycling, walking and public transport benefits.
  - Local safety schemes
  - 20mph schemes in Neighbourhoods
  - Delivery of the Local Transport Plan

3.20 £1.2m is provided for Tourism, Culture and Inward Investment.

- (a) £300,000 is provided for the **Ugandan Asians – 50 Year Anniversary Commemoration** for commemorative works (to be determined after consultation with the local community) to celebrate the contributions of Ugandan Indians who first arrived in the UK 50 years ago.
- (b) £850,000 is provided for **Retail and Shop Front Improvements**. The funds will enable the continuation of the retail area improvement scheme. The scheme will continue with the provision of grants such as shop front grants to business to support business growth and café seating grants to increase footfall in the city Centre and neighbourhoods. Furthermore, improvements will also entail enhancing retail areas through new paving, bollards, landscaping, roofing, and shop fronts. It will be funded from the covid recovery reserve.

3.21 £8.4m is provided for Social Care and Education, Children's Services.

- (a) £850,000 is provided for **Children's Homes Refurbishments** at the following Children's Homes: Barnes Heath House, Dunblane Avenue and Wigston Lane. Works will include a ground floor extension at Barnes Heath House, the refurbishment of kitchens and bathrooms and increasing storage space.
- (b) £7.5m has been provided to continue with the **Children's Capital Improvements Programme** within our schools. The programme will include routine maintenance in our schools and spending is prioritised to reflect asset condition and risk. This will be a 2 year programme to allow for better forward planning. The proposed programme is shown at Appendix 6: detailed schemes will be developed following consultation with schools.

#### Proposed Programme – Policy Provisions

3.22 Policy provisions are sums of money which are included in the programme for a stated purpose, but for which a further report to the Executive (and decision notice) is required before they can be spent. Schemes are usually treated as policy provisions because the Executive needs to see more detailed spending plans before full approval can be given.

3.23 Executive reports seeking approval to spend policy provisions must state whether schemes, once approved, will constitute projects, work programmes or provisions; and, in the case of projects, identify project outcomes and physical milestones against which progress can be monitored.

3.24 Seven policy provisions have been identified as part of this programme:

- (a) £0.6m for **investment in multi-use games areas (MUGAs)** over the next two years to improve outdoor game areas and ballcourts, many of which have fallen into disrepair. An inventory of existing provision will be made together with its condition and a priority list of works will be drawn up. This may include new provision where there is a deficiency. Sponsorship will also be sought. If the scheme is successful, it is hoped to provide a sum of around £0.3m per year in future years.
- (b) £2.2m is set aside for the **Education System Re-tender**. The Council is preparing to retender its core education IT system, and the money may be required to cover system implementation costs if a new system supplier is selected.

- (c) £1.8m will be available to support potential **Strategic Property**

**Acquisitions** of land and buildings within the City. Such acquisitions are likely to support economic regeneration or enhance the performance of the corporate estate.

- (d) £3m is set aside to support **New Ways of Working** as a result of the pandemic. Potential schemes could involve re-purposing buildings for more agile working and proposals will be brought for consideration once they have been determined.
- (e) 3.7m is set aside to support further improvements at **Leicester Museum and Art Gallery** with the aim of improving the overall visitor experience through development of facilities, improved visitor flow by opening new routes and the potential to increase gallery space.
- (f) A **Programme Contingency** of £3.8m has been set aside for cost pressures arising from construction inflation, or (if not needed for this purpose) for any emerging capital needs such as potential match funding for any new government programmes.
- (g) £7.3m has been set aside for **Phase 3 of the Outdoor Market Programme** of improvements to the outdoor market and surrounding public realm. A further detailed report will be prepared on the expected scope of works and detailed costing.

### Capital Strategy

- 3.25 Local authorities are required to prepare a capital strategy each year, which sets out our approach for capital expenditure and financing at high level.
- 3.26 The proposed capital strategy is set out at Appendix 7.

### Consultation

- 3.27 This report will be subject to consultation with stakeholders along with the revenue budget. Comments received will be reflected in the final report to Council.

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

### 4.1 Financial implications

- 4.1.1 This report is exclusively concerned with financial matters.
- 4.1.2 There is some proposed prudential borrowing in the programme for replacement of vehicles of £3.4m and replacement grounds maintenance machinery for £0.2m. The anticipated revenue costs arising will be £0.3m per year, for which revenue budget exists. This borrowing is affordable,

sustainable and prudent (this is further described in the Treasury Strategy on your agenda).

4.1.3 No schemes are expected to lead to higher ongoing costs and some will lead to savings.

4.1.4 At the end of 2020/21, the Council set aside £10m to support capital expenditure which facilitated covid recovery, such as rejuvenating the local economy. This programme commits £4.4m, as shown in the table below:

	<u>£000</u>
African Caribbean Centre - Ventilation	252
Festive Decorations – Enhanced Programme	250
Retail and Shop Front Improvements	850
New Ways of Working	3,000
<b>Total Covid Recovery Funds</b>	<b>4,352</b>

(Other sums are being committed during 2021/22).

## 4.2 Legal implications

4.2.1 As the report is exclusively concerned with financial matters, there are no direct legal implications arising from the report. In accordance with the constitution, the capital programme is a matter that requires approval of full Council. The subsequent letting of contracts, acquisition and/or disposal of land etc all remain matters that are executive functions and therefore there will be the need to ensure such next steps have the correct authority in place prior to proceeding. There will be procurement and legal implications in respect of individual schemes and client officers should take early legal advice.

Emma Jackman, Head of Law (Commercial, Property & Planning)

## 4.3 Equalities implications

4.3.1 Under the Equality Act 2010, public authorities have statutory duties, including the Public Sector Equality Duty (PSED) which means that, in carrying out their functions they have 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.

- 4.3.2 Protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 4.3.3 People from across all protected characteristics will benefit from the improved public good arising from the proposed capital programme. However, as the proposals are developed and implemented, consideration should continue to be given to the equality impacts of the schemes in question, and how they can help the Council to meet the three aims of the Public Sector Equality Duty.
- 4.3.4 The capital programme includes schemes which improve the city's infrastructure and contribute to overall improvement of quality of life for people across all protected characteristics. By doing so, the capital programme promotes the PSED aim of fostering good relations between different groups of people by ensuring that no area is disadvantaged compared to other areas as many services rely on such infrastructure to continue to operate.
- 4.3.5 Some of the schemes focus on meeting specific areas of need for a protected characteristic: disabled adaptations within homes (disability), home repair grants which are most likely to be accessed by elderly, disabled people or households with children who are living in poverty (age and disability), and provision of funds for festive decorations (religion and belief).
- 4.3.6 Other schemes target much larger groups of people who have a range of protected characteristics reflective of the diverse population within the city. Some schemes are place specific and address environmental issues that also benefit diverse groups of people. The delivery of the capital programme contributes to the Council fulfilling our Public Sector Equality Duty (PSED). For example, schemes which support people in being able to stay in their homes, to continue to lead independent lives, and to participate in community life help promote equality of opportunity, another one of the aims of the PSED.
- 4.3.7 Where there are any improvement works to buildings or public spaces, considerations around accessibility (across a range of protected characteristics) must influence design and decision making. This will ensure that people are not excluded (directly or indirectly) from accessing a building, public space or service, on the basis of a protected characteristic. All schemes should consider the PSED and conducting Equality Impact Assessments where relevant in order to inform the process.

Kalvaran Sandhu, Equalities Manager

## 4.4 Climate Emergency implications

- 4.4.1 The city council declared a climate emergency in February 2019 and has now published its new Climate Emergency Strategy & Action Plan, setting out the ambition to make Leicester a carbon neutral city. The council is one of the largest employers and land owners in the city, with carbon emissions of 28,085tCO<sub>2</sub>e from its buildings and schools in 2020/21, and has a high level of influence in the rest of the city. The council has a vital role to play in reducing emissions from its buildings and operations, and leading by example on tackling the climate emergency in Leicester. The report notes the importance of tackling the climate emergency through the capital programme, with many of the projects outlined playing a positive role in reducing carbon emissions in the city.
- 4.4.2 There is not sufficient information within this report to provide specific details of climate change implications for individual projects, which may have significant implications and opportunities. Detailed implications should therefore be produced for individual projects as and when plans are finalised. At a high level, there are some general principles that should be followed during the planning, design and implementation of capital projects, as detailed below. A toolkit is also being developed to support the achievement of reduced carbon emissions in council capital construction and renovation projects.
- 4.4.3 New buildings should be constructed to a high standard of energy efficiency, and incorporate renewable energy sources where possible, with projects aiming to achieve carbon neutral development or as close as possible to this. Maintenance and refurbishment works, including replacement of systems or equipment, should also seek to improve energy efficiency wherever possible. This will reduce energy use and therefore bills, delivering further benefits. Major projects will also need to meet Climate Change policy CS2 in the Leicester City Core Strategy planning document, which requires best practice in terms of minimising energy demand for heating, ventilation and lighting, achieving a high level of fabric efficiency, and the use of low carbon or renewable sources of energy.
- 4.4.4 Projects involving procurement, including for construction works, should follow the Council's sustainable procurement guidelines. This includes the use of low carbon and sustainable materials, low carbon equipment and vehicles and reducing waste in procurement processes. Transport projects should seek to enable a greater share of journeys to be safely and conveniently undertaken by walking, cycling or public transport wherever possible, and many of the planned works will directly contribute to this. Flood risk and environmental works are also a key part of increasing resilience to a changing climate in the city.

Aidan Davis, Sustainability Officer



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

Equal Opportunities	Yes	Paragraph 4.3
Policy	Yes	The capital programme is part of the Council's overall budget and policy framework, and makes a substantial contribution to the delivery of Council policy.
Sustainable and Environmental	Yes	Paragraph 4.4
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	Yes	A number of schemes will benefit elderly people and those on low income.

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

**6. Summary of appendices:**

Appendix 1 – Corporate & Unringfenced Capital Resources.

Appendix 2a – Immediate Starts – Estates and Building Services

Appendix 2b – Immediate Starts – Housing General Fund

Appendix 2c – Immediate Starts – Neighbourhood and Environmental Services

Appendix 2d – Immediate Starts – Planning, Development and Transportation

Appendix 2e – Immediate Starts – Tourism, Culture and Inward Investment

Appendix 2f – Immediate Starts – Social Care and Education – Children's Services

Appendix 3 – Policy Provisions.

Appendix 4 – Operational Estate Maintenance Capital Programme

Appendix 5 – Highways Maintenance Capital Programme

Appendix 6 – Children's Capital Improvement Programme

Appendix 7 – Capital Strategy 2022/23.

**7. 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

**8. Is this a “key decision”? If so, why?** No – it is a proposal to the Council.

**Report Author:** Ben Matthews

**Date:**

DRAFT

## **Appendix One**

### **Capital Resources**

	<b>22/23</b> <b>{£000}</b>	<b>23/24</b> <b>{£000}</b>	<b>Total</b> <b>{£000}</b>
<b><u>Resources Brought Forward</u></b>			
Previous years' savings	12,534		<b>12,534</b>
Levelling Up reserve	10,400		<b>10,400</b>
<b>Total One Off Resources</b>	<b>22,934</b>		<b>22,934</b>
<b><u>Capital Receipts</u></b>			
General Capital Receipts	5,819		<b>5,819</b>
Council Housing - Right to Buy Receipts	700		<b>700</b>
<b>Total Receipts</b>	<b>6,519</b>	<b>0</b>	<b>6,519</b>
<b><u>Unringfenced Capital Grant</u></b>			
School Places - Basic Need Grant	1,563		<b>1,563</b>
Education maintenance	4,500	3,000	<b>7,500</b>
Integrated Transport	2,576		<b>2,576</b>
Transport maintenance	2,000		<b>2,000</b>
<b>Total Unringfenced Grant</b>	<b>10,639</b>	<b>3,000</b>	<b>13,639</b>
<b>TOTAL UNRINGFENCED RESOURCES</b>	<b>40,092</b>	<b>3,000</b>	<b>43,092</b>
<b>Ringfenced resources</b>	<b>12,588</b>		<b>12,588</b>
<b>TOTAL CAPITAL RESOURCES</b>	<b>52,680</b>	<b>3,000</b>	<b>55,680</b>

**Immediate Starts – Estates and Building Services**

	Division	Scheme Type	Corporate Programme Funding {£000}	Ringfenced Funding {£000}	Total Approval {£000}
<b><u>Estates and Building Services</u></b>					
African Caribbean Centre - Ventilation	CDN (EBS)	PJ	-	252	<b>252</b>
Changing Places – Disabled Toilet facilities	CDN (EBS)	PJ	200	480	<b>680</b>
Malcolm Arcade Refurbishment	CDN (EBS)	PJ	1,000	-	<b>1,000</b>
Feasibility Studies	CDN (EBS)	WP	400	-	<b>400</b>
Operational Estate Maintenance	CDN (EBS)	WP	3,822	-	<b>3,822</b>
<b>TOTAL</b>			<b>5,422</b>	<b>732</b>	<b>6,154</b>

