

Leicester
City Council

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

7 November 2018

Sir or Madam

I hereby summon you to a meeting of the LEICESTER CITY COUNCIL to be held at the Town Hall, on THURSDAY, 15 NOVEMBER 2018 at FIVE O'CLOCK in the afternoon, for the business hereunder mentioned.

Monitoring Officer

AGENDA

1. **LORD MAYOR'S ANNOUNCEMENTS**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES OF PREVIOUS MEETING**

The link to view the minutes of the meeting held on 4 October 2018 is below:-

<http://www.cabinet.leicester.gov.uk:8071/ieListDocuments.aspx?MIId=8706&x=1>

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

4. STATEMENTS BY THE CITY MAYOR/EXECUTIVE

5. PETITIONS

- Presented by Members of the Public
- Presented by Councillors

6. QUESTIONS

- From Members of the Public
- From Councillors

7. MATTERS RESERVED TO COUNCIL

7.1 Gambling Policy 2019/21

7.2 Council Tax Empty Property Premium

8. REPORTS OF SCRUTINY COMMITTEES

8.1 Leicester City Council, Scrutiny Report 2016 – 2018

9. REPORTS OF REGULATORY COMMITTEES

9.1 Annual Report of the Audit and Risk Committee 2017-18

10. EXECUTIVE AND COMMITTEES

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

11. ANY OTHER URGENT BUSINESS

Fire & Emergency Evacuation Procedure

- The Council Chamber Fire Exits are the two entrances either side of the top bench or under the balcony in the far left corner of the room.
- In the event of an emergency alarm sounding make your way to Town Hall Square and assemble on the far side of the fountain.
- Anyone who is unable to evacuate using stairs should speak to any of the Town Hall staff at the beginning of the meeting who will offer advice on evacuation arrangements.
- From the public gallery, exit via the way you came in, or via the Chamber as directed by Town Hall staff.

Meeting Arrangements

- Please ensure that all mobile phones are either switched off or put on silent mode for the duration of the Council Meeting.
- Please do not take food into the Council Chamber.
- Please note that Council meetings are web cast live and also recorded for later viewing via the Council's web site. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. Will all Members please ensure they use their microphones to assist in the clarity of the web-cast.
- 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 or from Democratic Support. If Members of the public intend to film or make an audio recording of a meeting they 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.

MATTERS RESERVED TO COUNCIL

7.1 GAMBLING POLICY 2019/21

A report is submitted seeking the Council's approval of the Gambling Policy 2019-21.

A copy of the full report is attached, along with the relevant minute extracts from the Neighbourhood Services and Community Involvement Scrutiny Commission held on 17th October 2018 and the Licensing and Public Safety Committee held on 23rd October 2018.

The Council is recommended to approve the revised Gambling Policy for 2019-21.

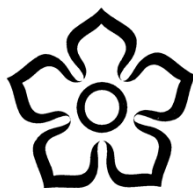
7.2 COUNCIL TAX EMPTY PROPERTY PREMIUM

A report is submitted seeking the Council's consideration to adopt new premiums for properties empty and unfurnished for two years or more under new powers granted from April 2019.

The Council is recommended to:

- adopt the Empty Homes Premium increase to 100% for homes empty for more than two years from 2019/20, to 200% for homes empty for more than five years from 2020/21, and to 300% for homes empty for more than ten years from 2021/22 from 1st April 2019,
- to include a mandatory exemption for Armed Forces personnel supporting the Council's Armed Forces Covenant,
- to note that should Parliament determine any further mandatory exemptions to the empty homes premium provisions then the council would be obliged to comply.

**Sir Peter Soulsby
City Mayor**



Leicester
City Council

WARDS AFFECTED: ALL

COUNCIL

15 NOVEMBER 2018

GAMBLING POLICY

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1 The purpose of the report is to determine the Council's Gambling Policy for the coming three years, as required by the Gambling Act 2005.

2. Summary

- 2.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2019-2021 no later than 3 January 2019 (4 weeks before the new policy takes effect).
- 2.2 The current policy has not caused any problems since it came into effect in February 2016. This policy was not significantly different to the original policy introduced in February 2007.
- 2.3 Public consultation took place between 14 August and 18 September 2018.

3. Consultation method

- 3.1 In accordance with the Gambling Act, consultation has taken place with:

- The Chief Officer of Police
- Representatives of the gambling trade
- Representatives of people who may be affected by the Gambling Policy

Holders of existing gambling permissions were also contacted directly. The consultation was available on the council's website between 14 August and 18 September 2018.

4 Consultation responses

- 4.1 Four responses were received during the consultation period, two via the online consultation tool and two by email. The comments made are shown in Appendix B, together with officers' observations.
- 4.2 The Neighbourhood Services and Community Involvement Scrutiny Commissions considered the draft policy and the consultation responses

on 17 October 2018. NSCI Scrutiny agreed that the Director of Neighbourhood and Environmental Services be asked to:

- include the community impact of betting shops, especially in areas with establishments such as religious venues, in the proposed local profile;
- present the local profile to this Commission for scrutiny when complete; and
- amend paragraph 5(a) of Part A of the draft Gambling Policy to refer to authorised activities, (not authorities activities).

4.3 The Licensing and Public Safety Committee considered the draft policy and the consultation responses on 23 October 2018. The Committee resolved that it supports the Council's Gambling Policy for 2019-2021. Members said they were content with the policy as it was, but expressed concerns around the inadequacy of the law, particularly around betting shops and fixed odds betting terminals.

5. Local area profile

5.1 The policy refers to the intention to produce a local area profile. This document is separate to the Gambling Policy and can be updated as and when required.

5.2 A local area profile is intended to assist existing and new operators when they are determining what steps they need to take to mitigate risk and to promote the licensing objectives.

5.3 The local area profile has been delayed due to resourcing issues within the Licensing team. A local area profile will be developed in-house during the coming municipal year.

6 'No casino' policy

6.1 Licensing Authorities may consider having a "no casino" policy, and if they do, this must be included in their Gambling Policy. A "no casino" policy has no effect on existing casinos, but prevents a licensing authority from issuing a new casino licence. The Gambling Act limits the number of new casinos nationally to one regional, eight large and eight small. There are currently no approved locations for such casinos in England and Wales.

6.2 Leicester City Council has not previously made a 'no casino' policy.

7 Gambling policy for 2019-2021

7.1 The existing policy has been updated but the changes are considered to be minor.

7.2 A local area profile has not been produced for Leicester although it is still the intention to do so. The profile will be held on the City Council's website www.leicester.gov.uk/licensing and be updated from time to time. Existing and new operators would be expected to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives.

7.3 The proposed policy is attached at Appendix A2 with the alterations from the current policy highlighted.

8 Recommendations

8.1 Council is asked to approve the policy for 2019-2021.

9 Financial & Legal Implications

Financial Implications

9.1 Premises licence fees are set in a series of bands with a prescribed maximum for each band. Licensing authorities are able to set licence fees within each band so as to ensure full cost recovery. It is anticipated that the fees will continue to cover all costs, thus there should be no additional costs on Leicester City Council.

Colin Sharpe – Head of Finance

Legal Implications

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

9.3 The statement must be produced following widespread consultation with

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

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

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

Katherine Jamieson – Legal Services

10 Background Papers – Local Government Act 1972

None

11 Consultations

Chief Officer of Police, Leicestershire Police

Gambling Businesses

Organisations representing people who may be affected by gambling

Holders of existing gambling permissions

Head of Legal Services

Head of Finance

12 Report Author

Rachel Hall – Chief Licensing Officer

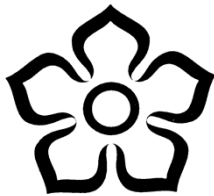
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APPENDIX A

LEICESTER CITY COUNCIL

STATEMENT OF GAMBLING POLICY



Leicester
City Council

Leicester City Council Statement of Gambling Policy

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PART A**1. The Licensing Objectives**

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

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.”

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

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

2. Introduction

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



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

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

The Gambling Act requires that licensing authorities consult:

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

The City Council consulted the following:

- Leicestershire **Police**
- Existing providers of gambling facilities in Leicester:
- Leicester City Council’s Children’s Services Department
- Other consultees:
 - Association of British Bookmakers
 - Lotteries Council
 - BACTA
 - Bingo Association
 - British Horseracing
 - Remote Gambling Association
 - Advertising Association
 - National Casino Forum
 - Gamcare
 - Salvation Army

Our consultation took place between **14 August and 18 September 2018**. The policy was approved at a meeting of the Full Council on **15 November 2018**.

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

Name: Licensing Team Manager

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

E-mail: licensing@leicester.gov.uk

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

3. Declaration

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

4. Responsible Authorities

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

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

The Responsible Bodies under the Gambling Act 2005 are:

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

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

5. Interested parties

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

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

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

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

Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an

interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these persons, the City Council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of those persons, requesting the representation is sufficient.

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

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

6. Exchange of Information

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

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

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

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

Please contact the Licensing section for further information:

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

7. Enforcement

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

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

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

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

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

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

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

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

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

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

Our risk methodology is also available upon request.

8. Licensing Authority functions

Licensing Authorities are required to:

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

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

PART B PREMISES LICENCES

1. General principles

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

2. Location

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

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

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

3. Local Area Profiles

The City Council **will** develop and maintain a local area profile. The area profile will be held on the City Council's website www.leicester.gov.uk/licensing and will be updated from time to time.

The Gambling Commission's licence conditions and codes of practice require operators of existing and new gambling premises to consider local risks to the

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

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

4. Conditions

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

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

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

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Locating gaming machines in direct line of sight from a staffed counter to promote the protection of children and vulnerable adults
- Measures / training for staff on how to deal with suspected truant school children on the premises.

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

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

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

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

5. Door Supervisors

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

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

6. Casinos

No Casinos resolution

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

Responsibility in Gambling

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

PART C Permits

1. Unlicensed Family Entertainment Centres

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

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

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

Statement of Principles

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

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

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

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

2. Alcohol Licensed premises gaming machine permits

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

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;

- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

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

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

3. Prize Gaming Permits

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

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

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

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

4. Club Gaming and Club Machines Permits

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. Members' clubs, miners' welfare institutes and commercial clubs may apply for a clubs machine permit. The club gaming permit

will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

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

5. Temporary Use Notices

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

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

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

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

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

6. Occasional Use Notices

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

7. Small Society Lotteries

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

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

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

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

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

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

Consultation Responses Received - Appendix B

| | Consultation Response | Officer Comments |
|---|--|--|
| 1 | Should be stopped altogether as so many families are being ruined | The Licensing Authority has no power to stop gambling and is legally obliged to produce a statement of gambling policy. |
| 2 | I think that the policy is satisfying and reasonably balanced. Nothing to add nor to take off. | |
| 3 | <p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.</p> <p>The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council’s wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.</p> <ul style="list-style-type: none"> • A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/ • Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities. • A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place. • Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately? • Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points | <ul style="list-style-type: none"> • A local area profile will be produced • See paragraph 2 of part B of the draft policy • It is a requirement for each licensed gambling premises to carry out a risk assessment – see paragraph 3 of part B of the draft policy • See paragraphs 3 and 4 of part B of the draft policy regarding risk assessment and conditions • See paragraphs 3 and 4 of part B of the draft policy regarding risk |

Consultation Responses Received - Appendix B

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| <p>throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.</p> <ul style="list-style-type: none"> • Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling. • Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so. <p>We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator’s player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk</p> <p>For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.</p> <p>If there is anything else we can assist with please do let us know.</p> | <p>assessment and conditions</p> <ul style="list-style-type: none"> • See paragraphs 3 and 4 of part B of the draft policy regarding risk assessment and conditions • See paragraphs 3 and 4 of part B of the draft policy regarding risk assessment and conditions • A licensing authority is not permitted to refuse an application solely on this basis. Operators licences are dealt with by the Gambling Commission. GamCare are referenced in paragraph 4 of part B of the draft policy • Noted |
| <p>4 We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council’s review of its gambling policy statement.</p> <p>The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.</p> <p>Please see below for the ABB’s response to the Council’s current consultation on the draft gambling policy statement. This response starts by setting out the ABB’s approach in areas relevant to the local authority’s regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.</p> <p>Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.</p> <p>The ABB recognises the importance of the gambling policy</p> | |

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statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the "desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."

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The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area

Consultation Responses Received - Appendix B

profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must

Consultation Responses Received - Appendix B

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| <p>remain free to shape their risk assessment in whichever way best meets their operational processes.</p> <p>The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.</p> <p>Concerns around increases in the regulatory burden on operators</p> <p>The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.</p> <p>Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Employing additional licence conditions</p> <p>It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.</p> <p>The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.</p> | |
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Consultation Responses Received - Appendix B

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Other concerns

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Considerations specific to the Draft Statement of Gambling Policy.

Within section 2 "Location" of part B, there is a table detailing locations that the City Council considers both suitable and unsuitable for various gambling premises. This table should be removed from the draft Gambling Policy as it appears to establish a higher bar for premises in areas that the City Council specified may be unsuitable. Each case should be determined on its own merits and the City Council cannot simply designate areas that it considers unsuitable. The Licensing Authority is required to aim to permit the use of premises for gambling and consider any application upon the receipt of relevant representations relating to the licensing objectives.

As far as betting offices are concerned, these have been situated in residential areas ever since they became lawful in the 1960's. Betting offices have existed within residential areas and in very close proximity to both churches and schools without any difficulty whatsoever.

The inclusion of this table is pejorative and should be removed. It serves no purpose. The Authority cannot have blanket restrictions on areas where gambling premises should not be located.

Paragraph 4 of part B explains the Licensing Authority's approach to the imposition of conditions. This section would be assisted if it was made clear that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Thereafter the draft policy should be clear that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case.

The evidential basis for the imposition of additional conditions is

Consultation Responses Received - Appendix B

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| <p>important and should be clear specified with in the draft policy.</p> <p>Conclusion The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.</p> <p>Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.</p> <p>We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.</p> | |
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Leicester
City Council

Minutes of the Meeting of the
NEIGHBOURHOOD SERVICES AND COMMUNITY INVOLVEMENT SCRUTINY
COMMISSION

Held: WEDNESDAY, 17 OCTOBER 2018 at 5:30 pm

P R E S E N T :

Councillor Gugnani (Chair)
Councillor Thalukdar (Vice Chair)

Councillor Govind
Councillor Halford
Councillor Hunter

In Attendance:

Councillor Clair, Deputy City Mayor with responsibility for
Culture, Leisure, Sport and Regulatory Services

Also present:

Councillor Cassidy (Member for the Fosse Ward)

* * * * *

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Aqbany and Councillor Waddington.

28. DECLARATIONS OF INTEREST

No declarations of interest were made.

34. GAMBLING POLICY - CONSULTATION

The Director of Neighbourhood and Environmental Services submitted a report setting out the Council's Gambling Policy for the coming three years. Councillor Clair, (Deputy City Mayor with responsibility for Culture, Leisure, Sport and Regulatory Services introduced the report, noting that this Policy would be considered at the Council meeting to be held on 15 November 2018, for implementation in January 2019.

The Head of Regulatory Service advised the Commission that the amended Policy was based on the previous one. As it was operating successfully, no significant changes were proposed. However, comments on the draft Policy had been sought and those received to date were submitted with the report.

The Director of Neighbourhood and Environmental Services drew attention to the licensing objectives set out in the report, which formed the basis of the licensing decisions for gambling establishments. The Director highlighted that a priority item in the work programme of the Council's Regulatory Services (Licensing Team) over the next year was to develop the Local Area Profile that gambling premises operators should refer to in making their risk assessments. This would be available to the Commission for scrutiny when complete if Members wished.

In response to Members' concerns that it had taken a long time to start work on the local profile, the Director of Neighbourhood and Environmental Services said he supported the need to progress this and it was important to remember that Regulatory Services had undergone a Spending Review which involved changing from having three heads of service to one and subsequent changes in, for example, Licensing to ensure delivery against work programmes. The local profile, although not a statutory requirement, was seen as a service priority and was in the work programme going forward into the new municipal year.

