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To: All Members of the Borough Council

You are requested to attend the meeting of the Charnwood Borough Council to be held in the Victoria Room, Loughborough Town Hall on Monday, 25th April 2022 at 6.30 pm for the following business.

Chief Executive

Southfields
Loughborough

13th April 2022

AGENDA

1. APOLOGIES
2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS
3. MINUTES OF THE PREVIOUS MEETING 6 - 17

To confirm the minutes of the Council meeting held on 21st February 2022 and the Extraordinary Council meeting held on 1st March 2022.

4. ANNOUNCEMENTS
 - 4.1. MAYOR'S ANNOUNCEMENTS

To receive announcements from the Mayor (if any).

4.2. LEADER'S ANNOUNCEMENTS

To consider significant, recent matters affecting the Council or the Borough (if any).

4.3. CHIEF EXECUTIVE'S ANNOUNCEMENTS

To receive announcements from the Chief Executive (if any).

5. PETITIONS

To allow councillors to formally submit petitions for consideration under the Council's petition scheme, as set out in Full Council Procedure 9.8.

6. BUSINESS RESERVED TO COUNCIL

To consider the following matters reserved to Council in accordance with Section 5 of the Constitution:

6.1. REVIEW OF THE STATEMENT OF LICENSING POLICY 18 - 66

A report of the Licensing Committee to consider a revised Statement of Licensing Policy made under the Licensing Act 2003 following consideration by the Licensing Committee and public consultation.

6.2. ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION 67 - 85

A report of the Cabinet to consider proposed amendments to the Constitution following the annual review.

6.3. REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 86 - 87

A report of the Chief Executive to present a proposal to undertake a review of polling districts, polling places and polling stations within the Borough to prepare for the new warding arrangements that will come into effect for the Borough elections on 4th May 2023.

6.4. TIMETABLE FOR COUNCIL AND COMMITTEE MEETINGS AND MEMBER TRAINING DAYS FOR 2022/24 88 - 94

A report of the Chief Executive to consider a proposed timetable for Council and committee meetings and designated member training days for the next two Council years (2022 - 2024), from June 2022 to May 2024.

7. CALL-IN REFERENCES

There are no references to Council following the call-in of a Cabinet decision under Scrutiny Committee Procedure 11.7.

8. POSITION STATEMENTS

No requests for position statements were received.

9. MOTIONS ON NOTICE

No motions on notice have been received.

10. QUESTIONS ON NOTICE

To deal with the following questions on notice, submitted under Full Council Procedure 9.9(a):

10.1. LIGHTBULB

Question submitted by Councillor Taylor.

10.2. DEVELOPERS AND APPROVED PLANS

Question submitted by Councillor Taylor.

10.3. MARTIN COURT, ANSTEY

Question submitted by Councillor Taylor.

10.4. BEDFORD SQUARE/WARD'S END

Question submitted by Councillor Draycott.

10.5. LOUGHBOROUGH TOWN CENTRE IMPROVEMENT PROJECTS

Question submitted by Councillor Draycott.

10.6. ANTI-SOCIAL BEHAVIOUR IN STORER WARD

Question submitted by Councillor Forrest.

10.7. DEVOLUTION DEALS

Question submitted by Councillor J Bradshaw.

10.8. COMMUNITY FACILITIES AT AUMBERRY GAP

Question submitted by Councillor Draycott.

11. MINUTE REFERENCES

There are no minute references.

12. URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN

95 - 100

A report of the Chief Executive to note the decision which was exempted from call-in in accordance with Scrutiny Committee Procedure 11.9.

13. DELEGATION OF EXECUTIVE FUNCTIONS 101 - 104

A report of the Chief Executive to inform Council of a change to a delegation of Executive functions to the Head of Regulatory Services.

14. APPOINTMENTS TO COMMITTEES 105 - 106

A report of the Chief Executive to seek confirmation of changes to the membership of committees.

FORTHCOMING SCHEDULED MEETINGS OF COUNCIL

Council Meeting Date	Deadline Date and Time for Councillors to submit Questions on Notice (under Full Council Procedure 9.9(a)), Requests for Position Statements (under Full Council Procedure 9.10) and Motions on Notice (under Full Council Procedure 9.11(a))
Monday, 23rd May 2022	Annual Council – No Questions on Notice, Position Statements and Motions on Notice

CHARNWOOD BOROUGH COUNCIL

**MEETING OF THE CHARNWOOD BOROUGH COUNCIL
HELD IN
THE VICTORIA ROOM, LOUGHBOROUGH TOWN HALL
ON 21ST FEBRUARY 2022**

PRESENT

The Mayor (Councillor Baines)

Councillor Bailey	Councillor Howe
Councillor Barkley	Councillor Mercer
Councillor Bentley	Councillor Miah
Councillor Bokor	Councillor Morgan
Councillor Brookes	Councillor Murphy
Councillor Campsall	Councillor Pacey
Councillor Capleton	Councillor Paling
Councillor Charles	Councillor Parsons
Councillor Draycott	Councillor Poland
Councillor Forrest	Councillor Ranson
Councillor Fryer	Councillor Rattray
Councillor Goddard	Councillor Rollings
Councillor A. Gray	Councillor Savage
Councillor Grimley	Councillor Seaton
Councillor Hadji-Nikolaou	Councillor Shepherd
Councillor Hamilton	Councillor Smidowicz
Councillor Harper-Davies	Councillor Snartt
Councillor C. Harris	Councillor Taylor
Councillor K. Harris	Councillor Williams

Honorary Aldermen Day and R Shields

123. APOLOGIES

Apologies for absence had been received from Councillors Boldrin, S Bradshaw, J Bradshaw, Gerrard, B Gray, Hunt, Lowe, Needham, Parton, Popley, Radford, Tillotson and Ward.

Apologies for absence had been received from Honorary Aldermen Bush, Stott and Tormey.

124. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The Mayor drew Councillors' attention to Section 106 of the Local Government Finance Act 1992 required that a Councillor who owed arrears of Council Tax which had been outstanding for more than two months must declare that at any Council meeting which considered the setting of a budget and the Council Tax, and that they should not vote on those matters. In addition it was noted that it is a requirement of the

Council's Code of Conduct for Members that the existence and nature of all personal interests must be disclosed. Therefore, in the case of item 6.1 on the agenda, 2022/23 Special Expenses and General Fund and HRA Revenue Budgets, it is suggested that members of precepting authorities declare such interests. (For example, this would relate to members of Leicestershire County Council, the Combined Fire Authority and Parish and Town Councils).

The following disclosures of pecuniary and personal interests were made:

- i. by Councillor Barkley - a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council and Syston Town Council.
- ii. by Councillor Brookes – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Thurmaston Parish Council.
- iii. by Councillor Charles – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Thurcaston and Cropston Parish Council.
- iv. by Councillor Fryer – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council.
- v. By Councillor Forrest – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as Chair of Barrow upon Soar Parish Council.
- vi. By Councillor Grimley – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council and the Combined Fire Authority.
- vii. By Councillor Hadji-Nikolaou – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council.
- viii. by Councillor Howe – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Birstall Parish Council.
- ix. by Councillor Miah – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council.
- x. by Councillor Morgan – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council.

- xi. by Councillor Pacey – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Syston Town Council.
- xii. by Councillor Poland – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council and as his wife is a member of Thurmaston Parish Council.
- xiii. by Councillor Ranson – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Barrow Upon Soar Parish Council.
- xiv. by Councillor Seaton – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council and Thurmaston Parish Council.
- xv. by Councillor Shepherd – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council.
- xvi. by Councillor Taylor – a personal interest in item 6.1 on the agenda (General Fund and HRA Revenue Budgets and Council Tax 2022-23) as a member of Leicestershire County Council.

125. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of Council held on 17th January 2022 were confirmed and signed.

126. ANNOUNCEMENTS

127. MAYOR'S ANNOUNCEMENTS

The Mayor made the following announcements.

“Firstly, I would like to welcome two new Councillors to the Council. Councillors Anne Gray and Beverley Gray who were both elected to represent the Shelthorpe ward at the By-election held on 20th January 2022. Congratulations Councillors, and welcome.

I now wish to offer my condolences to the family and friends of former Councillor Brian Henman, who served the Borough as Mayor between May 1988 and May 1989, and who recently passed away. Brian was very active in the community and served as a Councillor between 1980 and 1999 and a Parish Councillor in Barrow-Upon-Soar for more than 25 years. Brian’s funeral service was held on Friday, 18th February.

I also wish to offer my condolences to the family and friends of former Councillor Janet Harris who represented the Sileby Ward from 1991 to 1995.

“As a mark of respect, I now ask that we all stand to observe a 1-minute’s silence to remember both Brian Henman, a former Mayor and Janet Harris a former Borough Councillor”

Council then observed one minute’s silence to remember former Mayor Brian Henman and former Councillor Janet Harris.

128. LEADER’S ANNOUNCEMENTS

There were no Leader’s announcements.

129. CHIEF EXECUTIVE’S ANNOUNCEMENTS

The Chief Executive made no announcements.

130. PETITIONS

No petitions were submitted.

131. BUSINESS RESERVED TO COUNCIL

132. GENERAL FUND AND HRA REVENUE BUDGETS AND COUNCIL TAX 2022-23

A report of the Cabinet, setting out the proposed General Fund and HRA Revenue Budgets for 2022/23 along with the proposed Council Tax Levy, and the 2022/23 proposals to increase rent and service charges within the ring-fenced Housing Revenue Account (item 6.1 on the agenda filed with these minutes).

Due to the timings of the Borough Council and County Council budget meetings it was necessary to defer approval of the Council Tax levy calculations for 2022/23 to ensure that approvals were in line with legislative requirements.

A supplementary report required Council to make the substantive decisions in respect of its own budgets for 2022/23.

An Extraordinary Council meeting scheduled for 1st March 2022 had been called so that the levy calculations for 2022/23 could be approved. The levy calculations were an arithmetic exercise to aggregate the total council tax billings based on the approved precepts of the County Council, the Police, the Combined Fire Authority and town and parish councils, as well as the Borough Council

Councillors were reminded that it was a legal requirement that all votes taken on this item, including votes on amendments must be recorded votes.

It was proposed by Councillor Barkley and seconded by Councillor Rollings that recommendations 1 to 15 outlined in the supplementary report of the Cabinet be approved for reasons 1 to 15 in that report.

For the motion – Councillors Bailey, Baines, Barkley, Bentley, Bokor, Brookes, Campsall, Capleton, Charles, Fryer, Grimley, Hadji-Nikolaou, Harper-Davies, Howe,

Mercer, Morgan, Murphy, Pacey, Paling, Parsons, Poland, Ranson, Rattray, Rollings, Savage, Seaton, Shepherd, Smidowicz, Snartt, Taylor, Williams.

Against the motion – Councillors Draycott, A Gray, Forrest, Goddard, Hamilton, C Harris, K Harris, Miah.

There were no abstentions.

RESOLVED that the Council adopts recommendations 1-15 as set out in the supplementary report of the Cabinet.

Reasons

For the reasons set out in the supplementary report of the Cabinet.

133. CAPITAL STRATEGY, INCLUDING TREASURY MANAGEMENT STRATEGY, ANNUAL INVESTMENT STRATEGY AND MINIMUM REVENUE PROVISION POLICY 2022/23

A report of the Cabinet, setting out the Capital Strategy, the Annual Investment Strategy and Minimum Revenue Provision (MRP) Policy for 2022/23, together with the changes to the Council's financial regulations, and other elements of the Constitution necessary to enable delivery of the Investment Strategy (item 6.2 on the agenda filed with these minutes).