*Key to Scheme Types : PJ = Project ; WP = Work Programme*

**Summary of Ringfenced Funding**

	{£000}
COVID Recovery Fund Reserve	252
Changing Places Toilets (CPT) Fund	480
<b>TOTAL RINGENCED FUNDING</b>	<b>732</b>

**Immediate Starts – Housing General Fund**

	Division	Scheme Type	Corporate Programme Funding {£000}	Ringfenced Funding {£000}	Total Approval {£000}
<b><u>Housing General Fund</u></b>					
Empty Homes Acquisition Programme	CDN (HGF)	PV	50		<b>50</b>
Repayable Home Repair Loans	CDN (HGF)	WP	100	-	<b>100</b>
Disabled Facilities Grant	CDN (HGF)	WP	-	1,861	<b>1,861</b>
Fleet Replacement Programme	CDN (HGF)	WP	-	3,396	<b>3,396</b>
<b>TOTAL</b>			<b>150</b>	<b>5,257</b>	<b>5,407</b>

*Key to Scheme Types : WP = Work Programme ; PV = Provision ;  
Oth = Other*

**Summary of Ringfenced Funding**

	{£000}
Disabled Facilities Grant	1,861
Prudential Borrowing	3,396
<b>TOTAL RINGENCED FUNDING</b>	<b>5,257</b>

**Immediate Starts – Neighbourhood and Environmental Services**

	Division	Scheme Type	Corporate Programme Funding {£000}	Ringfenced Funding {£000}	Total Approval {£000}
<b><u>Neighbourhood and Environmental Services</u></b>					
Library Self-Access Rollout	CDN (NES)	PJ	-	592	<b>592</b>
Grounds Maintenance Equipment	CDN (NES)	WP	-	200	<b>200</b>
<b>TOTAL</b>			<b>0</b>	<b>792</b>	<b>792</b>

*Key to Scheme Types : PJ = Project ; WP = Work Programme ;*

**Summary of Ringfenced Funding**

	{£000}
Transformation Fund (Earmarked Reserve)	592
Prudential Borrowing	200
<b>TOTAL RINGENCED FUNDING</b>	<b>792</b>

**Immediate Starts – Planning, Development and Transportation**

	Division	Scheme Type	Corporate Programme Funding {£000}	Ringfenced Funding {£000}	Total Approval {£000}
<b><u>Planning, Development and Transportation</u></b>					
Connecting Leicester Programme	CDN (PDT)	PJ	4,000	-	<b>4,000</b>
Front Walls Enveloping Scheme	CDN (PDT)	WP	100	-	<b>100</b>
Festive Decorations – Enhanced Programme	CDN (PDT)	WP	-	250	<b>250</b>
Flood Risk Prevention	CDN (PDT)	WP	300	-	<b>300</b>
Local Environmental Works	CDN (PDT)	WP	400	-	<b>400</b>
Strategic Sites development	CDN (PDT)	WP	-	1,557	<b>1,557</b>
Highway Capital Maintenance	CDN (PDT)	WP	2,152	-	<b>2,152</b>
Transport Improvement Works	CDN (PDT)	WP	2,556	-	<b>2,556</b>
<b>TOTAL</b>			<b>9,508</b>	<b>1,807</b>	<b>11,315</b>

*Key to Scheme Types : PJ = Project ; WP = Work Programme ;*

**Summary of Ringfenced Funding**

	{£000}
COVID Recovery Fund (Earmarked Reserve)	250
Future Earmarked Capital Receipts	1,557
<b>TOTAL RINGENCED FUNDING</b>	<b>1,807</b>

## Appendix 2e

### Immediate Starts – Tourism, Culture and Inward Investment

	Division	Scheme Type	Corporate Programme Funding {£000}	Ringfenced Funding {£000}	Total Approval {£000}
<b>Tourism, Culture and Inward Investment</b>					
Ugandan Asians – 50 Year Anniversary Commemoration	CDN (TCI)	PJ	150	150	300
Retail and Shop Front Improvements	CDN (TCI)	WP	-	850	850
<b>TOTAL</b>			<b>150</b>	<b>1,000</b>	<b>1,150</b>

Key to Scheme Types : PJ = Project ; WP = Work Programme ;

#### Summary of Ringfenced Funding

	{£000}
Other Contributions	150
COVID Recovery Fund (Earmarked Reserve)	850
<b>TOTAL RINGENCED FUNDING</b>	<b>1,000</b>



**Immediate Starts – Social Care and Education – Children’s Services**

	Division	Scheme Type	Corporate Programme Funding {£000}	Ringfenced Funding {£000}	Total Approval {£000}
<b><u>Social Care and Education – Children’s Services</u></b>					
Children's Homes Refurbishments	SCE (ECS)	PJ	850	-	<b>850</b>
Children's Capital Improvement Programme	SCE (ECS)	WP	7,508	-	<b>7,508</b>
<b>TOTAL</b>			<b>8,358</b>	<b>0</b>	<b>8,358</b>

*Key to Scheme Types : PJ = Project ; WP = Work Programme ;*

## Appendix 3

### Policy Provisions

	Division	Scheme Type	Corporate Programme Funding {£000}	Ringfenced Funding {£000}	Total Approval {£000}
<b><u>Policy Provisions</u></b>					
Investment in multi-use game areas (MUGAs)	CDN (NES)		600	-	600
Education System Re-tender	SCE (ECS)		2,200	-	2,200
Strategic Property Acquisitions	CDN (PDT)		1,840	-	1,840
New Ways of Working	CDN (CRS)		-	3,000	3,000
Leicester Museum and Art Gallery (LMAAG)	CDN (TCI)		3,738	-	3,738
Programme Contingency	All Divisions		3,826	-	3,826
Outdoor Market phase 3	CDN (TCI)		7,300	-	7,300
<b>TOTAL</b>			<b>19,504</b>	<b>3,000</b>	<b>22,504</b>
<b>GRAND TOTAL – ALL SCHEMES</b>			<b>43,092</b>	<b>12,588</b>	<b>55,680</b>

### Summary of Ringfenced Funding

	{£000}
COVID Recovery Fund (Earmarked Reserve)	3,000
<b>TOTAL RINGENCED FUNDING</b>	<b>3,000</b>

**Appendix 4****Operational Estate Maintenance Capital Programme**

<b>Description</b>	<b>Amount £000's</b>
Building Works - Essential maintenance at the Council's operational and investment buildings and parks. Works include replacing life expired pool liner with tiles, changing room refurbishments, maintenance work at the Haymarket Centre, and stabilisation and repair works required at the Council's parks.	2,177
Compliance Works - Generally consisting of surveys to gain condition data across the estate and works arising from the legionella risk assessments.	70
Electrical Works - Replacement fuse boards, fire alarms and mains distribution panels.	155
Heritage Works - Full condition survey and repairs at Glenfield Tunnel	60
Mechanical Works - Replacement anti flood valve and ventilation works required at the Council's leisure centres.	70
Security Works - Alarm system replacements and provision for other security works.	410
Sustainability Works - Energy monitoring systems across the Council's estate	120
Town Hall - external works (including repairing balcony) and interior works (including balustrade reseating)	400
Emergency Provision – Provision for emergency reactive works that could be required across the Council's estate	360
<b>TOTAL</b>	<b>3,822</b>

**Proposed Highways Maintenance Capital Programme**

<b>Description</b>	<b>Amount £000's</b>
Major Public Realm & Transport Improvement Schemes - Public realm and transport maintenance works associated with transforming cities and active travel fund	100
Principal Roads – Uppingham Road, Thurmaston Lane/Victoria Road East Roundabout	450
Classified Non-Principal Roads – Saffron Lane continuation (The Fairway to Pork Pie Roundabout), Barkby Road, Swain Street	630
Unclassified Neighbourhood Roads – Scraptoft Lane (Bowhill Grove to Thurncourt Road)	200
LEAN Carriageway & Pothole Repairs – Target large carriageway pothole repairs to provide longer term repairs in readiness for surface dressing.	130
Footway Relays and Reconstructions – Focus on local neighbourhood priorities; Narborough Road continuation and Melton Road Cycleway.	215
Strategic Bridge Deck Maintenance & Replacement Works Friday Street bridge	135
Bridge Improvement & Maintenance Works – Parapet replacements, structural maintenance works and technical assessment review project.	200
Traffic Signal Installations Renewals and Lighting Column Replacements – Signalling Upgrades, Lamp Column Replacements, Illuminated Bollards and Sign Replacements.	240
DfT / Whole Government Accounting Lifecycle Asset Management Development Project – Strategic asset management development, data analysis, lifecycle planning and reporting in support of DfT Challenge Funding bidding linked to asset management performance.	300
<b>TOTAL *</b>	<b>2,600</b>

\*This scheme is deliberately over-programmed to manage risks from scheme co-ordination clashes and other factors affecting timing of works.

**Children's Capital Improvement Programme**

<b>Description</b>	<b>Amount £000's</b>
Building Works - Typical works include roof replacements, sports hall floor replacements and window replacements.	3,823
Compliance Works - This work stream will mainly be used to ensure the playing fields and pavilions used by schools are fully compliant with current regulations and to conduct health and safety works.	70
Mechanical Works - schemes being undertaken within the programme typically consist of re-piping heating systems and end of life ventilation replacements	685
Safeguarding Works - building works to ensure sites are secure.	750
Fire Risk Reduction Works - this is to continue with priority works identified within the fire risk assessments for schools.	780
Legionella Risk Reduction Works - Schemes typically include removal of cold water storage tanks to reduce the risk of legionella and other works that arise from the risk assessments carried out.	140
Asbestos Risk Reduction Works - Schemes consist of asbestos removal identified within the management surveys.	240
Sustainability Works - Replacement of the system that monitors energy usage, to allow for carbon reduction.	120
Individual Access Needs Works - This is a provision to allow works to be carried out to enable children with additional needs to access mainstream school.	420
Emergency Provision - This is provision within the programme to allow for emergency unforeseen works to be carried out.	480
<b>TOTAL</b>	<b>7,508</b>

**Capital Strategy 2022/23**

**1. Introduction**

- 1.1 It is a requirement on local authorities to prepare a capital strategy each year, which sets out our approach to capital expenditure and financing at a high level. The requirement to prepare a strategy arises from Government concerns about certain authorities borrowing substantial sums to invest in commercial property, often primarily for yield and outside the vicinity of the Council concerned (something the Council has never done).
- 1.2 There is also a requirement on local authorities to prepare an investment strategy, which specifies our approach to making investments other than day to day treasury management investments (the latter is included in our treasury management strategy, as in previous years). The investment strategy is presented as a separate report on your agenda.
- 1.3 This appendix sets out the proposed capital strategy for the Council's approval.

**2. Capital Expenditure**

- 2.1 The Council's capital expenditure plans are approved by the full Council, on the basis of two reports:-
  - (a) The corporate capital programme – this covers periods of one or more years, and is always approved in advance of the period to which it relates. It is often, but need not be, revisited annually (it need not be revisited if plans for the subsequent year have already been approved);
  - (b) The Housing Revenue Account (HRA) capital programme – this is considered as part of the HRA budget strategy which is submitted each year for approval.
- 2.2 The capital programme is split into:-
  - (a) Immediate starts – being schemes which are approved by the Council and can start as soon as practical after the council has approved the programme. Such schemes are specifically described in the relevant report;
  - (b) Policy provisions, which are subsequently committed by the City Mayor (and may be less fully described in the report). The principle here is that further consideration is required before the scheme can start.
- 2.3 The corporate capital programme report sets out authorities delegated to the City Mayor. Decisions by the City Mayor are subject to normal requirements in the constitution (e.g. as prior notice and call-in).

- 2.4 Monitoring of capital expenditure is carried out by the Executive and the Overview Select Committee. Reports are presented on 3 occasions during the years, and at outturn. For this purpose, immediate starts have been split into three categories:-
- (a) **Projects** – these are discrete, individual schemes such as a road scheme or a new building. These schemes are monitored with reference to physical delivery rather than an annual profile of spending. (We will, of course, still want to make sure that the overall budget is not going to be exceeded);
  - (b) **Work Programmes** – these will consist of minor works or similar schemes where is an allocation of money to be spent in a particular year.
  - (c) **Provisions** – these are sums of monies set aside in case they are needed, but where low spend is a favourable outcome rather than indicative of a problem.
- 2.5 When, during the year, proposals to spend policy provisions are approved, a decision on classification is taken at that time (i.e. a sum will be added to projects, work programmes or provisions as the case may be).
- 2.6 The authority does not capitalise expenditure, except where it can do so in compliance with proper practices: it has never applied for directions to capitalise revenue expenditure.
- 2.7 The table below forecasts the past and forecast capital expenditure for the current year and 2022/23. It therefore, includes latest estimates of expenditure from the 2021/22 programme that will be rolled forward.