The Commission suggested that the cumulative impact of gambling establishments should be considered by the City Council's Gambling Policy. The Head of Regulatory Service explained that the Gambling Policy set out how the Council regulated individual premises. The legislation did not allow for cumulative impacts to be considered when a licence application had been made. Councillors' concern about the impacts of concentrations of certain businesses such as gambling premises and fast food take-aways was something they could consider referring on to Planning Officers for consideration and feedback as appropriate. They currently were developing the Council's Draft Local Plan and would be best placed to advise further on this particular matter.

In response to Members' enquiries, the Head of Regulatory Service advised that responsibility for promoting "responsible gambling" lay with gambling businesses. In some areas of the country, gambling was becoming seen as a public health issue. In Leicester, the licensing team did not have cause to work with officers from Public Health on individual premises, but the public health

aspects of gambling were considered as part of the licensing process of a gambling premise.

The Director of Neighbourhood and Environmental Services advised that the Council regulated premises, not the people using them. A previous review of gambling by this Commission had recommended that people could be signposted to help. As previously discussed, this was not a role for any specific council service, but would be done as and when needed by the service being alerted to a person needing help. People also could self-regulate by asking establishments to turn them away if they tried to gamble.

Members also queried why certain types of establishments were included in the list of licensing functions at section 8 of Part A of the draft Gambling Policy when such establishments did not exist in the city. In reply, the Director of Neighbourhood and Environmental Services explained that the list showed what the Council was required to consider in discharging its functions, so was not specific to Leicester.

In addition, the locations discussed under section 2 of Part B of the Policy showed what was considered to be generally unsuitable for each type of establishment. It was stressed that each application was considered on its merits, but these locations were a guide.

The Head of Regulatory Service advised that the locations listed in section 2 of Part B of the Policy showed applicants what the Council considered to be a generally unsuitable location for each type of establishment. It was stressed that each application was considered on its merits and these locations were a guide.

AGREED:

That the Director of Neighbourhood and Environmental Services be asked to:

- a) include the community impact of betting shops, especially in areas with establishments such as religious venues, in the proposed local profile;
- b) present the local profile to this Commission for scrutiny when complete; and
- c) amend paragraph 5(a) of Part A of the draft Gambling Policy to refer to authorised activities, (not authorities activities).



MINUTE EXTRACT

Leicester
City Council

Minutes of the Meeting of the LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 23 OCTOBER 2018 at 5:30 pm

P R E S E N T:

Councillor Thomas (Chair)
Councillor Singh Johal (Vice Chair)

Councillor Cank

Councillor Sangster

Councillor Unsworth

* * * * *

39. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Byrne, Fonseca, Hunter and Shelton.

40. DECLARATIONS OF INTEREST

Councillor Unsworth declared an Other Disclosable Interest in Agenda Item 9, Ultra Low Emission Vehicle, as his son had helped in the design of the vehicle under discussion.

In accordance with the Council's Code of Conduct the interest was not considered so significant that it was likely to prejudice Councillor Unsworth's judgement of the public interest. Councillor Unsworth was not therefore required to withdraw from the meeting during consideration and discussion on the item.

48. GAMBLING POLICY - CONSULTATION

The Director of Neighbourhood and Environmental Services submitted a report which sought the Committee's views on the Council's Gambling Policy for the coming three years, prior to its determination by Full Council on 15 November 2018.

The Committee was recommended to note the report and to make any comments on the proposed policy, which would be reported to Full Council.

The Chief Licensing Officer presented the report. Members noted that every three years the policy had to be reviewed, and the authority was required to

MINUTE EXTRACT

publish its new Gambling Policy no later than the 3rd January 2019. Public consultation has taken place between 14 August and 18 September 2018. The consultation responses and the comments from Scrutiny and the Licensing and Public Safety Committee would be submitted to Full Council on 15 November 2018, and Council would be asked to approve the Gambling Policy for 2019-21.

Members were informed that a 'no casino' policy made no difference to existing casinos, but it did limit the issuing of new licenses. In the Gambling Act itself there was a limit to 17 new casinos nationally; in the city there were three licensed casinos.

Members were asked to note the minor changes to the existing policy. A local area profile had not been produced for Leicester, though the Council intended to do so.

Members asked if a recent case highlighted in the media had implications. The organisation had been found not to identify and assist a known gambler using fixed odds betting terminals. The organisation had to pay back money the customer had stolen from an employer and to her debit card, and made a payment of £60k to the Gambling Commission in lieu of a financial penalty-£94k in total.

It was noted there was nothing in the Gambling Policy that could assist in the prevention of people losing large amounts of money in the machines, though the government was to limit amount that could be spent at any one time to £2 in 2019. A highlighted document showing the changes made to the Gambling Policy was circulated to Members.

A discussion took place on applications for premises. It was noted that if no one objected to an application, it would be granted. If objections were received, and a hearing held, the panel was under a duty to aim to permit the application. Guidance under the Gambling Act was that a premises needed to be reasonably compliant, and the licensing objectives under the Gambling Act were not as paramount as they were under the Licensing Act.

When dealing with applications, the Committee could not refuse betting terminals within gambling premises, and guidance was geared towards granting and relied on the operator and code of conduct from the Gambling Commission to be monitored. The recent case reported in the media had shown organisations were not always doing the right thing.

The licensing authority cannot have a view on the morality of gambling. It is a legal operation as set out in the Gambling Act 2005. The Council was in the process of recruiting more Licensing Enforcement Officers.

Members said the Gambling Policy had some measure of protecting the public, but were concerned that the betting office part of the Policy was not restrictive enough. They acknowledged the authority was limited by law in what it could do and were supportive of the Policy as drafted.

MINUTE EXTRACT

RESOLVED:

that the Licensing and Public Safety Committee support the Council's Gambling Policy for 2019-2021.

REASON FOR THE DECISION

The Members of the Licensing Public Safety Committee said they were content with the policy as it was, but Members expressed concerns around the inadequacy of the law, particularly around betting shops and fixed odds betting terminals.



Council

Date: 15th November 2018

Council Tax Empty Property Premiums

Report of the Director of Finance

1. Purpose of Report

- 1.1 The purpose of this report is to ask the Council to consider adopting new premiums for properties empty and unfurnished for two years or more under new powers granted from April 2019.
- 1.2 The intention of adopting new premiums for empty properties is to increase the availability of affordable housing and reduce homelessness in the city by bringing homes back into use. Council Tax revenue may also be increased in the short term, however in the medium to long term the change is anticipated to be cost-neutral.
- 1.3 The Council may decide to leave the current scheme unchanged, or to adopt the proposed increase in Council Tax liability for homes empty for more than two years from 50% to 100%. The Council may also declare an intention to increase premiums for homes empty for a longer period in 2020/21 and 2021/22. These options have been the subject of a public consultation.
- 1.4 The Council may also decide to apply exemptions in circumstances where the Empty Homes Premium should not apply.

2. Summary

- 2.1 Section 12 of the Local Government Finance Act 2012 introduced a new Section 11B into the original 1992 Act giving local authorities the power to levy extra council tax of not more than 50% on long-term empty homes, known as the empty homes premium. The Council has used this power since April 2013 and imposed the maximum premium of 50% over and above the charge which would apply if the domestic property was occupied.

- 2.2 For the empty home premium to apply, properties must have been empty and substantially unfurnished **for at least two years**, excluding any occupation for less than six weeks. The government can prescribe classes of properties where the premium should not apply and has prescribed an exemption for occupants serving in the Armed Forces absent for job-related purposes. Liability for the empty homes premium is determined by the length of time that the property has been empty, irrespective of any change in ownership, and includes any period the property may be in probate.
- 2.3 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill received royal assent on the 1st November. The government had originally proposed to simply increase the above premium to a maximum of 100% over and above the occupied charge rate from 1st April 2019. However, the bill was amended to include additional maximum premiums to be introduced in future years.
- 2.4 In addition to the above 100% premium from 2019/20, it is now anticipated that from 2020/21 we will be able to increase the premium for properties which have been vacant for five years or more to 200%, and from 2021/22, that we will also be able to increase the premium for properties which have been vacant for ten years or more to 300%. Whilst the changes will generate additional revenue, the primary focus is to bring empty homes back into use.
- 2.5 The Council may also wish to consider exemptions where the long term empty property premium would not apply – for example, where an owner had made all reasonable endeavour to let out their property but had not been successful.
- 2.6 A public consultation has been conducted, and findings are summarised at point 6 below. A full summary of findings are presented in Appendix 1.

3. **Recommendations**

- 3.1 Council is recommended to adopt the Empty Homes Premium increase to 100% for homes empty for more than two years from 2019/20, to 200% for homes empty for more than five years from 2020/21, and to 300% for homes empty for more than ten years from 2021/22 from 1st April 2019.
- 3.2 Council is recommended to include a mandatory exemption for Armed Forces personnel supporting the Council's Armed Forces Covenant.
- 3.3 To note that should Parliament determine any further mandatory exemptions to the empty homes premium provisions then the council would be obliged to comply.

4. **Background**

- 4.1 We currently have 346 properties where a premium is being levied at the current maximum of 50%. The additional charge over and above the occupied rate is £229,000. Therefore, assuming the premium does not result in some of these properties becoming occupied, we could raise a further £229,000 (£458,000 in total) in 2019/20. Of these 346 properties, 222 will have been empty for 5 years or more by April 2020, and 92 for 10 years or more by April 2021, assuming they continue to be unoccupied.
- 4.2 Our consultation outlined our intention to use these new powers to the full, with a view to bringing properties back into use, or securing extra council tax if not. The consultation was open to all members of the public, with targeted communications for empty property owners and major landlords.

5. **Options**

- 5.1 The options consulted on were as follows, with respondents able to select all options which should apply:
- 5.2 **Option 1** – Make no change at all to the current scheme. Respondents were also asked if selected their views on other ways the Council could save or raise more money.
- 5.3 **Option 2** – From 2019, properties **empty for two or more years** would be charged **double** the council tax of occupied properties.
- 5.4 **Option 3** – From 2020, properties **empty for five or more years** would be charged **three times** the council tax of occupied properties.
- 5.5 **Option 4** – From 2021, properties **empty for 10 or more years** would pay **four times** the council tax of occupied properties.
- 5.6 Respondents were also asked how these proposals would affect them, any exemptions they felt should apply, and for any other comments or suggestions on saving money.

6. **Consultation Outcomes**

- 6.1 The consultation took place between 17 September and 14 October 2018, a period of four weeks. Consultations were available online and by paper form to download where required. Direct mailing was used to contact all charge payers currently liable for the Empty Homes Premium, and the consultation was promoted through

awareness distributed via the Empty Homes Team, Housing Options, the Landlord Forum, the Social Welfare Advice Partnership and internally throughout the service.

- 6.2 In total, there were 83 responses to the consultation, which is relatively substantial for a premium affecting only 243 individuals.
- 6.3 Of the 83 responses received:
- 64 were a resident of Leicester;
 - 6 were a landlord;
 - 4 were a local business;
 - 2 were a local charity;
 - 15 were another individual or organisation.
- 6.4 Of the 83 respondents (approximately half of whom are believed to be directly affected by the proposed change):
- 32 (39%) supported no change to the scheme (Option 1).
 - Most respondents (60%) supported introducing additional premiums – more than half (46, 55%) supported Option 2, 35 (42%) supported Option 3 and 33 (40%) supported Option 4.
 - 2 respondents did not select any options.
- 6.5 73 respondents provided a response to how the proposals would affect them.
- 32 (44%) felt the proposals would have no or negligible impact on them personally. There was however near-universal approval of the proposals in principle amongst this group, which were anticipated to have broader social benefits to the community including reduction in homelessness, reduction of derelict properties, improved Council finances and reduction of demand-driven rent increases.
 - 19 (26%) acknowledged the proposals would have some financial impact on them, but nevertheless supported the policy objectives for the same reasons as the group outlined above.
 - 22 (30%) felt the proposals would adversely affect them financially, and that the proposals were unjustified. Reasons included circumstances making properties difficult to renovate, let and sell, individual scenarios such as inheritance and ill health, and perceived unfairness impacting on a minority of charge payers.
- 6.6 33 respondents provided additional suggestions as to how the Council could save or raise more money. These included lobbying government for additional funds, reviewing Council pay structures, reducing other services and realising efficiencies in other areas such as street cleaning and Children's centres, and increasing Council Tax liability more widely.
- 6.7 59 (71%) of respondents agreed that the Council should introduce exemptions to the Empty Homes Premium. 22 (27%) disagreed, and 2 provided no answer.

- 6.8 56 respondents provided suggestions as to exempt categories. These included:
- An exemption for charge payers making efforts to let properties, incorporating mitigating circumstances such as the condition of the property;
 - A similar exemption for charge payers making efforts to sell properties, taking into account any restrictions on sale or recent change in ownership;
 - Properties going through probate, or owner unable to manage their affairs.
 - There were however concerns that the first two suggested exemptions could be exploited, and that any exemption should be time-limited.
- 6.9 An Equality Impact Assessment has been completed and can be found at Appendix 2. Full details of equality details gathered from the consultation are referenced in this document and can be found in Appendix 1.

7. Financial, Legal and other Implications

7.1 Financial Implications

These changes are intended to bring empty properties back into use. To the extent that this is successful, the amount of additional council tax which can be raised from the change will reduce. Additionally, we would lose some of the tax raised in respect of the 50% premium currently charged.

- 7.2 The maximum additional revenue the change would generate in 2019/20 would be £0.2m, which would support the budget in that year (after allowing for sums paid to the police and fire authorities). The additional income would further increase in later years but estimating at this stage is more speculative.

Mark Noble, Head of Finance ext. 374041

7.2 Legal Implications

The statutory provisions which empower the Council to effect the proposed changes are set out in the main body of the report. To comply with public law principles of good decision-making it is recommended to consult on the proposals before taking them to Council for a decision. It will also be important (when a decision at Full Council is required) to analyse “impacts” in order to comply with our PSED. In terms of consultation, the requirement is that “... consultation must be undertaken at a time when proposals are still at a formative stage. It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate

decision is taken". It is perfectly possible that a focussed and clear consultation can lawfully take place within the window of time suggested.

Kamal Adatia, City Barrister & Head of Standards ext. 371401

7.3 Climate Change and Carbon Reduction Implications

Bringing empty homes back into use can make a small but significant contribution to minimising Leicester's carbon emissions, as it reduces the need for new homes to be built. Construction of new homes generates carbon emissions and other environmental impacts arising from the extraction of raw materials, product manufacture and transport.

Aidan Davis, Sustainability Officer, Ext. 37 2284

7.4 Equalities Implications

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

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

There are potential social and community benefits arising from the options provided within the report to increase council tax empty property premiums. Homes that remain empty for long periods can be a waste of scarce resource, particularly in the context of growing demand for housing and can impact in neighbouring residents, if the empty home has attracted crime or anti-social behaviour.

The recommendation to increase the premium, will impact upon empty property owners and/ or major landlords from across all protected characteristics. An Equality Impact Assessment has been undertaken and is attached as Appendix 2. Via the consultation, concerns were raised in relation to a potential disproportionate negative impact, in particular circumstances, for individuals with the protected characteristic of disability. The examples provided in the consultation were circumstances where owners are unable to manage their affairs or where disability prompts a sudden unexpected need to change property and reduces ability to do the work required to empty the previous property. The respondents suggested that there should be mitigations in place to ensure that those with the protected characteristic of disability are not disproportionately disadvantaged by the proposals and this is detailed in the

Equality Impact Assessment attached as Appendix 2. Under the recommendations a 2-year time period where a property is empty and unfurnished would take place before the premium would apply. This would go some way to ensuring that, where owners are unable to manage their affairs or where disability prompts a sudden unexpected need to change property and reduces ability to do the work required to empty the previous property, the appropriate arrangements can be made. However, consideration must be paid by the decision maker as to whether the mitigation is effective in lessening the disproportionate impact or whether there are any additional exemptions under which the Empty Homes Premium should not apply, as per the second recommendation.

Hannah Watkins, Equalities Manager ext. 375811

7.5 **Other Implications**

N/A.

8. **Background Information and other papers**

9. **Summary of Appendices**

Appendix One: Consultation Findings

Appendix Two: Equality Impact Assessment

10. **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.

11. **Is this a “key decision”?**

No.