It was proposed by Councillor Barkley, seconded by Councillor Fryer and

RESOLVED

1. That the Capital Strategy, as set out at Appendix A of the report (attached as an Annex), be approved.
2. That the Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Policy as shown at Appendix B of the report (attached as an Annex), be approved.
3. That the Prudential and Treasury Indicators, also set out in Appendix B of the report (attached as an Annex), be approved.

Reasons

1. To enable the Council to comply with the statutory code of practice issued by CIPFA: 'The Prudential Code for Capital Finance in Local Authorities, 2017 Edition'.
2. To ensure that the Council's governance and management procedures for Treasury Management reflect best practice and comply with the CIPFA Treasury Management in the Public Services Code of Practice, Guidance Notes and Treasury Management Policy Statement.

3. To ensure that funding of capital expenditure is taken within the totality of the Council's financial position and that borrowing and investment is only carried out with proper regard to the Prudential Code for Capital Finance in Local Authorities.

134. NEW CAPITAL PLAN 2022-23 TO 2024-25

A report of the Cabinet to seek approval of a new Capital Plan 2022/23 to 2024/25 and sources of funding (item 6.3 on the agenda filed with these minutes).

It was proposed by Councillor Barkley, seconded by Councillor Ranson, and

RESOLVED that the Final 3 Year Capital Plan for 2022/23 to 2024/25 for the General Fund and HRA schemes in Appendix 1 of the report (attached as an Annex) be endorsed.

Reason

So that the Final 3 Year Capital Plan becomes the basis for Capital spending by the Council for 2022/23 to 2024/25.

135. REPORT OF THE INDEPENDENT REMUNERATION PANEL (IRP) IN RESPECT OF ALLOWANCES PAID TO MEMBERS OF CHARNWOOD BOROUGH COUNCIL FOR 2022/23

A report of the Chief Executive to consider the findings and the recommendations of the Independent Remuneration Panel in respect of allowances paid to members of Charnwood Borough Council and the Scheme of Members' Allowances for 2022/23 (item 6.4 on the agenda filed with these minutes).

It was proposed by Councillor Morgan, seconded by Councillor Miah, and

RESOLVED

1. that amendments in allowances should be linked to an index based on officer pay awards as follows: amendments in basic allowances be linked to any pay awards for officer salary grade PO1 (Principal Officer) and any amendments to special responsibility allowances be linked to any pay awards for officer salary grade JNC E (Strategic Director);
2. that any agreed pay awards for those officer salary grades be applied to the corresponding basic and special responsibility allowances as from the same effective date;
3. that delegated authority be given to the Head of Strategic Support to implement any adjustments in basic and special responsibility allowances once the relevant officers' pay awards are finalised, including updating the Scheme of Members' Allowances as required and back-dating any such adjustments to the relevant effective dates, and that where the only change made to the Scheme during that period is that arising from an adjustment in accordance with this

- delegated authority that the Scheme shall be deemed not to have been amended;
4. that the link to the index of officer pay awards as set out above should apply for a period of two years (ie financial years 2022/23 and 2023/24) before it should be reviewed again;
 5. that during the period referred to in (4) an annual report to Council to approve a Scheme of Members' Allowances will be submitted in advance of each civic year, as required by the Local Authorities (Members' Allowances) (England) Regulations 2003, together with a Agenda Item 6.4 report from the Independent Remuneration Panel making recommendations on any other elements of the Scheme, or if the relevant officer grades are awarded a non-consolidated (one-off) pay award, or anything other than a standard percentage pay award;
 6. to adopt the proposed Scheme of Members' Allowances for the 2022/23 civic year as set out at Appendix B, noting that travel expenses for attending council and committee meetings will no longer be claimable by Members.

Reason

- 1-6 To ensure compliance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

136. APPOINTMENT OF EXTERNAL AUDITORS

A report of the Audit Committee to consider a recommendation that the Council opts into the appointing person arrangements made by Public Sector Audit Appointments Ltd (PSAA) for the appointment of external auditors and that authority is delegated to the Strategic Director of Environmental & Corporate Services to submit the formal notice of acceptance and provision of information to PSAA as required (item 6.5 on the agenda filed with these minutes).

It was proposed by Councillor Parsons, second by Councillor Barkley, and

RESOLVED

1. That the Council opts into the appointing person arrangements made by Public Sector Audit Appointments Ltd (PSAA) for the appointment of external auditors.
2. That authority is delegated to the Strategic Director of Environmental & Corporate Services to submit the formal notice of acceptance and provision of information to PSAA as required.

Reasons

1. To enable the Council to participate in the PSAA appointing arrangements.
2. To allow the engagement process to be carried out efficiently.

137. CALL-IN REFERENCES

There were no call-in references from Scrutiny.

138. POSITION STATEMENTS

No position statements had been requested.

139. MOTIONS ON NOTICE

No motions on notice had been submitted.

140. QUESTIONS ON NOTICE

The questions on notice and the responses of the Leader or his nominee were submitted (item 10 on the agenda filed with these minutes).

141. GARAGES

Councillor Snartt asked if there had been cost benefit analysis undertaken to justify use of the Council's financial resources for refurbishing garages? He also asked to have sight of the garage and parking review so that he could better understand the reasons for decisions made regarding the use of garages.

Councillor Poland thanked Councillor Snartt for his supplementary question and stated that he would liaise with officers to provide a written response to Councillor Snartt.

142. MINUTE REFERENCES

There were no minute references.

143. URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN

A report of the Chief Executive to note decisions which were exempted from call-in in accordance with Scrutiny Committee Procedure 11.9. (item 12 on the agenda filed with these minutes).

144. DELEGATION OF EXECUTIVE FUNCTIONS: DELEGATION OF EXECUTIVE FUNCTIONS TO THE LEADER

A report of the Chief Executive to inform Council of a delegation of an Executive function to the Leader and Deputy Leader (item 13 on the agenda filed with these minutes).