<b>Department / Division</b>	<b>2021/22 Estimate £m</b>	<b>2022/23 &amp; Beyond Estimate £m</b>
All Departments (Programme Contingency)	0	3.8
Corporate Resources	0.1	3.1
Smart Cities	0.2	-
Planning, Development & Transportation	45.9	72.5
Tourism, Culture & Inward Investment	11.1	33.3
Neighbourhood & Environmental Services	2.5	4.3
Estates & Building Services	35.7	8.2
Adult Social Care	1.3	8.0
Children's Services	13.9	33.4
Public Health	1.0	0.1
Housing General Fund	4.9	9.5
<b>Total General Fund</b>	<b>116.6</b>	<b>176.2</b>
Housing Revenue Account	103.1	125.1
<b>Total</b>	<b>219.7</b>	<b>301.3</b>

- 2.8 The Council's Estates and Building Services Division provides professional management of non-housing property assets. This includes maintaining the properties, collecting any income, rent reviews, ensuring that lease conditions are complied with and that valuations are regularly updated at least every 5 years. A capital programme scheme is approved each year for significant improvements or renovation.
- 2.9 The Housing Division provides management of tenanted dwellings. Apart from the new build, the HRA capital programme is almost entirely funded from tenants' rents. The criteria used to plan major works are in the table below:-

<b>Component for Replacement</b>	<b>Leicester's Replacement Condition Criteria</b>	<b>Decent Homes Standard: Maximum Age</b>
Bathroom	All properties to have a bathroom for life by 2036	30 - 40 years
Central Heating Boiler	Based on assessed condition	15 years (future life span of new boilers is expected to be on average 12 years)
Chimney	Based on assessed condition	50 years
Windows & Doors	Based on assessed condition	40 years
Electrics	Every 30 years	30 years
Kitchen	All properties to have an upgraded kitchen by 2036	20 - 30 years
Roof	Based on assessed condition	50 years (20 years for flat roofs)
Wall finish (external)	Based on assessed condition	80 years
Wall structure	Based on assessed condition	60 years

### 3. **Financing Capital Expenditure**

- 3.1 Most capital expenditure of the Council is financed as soon as it is spent (by using grants, capital receipts, revenue budgets or the capital fund). The Council will only incur spending which cannot be financed in this way in strictly limited circumstances. Such spending is termed "prudential borrowing" as we are able to borrow money to pay for it. (The treasury management strategy explains why in practice we don't need to borrow on the external market: we must still, however, account for it as borrowing and make "repayments" from revenue each year). Circumstances in which the Council will use "prudential borrowing" are:-
- (a) Where spending facilitates a future disposal, and it is estimated that the proceeds will be sufficient to fully cover the initial costs;
  - (b) Where spending can be justified with reference to an investment appraisal (this is further described in the separate investment strategy).



This also includes social housing, where repayment costs can be met from rents;

- (c) Other “spend to save” schemes where the initial cost is paid back from revenue savings or additional income;
- (d) Where, historically, the Council has used leasing for vehicles or equipment, and revenue budgets already exist to meet the cost;
- (e) “Once in a generation” opportunities to secure significant strategic investment that will benefit the city for decades to come.

3.2 The Council measures its capital financing requirement, which shows how much we would need to borrow if we borrowed for all un-financed capital spending (and no other purpose). This is shown in the table below:-

	2021/22 Estimate £m	2022/23	2023/24	2024/25
HRA	269	283	295	308
General Fund	272	270	258	252

*(The table above excludes PFI schemes).*

3.3 Projections of actual external debt are included in the treasury management strategy, which is elsewhere on your agenda.

#### 4. **Debt Repayment**

- 4.1 As stated above, the Council usually pays for capital spending as it is incurred. However, this has not always been the case. In the past, the Government encouraged borrowing and money was made available in Revenue Support Grant each year to pay off the debt (much like someone paying someone else’s mortgage payments).
- 4.2 The Council makes charges to the general fund budget each year to repay debt incurred for previous years’ capital spending. (In accordance with Government rules, no charge needs to be made to the Housing Revenue Account: we do, however, make charges for newly built and acquired property).
- 4.3 The general underlying principle is that the Council seeks to repay debt over the period for which taxpayers enjoy the benefit of the spending it financed.
- 4.4 Where borrowing pays for an asset, debt is repaid over the life of the asset.
- 4.5 Where borrowing pays for an investment, debt is repaid over the life of the Council’s interest in the asset which has been financed (this may be the asset life, or may be lower if the Council’s interest is subject to time limits). Where borrowing funds a loan to a third party, repayment will never exceed the period of the loan.
- 4.6 Charges to revenue will be based on an equal instalment of principal, or set on an annuity basis, as the Director of Finance deems appropriate.

- 4.7 Debt repayment will normally commence in the year following the year in which the expenditure was incurred. However, in the case of expenditure relating to the construction of an asset, the charge will commence in the year after the asset becomes operational or the year after total expenditure on the scheme has been completed.
- 4.8 The following are the maximum asset lives which can be used:-
- (a) Land – 50 years;
  - (b) Buildings – 50 years;
  - (c) Infrastructure – 40 years;
  - (d) Plant and equipment – 20 years;
  - (e) Vehicles – 12 years.
- 4.9 Some investments governed by the treasury strategy may be accounted for as capital transactions. Should this require debt repayment charges, an appropriate time period will be employed. Share capital has a maximum “life” of 20 years.
- 4.10 Authority is given to the Director of Finance to voluntarily set aside sums for debt repayment, over and above the amounts determined in accordance with the above rules, where he/she believes the standard charge to be insufficient, or in order to reduce the future debt burden to the authority.
- 4.11 In circumstances where the investment strategy permits use of borrowing to support projects which achieve a return, the Director of Finance may adopt a different approach to debt repayment to reflect the financing costs of such schemes. The rules governing this are included in the investment strategy.
- 4.12 The ratio of financing costs to net revenue budget is estimated to be:-

	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
	<b>%</b>	<b>%</b>	<b>%</b>
General Fund	2.2	2.4	2.4
HRA	11.3	11.4	11.8

## 5. **Commercial Activity**

- 5.1 The Council has for many decades held commercial property through the corporate estate. It may decide to make further commercial investments in property, or give loans to others to support commercial investment. Our approach is described in the investment strategy, which sets the following limitations:-
- (a) The Council will not make such investments purely to generate income. Each investment will also benefit the Council’s service objectives (most probably, in respect of economic regeneration and jobs). It will, however, invest to improve the financial performance of the corporate estate;
  - (b) The Council will not make investments outside of the LLEP area (or just beyond its periphery) except as described below. We would not, for instance, borrow money to buy a shopping centre 100 miles from Leicester;

- (c) There is one exception to (b) above, which is where the investment meets a service need other than economic regeneration. An example might be a joint investment in a solar farm, in collaboration with other local authorities; or investment in a consortium serving local government as a whole. In these cases, the location of the asset is not necessarily relevant.
- 5.2 Such investments will only take place (if they are of significant scale) after undertaking a formal appraisal, using external advisors if needs be. Nonetheless, as such investments also usually achieve social objectives, the Council is prepared to accept a lower return than a commercial funder might, and greater risk than it would in respect of its treasury management investments. Such risk will always be clearly described in decision reports (and decisions to make such investments will follow the normal rules in the Council's constitution).
- 5.3 Although the Council accepts that an element of risk is inevitable from commercial activity, it will not invest in schemes whereby (individually or collectively) it would not be able to afford the borrowing costs if they went wrong. As well as undertaking a formal appraisal of schemes of a significant scale, the Council will take into account what "headroom" it may have between the projected income and projected borrowing costs.
- 5.4 In addition to the above, the Council's treasury strategy may permit investments in property or commercial enterprises. Such investments may be to support environmental and socially responsible aims, and are usually pooled with other bodies. For the purposes of the capital strategy, these are not regarded as commercial activities under this paragraph as the activity is carried out under the treasury strategy.
6. **Knowledge and Skills**
- 6.1 The Council employs a number of qualified surveyors and accountants as well as a specialist team for economic development who can collectively consider investment proposals. It also retains external treasury management consultants (currently Arlingclose). For proposed investments of a significant scale, the Council may employ external specialist consultants to assist its decision making.





---

## **Neighbourhood Services Scrutiny Commission Report**

### **African Caribbean Centre Consultation Findings**

Date: 27 January 2022

Assistant City Mayors: Councillor Kirk Master

Councillor Sue Hunter

Lead directors: John Leach

Miranda Cannon

---

### Useful information

- Ward(s) affected: Wycliffe
- Report author: Lee Warner
- Author contact details: (39) 3542
- Report version number plus Code No from Report Tracking Database: 1

## 1. Summary

- 1.1 This report provides a summary of the public consultation exercise undertaken to gather views on the usage and future running of the African Caribbean Centre. The report provides options and a recommendation for the future running of the facility.

## 2. Recommendations

Neighbourhood Services Scrutiny Commission is recommended to:

- 2.1 note the outcome of the public consultation on the usage and future running of the African Caribbean Centre
- 2.2 Scrutiny Commission is invited to comment on the proposals made in relation to options for the future running of the African Caribbean Centre

## 3. Report

### Background

- 3.1 The African Caribbean Centre (ACC) is located on Maidstone Road within the Highfields residential area. The centre was built in 1970 as a working men's social club with a small car park to the north of the building. The building, which was converted for use as the ACC in the mid 1980's, comprises an extensive basement, ground and first floors, all of which are in use by the public. The total gross internal area of the building is 1,569m<sup>2</sup>.
- 3.2 In 2011 the property underwent a £400,000 refurbishment concentrated on the entrance area, reception, lift, café and toilets.
- 3.3 In 2017 the Transforming Neighbourhood Services (TNS) programme consulted on the future of buildings in the East and Central area of the city, including the ACC. The recommendation was "that further work be undertaken to explore ways to reduce the running costs working with stakeholders and partners". The main hall on the first floor of the building was redecorated through TNS investment of around 20k. Community

groups were asked to prioritise options for works within the confines of a limited budget.

- 3.4 Prior to the pandemic, usage of the ACC was high with 126,627 visits recorded for the last full year 2018-19. A total of 45 partners and organisations are currently registered with the centre manager. There are a large number of self-organised community groups delivering at the centre. The groups currently hire space at hourly rates, with no formal leases in place. Other special arrangements at the centre are:

- The café provider hires space at an hourly rate.
- Dedicated office space on an annual hire agreement
- A community radio operation hires dedicated space on a monthly hire charge
- A community organisation is the licensee for the first-floor bar. The license is renewed on an annual basis.

No formal leases are in place.

- 3.5 During its history the ACC has been run by community groups and by the Council. More recently a partnership agreement was in place with an African Caribbean community organisation between 2013 and 2018. Under the agreement volunteers opened the community centre in the evenings and on Saturday to extend the opening hours in return for 50% of the income generated by the centre. Following a report by the Council's Service Analysis Team (SAT) the agreement was suspended to enable the organisation to put in place an action plan to strengthen governance, update policies and procedures and increase capacity. Work on the action plan was interrupted by the pandemic in March 2020.
- 3.6 The running costs of the ACC reflect the size of the building which delivers community room hire and activity across three floors, and the long operational hours of the building from 9am to 9.30pm Monday to Saturday. In addition, one-off late-night bookings are taken up until 2am for social events. The Neighbourhood Services and Estates & Building Services (EBS) budgets for the ACC for the current financial year 2021-22 are as follows:

**ACC Running Costs 2021-22**

Description	Budget
Operations	133,800
Building running costs	68,700*
Income	-31,400
<b>Net ACC Budget</b>	<b>171,100</b>

\*Building running costs include a budget of £33,200 held by EBS under corporate landlord for maintenance and repairs, building cleaning and security.

The ACC is connected to the district heating network meaning that there is no requirement for funds to be allocated to future boiler maintenance or

replacement. Charges for heating are currently paid centrally by the Council via EBS and recharged to Neighbourhood Services.

3.7 Under the Salix scheme significant energy reduction improvements are due to be made to the ACC with an overall allocation of £118k. The works include:

- Installation of LED lighting
- Replacement of windows
- Roof works
- Explore potential for installing photovoltaics

### **Public Consultation**

3.8 A public consultation was undertaken between Tuesday 12th October 2021 and Sunday 21st November 2021 with the wider community, partners and stakeholders to obtain further information on how the ACC is used and to seek views on how the centre should be run in the future.

3.9 As well as seeking information on how the centre is used, or reasons why it is not used, the questionnaire also includes the following question:

“How would you like to see the Centre managed in the future?”