12. **If a key decision please explain reason**

13. **Author**

Ashok Thakrar – 0116 454-2533

James Rattenberry – 0116 454 1616

Consultation Findings

The consultation took place between 17 September and 14 October 2018, a period of four weeks. Consultations were available online and by paper form to download where required. Direct mailing was used to contact all charge payers currently liable for the Empty Homes Premium, and the consultation was promoted through awareness distributed via the Empty Homes Team, Housing Options, the Landlord Forum, the Social Welfare Advice Partnership and internally throughout the service.

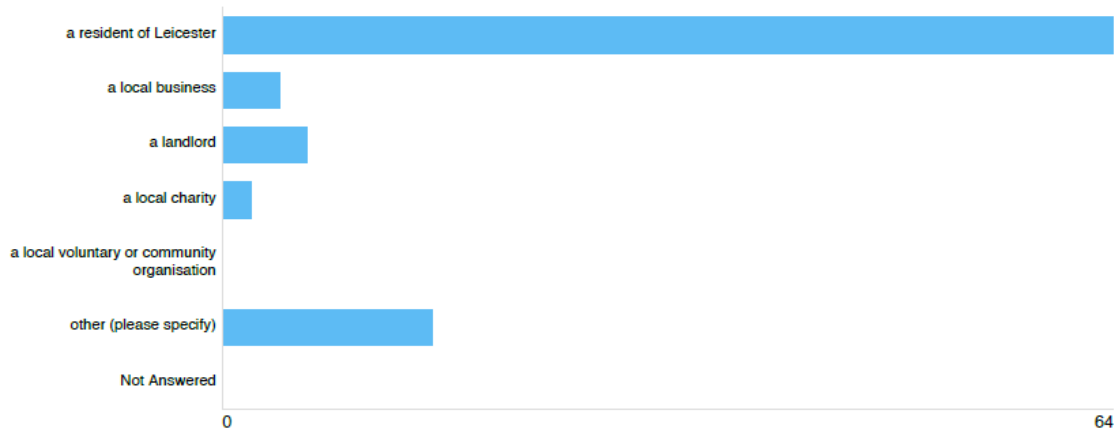
In total, there were 83 responses to the consultation, which is relatively substantial for a premium affecting only 243 individuals.

Of the 83 responses received:

- 64 were a resident of Leicester;
- 6 were a landlord;
- 4 were a local business;
- 2 were a local charity;
- 15 were another individual or organisation.

Question 1: Are you responding to this survey as: (please tick all that apply)

Responding as

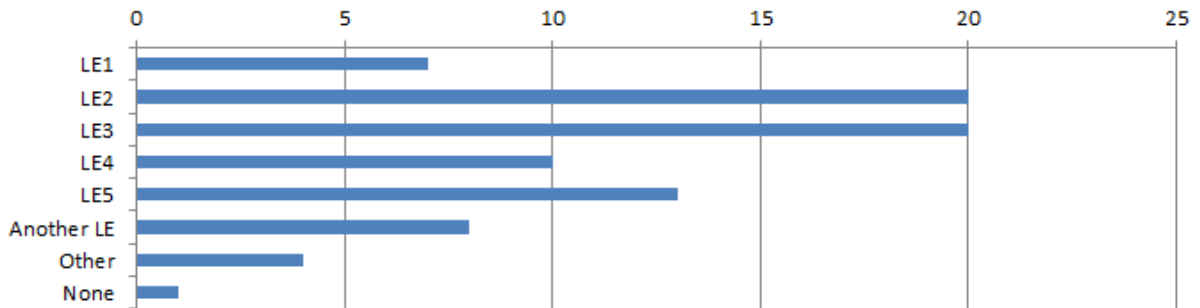


| Option | Total | Percent |
|---|-------|---------|
| a resident of Leicester | 64 | 77.11% |
| a local business | 4 | 4.82% |
| a landlord | 6 | 7.23% |
| a local charity | 2 | 2.41% |
| a local voluntary or community organisation | 0 | 0% |
| other (please specify) | 15 | 18.07% |
| Not Answered | 0 | 0% |

Question 2: What is the first part of your home postcode? (for example: LE3, LE19)

Postcode

There were 82 responses to this part of the question.



| Option | Total | Per cent |
|--------------|-----------|----------|
| LE1 | 7 | 8.43% |
| LE2 | 20 | 24.10% |
| LE3 | 20 | 24.10% |
| LE4 | 10 | 12.05% |
| LE5 | 13 | 15.66% |
| Another LE | 8 | 9.64% |
| Other | 4 | 4.82% |
| None | 1 | 1.20% |
| Total | 83 | |

84% of respondents were based on the Leicester City area, 10% in the Leicestershire area and 5% outside of Leicestershire. However, all responses were considered valid as the owners of empty properties may well reside outside of Leicestershire and nevertheless be affected by any Empty Homes Premium increases.

Question 3: Are you service personnel (armed forces) or ex-service personnel?

Service personnel



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 3 | 3.61% |
| No | 80 | 96.39% |
| Not Answered | 0 | 0% |

Question 4: Which option(s) do you think the council should adopt? (tick all that apply)

Which option to adopt



| Option | Total | Percent |
|--------------|-------|---------|
| Option 1 | 32 | 38.55% |
| Option 2 | 46 | 55.42% |
| Option 3 | 35 | 42.17% |
| Option 4 | 33 | 39.76% |
| Not Answered | 2 | 2.41% |

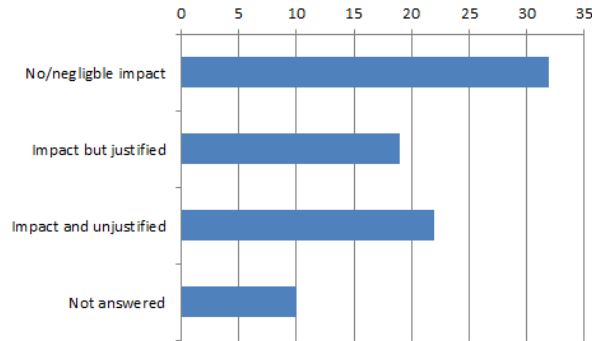
Of the 83 respondents:

- 32 (39%) supported no change to the scheme (Option 1).
- Most respondents (60%) supported introducing additional premiums – more than half (46, 55%) supported Option 2, 35 (42%) supported Option 3 and 33 (40%) supported Option 4.
- 2 respondents did not select any options.

Question 5: How would these proposals affect you?

How proposals affect you

There were 73 responses to this part of the question.



| Response | Total | Per cent |
|------------------------|-------|----------|
| No/negligible impact | 32 | 38.55% |
| Impact but justified | 19 | 22.89% |
| Impact and unjustified | 22 | 26.51% |
| Not answered | 10 | 12.05% |
| Total | 83 | |

73 respondents provided a response to how the proposals would affect them.

- 32 (44% of respondents) felt the proposals would have no or negligible impact on them personally. There was however near-universal approval of the proposals in principle amongst this group, which were anticipated to have broader social benefits to the community including reduction in homelessness, reduction of derelict properties, improved Council finances and reduction of demand-driven rent increases.
- 19 (26%) acknowledged the proposals would have some financial impact on them, but nevertheless supported the policy objectives for the same reasons as the group outlined above.
- 22 (30%) felt the proposals would adversely affect them financially, and that the proposals were unjustified. Reasons included circumstances making properties difficult to renovate, let and sell, individual scenarios such as inheritance and ill health, and perceived unfairness impacting on a minority of charge payers.

Representative responses included:

“We are living with family while trying to do our house up but it is taking a lot longer than we anticipated and it now has been vacant for two years, so we are already paying the premium. However we would definitely have moved in by five years. I think people who have left their house empty for five years or more definitely are not intending to move in and should face double tax as they are just sitting on a spare property.”

“As a citizen of the city, concerned about homelessness and the lack of affordable housing for families in need, any policy that would encourage the owners of empty properties to bring them back into use should be encouraged. Empty properties are not desirable, not just because they potentially deprive people of a home, but they also sometimes attract anti-social behaviour, may become derelict and bring down the quality and perception of a whole area.”

“I think council tax is already high enough as it is. If you do this you are going to alienate the very people who could potentially help the homeless situation in the city. If you want to work with landlords do not financially penalise them it will just cause more problems than solving them. This will create a bigger divide between yourselves and the wider public that you are supposed to serve. I am already disgusted by the recent council tax rise, as it is nearly the equivalent of some of the public's take home pay for one month. With ever increasing costs I would think twice about becoming a landlord and property developer, which is something that I have given careful thought to.”

“The property is jointly owned by my mother, who has dementia, and step father who was incapable of managing the property any longer. I was awarded deputyship under the Court of Protection for my mothers' finances in 2016 and took over management of this property this year after applying to the COP to be trustee. The property is currently for sale and we are doing our best to achieve a reasonable price, as directed by the COP.

The only thing that you have achieved by increasing council tax on this property and threatening to increase it further is to put even more pressure on me, someone who volunteered to help my mother, because of her dementia, and who already spends a great deal of time on this!”

Question 6 If you have chosen Option 1, do you have any views on how the council could make savings or raise more money?

There were 33 responses to this part of the question

33 respondents provided additional suggestions as to how the Council could save or raise more money. These included lobbying government for additional funds, reviewing Council pay structures, reducing other services and realising efficiencies in other areas such as street cleaning and Children's centres, and increasing Council Tax liability more widely.

Notable responses included:

"The real question is when council properties were put on sale the funds should have been used to rebuild more properties but it was not. You want properties filled invite the landlord in for a discussion or write to them. I would look at getting feedback from property owner as to why they are empty in the first place. They may have idea that you have not thought of. Maybe the local council should look at how they can make savings or raise money internally instead of penalising landlords who in some cases have had to work very hard to obtain the properties that they do have."

"First of all, this proposal would affect 350 properties: considering there are over 22000 houses in Leicester, the number of empty properties is incredibly low. In some touristic areas, the percentage is much, much higher. Therefore this proposal would not really benefit Council's revenue.

- A review of all the salaries of all members of staff earning over £45.000 per year would make more sense. Managers and directors of Local Authorities should be proud of working for the community and accept lower wages.

- Close more Children Centres: parents can meet in other places and/or in their own homes.

- Try to rent out all available spaces, including sharing offices with private sector.

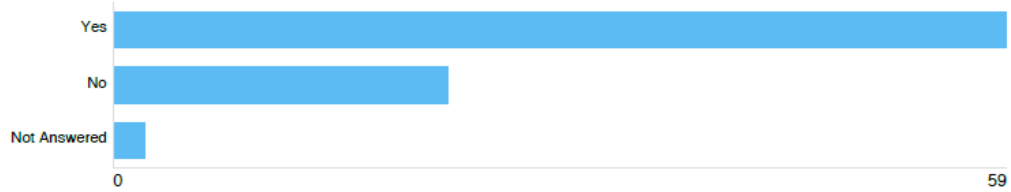
- Increase taxation on COMMERCIAL empty properties: in proportion there are more of these than empty residential properties. Quite often Landlords prefer not to offer properties at lower rent and keep them empty. Bad for the economy and it looks awful.

- Increase Council Tax

Request more funding from central government. Cut expenses in other areas. Don't penalise residents, this will drive people out of Leicester City."

Question 7: At present there are no exemptions to the empty homes premium. Do you think we should introduce any exceptions to the empty homes premium – for example, where there has been a change in ownership, or the liable person can show they have made efforts to let the property?

Exemptions



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 59 | 71.08% |
| No | 22 | 26.51% |
| Not Answered | 2 | 2.41% |

Comments on exemptions

There were 56 responses to this part of the question.

59 (71%) of respondents agreed that the Council should introduce exemptions to the Empty Homes Premium. 22 (27%) disagreed, and 2 provided no answer.

56 respondents provided suggestions as to exempt categories. These included:

- An exemption for charge payers making efforts to let properties, incorporating mitigating circumstances such as the condition of the property;
- A similar exemption for charge payers making efforts to sell properties, taking into account any restrictions on sale or recent change in ownership;
- Properties going through probate, or owner unable to manage their affairs.
- There were however concerns that the first two suggested exemptions could be exploited, and that any exemption should be time-limited.

Representative responses included:

“In the rare case that there are conditions on the sale of the property that the owner can demonstrate have prevented the sale or let, e.g. inherited property in a retirement community, otherwise, buyer beware. “Efforts to let” is not an excuse - if no-one is interested, try lowering the rent or improving the property.”

“I think an exemption would be good if a landlord could demonstrate reasonable efforts to let the property or if it has recently changed ownership. There'd need to be a time limit for the exemption though, for example, it would be reasonable to add an exemption if there had been a change of ownership in a 1-3 month period but after this time the new owner should really know what they plan to do with the property and should be making efforts to move in to it or let it out.”

“It would be good to have an exemption for empty properties when disability prompts a sudden unexpected need to change property and reduces ability to do the work required to empty the initial property while still fighting to complete other tasks in life like working, frequent hospital visits and time needed to recover from episodes of fatigue, numbness and other effects of the disability.”

Question 8: Do you have any other comments or suggestions about council tax or about how the council could save money?

Comments or suggestions

There were 34 responses to this part of the question.

Responses were similar to the Option 1 question above, and included:

“Lower business rates/taxes on buildings that could have businesses that are currently are empty in the city centre. If having a business is made more affordable that will attract more people to set up businesses in the city centre and in turn would provide monetary reward over time for the council.”

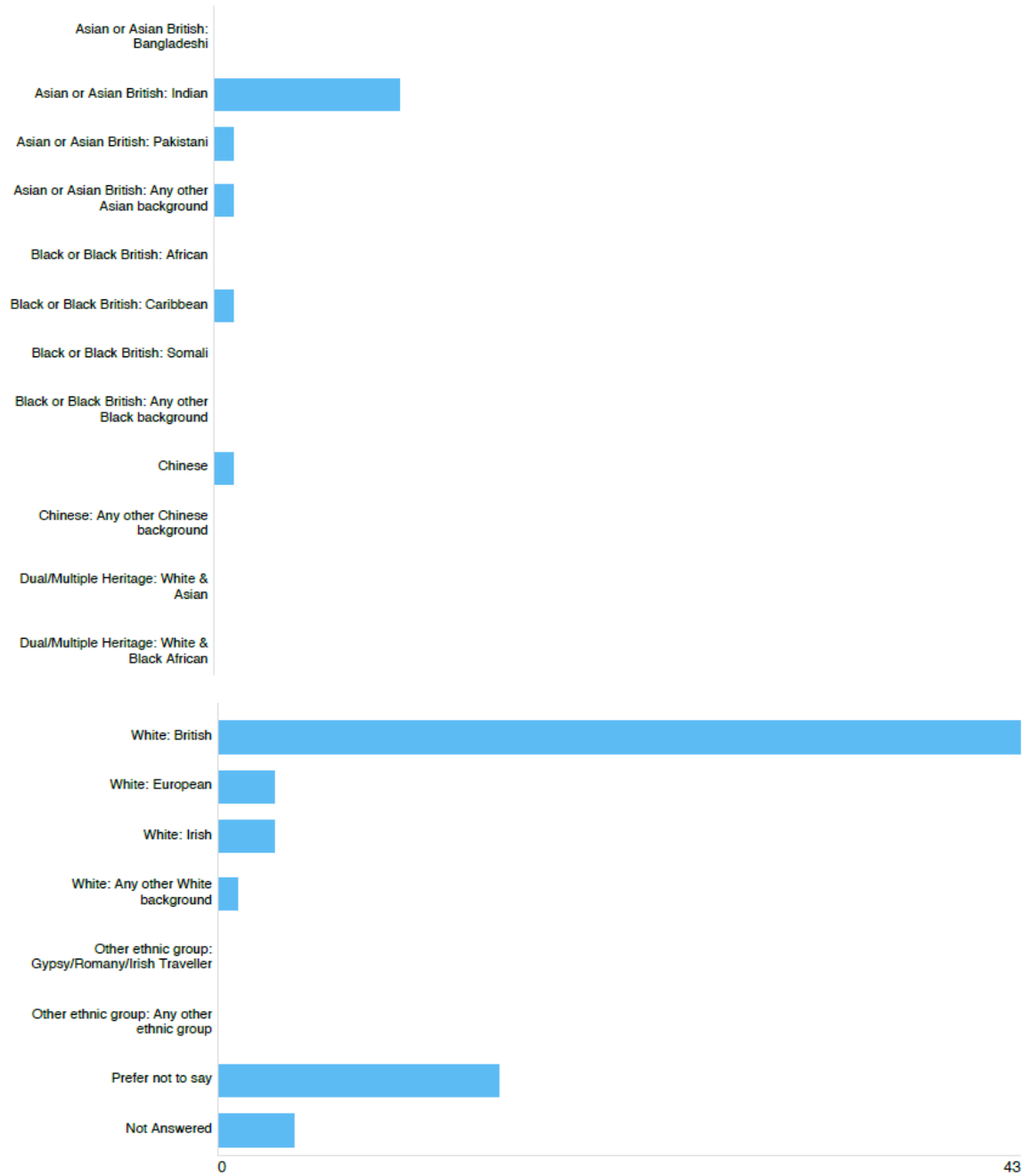
“More enforcement cameras on bus lanes/ civil enforcement parking wardens.”