145. APPOINTMENTS TO COMMITTEES

A report of the Chief Executive to seek confirmation of changes to the membership of committees (item 14 on the agenda filed with these minutes).

It was proposed by Councillor Miah, seconded by Councillor Hamilton, and

RESOLVED that the appointments be made as set out in the report.

Reason

To reflect the wishes of the Labour group in making appointments to committees and to comply with sections 11.2(d) and 12.4(a) and (b) of the Council's Constitution.

Note:

These minutes are subject to confirmation as a correct record at the next meeting of the Council which is scheduled for 25th April 2022.

CHARNWOOD BOROUGH COUNCIL
MEETING OF THE CHARNWOOD BOROUGH COUNCIL
HELD IN
VICTORIA ROOM, LOUGHBOROUGH TOWN HALL
ON 1ST MARCH 2022

PRESENT

The Mayor (Councillor Baines)
The Deputy Mayor (Councillor Tillotson)

Councillor Bailey	Councillor Lowe
Councillor Barkley	Councillor Miah
Councillor Bokor	Councillor Morgan
Councillor Boldrin	Councillor Needham
Councillor S. Bradshaw	Councillor Parsons
Councillor Campsall	Councillor Parton
Councillor Charles	Councillor Poland
Councillor Forrest	Councillor Ranson
Councillor Gerrard	Councillor Rattray
Councillor Goddard	Councillor Savage
Councillor Gray	Councillor Shepherd
Councillor Gray	Councillor Taylor
Councillor Hamilton	Councillor Tillotson
Councillor Harper-Davies	Councillor Ward
Councillor C. Harris	Councillor Williams
Councillor K. Harris	

The Mayor made the following announcement:

“I would like to make it clear that we stand as a Council in solidarity with Ukraine and the Ukrainian people. We are currently flying the Ukrainian flag at the Southfields building and it will be lit in the Ukrainian national colours. We stand to offer support to the refugees as the situation unfolds, as and when that occurs.”

146. APOLOGIES

Councillor Barkley arrived at the meeting at 5:35pm.

Apologies for absence had been received from Councillors Bentley, J Bradshaw, Brookes, Capleton, Draycott, Fryer, Grimley, Hadji-Nikolaou, Howe, Mercer, Murphy, Pacey, Paling, Popley, Radford, Rollings, Seaton, Snartt and Smidowicz.

Apologies for absence had also been received from Honorary Aldermen Bush, Day Shields, Stott and Tormey.

147. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures of pecuniary and personal interests were made:

- i. by Councillor Barkley - a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Leicestershire County Council and Syston Town Council.
- ii. by Councillor Charles – a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Thurcaston and Cropston Parish Council.
- iii. by Councillor Forrest – a personal interest in item 3 on the agenda (Council Tax 2022-23) as Chair of Barrow upon Soar Parish Council.
- iv. by Councillor Lowe - a personal interest in item 3 on the agenda (Council Tax 2022-23) as Chairman of Thurmaston Parish Council.
- v. by Councillor Miah – a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Leicestershire County Council.
- vi. by Councillor Morgan – a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Leicestershire County Council.
- vii. by Councillor Needham - a personal interest in item 3 on the agenda (Council Tax 2022-23) as Chair of East Goscote Parish Council.
- viii. by Councillor Parton - a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Leicestershire County Council.
- ix. by Councillor Poland – a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Leicestershire County Council and as his wife is a member of Thurmaston Parish Council.
- x. by Councillor Ranson – a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Barrow Upon Soar Parish Council.
- xi. by Councillor Savage - a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Shepshed Town Council.
- xii. by Councillor Shepherd – a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Leicestershire County Council.
- xiii. by Councillor Taylor – a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Leicestershire County Council.
- xiv. by Councillor Williams - a personal interest in item 3 on the agenda (Council Tax 2022-23) as a member of Shepshed Town Council.

148. COUNCIL TAX 2022-23

An additional budget report was submitted to enable the Council to complete the adoption of a General Fund Revenue Budget and a Housing Revenue Account (HRA)

Budget for Charnwood Borough Council, including the precept requirements of the major preceptors.

Due to the timings of the Borough Council and County Council meetings it was necessary to defer approval of the Council Tax levy calculations for 2022/23 to ensure that approvals are in line with legislative requirements.

The levy calculations were an arithmetic exercise to aggregate the total council tax billings based on the approved precepts of the County Council, the Police, the Combined Fire Authority and town and parish councils, as well as the Borough Council.

This report was to ask the Council to approve the Council Tax levy calculations for 2022/23 to ensure that the adoption of the complete budget and the associated council tax billing implications were in line with legislative requirements.

Councillors were reminded that it was a legal requirement that all votes taken on this item, including votes on amendments must be recorded votes.

Councillors highlighted that they were unified in their support for Ukraine and its citizens during the current invasion. Leicestershire councils had shown solidarity and were committed to offering support where appropriate.

It was proposed by Councillor Barkley and seconded by Councillor Rollings that recommendations 1 and 2 outlined in the supplementary additional budget report be approved for reasons set out in the report.

For the motion – Councillors Bailey, Baines, Barkley, Bokor, S Bradshaw, Campsall, Charles, Gerrard, Harper-Davies, Lowe, Morgan, Needham, Parsons, Parton, Poland, Ranson, Rattray, Savage, Shepherd, Taylor, Williams.

Against the motion – Councillors Boldrin, A Gray, B Gray, Forrest, Goddard, Hamilton, C Harris, K Harris, Miah, Ward.

Abstentions – Councillor Tillotson.

RESOLVED that the Council adopts recommendations 1 and 2 as set out in the supplementary additional budget report.

Reasons

For the reasons set out in the supplementary additional budget report.

Note:

These minutes are subject to confirmation as a correct record at the next meeting of the Council which is scheduled for Monday 25th April 2022.