- The council should run the centre directly
- The council should run the centre in partnership with a community-based organisation
- Community organisations should be given the opportunity to take on the lease and running of the centre
- No preference”

3.10 The consultation report is provided as Appendix C. The main points drawn from the responses were:

- The consultation was widely promoted to all communities across Leicester city. It was made available online and as a paper questionnaire both in the African Caribbean Centre itself and at all Council run community centres and libraries, as well as through social media and as a press release.
- The survey received a very high response rate with 352 questionnaires completed in total.
- The majority of respondents, 84%, were African Caribbean Centre users. The majority of those who responded use the centre at least once a month or more frequently.
- The most popular reasons for using the centre are social with 48% of respondents using the café, 47% attending social functions, 37% attending events and performances and 36% attending community group meetings.
- The centre is highly valued by users, with some commenting they have used the centre since childhood. Customers live across the city and many state they use the centre for cultural reasons.



- 3.11 With regard to the future running of the centre, the majority of respondents who expressed a preference (53%) said they would prefer community organisations to be given the opportunity to take on the lease and running of the centre.

## Options

- 3.12 **Option 1: the Council would continue to run the centre directly (no change).** The Council would continue to run the African Caribbean Centre directly. Community organisations would have no formal involvement in the management of the centre. This was the least preferred option with only 8.8% of all respondents (9.8% of all those who expressed a preference) selecting this option. There would be no saving in annual running costs. The overall opening hours would be limited to the current budgeted staffing arrangements.
- 3.13 **Option 2: the Council would run centre in partnership with a community-based organisation.** A formal agreement would be put in place to run the building in partnership with a community organisation. This was the not the preferred option with only 33.5% of all respondents (37.2% of all those who expressed a preference) selecting this option. There would be additional management overheads in managing a partnered approach to running the building. There would be no significant reduction in running costs and potentially increased costs if the building is open longer. Additional opening hours may be possible through a partnered approach, however a report by the Council's Service Analysis Team into the previous partnership arrangement identified the coordination of two organisations with responsibility for the building at different times as problematic.
- 3.14 **Option 3 (Recommended Option): Provide an opportunity for Community organisations to take on the lease and running of the centre.** This is the recommended option following consultation, with 47.7% of all respondents (53% of all those who expressed a preference) selecting this option. The recommended option would be to advertise the building for lease under the Council's Community Asset Transfer policy. The building would be advertised to all community organisations with a clear set of assessment criteria to evaluate the community benefit delivered by the organisation's business plan. Running costs would be saved should a suitable business plan be submitted, and the building successfully leased. There would be an opportunity for the successful community organisation to offer additional opening hours or ad hoc social functions. Under the assessment criteria organisations would be required to demonstrate proposals for provision of retained and enhanced community provision with particular focus on serving the needs of the African and Caribbean heritage community and strengthening the ongoing connection of the African and Caribbean community with the building

## Proposed approach to lease under the CAT policy

- 3.15 Following consultation, the recommended option is to explore leasing the ACC for a 5-year period under the Council's Community Asset Transfer

policy using the Transforming Neighbourhood Services (TNS) approach. The lease would be offered on a peppercorn rent with the successful organisation responsible for full repairs and maintenance.

- 3.16 Using the standard TNS approach, community organisations would be invited to develop a business plan to take on the running of the building to deliver community benefits on a lease at less than best consideration. Independent support would be offered by a specialist third party organisation to assist organisations to formally express their business plan.
- 3.17 Business plans would be assessed against a defined set of community criteria including local connections, community benefit provided, commitment towards existing community users and ambition to expand community provision. The plans would also be assessed against financial background, experience of running and maintaining property and organisational resilience to assurance purposes. The proposed assessment criteria are included as Appendix A.
- 3.18 The timetable for offering the lease of a community building under the TNS model requires a minimum 12-month period to conclude, and often longer depending on legal negotiations and handover agreements.
- 3.19 Legal checks indicate there are no covenants registered in the deeds which would prevent lease of the ACC

## **Risks**

The following risks have been identified with regard to the recommended option:

- 3.20 Risk of community tensions if the facility is not offered to community organisations to run following the publication of the consultation results. Mitigation: the recommended way forward is to offer the facility for lease.
- 3.21 Risk of community tensions if the facility is offered to community organisations to run, from stakeholders who wish for the building to remain under Council control (with or without a partnership arrangement). Mitigation: communications to carefully manage expectations and to be clear on the wishes of the community following the consultation.
- 3.22 No suitable business case put forward following Community Asset Transfer offer. In the event that no suitable business plan is received the building the lease of the building would not be able to go forward and future plans would need to be reviewed. Mitigation: there is pre-existing interest from community organisations in leasing the building. Independent support to be offered to assist organisations to develop a thorough business plan.
- 3.23 Risk that community organisations may be unable to afford to run the building, especially if costly repairs are required for example to the lift. Mitigation: A peppercorn rent is recommended to enable community organisations to take on the maintenance and repair costs of the building.

Financial background and business projections to be assessment through formal business plan submissions. There is existing income from hire of community rooms within the building.

### **Timetable for recommended option 3**

3.24 The following overview plan is proposed with regard to the next steps:

**27 Jan 2022** – Report to Neighbourhood Services Scrutiny

**Early Spring 2022** – Prepare CAT offer, procure independent support for community organisations

**Late Spring 2022** Advertise CAT lease to community organisations with support available to develop business plans (2 months)

**Summer 2022** – Evaluation of business plans and report to City Mayor & Asst Mayors with recommendations

**Dependent on suitable business case and executive approval** – minimum 6 month handover period – legal and practical arrangements to be agreed

## **5. Financial, legal and other implications**

### 5.1 Financial implications

5.1.1 Should the centre be leased to a community organisation under the Council's CAT policy then savings of up to £171k per annum would be generated. The facility would be leased at less than best consideration and potentially at a peppercorn rent, with the community organisation taking on repairs and maintenance of the building as well as the day to day operational running costs.

Stuart McAvoy, Acting Head of Finance

### 5.2 Legal implications

5.2.1. This report seeks a decision in light of the consultation responses from the public consultation. The Council is not obliged to follow that consultation but must have had regards to it in the decision-making process. As such the consultation responses are detailed in order that these are properly considered.

5.2.2. In respect of future arrangements (including the grant of a lease under the Council's CAT policy), the Council will be required to consider any lease in

accordance with this policy, and following the outcome of the consultation process. Brief details of the policy are set out in paragraphs 3.15-18 above. Any decision on changes to future management and operation of the centre should be the subject of a further report following the conclusion of the consultation process.

John McIvor, Principal Lawyer, ext. 37-1409

### 5.3 Climate Change and Carbon Reduction implications

5.3.1 There are limited climate emergency implications associated with this report, as it is not anticipated that the option to transfer the centre to community control would significantly impact energy use and carbon emissions. As noted within the report however, the already planned delivery of Salix-funded works to the centre is anticipated to make a significant reduction to carbon emissions and energy consumption and costs.

Aidan Davis, Sustainability Officer, Ext 37 2284

### 5.4 Equalities Implications

5.4.1 When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, to advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

5.4.2 In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics. 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.

5.4.3 This report seeks a decision in light of the consultation responses from the public consultation on the future running of the African Caribbean Centre. Formal consultation needs to be accessible, fair and proportionate. Community run facilities can be more responsive to local need and can play a greater role in bringing together and furthering the social wellbeing or the social interests (cultural, recreational, or sporting interests) of the local community. Community-led ownership may offer additional opportunities to secure resources within a local area and to empower local citizens and communities.

5.4.4 The Council's Community Asset Transfer policy seeks to deliver benefits to the local community, benefits to the Council and other public sector service providers, and benefits for the organisation taking ownership. From an

equalities perspective, the most relevant consideration is that of benefits to the local community.

5.4.5 If the proposal is progressed, in line with the Asset Transfer policy the council should involve all relevant partners in developing asset transfer proposals to ensure there is no conflict with other initiatives involving public and voluntary sector partners.

5.4.6 Moving forward, as part of the risk assessment process it would be prudent to commence an Equality Impact Assessment in order to effectively assess the impact on protected characteristic groups, any consultation findings should inform the assessment.

Equalities officer, Surinder Singh Ext 37 4148

### 5.5 Other Implications – EBS property implications

5.5.1 Should the property become independently managed, EBS would seek reassurance of previous experience of management of a commercial property. The terms of a lease would detail which current landlord (Council) responsibilities would transfer to the tenant, and therefore knowledge of health and safety and other regulatory requirements, compliance and maintenance regimes would be an advantage.

## 6.0 Appendices

Appendix A: Community centre Business Case Submissions

Appendix B: Boundary Plan

Appendix C: ACC Consultation Report

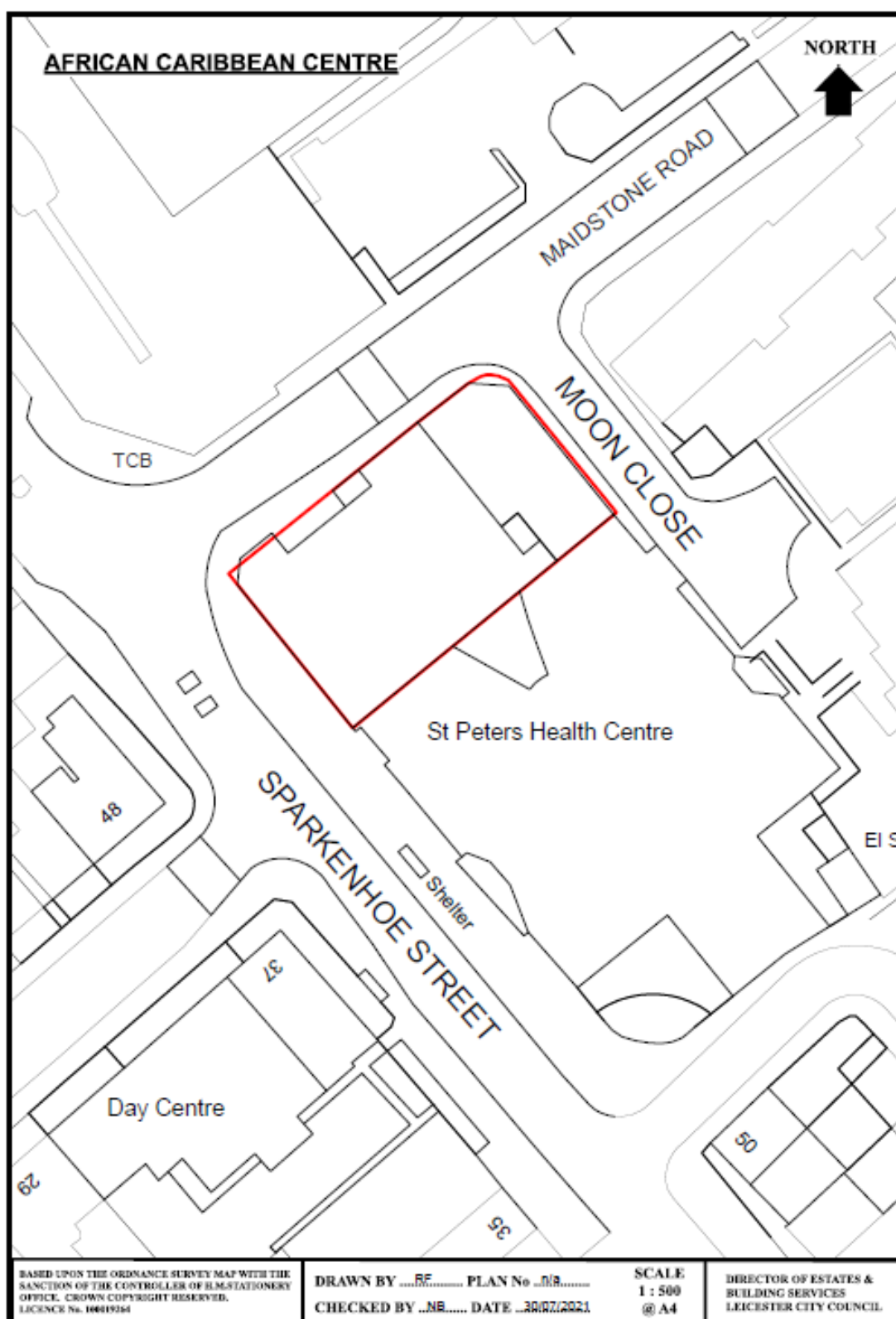
## Appendix A

### COMMUNITY CENTRE BUSINESS CASE SUBMISSION REQUIREMENTS

Area to be covered in business case	Requirements	Criteria to be met to achieve high score	Maximum score
Community benefit from proposals	Demonstrate proposals for provision of retained and enhanced community provision with particular focus on serving the needs of the African and Caribbean heritage community and strengthening the ongoing connection of the African and Caribbean Community with the building.	Existing groups retained within premises on similar terms to existing. Include policy for room hire charges, changes to current room allocation and timetabling for duration of lease. Significant expansion of local community services from the property with particular focus on serving the needs of the African and Caribbean heritage community Local organisation currently working in the building or the local community	15 10 5
Financial viability of proposals	Provide a 2 year income and expenditure cashflow identifying sources of income, an understanding of the use of the building and an appreciation of the total costs of occupying and running	No ongoing financial support required from the Council A viable cashflow which provides evidence of self-sustainability	10 10
Governance and track record of organisation	Details of the bidding organisation, legal identity, structure, personnel, experience, partnership with other groups	Established organisation with significant experience of managing property, delivering good employment practices and service provision	15
Financial standing of organisation	Documented evidence of the financial standing of the organisation (i.e. bank reference, audited accounts)	Established organisation with sound financial position	10
Rent offered	Provide the minimum required annual rental figure, including requirement for any rent-free period.	Highest rental offered with the capability to pay being backed up by financial projections (Scoring criteria will compare levels of rent proposed)	5
Equality and inclusion	Documented evidence of equal opportunities policies	Evidence of commitment to equal opportunities and promoting diversity	5
Community impact	Provide details of any negative impact the proposals may have on neighbours and the local community e.g. parking, noise, hours of operation and how they will be managed	Minimal negative community impact including management plan for impact factors Provision of a Good Neighbour policy to evidence ability to co-operate in co-operation with neighbours	10 5