“Chase council tax fraud instead of turning a blind eye”

An Equality Impact Assessment has been completed and can be found at Appendix 2. Full details of equality details gathered from the consultation are provided below.

Question 9: Ethnic background:

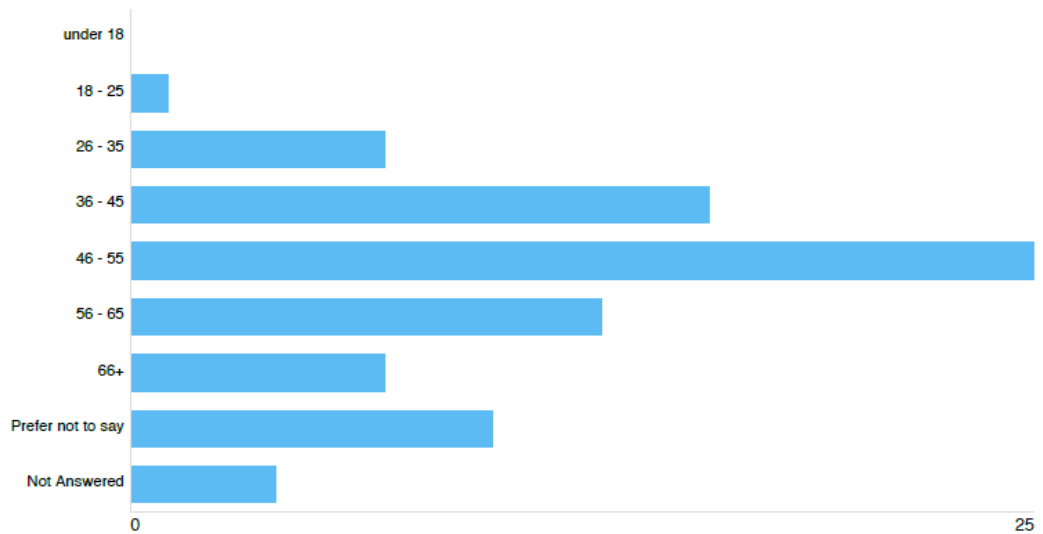
Ethnicity



| Option | Total | Percent |
|---|-------|---------|
| Asian or Asian British: Bangladeshi | 0 | 0% |
| Asian or Asian British: Indian | 10 | 12.05% |
| Asian or Asian British: Pakistani | 1 | 1.20% |
| Asian or Asian British: Any other Asian background | 1 | 1.20% |
| Black or Black British: African | 0 | 0% |
| Black or Black British: Caribbean | 1 | 1.20% |
| Black or Black British: Somali | 0 | 0% |
| Black or Black British: Any other Black background | 0 | 0% |
| Chinese | 1 | 1.20% |
| Chinese: Any other Chinese background | 0 | 0% |
| Dual/Multiple Heritage: White & Asian | 0 | 0% |
| Dual/Multiple Heritage: White & Black African | 0 | 0% |
| Dual/Multiple Heritage: White & Black Caribbean | 0 | 0% |
| Dual/Multiple Heritage: Any other heritage background | 0 | 0% |
| White: British | 43 | 51.81% |
| White: European | 3 | 3.61% |
| White: Irish | 3 | 3.61% |
| White: Any other White background | 1 | 1.20% |
| Other ethnic group: Gypsy/Romany/Irish Traveller | 0 | 0% |
| Other ethnic group: Any other ethnic group | 0 | 0% |
| Prefer not to say | 15 | 18.07% |
| Not Answered | 4 | 4.82% |

Question 10: Age:

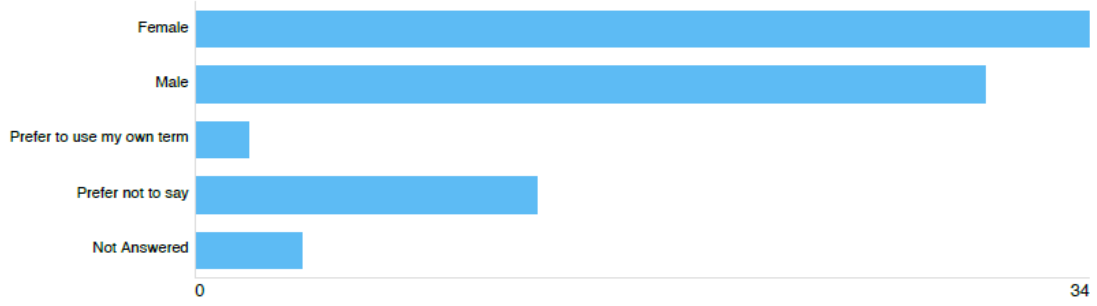
Age



| Option | Total | Percent |
|-------------------|-------|---------|
| under 18 | 0 | 0% |
| 18 - 25 | 1 | 1.20% |
| 26 - 35 | 7 | 8.43% |
| 36 - 45 | 16 | 19.28% |
| 46 - 55 | 25 | 30.12% |
| 56 - 65 | 13 | 15.66% |
| 66+ | 7 | 8.43% |
| Prefer not to say | 10 | 12.05% |
| Not Answered | 4 | 4.82% |

Question 11: What is your gender identity?

Gender



| Option | Total | Percent |
|---------------------------|-------|---------|
| Female | 34 | 40.96% |
| Male | 30 | 36.14% |
| Prefer to use my own term | 2 | 2.41% |
| Prefer not to say | 13 | 15.66% |
| Not Answered | 4 | 4.82% |

Other gender

There were 2 responses to this part of the question.

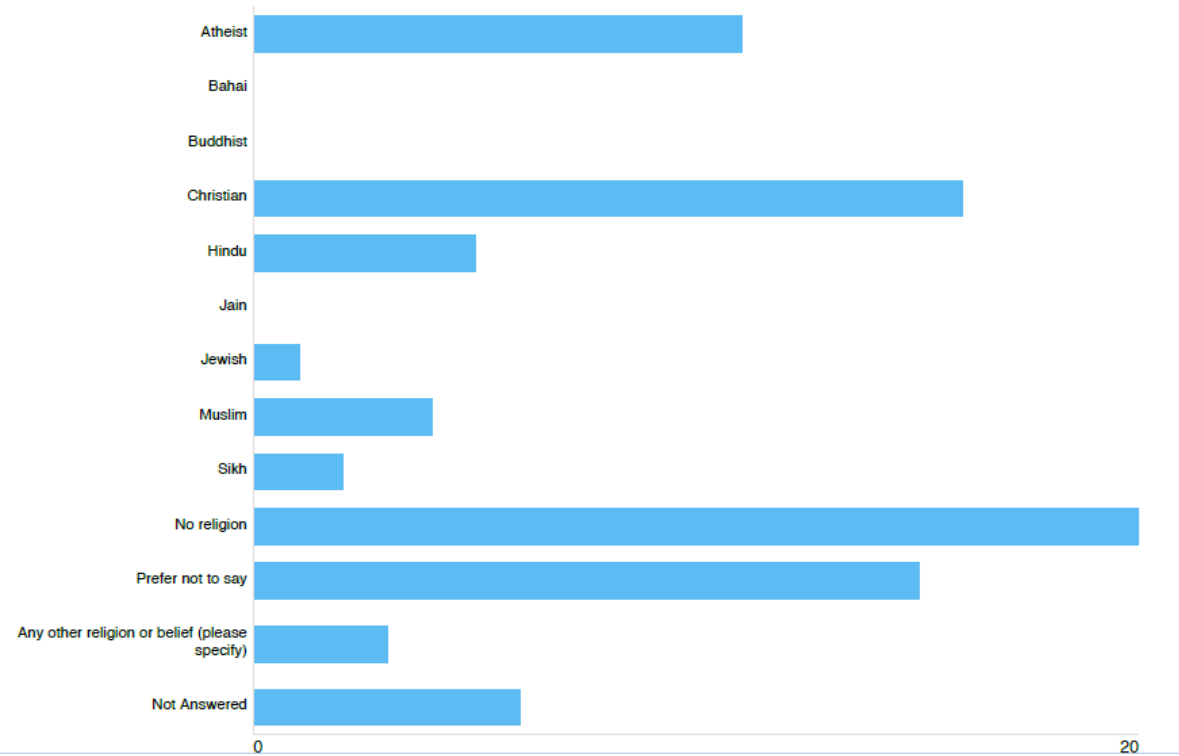
gender ID same as birth



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 44 | 53.01% |
| No | 1 | 1.20% |
| Not Answered | 38 | 45.78% |

Question 12: How would you define your religion or belief?

religion



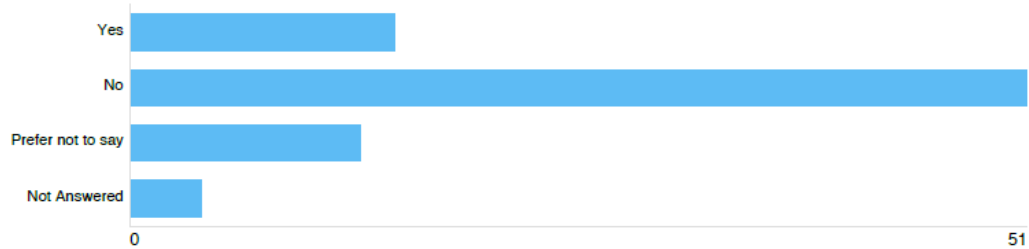
| Option | Total | Percent |
|---|-------|---------|
| Atheist | 11 | 13.25% |
| Bahai | 0 | 0% |
| Buddhist | 0 | 0% |
| Christian | 16 | 19.28% |
| Hindu | 5 | 6.02% |
| Jain | 0 | 0% |
| Jewish | 1 | 1.20% |
| Muslim | 4 | 4.82% |
| Sikh | 2 | 2.41% |
| No religion | 20 | 24.10% |
| Prefer not to say | 15 | 18.07% |
| Any other religion or belief (please specify) | 3 | 3.61% |
| Not Answered | 6 | 7.23% |

other religion

There was 1 response to this part of the question.

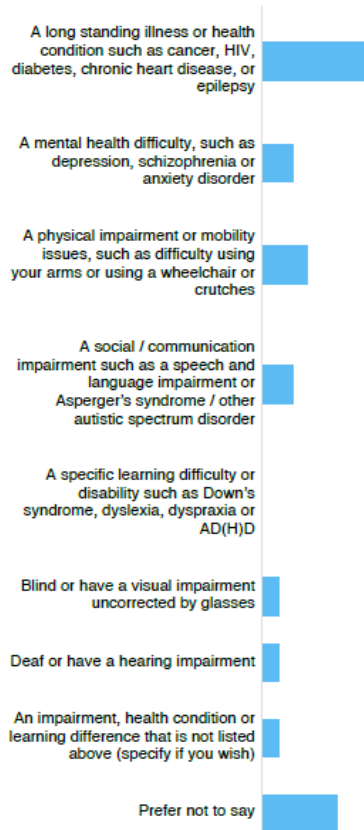
Question 13: Disability

Q7



| Option | Total | Percent |
|-------------------|-------|---------|
| Yes | 15 | 18.07% |
| No | 51 | 61.45% |
| Prefer not to say | 13 | 15.66% |
| Not Answered | 4 | 4.82% |

Disability detail



| Option | Total | Percent |
|--|-------|---------|
| A long standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy | 7 | 8.43% |
| A mental health difficulty, such as depression, schizophrenia or anxiety disorder | 2 | 2.41% |
| A physical impairment or mobility issues, such as difficulty using your arms or using a wheelchair or crutches | 3 | 3.61% |
| A social / communication impairment such as a speech and language impairment or Asperger's syndrome / other autistic spectrum disorder | 2 | 2.41% |
| A specific learning difficulty or disability such as Down's syndrome, dyslexia, dyspraxia or AD(H)D | 0 | 0% |
| Blind or have a visual impairment uncorrected by glasses | 1 | 1.20% |
| Deaf or have a hearing impairment | 1 | 1.20% |
| An impairment, health condition or learning difference that is not listed above (specify if you wish) | 1 | 1.20% |
| Prefer not to say | 5 | 6.02% |
| Other | 2 | 2.41% |
| Not Answered | 62 | 74.70% |

Other disability

There were 3 responses to this part of the question.

Equality Impact Assessment (EIA) Template: Service Reviews/Service Changes

| | |
|--|--|
| Title of spending review/service change/proposal | Council Tax Empty Property Premiums (Consultation) |
| Name of division/service | Revenues & Customer Support, Finance |
| Name of lead officer completing this assessment | James Rattenberry, Principal Policy Officer |
| Date EIA assessment completed | 18 October 2018 |
| Decision maker | City Mayor |
| Date decision taken | 30 October 2018 |

09

| EIA sign off on completion: | Signature | Date |
|-----------------------------|-------------------|-----------------|
| Lead officer | James Rattenberry | 18 October 2018 |
| Equalities officer | Hannah Watkins | 26 October 2018 |
| Divisional director | Alison Greenhill | 1 November 2018 |

Please ensure the following:

- (a) That the document is understandable to a reader who has not read any other documents, and explains (on its own) how the Public Sector Equality Duty is met. This does not need to be lengthy, but must be complete.

- (b) That available support information and data is identified and where it can be found. Also be clear about highlighting gaps in existing data or evidence that you hold, and how you have sought to address these knowledge gaps.
- (c) That the equality impacts are capable of aggregation with those of other EIAs to identify the cumulative impact of all service changes made by the council on different groups of people.

1. Setting the context

Describe the proposal, the reasons it is being made, and the intended change or outcome. Will current service users' needs continue to be met?

From April 2019 local authorities are anticipated to be granted new powers to increase Council Tax Premiums on homes left empty and substantially unfurnished for over two years. These new powers are expected to help reduce the number of long-term empty domestic properties and bring them back into use through sale or renting. The Council is looking to implement the following changes to take advantage of these new powers and reduce the number of empty homes in the city:

- (a) To introduce an increased premium of 100% from 2019/20 for properties which have been vacant for two or more years;
- (b) To introduce an increased premium of 200% from 2020/21 for properties which have been vacant for five or more years;
- (c) To introduce an increased premium of 300% from 2021/22 for properties which have been vacant for ten or more years

The changes also fall in line with the Council's current strategy based on the ongoing budget cuts. Higher premiums will lead to an increase in the Council's income and a small corresponding improvement in the Council's financial situation.

| 2. Equality implications/obligations | |
|--|---|
| Which aims of the Public Sector Equality Duty (PSED) are likely be relevant to the proposal? In this question, consider both the current service and the proposed changes. | |
| | Is this a relevant consideration? What issues could arise? |
| <p>Eliminate unlawful discrimination, harassment and victimisation</p> <p>How does the proposal/service ensure that there is no barrier or disproportionate impact for anyone with a particular protected characteristic?</p> | Some respondents indicated a potentially discriminatory impact, for example an inability to renovate properties due to disability. Properties put on the market as a result of the change will be available to all. |
| <p>Advance equality of opportunity between different groups</p> <p>How does the proposal/service ensure that its intended outcomes promote equality of opportunity for users? Identify inequalities faced by those with specific protected characteristic(s).</p> | The changes will affect landlords with empty homes, of any background, equally. Consultation responses indicated a demographic broadly proportionate to the city population in terms of protected characteristics. Properties put on the market as a result of the change will be available to all. |
| <p>Foster good relations between different groups</p> <p>Does the service contribute to good relations or to broader community cohesion objectives? How does it achieve this aim?</p> | The new powers are expected to reduce the number of long-term empty properties and bring them into use through sale or renting. This should see increased more people in their own properties and likely possessing a better standard of living leading to a more cohesive community for Leicester. |

3. Who is affected?

Outline who could be affected, and how they could be affected by the proposal/service change. Include current service users and those who could benefit from but do not currently access the service.