COUNCIL – 25TH APRIL 2022

Report of the Licensing Committee

Part A

ITEM 6.1 REVIEW OF THE STATEMENT OF LICENSING POLICY

Purpose of Report

To consider a revised Statement of Licensing Policy made under the Licensing Act 2003 following consideration by the Licensing Committee and public consultation.

Recommendation

That the Statement of Licensing Policy made under the Licensing Act 2003, set out in Annex A to this report, be approved and adopted.

Reason

To ensure that the Council has an up-to-date Statement of Licensing Policy to adhere to which sets out the Council's policy in respect of liquor licensing, including confirming proposed changes to the boundary of the Loughborough Cumulative Impact Zone, that meets the licensing objectives and complies with the requirements of the Licensing Act 2003.

Policy Justification and Previous Decisions

A role of the Licensing Committee is to make recommendations in respect of the Council's Statement of Licensing Policy made under the Licensing Act 2003 prior to submission to Full Council for approval.

At its meeting on 8th February 2022, the Licensing Committee considered a report of the Head of Regulatory Services seeking approval for a draft Statement of Licensing Policy that would be the subject of consultation prior to submission to Full Council.

The following extract from the minutes of that meeting details the consideration and decisions of the Committee:

REVIEW OF THE STATEMENT OF LICENSING POLICY

Considered a report of the Head of Regulatory Services seeking the Committee's approval of the draft Statement of Licensing Policy, made in accordance with the Licensing Act 2003 for consultation prior to submission to Full Council for approval (item 5 on the agenda filed with these minutes).

The Head of Regulatory Services introduced the report and stated that if the Committee approved the draft Statement of Licensing Policy for consultation, it would then be submitted to Full Council for approval. The Regulatory Services Manager drew the Committee's attention to part B of the report and the changes that had been made.

Summary of discussion:

- *the draft Policy would be circulated to all Responsible Authorities, Loughborough BID, Public Houses, local Licensing Solicitors regularly used for applications and persons / bodies representative of local licence holders, (see page 6 of the report for list). It was noted that there were over 2000 personal licence holders and that when all were consulted in 2017, a significant number of letters were returned as 'no longer at that address'. It has been proposed to consult a percentage of personal licence holders for this consultation, but all premises would be consulted.*
- *the changes made to the policy would be detailed in a letter and sent to consultees with reference made to the availability of the full Policy on the Council's website or as a hard copy at Council offices.*
- *the change to section 6 would affect how a public house operated. It was hoped that including details on why a full operating schedule was needed would reduce the number of enquiries made to the Council and other Responsible Authorities when applications were made.*
- *with reference to section 5.2, although Drinking Up Time was now advisory, it was noted that the Police would recommend a Drinking Up Time if required for an individual premises, to assist with the gradual dispersal of customers.*
- *once a license had been issued it could be subject to a review for matters arising at the premises in connection with the four licensing objectives. Reviews could be initiated by interested parties, neighbours, and Responsible Authorities. The review would be advertised at the premises for 28 days and would then be considered by the Licensing Committee.*
- *Standard Temporary Event Notices (TEN) should be submitted within clear 10 working days of the event. A late TEN could be submitted between 5-9 clear working days of the event but the Licensing Section advised submission of TENs as early as possible to allow officers to process the notice.*

RESOLVED

1. *That the draft Statement of Licensing Policy, made under the Licensing Act 2003 and attached at Annex 1, be approved for consultation. No changes have been made to the Special Policy on Cumulative Impact, at section 4, contained within the draft Statement of Licensing Policy as this was amended and consulted on in 2021.*
2. *That, subject to recommendation 2 and following the consultation that the Head of Regulatory Services is given delegated authority to make minor amendments and alteration to the Statement of Licensing Policy, in consultation with the Chair of the Licensing Committee, and to submit the final version of the Policy to Full Council.*

Reasons

1. *To set out the Council's policy in respect of liquor licensing that meets the licensing objectives and to comply with the requirements of the Licensing Act 2003.*
2. *To ensure that minor changes can be made to the Statement of Licensing Policy and enable submission to Full Council in an efficient manner if only minor changes are required.*

The Statement of Licensing Policy submitted to the Council for approval is attached at Annex A. Three positive comments were received from the consultation which has resulted in no changes. These positive comments and responses are shown at Part B of the report.

Implementation Timetable including Future Decisions

Once agreed by Council, the new Statement of Licensing Policy will come into immediate effect.

Report Implications

The following implications have been identified for this report.

Financial Implications

None.

Risk Management

No specific risks have been identified in relation to this decision.

Equality and Diversity

An Equality Impact Assessment has been undertaken (attached at Annex C) and no significant issues that needed addressing were identified.

Background Papers: [LC 08 Feb 2022 Item 05 Review of Statement of Licensing Policy.pdf \(moderngov.co.uk\)](#)

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s182-of-licensing-act-2003>

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Part B

Background

1. Under the terms of the Licensing Act 2003, the Council is required to carry out a review of its Statement of Licensing Policy, which is used to determine all applications made under the terms of the Act, every five years.
2. The Statement of Licensing Policy was last reviewed, and amendments adopted, by Full Council on 26th June 2017 (minute 20.1 2017/18 refers). A new Statement must therefore be consulted upon and approved by Full Council.
3. A report was submitted to the Licensing Committee on 8th February 2022 setting out a draft revised Statement of Licensing Policy. At its meeting the Licensing Committee approved the draft revised Statement of Licensing Policy.
4. A link to the draft Statement of Licensing Policy was included in the consultation letter dated 14th February 2022, sent out to all consultees. This letter is attached at Annex B.
5. The consultation period for the Statement of Licensing Policy closed on 18th March 2022. During the consultation process, the following bodies were consulted:
 - the Responsible Authorities (including Charnwood Borough Council Licensing, Fire, Health and Safety, Health and Safety Executive, Planning, Police, Pollution, Trading Standards, Public Health, and the Home Secretary)
 - Business and residents (relevant residents 'groups)
 - Local Councillors
 - British Beer and Pub Association
 - Pub Watch
 - Solicitors
 - Premises Licence Holders
 - Premises Licence Holders of premises in the Cumulative Impact Zone (CIZ area)
 - Premises Licence Holders of Late-Night Refreshment premises in the CIZ area.
 - Personal Licence Holders
 - Club Premises Certificate holders.