--	--	--	--

**Appendix B: Boundary plan**  
Site map





# African Caribbean Centre Consultation

## Findings of the public consultation

**As at 22<sup>nd</sup> November 2021**

*Prepared by:*

- *Neighbourhood Services*
- *with the support of marketing and communications team*



*This report provides a summary of the findings of public consultation.*

*It includes information about:*

- The options for the African Caribbean Centre;*
  - The consultation method;*
  - The public response and views expressed;*
-

## **EXECUTIVE SUMMARY**

This report summarises the outcomes of the public consultation on the usage of the African Caribbean Centre (ACC) and options for the future running of the Centre.

A copy of the consultation form used for the exercise is included at the end of this document.

The consultation period ran from Tuesday 12<sup>th</sup> October 2021 until Sunday 21<sup>st</sup> November 2021. The consultation was carried out online and through paper questionnaires available at all LCC libraries and community centres.

The consultation was extensively promoted through a wide range of channels.

Existing partners, stakeholders and service users were contacted directly by letter or email message to ensure awareness of the consultation exercise. The consultation was promoted at the entrance to the ACC and service users were encouraged by staff members to complete a questionnaire during the consultation period. Posters were displayed at all 28 Neighbourhood Services Community Centres, Multi-Service Centres and Libraries as ACC users are distributed across the city.

A press release was issued to launch the survey with items appearing in the Leicester Mercury and the Assistant Mayor for Neighbourhood Services was invited to promote awareness of the consultation on Radio Leicester.

The consultation was promoted during the period through social media channels including Twitter and Facebook.

At the close of the consultation on the 21<sup>st</sup> November 2021, a total of 352 completed questionnaires were received. People were asked to identify whether they used the centre and if so which services they used. Respondents were also asked how they would prefer the centre to be run in the future and to provide any comments they might have. The main points drawn from the responses were:

- The consultation was widely promoted to all communities across Leicester city. It was made available online and as a paper questionnaire both in the African Caribbean Centre itself at all Council run community centres and libraries, as well as through social media and as a press release.
- The survey received a very high response rate with 352 questionnaires completed in total.
- The majority of respondents, 84%, were African Caribbean Centre users. The majority of those who responded use the centre at least once a month or more frequently.
- The most popular reasons for using the centre are social with 48% of respondents using the café, 47% attending social functions, 37% attending events and performances and 36% attending community group meetings.
- The centre is highly valued by users, with some commenting they have used the centre since childhood. Customers live across the city and many state they use the centre for cultural reasons.
- With regard to the future running of the centre, the majority of respondents who expressed a preference (53%) said they would prefer community organisations to be given the opportunity to take on the lease and running of the centre.

## **BACKGROUND**

### **Current service provision**

The African Caribbean Centre is located on Maidstone Street within the Highfields residential area. The community centre is run by Leicester City Council and offers a range of facilities on three floors. Previously the council operated the centre in partnership with a community organisation to provide volunteer support and promote its use. A large hall, stage and bar are located on the first floor. A community café, lounge area with public access computers and seminar room are available on the ground floor. The basement level includes an adult learning room classroom, dance studio and community radio room. Currently 45 partners and organisations are registered to deliver activities at the centre, with rooms hired on an hourly rate. The African Caribbean Centre is open 9am to 9.30pm Monday to Saturday and welcomes over 125,000 visitors each year..

### **Purpose of the consultation**

The consultation was undertaken to identify the priorities of local people and community organisations for future use of the building. The views of the community were also sought on potential options for running the building in the future to engage local people in the development of proposals for the future running of the African Caribbean Centre. These proposals will be shared with the community together with next steps.

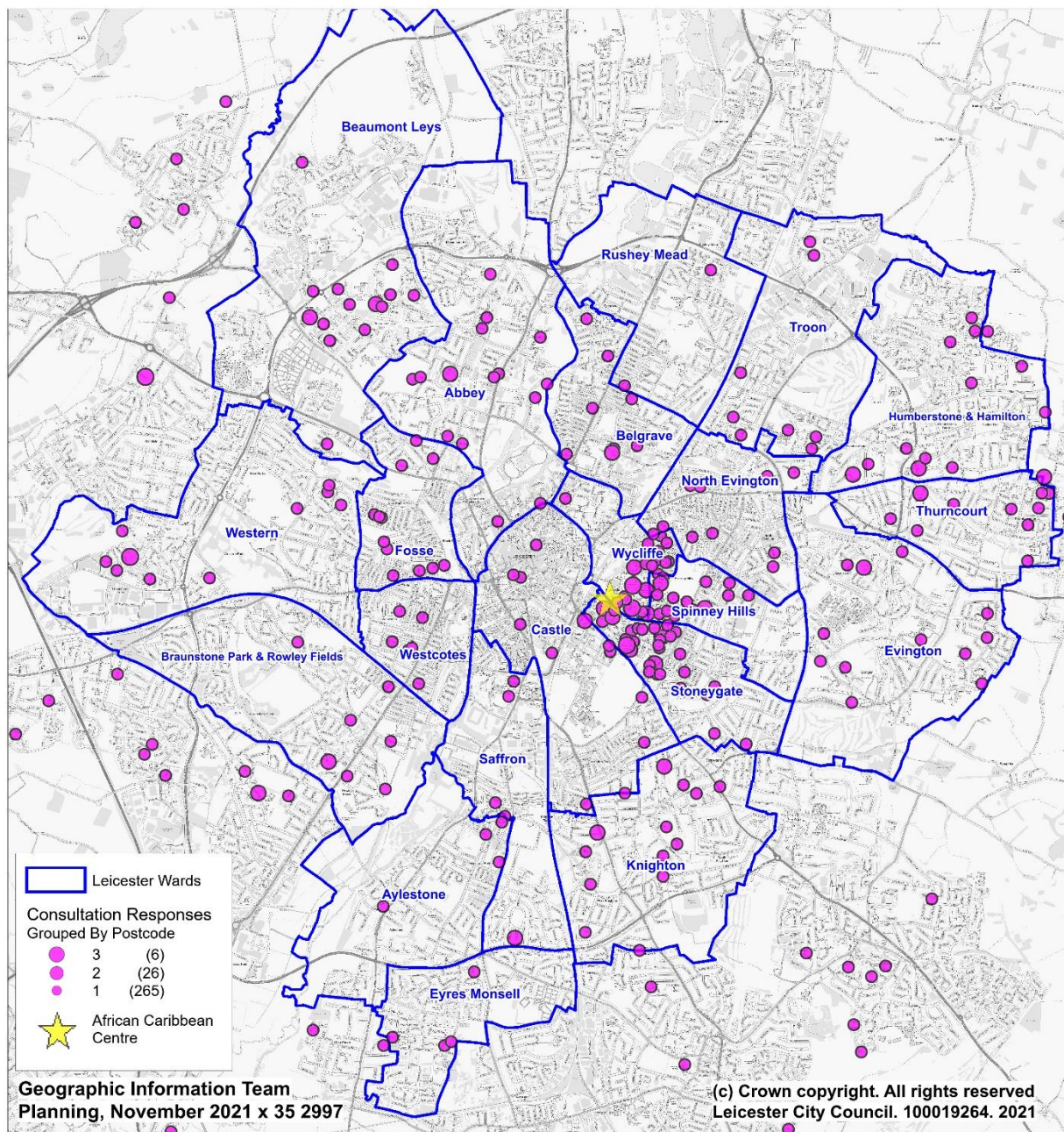
## **CONSULTATION RESULTS**

In total 352 responses were received up until the closing date of the consultation. Of these, 238 were submitted online, and 114 were paper forms.

### **Question 1: Please tell us your postcode**

335 people responded to this question. Postcodes supplied showed a cluster of respondents around the African Caribbean Centre in Wycliffe, Spinney Hills and Stoneygate wards but with postcodes also distributed across the whole of the city. 261 respondents were city residents with 71 respondents living outside of the city. The following map shows the distribution of the postcodes given:

## African Caribbean Centre - Consultation Responses By Postcode



### Question 2: Have you used the African Caribbean Centre in the past three years?

All respondents answered this question. A high percentage (83.8%) of respondents said they had used the ACC in the last three years. It is noted that the centre was closed for 15 months between March 2020 and July 2021 due to national and local coronavirus restrictions:

Option	Total	Percent
Yes	295	83.8%
No	57	16.2%

### Question 3: Do you use the centre as part of a community group or organisation?

288 (82%) respondents answered this question. The majority, 53% of respondents said they use the centre as part of a group.

Option	Total	Percent
Yes	188	53.4%
No	100	28.4%
Not answered	64	18.2%

Respondents were asked to detail the group(s) they attended with. 55 different groups were referenced in total. 17 respondents attended Leicester Adult Skills And Learning Service (LASALS) classes.

### Question 4: What types of activities do you take part in at the centre?

290 (82%) respondents answered this question. Respondents could select multiple options. The highest responses were for the café (48%), social functions (47%), events and performances (36%) and community group meetings (35%).

Option	Total	Percent
Café	170	48.3%
Social functions	165	46.9%
Events and performances	127	36.1%
Community group meetings	124	35.2%
Music and dance classes	89	25.3%
Public computers and Wi-Fi	72	20.6%
Children and young people's activities	72	20.6%
Health and wellbeing sessions	65	19.6%
Advice and information sessions	64	18.2%
Adult learning courses	54	15.3%
Arts and crafts groups	52	14.8%
Fitness and exercise classes	47	13.4%
Church or religious group	35	9.9%
Other	16	4.6%
Not Answered	63	17.6%

### Question 5: How often do you use the centre?

82% of respondents answered this question. 57% use the centre at least once a month or more frequently.

Option	Total	Percent
Less than once a month	89	25.3%
Once a month or more	74	21%
More than once a week	69	19.6%



Once a week	56	15.9%
Not Answered	64	18.2%

### Question 6: Which areas of the centre do you use?

This question was answered by 82% of respondents. Multiple selections could be made for this question. The most popular response was the large hall (52%) followed by the café/lounge area (48%) and the public meeting rooms (36%).

Option	Total	Percent
Large hall	184	52.3%
Café lounge and social area	170	48.3%
Public meeting rooms	128	36.4%
Bar area	88	25%
Classrooms	80	22.7%
Dance studio	67	19%
Stage, changing rooms and performance equipment	46	13%
Consultation rooms	39	11%
Dedicated office space	20	5.7%
Not Answered	65	18.5%

### Question 7: If you do not currently use the centre, please tell us why not?

This question was answered by most respondents who had answered “no” to question 2. 16% of all respondents answered this question. The most common reason for not using the centre was that they did not know what the centre offered (35 people).

Option	Total	Percent
I don't know what the centre offers	35	9.9%
The centre does not offer activities of interest to me	13	3.7%
The centre is not easy for me to travel to	6	1.7%
The centre does not offer the facilities I need	4	1.1%
Unable to book a room at the time I need	1	0.3%
Other	9	2.6%
Not Answered	296	84.1%

### Question 8: How would you like to see the centre managed in the future?

All respondents answered this question. The most popular option was for Community organisations to be given the opportunity to take on the lease and running of the centre 48% of all responses, and 53% of all those who expressed a preference selected this option.