Landlords who possess empty homes will be directly impacted by the changes. Those who possess multiple homes that have been kept empty for a substantial period of time will be most affected as the charge increases over time. This impact could potentially increase their monthly costs significantly and could potentially encourage them to sell the property rather than risk paying the newer premium.

Those actively seeking accommodation, either through buying or renting are likely to be positively impacted by the proposed changes. The newer premium is designed to encourage landlords to fill their empty homes. This change will mean more choice for home seekers and may also lower the price of renting or buying within Leicester as supply increases in relation to demand.

4. Information used to inform the equality impact assessment

What **data, research, or trend analysis** have you used? Describe how you have got your information and what it tells you. Are there any gaps or limitations in the information you currently hold, and how you have sought to address this, e.g. proxy data, national trends, etc.

Research into empty homes within Leicester using Civica Open revenues has identified 346 properties where a premium is being levied at the current maximum of 50%. Of these 346, 222 will have been empty for 5 years or more by April 2020, and 92 will have been empty for 10 years or more by April 2021. The data thus shows the proposed changes will impact a relatively small number of individuals, albeit potentially significantly as approximately two thirds of them would be given a 200% premium charge by 2020.

The financial benefit for the council has been estimated, assuming the premium does not result in some of these properties becoming occupied. It is predicted the council could raise a further £229,000 (£458,000 in total) in 2019/20 with the proposed changes.

5. Consultation

What **consultation** have you undertaken about the proposal with current service users, potential users and other stakeholders?
What did they say about:

- What is important to them regarding the current service?
- How does (or could) the service meet their needs?
- How will they be affected by the proposal? What potential impacts did they identify because of their protected characteristic(s)?
- Did they identify any potential barriers they may face in accessing services/other opportunities that meet their needs?

A consultation was carried out between 17 September 2018 and 14 October 2018. This consultation was open to all the public, but targeted especially landlords with a focus on those who are already paying the Empty Homes Premium. The responses to the consultation have been assessed which should allow the council to gauge the impact of the proposed changes and any issues that may have not previously been identified.

6. Potential equality Impact

Based on your understanding of the service area, any specific evidence you may have on service users and potential service users, and the findings of any consultation you have undertaken, use the table below to explain which individuals or community groups are likely to be affected by the proposal because of their protected characteristic(s). Describe what the impact is likely to be, how significant that impact is for individual or group well-being, and what mitigating actions can be taken to reduce or remove negative impacts.

Looking at potential impacts from a different perspective, this section also asks you to consider whether any other particular groups, especially vulnerable groups, are likely to be affected by the proposal. List the relevant that may be affected, along with their likely impact, potential risks and mitigating actions that would reduce or remove any negative impacts. These groups do not have to be defined by their protected characteristic(s).

| Protected characteristics | Impact of proposal: Describe the likely impact of the proposal on people because of their protected characteristic and how they may be affected. Why is this protected characteristic relevant to the proposal? How does the protected characteristic determine/shape the potential impact of the proposal? | Risk of negative impact: How likely is it that people with this protected characteristic will be negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected? | Mitigating actions: For negative impacts, what mitigating actions can be taken to reduce or remove this impact? These should be included in the action plan at the end of this EIA. |
|----------------------------------|---|---|---|
| Age¹ | Young people looking to join the property ladder or rent an affordable property may also be affected as more empty properties are made available. | Risk of negative impact due to age limited, only 8% of respondents were of pensionable age. | N/A |

¹ Age: Indicate which age group is most affected, either specify general age group - children, young people working age people or older people or specific age bands

| | | | |
|-------------------------------|---|---|--|
| | | | |
| Disability² | A relatively high proportion of respondents identified as disabled (18%), including 9% with a chronic health condition. | The key issues that were raised during the consultation were circumstances where owners are unable to manage their affairs or circumstances where disability prompts a sudden unexpected need to change property and reduces ability to do the work required to empty the initial property. The respondents suggested that there should be mitigations in place to ensure that those with the protected characteristic of disability are not disproportionately disadvantaged by the proposals. | By providing two years within which the property can be empty and unfurnished where the premium will not apply, the potential for negative impact will be reduced, as this will allow a time period within which to make arrangements should an unexpected need to change property arising from a disability occur. In terms of an application to the court of protection for a deputyship where an individual is no longer able to manage their own affairs - The application process can be quite lengthy. For standard applications, the court aims to notify you of their decision within 16 weeks of receiving it. However, in more complex cases, or where the court needs to clarify information, it can take a lot longer than this. Sometimes there can be delays prior to sending the application to Court so this should be factored into decision making |

² Disability: if specific impairments are affected by the proposal, specify which these are. Our standard categories are on our equality monitoring form – physical impairment, sensory impairment, mental health condition, learning disability, long standing illness or health condition.

| | | | |
|--|--|-----|--|
| | | | as to whether the 2 year time period where the property is empty and unfurnished and the premium does not apply, will reduce or remove the disproportionate negative impact that may be experienced in relation to the protected characteristic of disability or whether any additional mitigations (for example, additional exemptions) are required. |
| Gender Reassignment³ | No disproportionate impact is attributable specifically to this characteristic. | N/A | N/A |
| Marriage and Civil Partnership | No disproportionate impact is attributable specifically to this characteristic. | N/A | N/A |
| Pregnancy and Maternity | No disproportionate impact is attributable specifically to this characteristic. | N/A | N/A |
| Race⁴ | No disproportionate impact is attributable specifically to this characteristic. Respondents matched the ethnic demographic | N/A | N/A |

³ Gender reassignment: indicate whether the proposal has potential impact on trans men or trans women, and if so, which group is affected.

⁴ Race: given the city's racial diversity it is useful that we collect information on which racial groups are affected by the proposal. Our equalities monitoring form follows ONS general census categories and uses broad categories in the first instance with the opportunity to identify more specific racial groups such as Gypsies/Travellers. Use the most relevant classification for the proposal.

| | | | |
|---|---|-----|-----|
| | of Leicester more generally. | | |
| Religion or Belief⁵ | No disproportionate impact is attributable specifically to this characteristic. | N/A | N/A |
| Sex⁶ | No disproportionate impact is attributable specifically to this characteristic. | N/A | N/A |
| Sexual Orientation⁷ | No disproportionate impact is attributable specifically to this characteristic. | N/A | N/A |
| <p>Summarise why the protected characteristics you have commented on, are relevant to the proposal? Generally, young people are currently finding it difficult to find affordable properties to live in across the country. The changes proposed are expected to ensure empty homes are made available for sale or renting. This increase in choice will provide additional options for young people seeking a home and may make homes within Leicester more affordable as supply increases. Age is thus a protected characteristic relevant to the proposal.</p> <p>The consultation results indicated that disability is also relevant to the proposal as people felt that there should be mitigations in place for owners who are unable to manage their affairs or circumstances where disability prompts a sudden unexpected need to change property and reduces ability to do the work required to empty the initial property.</p> <p>Summarise why the protected characteristics you have not commented on, are not relevant to the proposal?</p> | | | |

⁵ Religion or Belief: If specific religious or faith groups are affected by the proposal, our equalities monitoring form sets out categories reflective of the city's population. Given the diversity of the city there is always scope to include any group that is not listed.

⁶ Sex: Indicate whether this has potential impact on either males or females

⁷ Sexual Orientation: It is important to remember when considering the potential impact of the proposal on LGBT communities, that they are each separate communities with differing needs. Lesbian, gay, bisexual and transgender people should be considered separately and not as one group. The gender reassignment category above considers the needs of trans men and trans women.

| |
|---|
| No impacts relating to all other protected characteristics have been identified |
| |

| Other groups | Impact of proposal: Describe the likely impact of the proposal on children in poverty or any other people who we consider to be vulnerable. List any vulnerable groups likely to be affected. Will their needs continue to be met? What issues will affect their take up of services/other opportunities that meet their needs/address inequalities they face? | Risk of negative impact: How likely is it that this group of people will be negatively affected? How great will that impact be on their well-being? What will determine who will be negatively affected? | Mitigating actions: For negative impacts, what mitigating actions can be taken to reduce or remove this impact for this vulnerable group of people? These should be included in the action plan at the end of this EIA. |
|--------------------------------|--|--|---|
| Children in poverty | Potential positive outcome for children in low income families. | More housing may become available for households with an income of less than 60% of the national average. | Potential positive impact identified. |
| Other vulnerable groups | Homeless people or those with housing issues and/or financial disadvantages may be able to take advantage of any empty homes being made available. | Potential positive impact | Potential positive impact |
| Other (describe) | | | |

7. Other sources of potential negative impacts

Are there any other potential negative impacts external to the service that could further disadvantage service users over the next three years that should be considered? For example, these could include: other proposed changes to council services that would affect the same group of service users; Government policies or proposed changes to current provision by public agencies (such

as new benefit arrangements) that would negatively affect residents; external economic impacts such as an economic downturn.

8. Human Rights Implications

Are there any human rights implications which need to be considered (please see the list at the end of the template), if so please complete the Human Rights Template and list the main implications below:

No negative human rights implications foreseen.

9. Monitoring Impact

You will need to ensure that monitoring systems are established to check for impact on the protected characteristics and human rights after the decision has been implemented. Describe the systems which are set up to:

- monitor impact (positive and negative, intended and unintended) for different groups
- monitor barriers for different groups
- enable open feedback and suggestions from different communities
- ensure that the EIA action plan (below) is delivered.

An equalities monitoring form was included within the consultation. This has enabled us to check that responses were broadly representative of the demographics of Leicester and in identifying potential problems or issues relating to different groups of people. The consultation was open to all members of public - opinions and insight were accepted from individuals of any background.

We will be able to monitor the impact through complaints/challenges to the premium being applied, and through analysis of feedback received by the Service area.

| 10. EIA action plan | | | |
|---|---|----------------------------|--------------------------|
| Please list all the equality objectives, actions and targets that result from this Assessment (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes. | | | |
| Equality Outcome | Action | Officer Responsible | Completion date |
| Mitigating disproportionate impacts, particularly relating to disability. | Introduction of exemptions on a discretionary basis incorporating personal circumstances relating to protected characteristics. | James Rattenberry | 15 November 2018 |
| Monitoring to ensure no disproportionate impacts when policy is in place | Monitoring to ensure outcomes as outlined above. | Ashok Thakrar | 1 April 2019 and ongoing |
| | | | |
| | | | |

Human Rights Articles:

Part 1: The Convention Rights and Freedoms

- Article 2:** Right to Life
- Article 3:** Right not to be tortured or treated in an inhuman or degrading way
- Article 4:** Right not to be subjected to slavery/forced labour
- Article 5:** Right to liberty and security
- Article 6:** Right to a fair trial
- Article 7:** No punishment without law
- Article 8:** Right to respect for private and family life
- Article 9:** Right to freedom of thought, conscience and religion
- Article 10:** Right to freedom of expression
- Article 11:** Right to freedom of assembly and association
- Article 12:** Right to marry
- Article 14:** Right not to be discriminated against

Part 2: First Protocol

- Article 1:** Protection of property/peaceful enjoyment

Article 2: Right to education

Article 3: Right to free elections

REPORTS OF SCRUTINY COMMITTEES

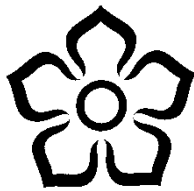
8.1 LEICESTER CITY COUNCIL, SCRUTINY REPORT 2016 - 2018

Councillor Baljit Singh submits a report that provides an overview of the activities of the Council's Scrutiny Committee and Commissions 2016-2018.

A copy of the full report is attached, along with the relevant minute extract from the Overview Select Committee held on 1st November 2018.

The Council is asked to note the work of scrutiny during 2016 - 2018.

**Councillor Baljit Singh
Chair Overview Select Committee**



Leicester
City Council

WARDS AFFECTED
All

8.1

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**OVERVIEW SELECT COMMITTEE
COUNCIL**

**1st November 2018
15th November 2018**

LEICESTER CITY COUNCIL SCRUTINY REPORT 2016 – 2018

Report of the Scrutiny Support Manager

1. PURPOSE OF REPORT

- 1.1. This report provides an overview of the Scrutiny Report 2016-18.
- 1.2. The Chair of the Overview Select Committee has developed a summary of the activities undertaken during 2016 – 2018 by all the scrutiny commissions. It covers the annual cycles of 2016/17 and 2017/18 and does not cover work done after May 2018.
- 1.3. This is usually done as an annual report, but it was opted to do it over two years given the amount of work that was being carried over the two years. The Scrutiny Report highlights areas of work conducted by scrutiny and the outcomes achieved.

2. RECOMMENDATIONS

- 2.1. For Council to note the report and endorse the work of scrutiny during 2016-2018.

3. REPORT

- 3.1. The Scrutiny Report contains an introduction by the Chair of the Overview and Select Committee, which introduces scrutiny as a whole.
- 3.2. The work of each Committee/Commission and their activities during the two years has been fed into the report.

3.3. The report is a summary of the work done and contains the highlights of scrutiny over the themes in the report.

4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

4.1. Financial Implications

There are no financial implications associated with the preparation of the Annual Scrutiny Report, beyond the use of existing resources.

(Alison Greenhill, Director of Finance)

4.2. Legal Implications

There are no direct legal implications arising from this report

(Kamal Adatia, City Barrister & Head of Standards)

5. OTHER IMPLICATIONS

| OTHER IMPLICATIONS | YES/ NO | Paragraph/References Within the Report |
|-------------------------------|--------------------|---|
| Equal Opportunities | | Implications were considered by each of the Scrutiny Commissions and the Overview Select Committee as part of the appropriate scrutiny process. |
| Policy | | |
| Sustainable and Environmental | | |
| Crime and Disorder | | |
| Human Rights Act | | |
| Elderly/People on Low Income | | |
| Corporate Parenting | | |
| Health Inequalities Impact | | |

6. REPORT AUTHOR

6.1. Kalvaran Sandhu, Scrutiny Support Manager.

Leicester City Council Scrutiny Report 2016-18

Message from the Chair of the Overview Select Committee, 2016-18

For the last two years I have had the pleasure to continue to chair the Overview Select Committee and overseen some important discussions and debates on issues of future policy and programmes implemented by the Executive. This has also been the case for the other scrutiny Chairs, ensuring that collectively we have had oversight of decision making of the Council's Executive and our partner organisations.

Last year the decision was made not to do this as an annual report, but to cover this over two years given the number of issues that were running over into the second year across numerous scrutiny commissions. As such, this report is still a retrospective look at scrutiny, but looks at scrutiny conducted in 2016/17 and 2017/18.

There have many standout issues considered throughout the two years which are summarised in this report, but I'd like to draw particular attention to the number of financial pressures the council is under that OSC have continued to monitor and input into. Also, of real importance to the city, and in fact the East Midlands region as a whole, was to ensure that the Congenital Heart Disease Services remained at Glenfield Hospital, and through strong campaigns by patients, family members and MPs and some exceptional challenging of proposals by scrutiny throughout NHS England's consultation process, services continue to be delivered in the city.

I would like to acknowledge and thank all the exceptional efforts and work undertaken by all the Scrutiny Commissions' who have been supported by Council officers to ensure the work conducted has been appropriately resourced.

Finally, it is important that I acknowledge due diligence conducted by Commission members and Chairs across the two years of their scrutiny role and functions. I would personally like to again acknowledge the strong working relationship with the City Mayor and the Executive which allows for accountability and scrutiny at the strategic level of decision making in the Council whilst maintaining good relations.