The consultation was also featured on the Council's website.

6. Three responses were received within the consultation period, two from Premises/Club licensee and the other from Charnwood Borough Council Environmental Protection Manager. Environmental Protection act as a Responsible Authority under the Licensing Act 2003.
7. The premises licence holder made several comments. The comments and how they were addressed are set out below.

*'All of the items make sense, and most of them will have little effect on the way we operate. The one area I'm pleased to see getting an airing is that of **Representations (Section 16)**. We have been successful with three planning applications for change of use to Micropubs but then with two of them have had objections for the Licence that, in my humble opinion, have had no relevance to the Licensing Objectives but simply a last-ditch attempt to stop the project. The last time it cost me £2,000 in legal representation to ensure the project continued. It was a unanimous decision from the Committee. I'd therefore welcome some sort of "triage" to the objections rather than for it to go to Committee which is costly for the both of us'*

The Licensing Manager sent the following response.

'Unfortunately, the Licensing Act is very prescriptive in its nature.

Guidance issued under section 182 of the Licensing Act 2003 states that representations can be made by Responsible Authorities and other interested parties, such as local residents etc and these representations must be received within the objection period, considered relevant and relate to one or more of the four licensing objectives. Representations are only relevant if they clearly relate to the likely effect of the grant of the application/variation on the promotion of at least one of the licensing objectives.

It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

The Licensing Authority are required to follow these steps'.

8. The Second premises thanked the Licensing section for the consultation letter, that they had viewed the draft document on Charnwood's website and that they didn't have any comments to make. A thank you response was sent.
9. Charnwood Borough Councils Environmental Protection Manager sent the following email to Licensing.

'In reference to your consultation on the reviewed Statement of Licensing Policy I can confirm the Environmental Protection Team fully supports the changes, particularly in relation to the new sections on Environmental Health Intervention on TENS, representations and petitions. The section, Events in Charnwood is also a welcome inclusion and will hopefully help to ensure safety and consistency of approach at such events'.

A response to thank them for their comments was sent from Licensing.

Annexes

Annex A – Finalised Statement of Licensing Policy

Annex B – Consultation Letter

Annex C – Equality Impact Assessment



Charnwood

A decorative horizontal line with a green-to-blue gradient, positioned below the word 'Charnwood'.

Licensing Act 2003

Statement of Licensing Policy

Contents – Statement of Licensing Policy	Page no
Contents	
Section 1 - Introduction	5
1.1 Purpose	5
1.2 Consultation	5-6
1.3 Licensable Activities	6-7
Section 2 – Fundamental Principles	7
2.1 Background	7
2.2 Immigration Act 2016- Right to Work	7-8
2.3 Entitlement to Work	8
2.4 Promotion of The Licensing Objectives	9
2.5 Balance	9
2.6 Relevancy	10
Section 3 – Cumulative Impact	10-11
Section 4 – Special Policy on Cumulative Impact	11-12
Section 5 -Licensing Hours	12-13
5.1 Local, National and International Occasions	13
5.2 Drinking up Time	13-14
Section 6- Operating Schedule -Promotion of the Licensing Objectives	14-15
Section 7 – The Prevention of Crime and Disorder	15
7.1 CCTV	15
7.2 Open Containers of Alcohol	15
7.3 Irresponsible Drinks Promotions	15-16
7.4 Alcohol Deliveries	16
7.5 Dance Venues	16
7.6 Other Steps to promote the Prevention of Crime and Disorder	16
Section 8 – Public Safety -Premises Licensed for Regulated Entertainment	17
Section 9 – The Prevention of Public Nuisance	17

Section 10 – The protection of Children from Harm	17
10.1 General	17-18
10.2 Children and Cinemas	19
10.3 Children and Public Entertainment	19
10.4 Proof of Age Cards	19
Section 11 – Integrating Strategies	19
11.1 Crime Reduction Partnership	19-20
11.2 Planning	20
11.3 Cultural Strategy	20-21
11.4 Building Control	21-22
11.5 Promotion of Equality	22-23
11.6 Disabled Access	23
11.7 Transport	23
Section 12 – Duplication	23
Section 13 – Standardised Conditions	24
13.1 Mandatory Conditions	24-25
Section 14 – Personal Licences	25-26
14.1 Changes during lifetime of licence	26
Section 15 – Temporary Event Notices	27
15.1 – Police and EH Intervention	28
Section 16 – Representations	28-29
16.1 Petitions	29
Section 17 – Enforcement	29-30
17.1 Annual Fees	30
17.2 Reviews	30-31
Section 18 – Live Music, Dancing, Theatre, Circuses and Street Arts	31
18.1 Events in Charnwood	31-32
Section 19 - Wholesale of Alcohol	32
Section 20 - Delegation of Functions	32-33
Section 21 - Period of Validity and Review	33

Appendices Appendix 1 – Pool of Model Conditions Appendix 2 – Mandatory Conditions Appendix 3 – Immigration Act 2016 – Entitlement to Work Identification Documents Appendix 4 – Current Cumulative Impact Zone	
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Charnwood Borough Council

Statement of Licensing Policy

1 Introduction

1.1 Purpose

The Statement of Licensing Policy is a requirement under Section 5 of the 2003 Act and explains how Charnwood Borough Council (referred to throughout this policy as the 'licensing authority') will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

It will also:

- provide members of the Licensing Authority with a decision-making framework.
- inform applicants about the expectations of the Licensing Authority and how applications will be viewed.
- how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis.
- To provide guidance to residents and businesses about how applications will be viewed and how their needs will be addressed. This will assist those parties when making representations in relation to various applications.
- to support decisions made by the Licensing Authority if it has to demonstrate in a Court of Law how it arrived at its licensing decisions.