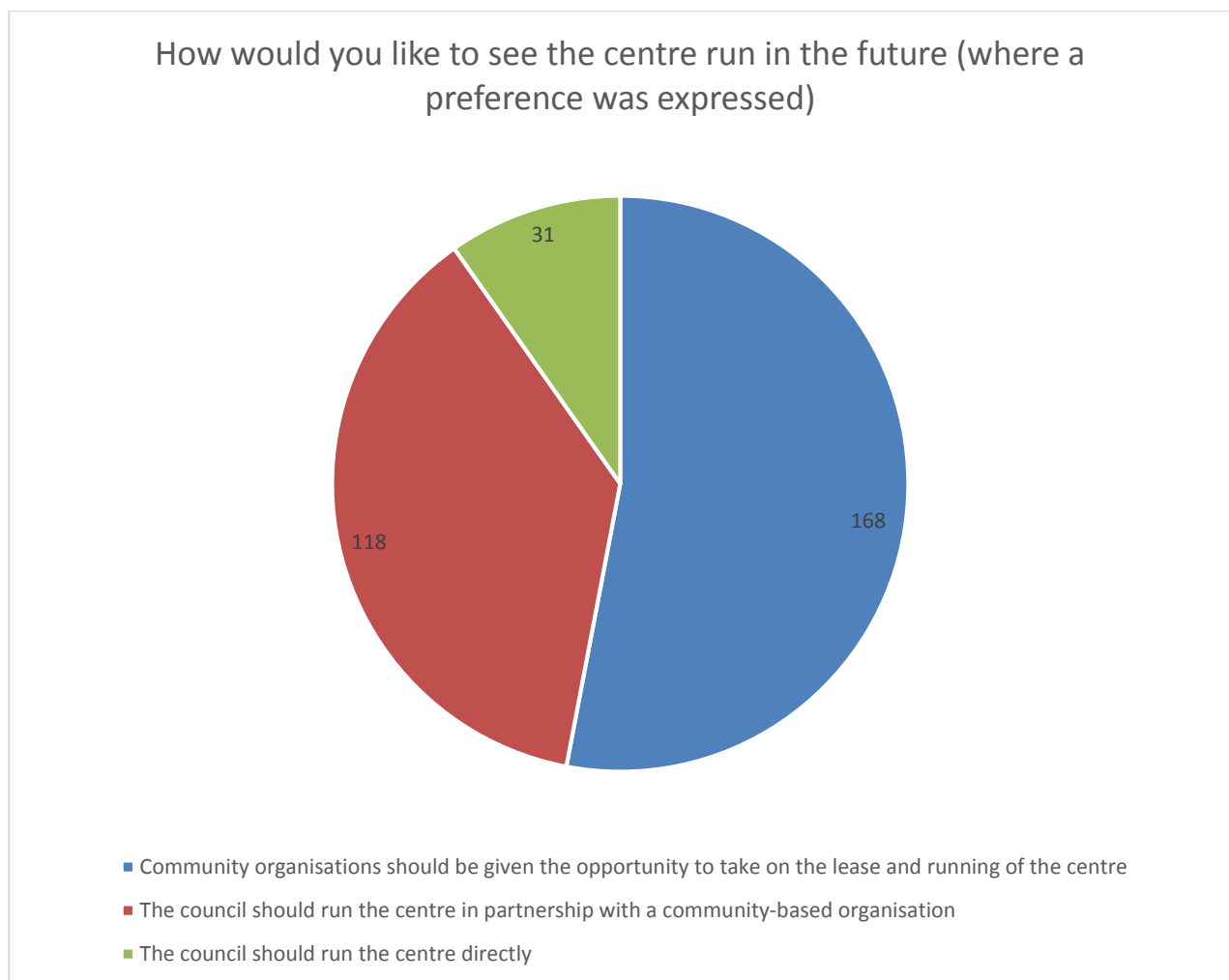
Comment	Total	Percent
Community organisations should be given the opportunity to take on the lease and running of the centre	168	47.7%
The council should run the centre in partnership with a community-based organisation	118	33.5%

## African Caribbean Centre consultation report

The council should run the centre directly	31	8.8%
No preference	35	9.9%
Not Answered	0	0%

The following graph shows the options selected by all respondents who expressed a preference:

Comment	Total	Percent
Community organisations should be given the opportunity to take on the lease and running of the centre	168	53%
The council should run the centre in partnership with a community-based organisation	118	37.2%
The council should run the centre directly	31	9.8%



### Question 9: Question 9: Do you have any other comments?

124 people (35%) responded to this question. The greatest number of comments expressed support for the option to offer the ACC to community groups for lease under the



Council's CAT policy. The comments have been categorised for analysis as follows. Some respondents commented on multiple points:

Comment	Total
Community organisations should be given the opportunity to take on the lease and running of the centre	41
The Centre is valuable and should be retained for the community	28
The council should run the centre in partnership with a community-based organisation	16
The ACC is important as the only African Caribbean community centre in Leicester	12
Suggestions for investment in the centre	10
There should be more provision for young people	7
The Council should run the centre directly	3
Welcoming / helpful staff	2
Running costs should be funded by Council to support community lease	2
The café service is valued	2
Bring back music evenings	2
Operational concerns if community group take on the running	2
The centre should not close	1
Parking improvements required	1
Other	21

The following are a representative selection of the comments made:

"African Caribbean centre is a community building for all. However from a child it has always been the only building for the African Caribbean community both young and old and still is to this day. It should provide community based activities for all ages and be accessible for private hire."

"... This building in its small way enables some healing for both our youth and adults. We should be enabled to retain and develop it in a way that is fit for purpose."

"Having lived in Leicester for all of my life, the African Caribbean Centre has been a part of my Caribbean Heritage living in Leicester. It is the one place we can call our own and know that the African Caribbean community who have been instrumental in managing the centre have African Caribbean communities best interests at heart. It needs to remain that way."

"Basically I think the centre needs to be MUCH more proactive in meeting the needs of people (young people) in the area so a combination of City Council and Local input I think would be a more secure future for the Centre, but also would make the centre more accessible to ALL the different communities in Highfields."

"Although it is a space that was designed to promote things for the Black community it is inclusive for all. It is a non threatening 'hub' for anyone to visit. This is very difficult to achieve. It is a safe place for old and young that has a real community feel. For those who attend regularly you quickly become a familiar face. It is also very safe for our young children / teenagers to go."

"It is an important resource for all who live in Leicester. Steering by the Council could become too corporate, and it is important that communities can have independent spaces where they can decide what is important to them in the current climate, whilst being supported by the Council."

"I have been going for over 50 years & now my children are benefiting. So please please please allow it to be leased as our lives & communities depend on it, please."

"I love this centre it's been running for many years. It's the only Afro Caribbean Centre in Leicester which enables our Black Heritage People to come along and get involved with many different events and activities that are available for our community and also open to other ethnicities."

"I think if the Centre is run by the Council, it would be better. It would prevent it from being taken over any specific community at the exclusion of others."

"...I strongly support the idea of transferring the management of the facility to the organisation that use it most..."

"The ACC has been in the community for years.. it is a fantastic building with facilities that the community requested and want. I have watched our community fight for it year after year. This is the only community centre for the African Caribbean community along with other ethnic backgrounds. It should remain as the ACC and should be run along side the community..."

"The ACC is a key part of the Caribbean community and the relevant community organisations should be allowed to actively take part in its future"

"... I feel the ACC would be better managed by an African Heritage Community group on behalf on the council. This will create a better sense of ownership, raise its profile and interest within the African heritage community and maximise its utility."

"The African Caribbean Centre is the only place in Leicester that Black African/Caribbean people are able to use and feel some sense of belonging without feeling uncomfortable and or disintegrated. It's the only safe haven for Black African/Caribbean people to get together uninterrupted and or pressured into not being in the right place."

"The centre is and has been a focal point for the afro Caribbean community since I was a child, we talking over 40 years! This needs to remain open for future generations to come."

"The centre is the hub of the African and Caribbean communities. Providing essential services for both young and old for the betterment of its users. It would greatly benefit the community if was self run, allowing the opportunity of autonomy in decision making, in the best interests of its users, for its users."

"The council should share the running of the centre with community based organisations as it would give the best outcome for the community. This should be done till the community based are established in running the centre themselves"

"There is a long history to this centre. My understanding is that it was sold to the City Council from the working men's club, for a peppercorn fee to specifically support the Black/African community of Leicester.. the city council has kindly supported and managed this for years. It is now the time for the community to have total responsibility and ownership for this centre..."



## **CONCLUSIONS**

This consultation is to be used to consider the options for the future running of the African Caribbean Centre.

The key messages to be taken forward from this consultation period are:

- The consultation was widely promoted to all communities across Leicester city. It was made available online and as a paper questionnaire both in the African Caribbean Centre itself at all Council run community centres and libraries, as well as through social media and as a press release.
- The survey received a very high response rate with 352 questionnaires completed in total.
- The majority of respondents, 84%, were African Caribbean Centre users. The majority of those who responded use the centre at least once a month or more frequently.
- The most popular reasons for using the centre are social with 48% of respondents using the café, 47% attending social functions, 37% attending events and performances and 36% attending community group meetings.
- The centre is highly valued by users, with some commenting they have used the centre since childhood. Customers live across the city and many state they use the centre for cultural reasons.
- With regard to the future running of the centre, the majority of respondents who expressed a preference (53%) said they would prefer community organisations to be given the opportunity to take on the lease and running of the centre.
- It is recommended that, following the findings of the consultation, the Council explores the option for community organisations to be given the opportunity to take on the lease and running of the centre.

Appendix A: ACC Consultation Form

# African Caribbean Centre survey

Consultation dates: 12 October – 21 November 2021

This survey is also available online at [consultations.leicester.gov.uk](https://consultations.leicester.gov.uk)

## Overview

The African Caribbean Centre (ACC) is a social and cultural hub for local people. As part of our commitment to tackling racism and disadvantage in Leicester, we are asking for opinions on how the centre should be run in the future to provide the best service to the community.

## About the centre

The African Caribbean Centre is located on Maldstone Street within the Highfields residential area. The community centre is run by Leicester City Council and offers a range of facilities on three floors. Previously the council operated the centre in partnership with a community organisation to provide volunteer support and promote its use.

A large hall, stage and bar are located on the first floor. A community café, lounge area with public access computers and seminar room are available on the ground floor. The basement level includes an adult learning room classroom, dance studio and community radio room.

Currently 45 partners and organisations are registered to deliver activities at the centre, with rooms hired on an hourly rate. The African Caribbean Centre is open 9am to 9.30pm Monday to Saturday and welcomes over 125,000 visitors each year.

## Why your views matter

We want to work with local people and community organisations to identify priorities for future use of the building. We are also seeking the views of the community on potential options for running the building in the future.

We will consider all the ideas that people put forward and will develop proposals for the future running of the African Caribbean Centre. These proposals will be shared with the community later this year.

## About you

### [1] What is your postcode?

Please note: we collect postcode data to gain a better understanding of which parts of the city/county respond to our consultations. We cannot identify individual properties or addresses from this information.

Postcode

### [2] Have you used the African Caribbean Centre in the past three years? (required field)

Please select only one item

Yes ☐

No ☐

If No, please go to Question 7

1



## Your views as a centre user

[3] Do you use the centre as part of a community group or organisation?

Please select only one item

- Yes ☐  
No ☐

If yes, please state which group or organisation

---



---

[4] What types of activities do you take part in at the centre?

Please select all that apply

- Café ☐  
Public computers and Wi-Fi ☐  
Adult learning courses ☐  
Arts and crafts groups ☐  
Music and dance classes ☐  
Advice and information sessions ☐  
Social functions ☐  
Community group meetings ☐  
Events and performances ☐  
Fitness and exercise classes ☐  
Children and young people's activities ☐  
Church or religious group ☐  
Health and wellbeing sessions ☐  
Other ☐

If other, please state

---



---

[5] How often do you use the centre?

Please select only one item

- Less than once a month ☐  
Once a month or more ☐  
Once a week ☐  
More than once a week ☐

[6] Which areas of the centre do you use?

Please select all that apply

- Dance studio ☐  
Large hall ☐  
Stage, changing rooms and performance equipment ☐  
Public meeting rooms ☐  
Café lounge and social area ☐  
Classrooms ☐  
Bar area ☐  
Consultation rooms ☐  
Dedicated office space ☐

If you have used the centre in the past three years, please skip Question 7

## Your views as not a current user

[7] If you do not currently use the centre, please tell us why not?

Please select all that apply

- I don't know what the centre offers ☐  
The centre does not offer activities of interest to me ☐  
The centre is not easy for me to travel to ☐  
The centre does not offer the facilities I need ☐  
Unable to book a room at the time I need ☐  
Other ☐

If other, please state

---



---



---



---



---



---



---

Please select only one item

7

9

9

7

[9] Do you have any other comments?

[illegible]

The information you provide in this final section of the questionnaire will be kept in accordance with terms of current Data Protection legislation and will only be used for the purpose of monitoring. Your details will not be passed on to any other individual, organisation or group. Leicester City Council is the data controller for the information on this form for the purposes of current Data Protection legislation.