Councillor Baljit Singh Chair, Overview Select Committee and Chair, Finance Task Group

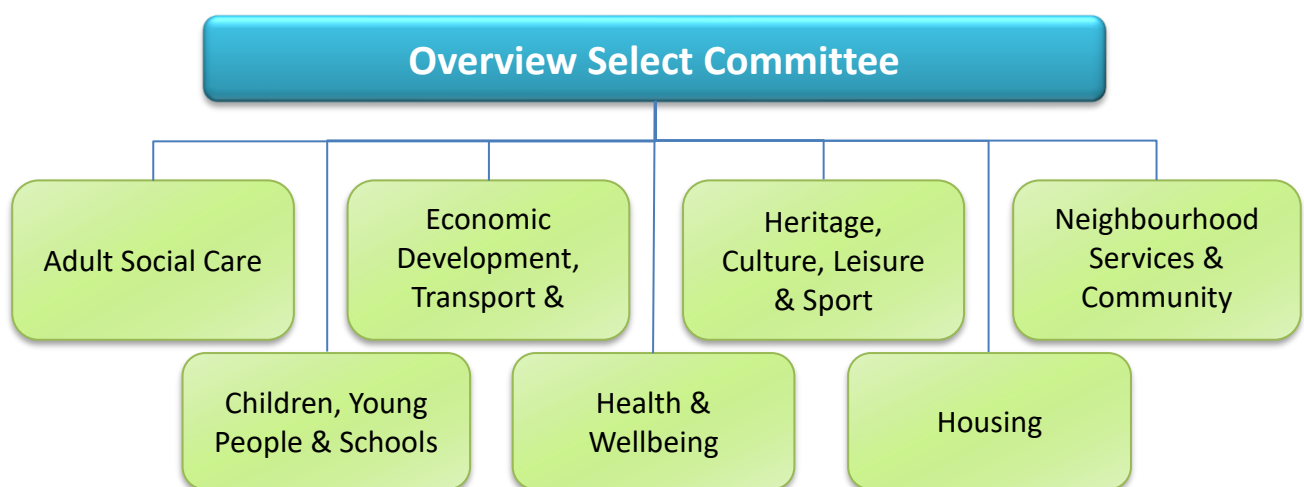
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Introduction

The Centre for Public Scrutiny defines scrutiny as “the activity by one elected or appointed organisation or office examining and monitoring all or part of the activity of a public sector body with the aim of improving the quality of public services. A public sector body is one that carries out public functions or spends public money. Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve public policy.” As such, it is important that scrutiny is an essential part of ensuring that the council and its partners remain effective and accountable.

Leicester City Council’s Scrutiny Structure



As depicted above the council continued to have an Overview Select Committee and seven scrutiny commissions covering all parts of the council’s business which for the purpose of this report is covered by themes as much of the work is cross cutting. There has been much work done via reports to meetings, reviews, call-ins and task groups and making recommendations from the various commissions to the Council’s Executive and partner organisations. This report looks at some of the highlights but further details, including reports, can be found on the Council’s website via the following link: <http://www.cabinet.leicester.gov.uk:8071/ieDocHome.aspx?Categories>

Glossary

The following abbreviations are used during the course of this report:

- ASC:** Adult Social Care Scrutiny Commission
- CYPS:** Children, Young People and Schools Scrutiny Commission
- EDTT:** Economic Development, Transport and Tourism Scrutiny Commission
- HCLS:** Heritage, Culture, Leisure and Sport Scrutiny Commission
- HSC:** Housing Scrutiny Commission
- HWB:** Health and Wellbeing Scrutiny Commission
- NSCI:** Neighbourhood Services and Community Involvement Scrutiny Commission
- OSC:** Overview Select Committee

A place to do business

This theme focuses on how the council works with business, public, voluntary and community sectors to respond to the economic challenges the city faces.

The Economic Development, Transport and Tourism Scrutiny Commission (EDTT) heard about plans for the Business Improvement District. Scrutiny questions included the impacts of 'Brexit' and competition. Evidence suggested that the costings, the management and business rates will benefit city centre businesses and Leicester in the future.

In 2016/17 scrutiny conducted a task group review to investigate how the council can address the new Social Value Act and embed this into our procurement processes. Following the review, key recommendations accepted by the Executive included:

- a) A draft Social Value Charter for the council to develop and take forward
- b) The development of a 'toolkit' for commissioning staff, and
- c) Engagement with external stakeholders.

EDTT also heard about the Marketing Leicester & Leicestershire – Inward Investment activity. Scrutiny was reassured that the move towards 'commercial councils' was being appropriately considered and that global partnerships and sponsorship packages had been utilised to maximise the impact of the service e.g. a Gateway to China event, and IBM Plant Locations research study.

A low carbon city

A key ongoing priority area of work for the city council is reducing the city's carbon footprint by focusing on reductions of greenhouse gas emissions from the council's own operations, as well as promoting sustainable travel, and reducing emissions from homes and businesses.

Scrutiny recognised that Leicester was ahead of other cities in adopting the Air Quality Action Plan and by defining targets, and that the new Local Plan for Leicester would provide an opportunity to influence air quality in terms of new development and transport policy. EDTT referred to the joint working arrangements with neighbouring authorities and it was confirmed that a joint response had been submitted to the Government which had been signed by 100 Councils.

EDTT have also heard about plans to ensure better cycling routes into the city and therefore offering a much safer route for a more sustainable and environmentally friendly way to travel around the city. Scrutiny also asked that walking routes are maintained and looked at for pedestrians in the city.

Getting about in Leicester

This section prioritises the need for an effective traffic management network, including road maintenance programmes and an efficient public transport network which is technologically advanced, up to date and helps improve air quality. Safe provision for cyclists and pedestrians is also important.

During 2016/18 EDTT scrutiny were able to make a number of observations across a range of connecting Leicester and other major transport projects, which helped to further improve the proposed schemes including:

- Connecting Leicester
 - Belvoir Street Phase 2
 - Welford Place Phase 3
 - King Street and New Walk
- Townscape Heritage Initiative
 - Wycliffe Street
 - Millstone Lane
 - Friar Lane
 - New Street
- Leicester North West Project
- Belgrave Gate
- Church Gate/Belgrave Gate pedestrianisation
- Mansfield Street link road
- London Road
- Putney road

EDTT also looked at the Belgrave Road Project, reviewing results from the consultation findings. Scrutiny agreed that a scheme involving modest environmental improvements rather than significant investment was the best way to proceed at this stage.



Proposed improvements to St Georges Churchyard (pictured above) were also reviewed, with concerns raised about proposals to remove trees. This led to a site visit by a scrutiny member and lead officers to reassess the proposal which led to some changes to the eventual plans.



Scrutiny continues to monitor the journey of new developments in the city, such as Waterside, the Leicester North West Road Scheme and developments at Pioneer Park/Space Park. This includes also the development of the new Waterside School where scrutiny raised concerns relating to the road capacity following construction of the new super school, and concerns about the increase in traffic and the design of the junctions, plus the effect on proposals for the North West Major Transport Project. The City Mayor responded to scrutiny that adequate and safe school parking and drop-off zones had been considered.

In 2017 EDTT conducted a 'Bus Lanes in the City' review. Scrutiny gathered evidence from lead officers, bus users and bus companies on issues relating to bus lanes in the city. The review concluded that bus lanes were considered beneficial by reducing bus journey times, traffic congestion and air pollution, and in promoting modal shift. Scrutiny supported additional enforcement cameras at city centre locations to ensure that road users do not obstruct bus lanes as this slows buses down. The Executive also reported that smart technology initiatives, including pre-paid card technology, were being considered by the bus companies to improve bus transport journeys.

An update on Midlands Connect was brought to EDTT and Members raised questions in respect of the Ashton Green traffic impact assessment and wider consideration of the southern bypass. Officers responded that the study had commenced to assess the feasibility of enhanced connections to the M1. In response to a question concerning the collapse of Carillon, it was confirmed that there would be no effect on any existing contractual arrangements.

EDTT also looked at the Park and Ride Schemes. Members asked that issues concerning the evening closure time be considered further by officers and that further work was done on the marketing strategy. They also requested initiatives to promote family deals, reduced days and enhanced links to professional sporting clubs be considered.

The built and natural environment

In recent years we have seen national and international focus on the city and its heritage. Initiatives such as Connecting Leicester have been important in promoting the heritage of the city and connecting shopping, leisure, heritage, housing and transport facilities.

The 23-storey Goscote House was the subject of a number of reports to the Housing Scrutiny Commission (HSC). It had not been included in the high-rise refurbishment projects involving four nearby tower blocks on the St Peter's Estate. Goscote House was structurally different to them and initial proposals involved a £5.9m refurbishment of the block. Incorporating sprinkler systems as part of fire safety measures included an increased £1.2m+ costs. Fire safety became a high-profile issue for the council and HSC members, following the Grenfell Tower fire disaster.

The HSC was told in March 2018 that the refurbishment would not take place. Instead Goscote House would be emptied, demolished and the site redeveloped. Reasons included higher refurbishment costs, but critically concerns about the design and construction meant there was only a very limited guaranteed lifespan for the building. HSC members asked for a future detailed report on the programme for the emptying of, and demolition of, Goscote House.

In the wake of the Grenfell fire the HSC requested a report on the status of fire safety within its high-rise blocks; as well as Goscote House (23 storeys), the council had Gordon, Clipstone, Maxfield and Framland Houses (all 17 storeys) and St. Leonards Court (11 storeys) in its ownership. The Commission was given assurances of the measures being taken to ensure the safety of residents. The Commission was informed about the extensive engagement activity done with residents to reassure them of their safety. Members praised the department for the actions they had taken both to ensure the fire safety of buildings and to reassure residents about their safety.

EDTT and HCLS heard details of progress made relating to the themes and key objectives outlined in the Tourism Action Plan. Scrutiny focussed on visitor numbers and experiences and wanted to see the momentum gained in tourism numbers in recent years being maintained. Members encouraged the service to address vacant units in Silver Arcade and the lack of quality hotel spaces.

The Housing division works well with the Tenants and Leaseholders' Forum. The forum is routinely used as a conduit to allow for consultation on a range of issues. In turn the Housing Scrutiny Commission receives reports of forum meetings and Forum representatives are invited to attend scrutiny meetings. Their comments and contributions were always valued and appreciated by the Members.

A detailed response to a task group scrutiny review of its performance in reducing housing void times was presented to HSC. The division was working towards reducing void times, but the total picture had been complicated by the need to hold homes vacant to allow tenants to move out of the high-rise blocks which were being refurbished. Technical issues included the discovery of asbestos in homes that were being repaired. Commission members had also expressed concern about the number of offers to potential tenants that were being rejected – which had become a significant factor in extending void times.

Members encouraged the division to introduce more hand-held technology to improve the right-first-time record of both voids teams and general housing repairs and maintenance. Commission members asked for updates on the roll-out of hand-held technology within the department's technical teams. HSC members continue to monitor how long the department is taking to repair and let empty homes.

HSC considered a three-year programme of Housing Revenue Account (HRA) spending for the three years to 2020-21. The HRA budget is a key issue for the council and for tenants of the more than 20,000 homes owned and run by the council. Money comes into the HRA mainly from rents. This is one of the biggest single budget heads with the council and funds housing management, repairs, maintenance, environmental improvements and a range of other services, including for example a contribution towards the cost of handling related customer enquiries by the customer service centre in Granby Street.

Members were concerned to ensure that tenants forced into debt through a combination of issues were not evicted without being given every opportunity to put the matter right. Regular reports on rent arrears and the impacts of benefits changes, including Universal Credit, household income cap and the so-called 'Bedroom Tax', were reported at regular intervals to the Commission. The Commission supported the continuing HRA strategy, but members were concerned about the level of contributions from the HR used to support the central customer service centre.

HCLS looked at a number of developments in relations to arts, heritage and cultural venues, commenting on plans which were acknowledged by officers relating to:

- Jewry Wall Museum
- King Richard III Visitor Centre
- Abbey Pumping Station
- Haymarket Theatre
- Churchgate Conservation Area
- Market Redevelopment
- Arts and Cultural Quarter
- Bereavement Services
- Museums Service (Inc. New Walk Museum)
- Abbey Pumping Station
- Animating Public Spaces
- Heritage Interpretation Panels
- Curve/Phoenix/De Montfort Hall
- Belgrave Hall

A healthy and active city

Leicester has poorer health on average compared to the rest of the country - so it is important to provide excellent healthcare and promote healthier lifestyles to close the gap with the rest. Scrutiny calls to account all health partners in the city.

The Health and Wellbeing Scrutiny Commission (HWB) has been monitoring the progress of the Leicestershire Partnership NHS Trust (LPT) after numerous Care Quality Commission (CQC) Inspections which have identified that performance and quality of services have fallen short of expected standards. This has been scrutinised to ensure improvements are made and that the same issues do not reoccur.

The HWB continued to look at elements of the Sustainability and Transformation Plan (STP), focussing on primary care, mental health, reconfiguration of hospital sites and maternity services. Other workstreams have also been considered, ensuring that local voices are being heard and that there is greater information for the public as work continues. Scrutiny has emphasised the importance of ensuring that a full public consultation takes place on elements of substantial variation but have been informed that these changes rely on securing capital funding and consultation cannot commence until NHS England indicate funding is secured.

The City Council are currently administrators of the Joint Leicestershire, Leicester and Rutland (LLR) Health Scrutiny Committee and therefore also Chair this committee. The LLR Health Scrutiny Committee had NHS England in to explain their proposals on the Congenital Heart Disease (CHD) Services and why they wanted to close the unit at Glenfield Hospital. After gathering much evidence from University Hospitals Leicester, NHS England and patients the scrutiny committee did not agree with the closure proposal and wrote to the Secretary of State for Health to state their displeasure and in their submission to the consultation asked NHS England to change their minds about the closure to CHD Services at Glenfield Hospital. The decision has subsequently been overturned, pending UHL meeting some specified conditions which they have put actions in place to meet.

Health scrutiny has also monitored the changes to the new A&E departments at Leicester Royal Infirmary and what the impact has been on patients. This includes assessing waiting times and the wider patient experience. It has been clear that the patient experience has improved but further work is required at the hospital to ensure waiting times come down.

After monitoring progress in the previous year, the commission requested that the Anchor Recovery Hub premises be moved quickly as the site of the Anchor Centre was not adequate and failed to cater for basic human rights for people, with issues such as scalding hot showers and equipment in the kitchen that couldn't be used.

We know that since then the services have moved on a permanent basis to Hill Street to a location known as 'No.5', and which offers a significantly improved service for users.

The Lifestyle Services spending review is ongoing, and the commission has heard about the proposals for change which would deliver an amalgamation of currently separate services into a combined offer to users and this would subsequently achieve some of the savings required from public health budgets. The key concern for scrutiny will be to ensure vital services are still available to those most vulnerable.

There has been a dispute between the three Clinical Commissioning Groups (CCGs) about changing the threshold of the Settings of Care Policy. Initial plans to change it which would have had a negative impact on people accessing it and scrutiny wrote to ask that the threshold remained the same. Leicester City CCG opted to keep it the same for the time being.

There will be a change of location for the Sexual Health Centre, but a wider review of the sexual health services also includes changes to the way sexual health advice and services are provided with a better digital offer. In considering these changes scrutiny asked that it doesn't exclude people that can't or would prefer not to access services digitally, and that the privacy of the centre is maintained in the new location.

HWB continue to receive the Public Health Performance Report with information that the commission uses to consider areas to scrutinise. They also continued to monitor service provision during the winter period where NHS and adult social care services are stretched to their limits, and patient experience is at its worst. Scrutiny asked to ensure that each winter's lessons are learnt, and that progress is made to ensure services are as well prepared as possible to deal with winter pressures.

HCLS and HWB did a joint review led by Heritage scrutiny on the 'Role of Arts and Culture in Delivering Mental Health and Wellbeing Outcomes'. The review highlighted how the smallest investment can have a real impact on someone's mental wellbeing and that the preventative nature of arts and cultural activities can have benefits which could save health services money in the long run. Particular attention was given to those considered hard to reach in terms of arts and culture and encouraging them to engage in such activities, thereby gaining those benefits.