This Policy is normally in place for five years but will be kept under review during that five-year period.

1.2 Consultation

In developing this Statement, the Licensing Authority, and in accordance with the requirements of the Act, has consulted with the groups set out below, and has taken account of their views:

- the Chief Officer of Police for the licensing authority's area,
- the fire authority for the area
- Director of Public Health
- representatives of local premises licence holders.
- representatives of local club premises certificate holders.
- representatives of local personal licence holders
- representatives of businesses and residents in its area

- other groups that the Licensing Authority considered appropriate

1.3 Licensable **Activities**

For the purposes of the 2003 Act, the following are licensable activities:

- the sale of alcohol by retail
- the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- the provision of late-night refreshment
- the provision of regulated entertainment,

The descriptions of entertainment activities licensable under the 2003 Act are:

- a performance of a play.
- an exhibition of a film.
- an indoor sporting events.
- a boxing or wrestling entertainment.
- a performance of live music.
- any playing of recorded music.
- a performance of dance; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- where that activity takes place in private, be the subject of a charge made with a view to profit.

Amendments made to the 2003 Act by the *Live Music Act 2012* and the *Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013*, *Legislative Reform Order 2014*, and the *Deregulation Act 2015*, means that a licence is not required for the following activities to the extent that take place between **08:00- 23:00** on any day:

- a performance of a play in the presence of any audience of no more than 500 people.
- an indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free style wrestling
- most performances of dance in the presence of any audience of no more than 500 people; and

- live music, where the live music comprises.
 - a performance of unamplified live music
 - a performance of live amplified music in a workplace with an audience of no more than 500 people; or
 - a performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.
- Recorded music, where recorded music comprises.
 - Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500.
 - Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
 - Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

When considering whether an activity constitutes 'the provision of regulated Entertainment', each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority, providing as much detail as possible, to discuss whether a licence will be required.

Unauthorised Activity: It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place, then the Police and local authorities have powers to take action.

2 Fundamental Principles

2.1 Background

This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision-making process.

2.2 Immigration Act 2016- Right to Work

The Immigration Act amended the 2003 Act and introduced the requirement for immigration safeguards in respect of licensing applications. The intention

is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing authorities work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

The Home Secretary (in practice Home Office (Immigration Enforcement)) act as a responsible authority in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.

Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

2.3 Entitlement to Work

Individuals applying for a premises licence for the sale of alcohol or late-night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late-night refreshment but does not include applications which apply to regulated entertainment only.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. An applicant can do this in two ways.

1. By providing with their application copies or scanned copies of the documents which an applicant may provide to demonstrate their entitlement to work in the UK (these copies do not need to be certified) and are published on the Councils web site GOV.uk and in guidance issued under s182 of the Licensing Act 2003.
2. By providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service. (See guidance on application forms)

2.4 Promotion of the Licensing Objectives

The licensing authority will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives.

- The Prevention of Crime and Disorder.
- Public safety.
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

Each objective is of equal importance and the four objectives will be paramount considerations of the Licensing Authority at all times.

It is for the applicant to decide what measures, if any, to suggest in the operating schedule of the application form, to address any potential concerns that might arise in the promotion of the licensing objectives. The measures proposed in the operating schedule will be converted into conditions on the licence.

Responsible Authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the Licensing Objectives. An applicant, who proposes no measures on their operating schedule to promote the Licensing Objectives, may face more representations than an applicant who has risk assessed their operation and proposes required and proportionate measures.

The Licensing Authority recommends that applicants discuss their application early with Responsible Authorities. Most Responsible Authorities would be willing to discuss matters with an applicant with a view to reaching an agreement on measures to be proposed. This can prevent representations at a later date. Contact details for the Responsible Authorities can be found on the Licensing pages of the Council web site or by contacting the Licensing Section.

Where no representations are made the Licensing Authority must grant a licence subject to conditions consistent with the operating schedule.

2.5 Balance

The licensing authority seeks to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

This Policy does not undermine the right of any applicant to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence, where provision has been made for them to do so in the Licensing Act 2003.

2.6 Relevancy

Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.

Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

3 Cumulative Impact

The Licensing Authority recognises that there can be confusion about the difference between “need” and “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub, restaurant, etc. This is not a matter for a licensing authority in discharging the licensing functions or for this statement of licensing policy. “Need” is a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its licensing committee to consider.

In certain situations, the number, type, and density of premises selling alcohol or providing late night refreshment may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual premises the licensing authority may consider that an area has become saturated with licensed premises.

The Licensing Authority received a representation from the Leicestershire Police that the circumstances described above exist in relation to parts of Loughborough’s Town Centre, and that the grant of further premises licences or club premises certificates would undermine the crime prevention objective.

In response to this representation the Licensing Authority:

- Considered evidence about the extent of the problem of crime and disorder.
- Considered evidence about the likely association of the problem with the number and density of licensed premises in the town centre.
- Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the town centre.

- Considered the outcome of that consultation; and
- Resolved to declare the special policy described in Section 4 below.

The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. Depending on the circumstances, there are other mechanisms available for addressing such issues for instance:

- planning controls.
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- a Public Spaces Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space and gives the police a power to confiscate alcohol from adults and children in designated areas.
- A closure notice of up to 48 hours, can be issued by the Council or Police without going to Court, where there is nuisance to the public or disorder near to the premises.
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

4. Special Policy on Cumulative Impact

The Licensing Authority will adopt a special policy on cumulative impact in relation to the area of the Town Centre (shown in Appendix 4):

- bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street, Jubilee Way and Pinfold Gate.
- Including both sides of the streets bounding the area.
- Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.