## Please select only one item.

7


[illegible]

2

4

[illegible]

1

1



--	--

7

2



7

7



9

4


2

2

---

**[11] Age:**

Please select only one item

- under 18 ☐
- 18 - 25 ☐
- 26 - 35 ☐
- 36 - 45 ☐
- 46 - 55 ☐
- 56 - 65 ☐
- 66+ ☐
- Prefer not to say ☐

**[12] Disability**

The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities and has lasted or is likely to last for at least 12 months. People with HIV, cancer, multiple sclerosis (MS) and severe disfigurement are also covered by the Equality Act.

Do you consider yourself to be a disabled person?

Please select only one item

- Yes ☐
- No ☐
- Prefer not to say ☐

If you have answered 'Yes' to the above, please state the type of impairment that applies to you. People may experience more than one type of impairment; in which case you may need to tick more than one box. If none of the categories apply, please tick 'Other' and state the type of impairment.

Please select all that apply

- A long-standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy ☐
- A mental health difficulty, such as depression, schizophrenia, or anxiety disorder ☐
- A physical impairment or mobility issues, such as difficulty using your arms or using a wheelchair or crutches ☐

- A social / communication impairment such as a speech and language impairment or Asperger's syndrome / other autistic spectrum disorder ☐
- A specific learning difficulty or disability such as Down's syndrome, dyslexia, dyspraxia, or AD(H)D ☐
- Blind or have a visual impairment uncorrected by glasses ☐
- Deaf or have a hearing impairment ☐
- An impairment, health condition or learning difference that is not listed above (specify if you wish) ☐
- Prefer not to say ☐
- Other ☐

**[13] How would you define your religion or belief?**

Please select only one item

- Atheist ☐
- Bahai ☐
- Buddhist ☐
- Christian ☐
- Hindu ☐
- Jain ☐
- Jewish ☐
- Muslim ☐
- Sikh ☐
- No religion ☐
- Prefer not to say ☐
- Other ☐



[14] Sex

Please select only one item

Female ☐

Male ☐

Prefer to use my own term ☐

Prefer not to say ☐

If own term, please specify

---

---

Is your sex the same as you were assigned at birth?

Please select only one item

Yes ☐

No ☐

---

Thank you for completing the survey.

Please return all completed surveys by 21 November 2021 to:  
African Caribbean Centre, Maidstone Rd, Leicester LE2 0UA or to any  
Leicester City Council library or community centre.

Or by post to:  
Beaumont Leys Library, Beaumont Way, Leicester LE4 1DS

For any queries, please contact [communityservices@leicester.gov.uk](mailto:communityservices@leicester.gov.uk)



---

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

Neighbourhoods Scrutiny Commission

Decision to be taken by: Council

Date of meeting: 27 January 2022

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

---

## Useful information

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

### 1. Summary

- 1.1 To update the Commission on the review of the Council's Statement of Licensing Policy under the Licensing Act 2003 and seek any comments before the Policy goes to Full Council on 24 February 2022.

### 2. Recommended actions/decision

- 2.1 The Commission is asked to make any comments on the proposed policy, which will be reported to Full Council on 24 February 2022.

### 3. Scrutiny / stakeholder engagement

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

### 4. Background and options with supporting evidence

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

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

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

## **5. Detailed report**

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

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

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

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

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

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

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

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

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

5.13 The next steps for the draft policy are as follows: -

<b>Full Council</b>	24 February 2022
<b>Policy comes into effect</b>	1 April 2022

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

### 6.1 Financial implications

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

*Stuart McAvoy – Principal Accountant*

### 6.2 Legal implications

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

*John Moss - Legal Services*

### 6.3 Equalities implications

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

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

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

*Kalvaran Sandhu, Equalities Manager, Ext 37 6344*

### 6.4 Climate Emergency implications

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

*Aidan Davis, Sustainability Officer, Ext 37 2284*

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

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

None

**8. Summary of appendices:**

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

Appendix B – List of Consultees

Appendix C – Responses received with Officers Comments

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

No

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

No



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

**Licensing Act 2003**

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

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

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

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

**Please note:**

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

## Contents

Executive Summary		4
Section 1	The purpose and scope of the licensing policy	6
Section 2	The City of Leicester	8
Section 3	Integrating other guidance, policies, objectives, and strategies	10
Section 4	Promotion of the licensing objectives	13
Section 5	General principles	
	Human Rights	
	Protection of Privacy and Data	
	Equality Act 2010	
	Impact of licensed activity	
	Special events	
	Community applicants	
	Other regulatory regimes	
	Application process	
	Licensing committee	
	Representations	
	Reasons for decisions	
Section 6	Premises Licences and Club Premises Certificates	
	Planning	
	Licensing hours	
	Local, National, and international events	
	Drinking up time	
	Operating schedules	
	Risk assessments	
	Local Concerns regarding Alcohol Consumption in Leicester	
	Excessive consumption of alcohol	
	Conditions	
	Designated premises supervisor	
	Staff training	
	Club Premises Certificate	
	Community halls	
	Minor variations	

	Alcohol deliveries	
Section 7	Cumulative Impact	
	Cumulative Impact Assessments	
	Cumulative Impact Areas	
	Applications within a cumulative impact area	
Section 8	Areas of Specific Interest and Consultation	
Section 9	Early Morning Restriction Orders	
	EMRO Request	
	Evidence	
	Consultation	
	Formal Decision	
Section 10	Personal Licences	
Section 11	Temporary Event Notices	
	Police and Noise Pollution Intervention	
	Additional limitations	
Section 12	Enforcement and reviews	
	Prosecution of breaches	
	Review of licences	
	Matters to be considered	
	The Violent Crime Reduction Act 2006	

## Executive Summary

The Licensing Act 2003 came into effect in 2005.

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

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

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

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

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

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

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

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

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

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

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

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

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

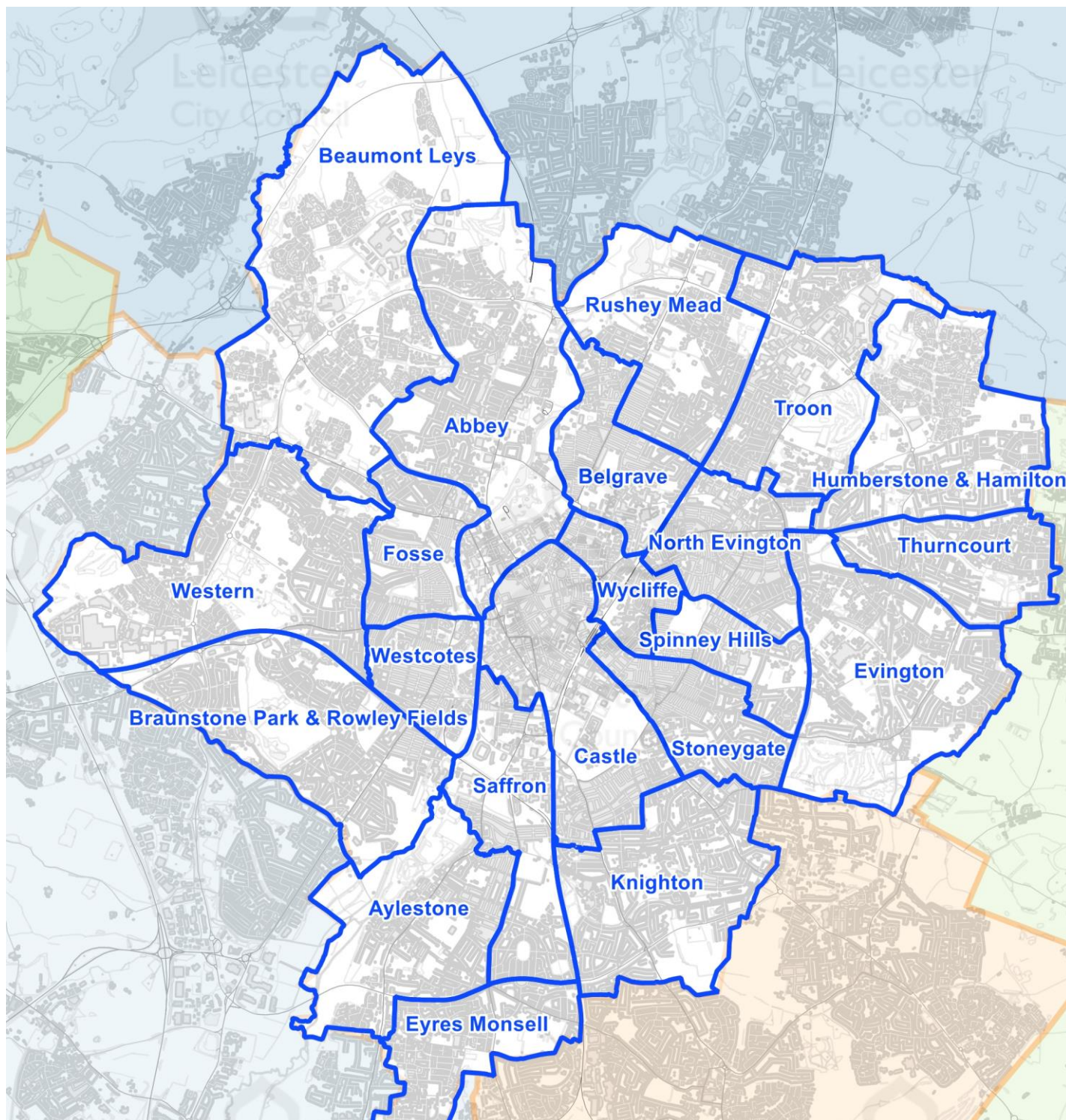
### Purpose of the policy

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

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

### **Scope of the policy**

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



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



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

### Cultural Activities in Leicester

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

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

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

### Vision for Leicester

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

## Section 4 Promotion of the licensing objectives

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

### Crime and Disorder

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

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

### **Public Safety**

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

### **Public Nuisance**

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

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

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

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

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

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

### Human Rights

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

### Protection of Privacy and Data

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

### Equality Act 2010

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

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

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

### **Impact of Licensed Activity**

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

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

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



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

### **Community Applicants**

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

### **Other Regulatory Regimes**

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

### **Application Process**

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

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

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

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

## **Representations**

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

## **Reasons for Decisions**

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

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

### Planning

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

### Licensing Hours

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

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

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

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

#### **Drinking up time**

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

#### **Operating Schedules**

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

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

## Risk assessments

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

## Local Concerns regarding Alcohol Consumption in Leicester

- 6.27 Alcohol use can contribute to a variety of harms, including health, economic, social and community harms. Below are some of the ways alcohol harm manifests in Leicester City.
- Despite high abstinence amongst the Leicester population, alcohol mortality is high in Leicester men compared to the England rates. The most recent Health and Wellbeing Survey in Leicester (2018) indicated one in ten (9%) of those who drink do so at levels above the CMO's recommended limit in a typical week that they are drinking<sup>1</sup>.
  - Not only is alcohol a greater cause of death in Leicester men than England, hospital admissions linked to alcohol are higher in Leicester men also.
  - Alcohol misuse is a major contributing factor in many cases of homelessness, and homelessness can be a barrier to recovery. During 2016/17, 35% of all clients using Leicester City Council funded homelessness services indicated that they had drug or alcohol problems.
  - Alcohol is a contributing factor to crime in Leicester, in 2018/19 almost 5500 alcohol-related violent crimes were recorded, including more than two-fifths of all violent crimes in the city. Alcohol is a factor in 1 in 8 crimes in the city.
  - Alcohol impacts children and families in Leicester. 1 in 5 of all children in need<sup>2</sup> in Leicester had alcohol cited as a factor.
  - Alcohol harm in Leicester is against a backdrop of high abstinence, which indicates that those drinking are possibly drinking at more harmful levels, that not everyone who drinks acknowledges or admits to drinking or that more accurate surveillance of drinking habits is required. It is important to note that many people who have alcohol-related health problems aren't people who would necessarily see themselves as 'having a problem', but may be people who have regularly drunk more than the recommended levels for some years.
  - Anecdotally there is hidden drinking within Leicester, with some communities hiding their drinking as it is not seen as culturally or religiously acceptable. There is also an issue with street drinking in some areas, local services are working to reduce this in collaboration with local communities.
- 6.28 In these more deprived areas there is concern about:
- Sale of alcohol
    - The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
    - The contributory factor and possible links between violent crime and domestic violence which may be exacerbated by the availability of alcohol sold in these areas.
    - The higher proportion of premises licensed for alcohol for consumption off the premises.
    - The ability for people with mental health or alcohol problems to easily obtain alcohol.
    - The ability for people who are already intoxicated to easily obtain more alcohol.
    - The pack size super strength white cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.
  - Protection of children
    - The normalisation of alcohol abuse and the effect this has on children living in the area

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

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

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

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

### **Excessive Consumption of Alcohol**

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

safety, public nuisance or harm to children”.