An update of the sports review to HCLS was well received by the commission, with Members being pleased that ownership of the council's leisure facilities was being maintained in-house and invested in to provide a good offer for city residents. Members expressed the importance of involving people from all of Leicester's diverse communities and making links with Health professionals to promote the sports facilities available, particularly the free to use outdoor gyms. HCLS continues to monitor the promotion and use of outdoor gyms in the city.

Providing care and support

Care for older people needs to be adequate for their needs and this is moving from traditional social support services towards promoting independent living. These services are also being increasingly aligned with healthcare to ensure easier transition between the two. There is also a need to ensure carers are well supported.

Over a period of months HSC and OSC received reports on the development of a new homelessness strategy. It was heard that whilst funding was reducing due to what is available to the council, the driver for change was a re-engineering of the service. In August 2016 the department reported on the first 24 months of a strategy which had seen a move from crisis management to an emphasis on prevention and support. The report referred to a continuing theme in relation to homelessness; many homelessness cases arose through private landlords ending a tenancy. The report touched on an issue which eventually ended in a full-scale policy change – namely that almost everyone on the council's housing waiting list had no chance of being housed because of the pressure of demand created by the most serious cases. This eventually led to a full-scale restructuring of the housing waiting lists system which removed most of the non-urgent applicants from the list.

The Adult Social Care Procurement Plan which details upcoming activity relating to the procurement of services has been used by scrutiny to identify areas they wish to consider in more detail. One sure example is the re-procurement of Domiciliary Care Support Services which was considered by ASC. Members reiterated the importance of promoting the living wage amongst providers as national data showed that after costs of buying uniforms and paying for travel, carers were often left with less than the minimum wage for what can be an intensive job role. Members were assured that as much of the ethical care charter as possible was being applied within the budgets available.

ASC receive regular performance and quality assurance framework reports. Following one of these it was decided to write to the Secretary of State expressing the Commissions' concerns relating to the proposals to cap housing benefit payments to residents in Extra Care. This cap led the council to rethink its strategy on Extra Care until this matter was clarified.

The Better Care Fund in Leicester has been operating well and ASC heard that it was considered best practice nationally. It was heard that there was an issue in funding being released in a timely manner as some authorities weren't performing as well and this meant Leicester was not able to receive any assurances that funding was going to continue at the same level even though performance was good. Following this a letter was written to the Secretary of State to ensure this was rectified in future.

ASC Scrutiny took an in-depth look at communication relating to autism and began their December 2016 meeting with a rap song about autism by two local artists. Following the ensuing discussion, it was requested that officers look at what other local authorities were doing around communication in relation to autism and to see if there was anything that Leicester City Council could learn from those experiences. It was also requested that Leicester take part in the 'Night Walks for Autism' initiative that was carried out by Manchester and London, to raise awareness. In relation to the Autism Awareness Day, it was requested that buildings in the city be lit up in the Autism colour of blue and for more to be done across libraries, museums and community centres.

Members also asked for the council's website to include more links to other websites that provide support for people with autism, and that the council's internal Face magazine supported staff to increase knowledge about communication in relation to autism in the work place and with service users. The Council's Chief Operating Officer had already agreed to this. It was recommended that social care officers work together with officers in education to encourage Leicester schools to conduct plays and assemblies which offer two or three short messages to raise awareness of autism. A final request was made for the council to explore the use of Makaton signing and whether there could be specific signage in city community centres and sports facilities to support people with autism.

The Joint Leicester, Leicestershire and Rutland strategies on Dementia and Carers were discussed at ASC. Members requested that detailed action plans and strategies were brought back to the Commission as they developed, and that Housing Scrutiny Commission look at carers' legal rights in the housing legal structure, and rights to have cross-over of a tenancy.

The adult social care revenue budget remained in a precarious position due to the lack of government funding and rising demand. The Commission acknowledged the great job done by the department to manage the budget in the face of pressures such as an increasingly ageing population with more complex needs and the large number of working age adults needing social care in the city. The Assistant City Mayor for Adult Social Care and the Adult Social Care Scrutiny Commission jointly wrote to the Secretary of State for Health and Social Care in January 2018 calling on him to:

- Implement and conclude the promised review of social care funding by no later than Summer 2018; and
- Provide clarity beyond 2019/2020 for the funding of adult social care.

Our children and young people

This priority is based on every child to be safe, loved and live a happy and healthy childhood, free from harm and given every chance to pursue their aspirations and fulfil their potential.

During 2016/18 CYPS Scrutiny members recognised the difficulties encountered by the city council and the pressures placed on schools, as with other cities, due to:

- The education landscape changing, with more schools opting to become academies.
- The limited resources and budgets available to support schools and young people, and to raise attainment levels and standards.
- National policy uncertainties such as the Department for Education's consultation reports 'Schools that work for everyone', and 'Schools and high needs funding reform'.

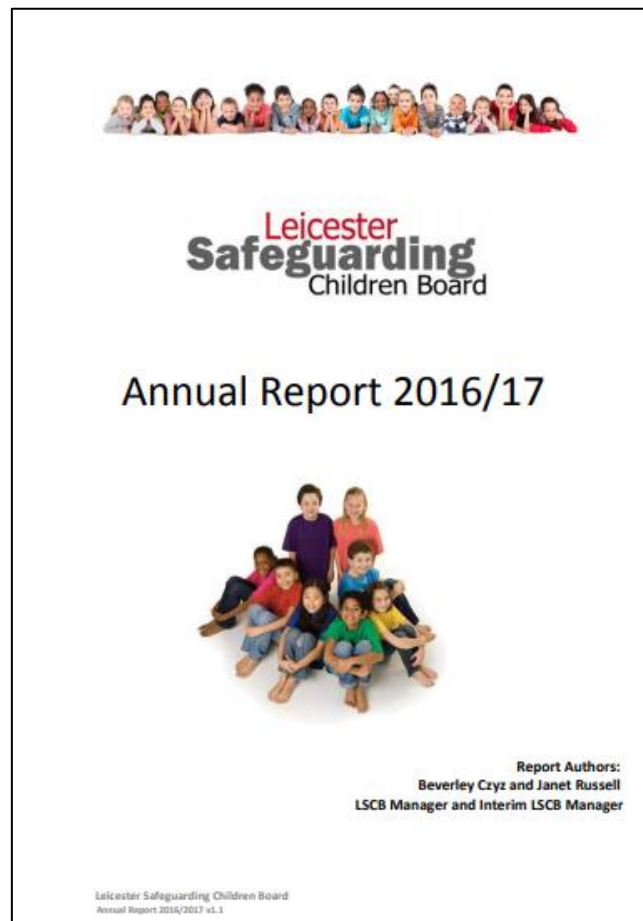
In 2017 Leicester City Council's 'looked after children' Ofsted Inspection resulted in a 'Requires improvement' rating which was a positive show of progress as the rating in 2015 was Inadequate. Scrutiny praised the service for this improvement and urged it not to be complacent as further improvements were still needed, but the positive trajectory was welcomed. CYPS Scrutiny agreed to monitor progress on the new action plan to address the Ofsted findings.

Scrutiny members receive regular quality assurance reports on Looked after children social care performance data, case management data and key issues impacting on the service. As with other councils, this service is struggling with limited budgets, high staff turnover and increases in the number of looked after children. CYPS recognised that the service needed to take time to move from requiring improvement to good, and in terms of barriers to progress there were some basic elements still not being met and there would need to be a cultural shift in working practices. There was also acknowledgement that there has been evidence of a continued journey in a positive direction from where the service was 2-3 years ago, and the focus for the next six months would be to resolve some of the fundamental basics such as issues related to the administration of case conferences and ensuring children's voices were better heard.

During 2016/17 scrutiny agreed to conduct a review into 'Literacy Teaching in Primary Schools in Leicester – with a focus on reading'. Scrutiny raised concerns relating to the percentage of pupils in Leicester achieving a level 2b+ in reading, writing and maths as this was significantly below the national average and the gap had widened. The review identified and recommended elements of good practice which seemed fundamental to successful teaching at KS1 in helping children learn to read. All the schools visited had populations which should be showing slow progress,

but the opposite was found to be the case because of the excellent teaching observed. Key scrutiny evidence was based on visiting a selection of primary schools in the city to observe teaching practice and gather evidence. Members praised the commitment and hard work of teaching staff. The Executive acknowledged the recommendations and agreed to look at the findings of the review to see how things could be improved.

The Leicester Safeguarding Children’s Board Annual Report was considered by Children’s Scrutiny. Members praised the report; commenting that the partnership arrangement for managing the service has significantly improved from previous reports. Scrutiny requested a more in-depth review of the services and budgets to better understand the wider impacts of the increasing number of children coming into care.



Children’s Mental Health continues to be an area of concern with long waiting times for children needing an assessment in Child and Adolescent Mental Health Services (CAMHS) and then for treatment following that, and scrutiny felt there is also a lack of clarity as to the pathway for children needing to access mental health support outside of the CAMHS framework. HWB and CYPS are continuing to look at this issue and monitoring the LPT on their ability to reduce waiting times in their CAMHS service.

Our neighbourhoods and communities

Neighbourhood facilities allow people to access services locally and to run them themselves where possible, reducing costs and improving services through better use of buildings and joining up services locally where possible. It is also important to communicate the many welfare reforms taking place and to look at ways to potentially reduce the impact of those reforms.

Environmental and enforcement services help keep people safe, tackle anti-social behaviour, domestic violence and substance misuse and keep the city clean and green through waste collection and recycling, and tackling fly tipping. There is also an aim in this section to ensure council homes are good quality and energy-efficient.

The issue of discretionary housing support was looked at by HSC and NSCI. Faced with a range of benefits changes and reducing resources the council reviewed the support it offered to tenants and residents. The aim was to reshape the payments made through Discretionary Housing Payments, Council Tax Discretionary Relief and Community Support Grant, and scrutiny was told that these provided a crucial safety net for vulnerable households. Members supported the stance of the council, which would see a 13-week transition award for newly under-occupied or benefit-capped households rather than the previous 26 weeks.

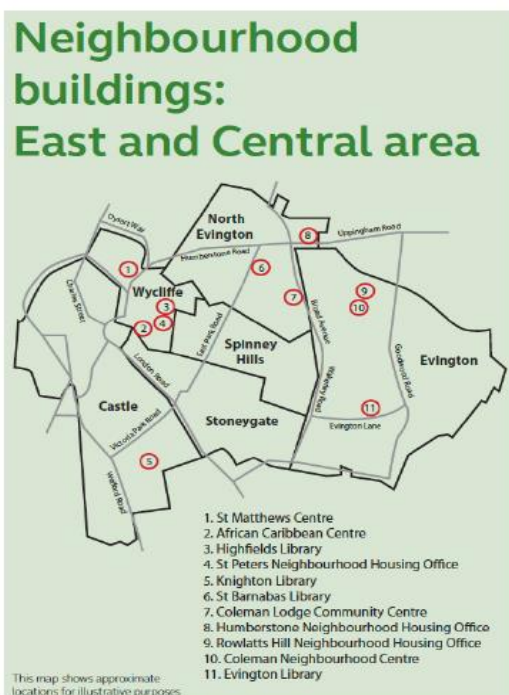
HSC received quarterly reports on the interweaving topics of rent collection (and therefore also rent arrears) and the impact on tenants of the continuing changes to housing benefits and Universal Credit (UC). Over the two years of the reporting on these issues there have been concerns expressed about the impact of UC, and particularly problems relating to the government's administration of the new system. However there have been no more than a handful of cases covered by UC in the period covered by this report, with the roll-out across the city gradually picking up pace after June 2018.

Reports to the Commission concentrated on rent arrears and the efforts by the department to prevent arrears, moderate their impact and to avoid the worst outcomes of arrears: eviction and homelessness. The Commission found most evictions involved tenants who had not engaged with the council's support services or that there were contributory factors such as anti-social behaviour.

The council went through an extensive consultation with the voluntary sector as it looked to re-procure a series of contracts to provide welfare advice across the city. Officers reported back to NSCI and Members welcomed the aim to create a more streamlined Social Welfare Advice service but were concerned that the options presented could have the opposite effect, resulting in a more fragmented system. Members supported the model which would see the council procure advice in lots

while retaining an in-house specialist advice provision; they asked for regular updates on the re-procurement model and were invited to a proposed outreach centre in the Highfields area.

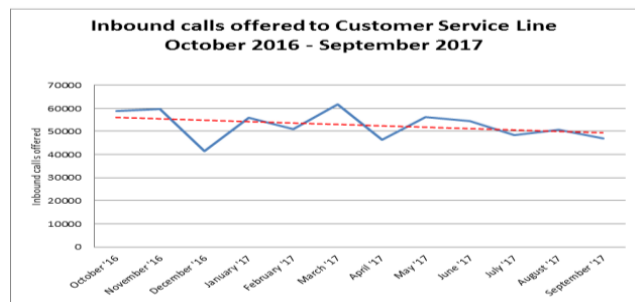
The council's Food Safety team regulates a wide range of businesses within the city, including 90 manufacturers, some of them major national brands, and more than 2,000 restaurants and takeaways. A report to the NSCI set out the background for a long-term improvement plan. Members praised the improvements in food hygiene ratings which had been achieved by and within the department. The Commission also heard the details of a major investigation by the service into fraud involving meat. Inspectors took more than 100 samples of meat from butchers' shops and catering establishments. After a criminal investigation and prosecution case two defendants were jailed for five years for fraud. This fraud involved the substitution of halal lamb with non-halal turkey. Following this, the commission called for a further desktop study report on the way in which culturally significant halal meat was controlled and monitored.



Transforming Neighbourhood Services (TNS) is an on-going programme to look at the way services are provided in neighbourhoods including the use with a view to identifying opportunities for rationalisation and more efficient use of resources. Following reports on the final phase of the TNS review covering the East and Central areas of the city, NSCI asked for lessons learnt from the consultation exercise to be shared with other council departments. Members warned however that the merging of services involved some of the biggest changes made by the Council to service delivery and asked for understanding by officers of communities' perspectives of the changes.

NSCI requested a report on progress relating to Community Asset Transfers (CATs). This is an approach which involves the leasing of council buildings across the city to local or community organisations for community use. The transfers arose from the TNS programme. Independent advice was available to community groups hoping to take on building leases and the groups were required to prepare sustainable business plans. The Commission supported the strategy adopted by the council to support community groups undertaking a CAT. Members also asked for an evaluation of the fob system of access which provided community access to buildings, and for feedback from community groups on the success of the policy from their perspectives.

Channel shift (now referred to in the Council as Digital Transformation) describes the strategy of looking at the way in which customer contact is managed by the council and making more use of technology and digital channels such as on-line services using computers, laptops and smart phones. NSCI received updates on the programme with Members noting that it had a positive environmental impact in that its growth tended to reduce greenhouse and other gas emissions.



The blue line indicates the actual calls offered with the red line showing a negative trend.

Members voiced concerns that residents who were most vulnerable and “hard-to-reach” could be excluded due to difficulties in accessing or using digital and on-line services. This included older people and residents from some newer communities.

Members agreed on-line services would be important in the future but stressed the need to present them in a way that made them widely accessible. For example, it was known that some city residents had language barriers to accessing services. Members asked that ways of overcoming these be considered including consideration given to training community “champions”, including younger people, in supporting others in their communities to access and use on-line services.

Members at NSCI continued to express concern that key communities and groups within Leicester were being disadvantaged by the digital transformation agenda with transactions between the community and the council increasingly being done online. A report was commissioned looking at how the council was communicating with newer communities and how they were being helped to access employment and training opportunities. The Commission was told the Council’s Adult Skills and Learning Service prioritises English for Speakers of Other Languages (ESOL) and IT courses and activities to support adults in new communities to participate in day to day life and work.

Commission members praised the work of agencies, but were concerned that there was not enough support, through language and translation services, for older members of longer-established communities within the city. They suggested a lack of confidence might also be a barrier to accessing training and education courses. Some concern was expressed that people could be deterred from visiting certain venues if no specialist support or advice was available there (such as language support). The Commission urged the Economic Development Transport and Tourism Commission to consider a more detailed report on language and IT training.

A strong and democratic council

It is important for the public to have confidence and value the work of the council and for them to be able to participate in decisions affecting them. As such ensuring the way the council's work supports openness and accountability, communicating effectively, and encouraging the people of Leicester to participate in the democratic process and in the shaping of services is an important priority.

EDTT received regular reports on the work relating to the 'draft Local Plan' and the consultation process and timetable for this. Discussions included the need to have robust future planning policies, greater jurisdiction concerning site ownership and the control of services following the occupation of sites by developers. Scrutiny continues to monitor progress prior to public examination and adoption of the new plan which is due around the end of 2019

Each meeting of the Overview Select Committee continues to receive reports about progress made on petitions which have been presented to the council. It was recognised that some petitions could not be resolved and closed in the timescales set out by the council because they involved decision-taking and programming which might take months to resolve. This was particularly apparent in transport-related petitions where proposed changes, would themselves be subject to consultation, and where projects might be required to be programmed in future financial years

Questions to the City Mayor is a standing item on the Overview Select Committee's agenda and covers a wide range of topics. It provides an opportunity for members of the committee to raise issues of concern and for the City Mayor (and other executive members) to respond or act on. Issues questioned during this period include:

- Academy Schools
- Council loans to businesses and organisations
- Council's procurement processes
- Compensation for businesses affected by road closures
- Dawn Centre
- Draft Economic Action Plan
- Economic Action Plan and investment in neighbourhoods
- Empty shops in the city centre
- Franklyn Fields
- Government funding for ASC
- Haymarket Theatre
- Highway works: Rutland Street and Granby Street Junction
- Homelessness
- Housing Repair Service
- Leisure centres
- Local Plan
- Market development
- Mental health support for children
- Mobile CCTV Cameras
- Outdoor gyms
- Outer city estates
- Planning and Development Control issues
- Sports Services Review
- St Margaret's Bus Station
- Street drinking
- Weekend cleaning around shops in the outer estates

There was a specific question related to the winter period and in particular about communicating some simple steps to the public to help them with things such as frozen pipes and boilers without them having to wait a long period of time in a phone queue and subsequently for someone to come out and fix something which could be simply prevented. As such scrutiny members were invited to a meeting with the Executive and relevant officers about lessons learnt from the winter processes.

The Finance Task Group made a series of reports to the Overview Select Committee and OSC members highlighted issues arising from these reports. As in previous years, much focus has been on over-spends in areas such as Adult Social Care and Children's Services. The OSC Chair stressed budgets for Children Services and Adult Social Care needed to remain a priority for the relevant commissions and suggested they request updates and examine these accordingly.

Again, the increasing numbers of looked after children was of concern and having an effect on budgets. It had previously been explained that a lack of fostering places and increasing costs were identified as issues but the rise in numbers of looked-after children was part of a national picture. As stated earlier in the report the increasing number of working age adults and older people with more complex needs is also something identified as a risk factor when considering the Adult Social Care budget.

Lord Willy Bach presented the Draft Police and Crime Plan 2017-2021 to OSC. Lord Bach emphasised the need for the Police to work with local authorities, because without close partnership working, the Police would not be able to achieve what they hoped to do. Members commented that Leicester had an excellent reputation for policing but were concerned about the impact of austerity measures and sought assurances that the level of policing would continue. Lord Bach stated that there was a need to get the balance right. He felt that this balance was slightly wrong, as too many Police Officers and PCSOs had been taken off the street to deal with issues such as online crime, domestic violence and child sexual exploitation. Policing issues had changed, but people still wanted the Police to be visible to the public.

OSC received a presentation on Emergency Management and Planning which explained the approach taken when dealing with a major incident and the partnership arrangements, plans and training which underpin this. It was heard that the recovery phase after incidents is typically led by the Local Authority and could be long particularly where there were significant and enduring community impacts address, and good practice was to initiate recovery at the outset of an incident. Members were assured that emergency planning arrangements include an established and tested approach to identifying some of the most vulnerable people in the community which is always an early consideration in any major incident response.

The Draft Equality Strategy and Action Plan 2018-22 was presented at OSC. Members endorsed the importance of the strategy and the focus on seeking to have a diverse workforce which is able to support the diverse communities of the city. Along with workforce representation and information on equal pay, it was agreed that OSC would receive further updates on progress against the Equality Strategy and Action Plan.

Contacting Scrutiny

For more information please contact the Scrutiny Team on **0116 4546340** or email **scrutiny@leicester.gov.uk**

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Leicester
City Council

Minutes of the Meeting of the
OVERVIEW SELECT COMMITTEE

Held: THURSDAY, 1 NOVEMBER 2018 at 5:30 pm

P R E S E N T :

Councillor Singh (Chair)
Councillor Govind (Vice Chair)

Councillor Bajaj
Councillor Cleaver

Councillor Gugnani
Councillor Khote

Councillor Cutkelvin
Councillor Grant

* * * * *

In Attendance

Councillor Myers – Assistant City Mayor – Entrepreneurial Councils Agenda.

35. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dawood and Westley.
The City Mayor also submitted his apologies.

36. DECLARATIONS OF INTEREST

Councillor Govind declared that in respect of the Scrutiny Report into the
review of the Bus Services Act 2017, he worked for a bus company.

45. DRAFT SCRUTINY REPORT 2016-2018

Councillor Singh, Chair of the Overview Select Committee presented the Draft
Scrutiny Report 2016-2018 and said that this had also been sent to the
previous Chairs of the different Commissions to seek their views. The Scrutiny
Report would be submitted to Full Council on Thursday 15 November 2018.

The Chair invited comments and questions. Comments from Members,
included the following:

- Councillor Cutkelvin, Chair of the Health and Wellbeing Scrutiny Commission stated that the Commission had been pleased that the Local Authority had kept the sports services 'in house' rather than contracting them out to other providers. Councillor Cutkelvin added that the Leisure Centres were a very important part of the city's health economy and health and wellbeing going forward.
- Councillor Cleaver, Chair of the Adult Social Care Scrutiny Commission welcomed the references in the report to the Commission's in depth look at communication relating to autism. She expressed concerns that there were people with little knowledge of autism and suggested that everyone needed to try for a better understanding of the condition. It may be that someone was not mis-behaving in a public place, but just had different communication skills. Councillor Cleaver thanked everyone who had contributed towards this work on autism.

The Chair thanked all the Scrutiny Chairs and Members for their work in the Commissions over the previous two years and stated that Members would have a further chance to comment on the report at Full Council.

AGREED:

that the Draft Scrutiny Report 2016-2018 and Members' comments be noted and forwarded to the meeting of Full Council on 15 November 2018

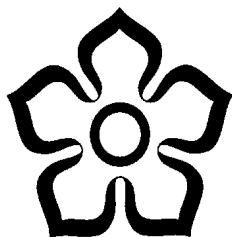
REPORTS OF REGULATORY COMMITTEES

9.1 ANNUAL REPORT OF THE AUDIT AND RISK COMMITTEE 2017-18

The annual report of the Audit and Risk Committee setting out the Committee's achievements over the municipal year 2017-18 is submitted.

The Council is recommended to note the contents of the report.

**Councillor Vijay Singh Riyait
Chair Audit and Risk Committee**



Leicester
City Council

WARDS AFFECTED:
ALL

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

| | |
|---------------------------------|--------------------------|
| Audit and Risk Committee | 12 September 2018 |
| Council | 15 November 2018 |

Annual Report of the Audit and Risk Committee to Council

covering the municipal year 2017-18

Report of the Director of Finance

1 PURPOSE OF REPORT

- 1.1 To present to the Council the annual report of the Audit and Risk Committee setting out the Committee's achievements over the municipal year 2017-18 (May 2017 to April 2018).
- 1.2 This report was presented to the Committee for approval at its meeting on 12 September 2018.

2 RECOMMENDATIONS

- 2.1 Audit and Risk Committee is recommended to approve this report for submission to the Council.
- 2.2 Council is recommended to receive this report.

3 SUMMARY

- 3.1 The Committee's terms of reference approved by Council require the submission of an annual report on its activities, conduct, business and effectiveness. Moreover, the CIPFA* guidance on Audit Committees states that the audit committee should be held to account on a regular basis by Council, and that the preparation of an annual report can be helpful in this regard. (* CIPFA – the Chartered Institute of Public Finance and Accountancy)

- 3.2 The Audit and Risk Committee considered a wide range of business in fulfilment of its central role as part of the Council's system of corporate governance, risk management and internal control. It conducted its business in an appropriate manner through a programme of meetings and fulfilled the expectations placed upon it.

4 REPORT

- 4.1 The Committee's terms of reference are regularly reviewed. They formally confer upon it the role of 'the board' for the purposes of the *Public Sector Internal Audit Standards*, (the mandatory elements of the Institute of Internal Auditors' International Professional Practices Framework, interpreted and adopted for local government by CIPFA) as the recognised professional standards for local authority internal audit.
- 4.2 During the municipal year 2017/18, the Committee met on four occasions. All meetings were properly constituted and quorate. The Committee's terms of reference require it to meet at least three times a year. The Head of Finance and latterly Leicestershire County Council's Head of Internal Audit and Assurance Service attended meetings of the Committee. In addition, and in the interests of providing the full range of legal, constitutional and financial advice and expertise, the Committee was supported by the Director of Finance and the City Barrister & Head of Standards or their representatives.
- 4.3 In its publication *Audit Committees – Practical Guidance for Local Authorities*, CIPFA provides a self-assessment checklist to assist councils in reviewing the effectiveness of their Audit Committees.
- 4.4 The Committee reviews its arrangements against this checklist from time to time, and considers that it continued to meet the requirements for an effective Audit Committee. In summary:
- The Committee meets regularly and its chair and membership are sufficiently independent of other functions in the Council. Meetings are conducted constructively and are free and open and are not subject to political influences;
 - The Committee's terms of reference, which are regularly reviewed, revised and approved, provide a sufficient spread of responsibilities covering internal and external audit, risk management and governance. They will be reviewed again in the light of more recent national guidance;
 - The Committee plays an important role in the oversight of the Council's internal audit arrangements, including approval of the internal audit plan, review of performance and conformance to standards, together with the outcomes of audit work (leading to the Head of Internal Audit annual report) and management's response to that; and
 - The Committee received reports from KPMG as the Council's external auditor and maintained an overview of the external audit process, including the fees charged.

- 4.5 However, it is acknowledged that Committee members need suitable training. Arrangements continued to be made to provide training on a relevant topic immediately before meetings of the Committee. The Committee is subject, of course, to some turnover of membership each municipal year, an inevitable consequence of the political environment in a local authority. Should this happen, training for new members is offered.
- 4.6 The Committee is well established and has continued to make an important contribution to the effectiveness of the City Council's internal control and corporate governance frameworks, of which it is a central component. The key outcomes from the Committee's work included:

4.6.1. Internal Audit

- The Committee considered the Internal Audit annual and quarterly plans and monitored their delivery and outcomes during the year. The Committee also received the Head of Internal Audit annual report and opinion on the overall adequacy and effectiveness of the Council's control environment (its framework of governance, risk management and control).
- The Committee reserves the right to summon relevant officers to attend its meetings to discuss in more depth specific issues raised by Internal Audit reports. This has helped maintain the profile of the Committee and its role in promoting adherence to procedures and improved internal control.
- The Committee received and approved the annual review of the effectiveness of the Council's system of internal audit, including the degree of conformance with *Public Sector Internal Audit Standards* (PSIAS) and results of the *Quality Assurance Improvement Programme* (QAIP).
- The Committee oversaw the move from an in-house internal audit service to the formal delegation of the service to Leicestershire County Council, in November 2017. The Committee contributes to the governance aspects of these new arrangements.
- The Committee received and approved a revised Internal Audit Charter at its March 2018 meeting.

4.6.2 Counter-Fraud

- The Committee maintained an effective overview of the Council's measures to combat fraud and financial irregularity. Specifically, the Committee:
 - Reviewed and approved the Council's updated Anti-Fraud, Bribery and Corruption Policy and Strategy.
 - Considered the annual counter-fraud report, which brought together the various strands of counter-fraud work with data on the various types of work carried out by the teams involved.
 - Reviewed and supported the Council's participation in the National Fraud Initiative.

- Reviewed the Council's activity and performance under the Regulation of Investigatory Powers Act 2000 and the Disclosure Policy and Whistleblowing Policy.

4.6.3 External Audit

- The Committee considered the external auditor's plans and progress and the outcomes of this work, with particular reference to the annual audit of the Council's statutory financial statements.
- The Committee received a report on the appointment of new external auditors commencing from the 2018/19 audit year.

4.6.4 Risk Management

- The Committee confirmed the Risk Management Strategy and Policy and Corporate Business Continuity Management Strategy. The Committee maintained a regular overview of the risk management arrangements including the Council's strategic and operational risk registers and 'horizon-scanning' for potential emerging risks to the Council and its services.

4.6.5 Corporate Governance

- The Committee fulfilled the responsibilities of 'the board' for the purposes of conformance to the *Public Sector Internal Audit Standards* in terms of overseeing the Council's arrangements for ensuring the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and governance processes. The Committee maintained its oversight of the Council's corporate governance arrangements. The Council's updated assurance framework, which maps out the process for collating the various sources of assurance and preparing the Council's statutory Annual Governance Statement, was reviewed and approved by the Committee.
- The Committee approved the draft Annual Governance Statement for 2016/17 at its September 2017 meeting.
- This annual report to Council is part of the governance arrangements, through giving a summary of the Committee's work and contribution to the good governance of the City Council and demonstrating the associated accountability.

4.6.6 Financial reporting

- The Committee received and approved the Council's statutory Statement of Accounts for 2016/17 and associated external audit reports. It approved the Council's letter of representation, by means of which the City Council gives assurance to the external auditor; there were no significant items that were not reflected in the Council's accounting statements.

- The external auditor's Annual Governance Report was issued to the Committee as 'those charged with governance', and considered accordingly. In this report, the auditor confirmed that his audit opinion on the Council's 2016/17 financial statements would be 'unqualified'.
- The Committee requested reports and briefings on specific issues of interest, for example adult social care and invoice payment performance.

5. Conclusions

- 5.1 The Committee fulfilled all of the requirements of its terms of reference and the good practice guidance issued by CIPFA.
- 5.2 It is the view of the Director of Finance that the Audit & Risk Committee made a significant contribution to the good governance of the City Council. Through its work, it has reinforced the Council's systems of internal control and has given valuable support to the arrangements for corporate governance, legal compliance and the management of risk.
- 5.3 Each year, following any changes in membership, there is a need to support members with relevant training and briefings on technically complex subjects, particularly in the context of the governance of a large local authority and especially during a period of continued financial stringency and change. The effectiveness of the Committee is enhanced by having members who have sufficient expertise and experience, attributes which benefit from some continuity of membership.

6. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

6.1 Financial Implications

An adequate and effective Audit & Risk Committee is a central component in the governance and assurance processes intended to help ensure that the Council operates efficiently, cost effectively and with integrity. Its support for the processes of audit and internal control will help the Council as it faces the financially challenging times ahead.

Colin Sharpe, Head of Finance, ext. 37 4081

6.2 Legal Implications

The Audit & Risk Committee aids the fulfilment by the Council of its statutory responsibilities under the Accounts and Audit Regulations 2015 by considering the findings of a review of the effectiveness of the Council's system of internal control. It is an important part of the way the duties of the Director of Finance are met as the responsible financial officer under s151 of the Local Government Act 1972.

Kamal Adatia, City Barrister & Head of Standards, x37 1401

7. Other Implications

| OTHER IMPLICATIONS | YES/NO | Paragraph references within supporting information |
|-------------------------------|---------------|---|
| Equal Opportunities | No | |
| Policy | No | |
| Sustainable and Environmental | No | |
| Climate Change | No | |
| Crime and Disorder | Yes | 4.6.2 – references to fraud and corruption |
| Human Rights Act | No | |
| Elderly/People on Low Income | No | |
| Corporate Parenting | No | |
| Health Inequalities | No | |
| Risk Management | Yes | The whole report concerns the audit, risk management and governance process, a main purpose of which is to give assurance to Directors and this Committee that risks are being properly identified and managed appropriately by the business. |

8. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Agendas and Minutes of the Audit & Risk Committee meetings

REPORT AUTHOR

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