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

### **Portman Group**

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

### **Conditions**

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

### **Designated Premises Supervisor**

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



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

### **Staff Training**

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

### **Club Premises Certificate**

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

### **Community Halls**

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

### **Minor Variations**

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

## Alcohol Deliveries

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

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

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

### Cumulative Impact Assessments

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

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

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

## Section 8 Areas of Special Interest and Consultation

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

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

### EMRO Request

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

### Evidence

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

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

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

#### **Formal Decision**

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

#### **Current position**

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

## Section 10 Personal licences

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



## Section 11 Temporary event notices

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

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

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

## **Additional limitations**

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

## Section 12 Enforcement and reviews

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

### Prosecution of breaches

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

### Reviews of Licences

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

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

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

#### **Prosecution of breaches**

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

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

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

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

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

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

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

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

#### **Matters to be considered**

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

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

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

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

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

## APPENDIX B

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

## APPENDIX B

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

## APPENDIX B

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

## APPENDIX B

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



## APPENDIX B

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

## APPENDIX B

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

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

	<p>steps to honour their obligations under the Licensing Act and help tackle harmful alcohol use.</p> <p>It is also worth noting that the vast majority of those who choose to drink alcohol do so responsibly and moderately within the Chief Medical Officer's low-risk weekly guidelines, as supported by the 2018 Health and Wellbeing Survey cited in this consultation. It is part of an ongoing trend towards responsible drinking across the UK, with annual alcohol consumption falling 15% over 15 years (WHO, May 2021), as well as associated declines in underage drinking, alcohol-related violence and anti-social behaviour:</p> <ul style="list-style-type: none"> <li>• In England, the proportion of pupils who drink at least once a week fell by 73% between 2006 and 2014. Under the new methodology it has remained at 6% since 2016. (NHS Digital, August 2019)</li> <li>• In England and Wales, the number of alcohol-related violent crime incidents has declined by 47% since 2009/10. (ONS, September 2020)</li> <li>• The percentage of people saying that people being drunk or rowdy is a big problem in their area has almost halved (-46%) in the last decade. (ONS, July 2020)</li> </ul> <p>Regarding the availability of alcohol, we would encourage the Licensing Policy to recognise that the vast majority of licensed premises sell alcohol responsibly. Drinks producers and retailers have put a huge amount of effort into tackling underage drinking through robust ID schemes; support for local partnership initiatives; and effective industry self-regulation of alcohol marketing. Representatives from retailers of all size are members of the Retail of Alcohol Standards Group which created best practice such as the 'Challenge 25' age verification policy for alcohol sales. They ensure that training is rolled out, including through specific</p>	
--	---	--

	<p>local Community Alcohol Partnership schemes that take a local approach to work with all local groups to deliver targeted measures resulting in change. There is a positive impact from these measures in terms of reducing attempts to purchase drinks by people who are underage. The latest data from NHS Digital suggests that only 5% of 11-15 year olds who had obtained alcohol in the last month had bought from a shop, with the vast majority (71%) having obtained it from a parent. However, operators should remain vigilant for proxy purchasing, as close to a third (32%) of pupils said that the alcohol had been 'bought by someone else'. (NHS Digital, August 2019)</p> <p>We would encourage the Licensing Policy to encourage licence holders to take part in local partnership initiatives and accreditation schemes such as Best Bar None and National Pubwatch, which are backed by both the Home Office and the police. These initiatives work to help reduce alcohol-related crime and underage drinking and promote safe, secure and social drinking environments. These initiatives help operators meet their Licensing Act obligations such as providing a range of free downloadable policies and procedures documentation that can be adjusted to each business. The documentation can be used by operators as evidence of their due diligence in upholding the licensing objectives and also assist them in achieving accreditation.</p> <p>We also note that the draft policy highlights concerns around pack size and the sale of high-strength lager and cider. We believe instead of raising broad concerns around the entire category, which may unfairly capture products sold and marketed in a responsible manner, that the Council should take the opportunity to highlight any individual products of concern through the existing Portman Group self-regulatory complaints mechanism.</p>	<p>Noted - There is a City watch in the City Centre and officers are aware of considerations to reintroduce a Best Bar None scheme.</p> <p>Noted –We are proposing including the additional information within the Statement of Licensing Policy regarding the Portman Group at 6.38 under Excessive Consumption of Alcohol.</p>
--	---	--

	<p>Our Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks contains rules which prevent the encouragement of immoderate consumption of alcohol and also prevent the marketing of products based on high alcoholic strength and intoxicating effect. We are currently celebrating the 25th year anniversary of Code, which has helped the industry to work effectively within the context of a self-regulatory model in a cost-effective, responsive and effective way. The Code was reviewed in 2019 and the Home Office and Department of Health both engaged with the updating process. As part of this process we updated guidance to specifically address harm caused by high strength products packaged in single-serve non-resealable containers. Guidance states that if a high strength product in a single-serve non-resealable container contains more than 4 units then such products need to incorporate mitigating factors to ensure that they do not encourage immoderate consumption. This could be through inclusion of a sharing message or a per serve recommendation. This position has received support from the Chief Medical Officers' and the Department of Health and Social Care as an appropriate threshold to help reduce alcohol-related harms.</p> <p>We also updated the Code to explicitly make clear that its purpose is to protect vulnerable consumers with the addition of: The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner, only to those who are 18 and over, and in a way that does not appeal particularly to those who are vulnerable.</p> <p>The Code, now in its sixth edition, has continued to evolve in step with changes in society over the last 25 years, with the latest edition in 2019 contains new rules to prevent marketing considered to cause serious or widespread</p>	
--	---	--

	<p>offence, as well as a tightening of the rules surrounding links to illegal behaviour and suggestions of mind-altering qualities.</p> <p>If the Council is aware of products breaching the Code, we would encourage them to bring them to the attention our Complaints Team - <a href="mailto:complaints@portmangroup.org.uk">complaints@portmangroup.org.uk</a>.</p>	
Member of the Public	<p>Alcohol sale should be controlled. Specially the retail ones in major wards like Belgrave, North Evington, Evington - there are cases where people buy alcohol and drink it in public spaces, specially at the vicinity of parks, garden or in some hideaway. They cause not only littering, antisocial behaviours but other nuisances as well like urinating, spitting.</p> <p>Retail sale of alcohol should be very much controlled. Cumulative impact zone in these kind of off-licence retail sale of alcohol shops should be encouraged as well</p>	<p>There are Public Space Protection Orders in place to deal with on street drinking and related anti social behaviour issues.</p> <p>In order for CIZs to be created/amended we require up to date crime statistics from the Police and any other information regarding anti social behaviour issues etc from teams such as Licensing Enforcement /Noise Team.</p> <p>We have had no data from these agencies to suggest the creation of CIZs in North Evington or Evington or from the Public Consultation.</p> <p>Belgrave Road and Melton Road up to the junction of Marfitt Street is proposed as an area of special interest where applicants will be expected to engage more closely with the Responsible Authorities before making applications.</p>
<p><b>Question - The draft policy identifies areas in the city that are of special interest and consultation due to evidence of increased anti-social behaviour/noise nuisance/street drinking:</b>  <b>Belgrave Road and Melton Road (up to the junction of Marfitt Street)</b>  <b>Braunstone Gate and Narborough Road (up to the railway bridge)</b>  <b>Evington Road</b>  <b>Granby Street, Belvoir Street and Market Street</b></p>		

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



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

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

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

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

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

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

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

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



	<p>Promotion of Alcoholic Drinks. It will seek to ensure that premises licensed for the sale of alcohol comply with the code.”</p> <p>We are grateful for the inclusion and support retaining a reference to the Portman Group Code of Practice and Independent Complaints Panel in the latest iteration of the licensing policy.</p> <p>We note that other councils and local authorities have found it useful to include a fuller explanation of the Portman Group and its work in relation to license holders. If this would be of interest, we would suggest the inclusion of the wording below or similar in the updated policy document:</p> <p>“The Portman Group operates a self-regulatory Code of Practice that applies to the whole of the alcohol sector for the naming, packaging and promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner, only to those who are 18 and over, and in a way that does not appeal particularly to those who are vulnerable. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published. If a product’s packaging or point-of-sale marketing is found to be in breach of the Code, the Portman Group may issue a</p>	
--	---	--

	Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups”.	
Residents Body	This consultation doesn't provide a link to either the existing version of the Statement of Licensing Policy or to the new draft version. Links to both of these or better still a link to a version marked up to show the changes between the two would have provided much better context for responding to this consultation.	The consultation hub provided extracts of the proposed policy that were the subject of the questions in the consultation.
Member of the Public	It is good that there are more concern in terms of granting licence to the sale and use of alcohol - and that various agencies have a better say in terms of public health, police etc this must be encouraged	Noted

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

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



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

## Neighbourhood Services Scrutiny Commission - Work Programme 2021 to 2022

	<ul style="list-style-type: none"> <li>• <b>CRASBU report</b> (lead John / Daxa)</li> <li>• <b>VCS &amp; Engagement work report</b> (lead Andrew / Miranda)</li> <li>• <b>Crowdfunding Project</b> (lead Andrew / Miranda)</li> </ul>	<p><b>Crowdfunding Project item:</b></p> <ul style="list-style-type: none"> <li>• Officers be requested to bring back the item to the Commission in December with a supporting report that details accountability and contractual governance</li> <li>• The Director of Neighbourhood Services suggested that the conversation on CrowdFund should continue as this was the new innovative approach to raise funding.</li> </ul> <p><b>VCS &amp; Engagement Work item:</b></p> <ul style="list-style-type: none"> <li>• That the item on Voluntary and Community Sector Engagement be deferred to a future meeting (members requested a fuller report on the VCSE strategy work)</li> </ul>	
<b>21 October 2021</b>	<ul style="list-style-type: none"> <li>• <b>Litter &amp; Fly-Tipping Strategy</b></li> <li>• <b>Public Safety Team report</b></li> <li>• <b>Gambling Policy</b></li> </ul>	<p><b>Litter &amp; Fly-tipping Strategy item</b></p> <ul style="list-style-type: none"> <li>• Recommends the possibility of a telephone number for fly tipping reporting be considered.</li> <li>• Recommended that the council considers extra bins and doing another campaign to raise awareness about litter and spitting outside shops that sell 'Indian Paan', as this seems to be an issue in some areas.</li> <li>• Cost of clearing litter and Fly-Tipping to be added into the Strategy.</li> </ul> <p><b>Public Safety Team item</b></p> <ul style="list-style-type: none"> <li>• Praise to the public safety team for their work, and members recommended that no further cuts be made in the budget to the public safety team.</li> </ul> <p><b>Gambling Policy item</b></p> <ul style="list-style-type: none"> <li>• Recommended the Council to consider how a No Casino Policy would be implemented? and recommends that the Council participate in the Government call for evidence on the online gambling industry.</li> <li>• Members raised concerns about TV advertising impacts to gambling, can this be added to the policy.</li> </ul>	
<b>9 December 2021</b>	<ul style="list-style-type: none"> <li>• Draft Domestic Abuse Strategy (Joint with Housing Scrutiny members invited)</li> <li>• Crowdfunding Leicester Project</li> <li>• Homelessness &amp; Rough Sleepers Strategy report</li> </ul>	<p><b>Domestic Abuse item</b></p> <ul style="list-style-type: none"> <li>• Recommended the Commission to receive an update in 6 months.</li> <li>• Commission praised the Belgrave community event that was held on domestic abuse.</li> <li>• To be as inclusive as possible with regards to language.</li> </ul> <p><b>Crowdfunding Leicester Project item</b></p> <ul style="list-style-type: none"> <li>• That Commission to receive a progress update on Crowdfund Leicester in 6 months.</li> </ul>	

## Neighbourhood Services Scrutiny Commission - Work Programme 2021 to 2022

		<ul style="list-style-type: none"> <li>The Commission requests that more information be provided on the criteria for the City Mayor's Community Engagement Fund.</li> </ul> <b>Homelessness &amp; Rough Sleepers Strategy item</b> <ul style="list-style-type: none"> <li>That the Commission requests to be kept informed on any concerning issues or impacts relating to neighbourhood areas.</li> </ul>	
<b>27 January 2022</b>	<ul style="list-style-type: none"> <li>Knife Crime Strategy work</li> <li>Council annual budget reports</li> <li>Statement of Licensing Policy</li> <li>African Caribbean Consultation report</li> </ul>		
<b>3 March 2022</b>	<p>Suggested items tbc:</p> <ul style="list-style-type: none"> <li>VCS Engagement and Strategy work</li> <li>Employment and Careers presentation</li> <li>Update on work of the Noise Control team</li> <li>Local Plan TBC</li> </ul>		

## Neighbourhood Services Scrutiny Commission - Work Programme 2021 to 2022

170

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