The Licensing Authority recognises, however, that this policy cannot be absolute, and it will continue to consider each application on its merit. Licences that are unlikely to add to the problems of saturation would be

approved.

The Special Policy does not however change the fundamental way that licensing decisions are made. It is therefore open to the Licensing Authority to grant an application where it is considered appropriate and where the applicant has demonstrated in their operating schedule that they would not be adding to the cumulative impact.

Applications in areas covered by the Special policy should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. The authority acknowledges that the impact will be different for premises with different styles and characteristics.

The Special Policy does not relieve responsible authorities (or any other person) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

Once a Cumulative Impact Assessment is carried out and a 'Special Policy on Cumulative Impact' published, the licensing authority within three years considers whether it remains of the same opinion. In order to decide whether it remains of the same opinion, or if it considers that it needs to be amended the licensing authority must undertake appropriate consultation before any amendment is made.

The special policy will not be used to:

- remove a licence when representations are received about problems with an existing licensed premises; or to
- justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
- adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

5. Licensing Hours

With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Licensing Act 2003 gives the Licensing Authority power to make decisions that relate to the hours for which a premise is licensed. In consultation with other Responsible Authorities, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance each case will be decided on its individual merits.

It is recognised that staggered licensing hours are important to help to ensure that concentrations of customers leaving licensed premises simultaneously is reduced. In turn this reduces the potential for disorder at fast food outlets, taxi ranks and other sources of transport.

In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business unless there are good reasons based on the licensing objectives to restrict the hours.

In making decisions in respect of licensing hours, consideration will be given to relevant representations made by residents and businesses, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having denser residential accommodation.

Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

5.1 Local, National and International Occasions

It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, such as bank holidays, and to include appropriate opening hours in their operating schedules.

Additional occasions, which require an extension, may be covered by a temporary event notice.

Exceptional events of local, national, or international significance may arise which could not have been anticipated when the application was first made. In these circumstances, the Secretary of State may make a licensing hours order to allow premises to open for specified, generally extended, hours on these special occasions. This avoids the need for large numbers of applications to vary premises licences and club premises certificates. Typical events might include a Royal Wedding or Royal Jubilee.

5.2 Drinking up time

The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However, the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants seeking permission for the sale of alcohol for consumption on the premises are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their

drinks and make arrangements for transport from the premises. The Licensing Authority considers that a 30-minute drinking up time, where relevant, will assist in the gradual dispersal of customers and consequently reduce the impact on the area.

Where relevant representations are made the Licensing Authority will consider incorporating drinking up time where this is necessary and proportionate to promote the licensing objectives in any individual case.

6. Operating Schedule – Promotion of the Licensing Objectives.

The Licensing Authority is required to carry out its functions to promote the licensing objectives.

This includes its role in:

- Granting or refusing applications for licences;
- Reviewing licences;
- Imposing conditions;
- Deciding how to integrate with other strategies of the council.

Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. Applicants are expected to have regard to this Statement of Licensing Policy and be aware of the expectations of the Licensing Authority and the Responsible Authorities as to the steps appropriate for the promotion of the licensing objectives.

The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment regarding the licensing objectives, which will assist in identifying those steps. The risk assessment will vary dependent on the nature of the business, and it is for applicants to decide what is appropriate in each case.

An operating schedule should include enough information to enable the Licensing Authority, Responsible Authority, or other interested party to assess the steps taken to promote the four licensing objectives.

Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities.

The relevant authorities are:

- Prevention of Crime and Disorder – Leicestershire Police, Leicester Crime Reduction Partnership and Leicestershire Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of

State).

- Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the Council’s Environmental Health Officers with responsibility for Health & Safety
- Public Nuisance – the Borough Council’s Environmental Health Officers with responsibility for Pollution Control
- Protection of Children from Harm – Leicester Area Child Protection Committee, Leicestershire Police and Leicestershire Trading Standards, Leicestershire Public Health.

Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will consider the information set out below, on steps to promote the licensing objectives, when undertaking the functions identified in Paragraph 6.1 above.

7 The Prevention of Crime and Disorder

7.1 CCTV

The presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour, and crime generally. The Licensing Authority will therefore support the provision of CCTV in town centre pubs and clubs and town centre late night refreshment premises.

7.2 Open Containers of Alcohol

A significant part of the town centre is the subject of a Public Spaces Protection Order (PSPO). This is an area where there is a power for the Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence. To support this, the Licensing Authority considers it appropriate for town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

7.3 Irresponsible Drinks Promotions

The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol. Determining whether a drinks promotion is irresponsible or not will require a subjective judgement.

The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

7.4 Alcohol Deliveries

If an applicant is applying for a licence which allows them to provide alcohol as part of an alcohol delivery service, should consider including in their operating schedule how they intend to operate to ensure that.

- The person who they are selling alcohol to is over the age of 18.
- That alcohol is only delivered to a person over 18 years of age.
- That there is a clear document trail of dispatch from the licensed premise and delivery to customer, showing times and signatures which can be made available for inspection by an authorised officer.
- That the times of alcohol being sold on the website, over the telephone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

7.5 Dance Venues

The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the “*Safer Clubbing Guide*” published by the Government;

http://www.csdp.org/research/safer_clubbing_txt.pdf

7.6 Other Steps to Promote the Prevention of Crime and Disorder

There is a wide range of other steps which may be appropriate circumstances including;

- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
- Requiring drinking vessels to be plastic or toughened glass
- Requiring the provision of retail radios to connect premises supervisors in town centres to the police
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of staff to control admission and to control customers inside the premises.
- The adoption of an age determination policy such as Challenge 21 to prevent underage sales

8 Public Safety - Premises Licensed for Regulated Entertainment

Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and fire safety legislation, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.

Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This may include:

- Setting of a capacity limit for all, or separate parts, of the premises. Capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- The provision of staff to control admission and to control customers inside premises and at outdoor events.

9 The Prevention of Public Nuisance

To determine the potential effect on neighbouring premises, the Licensing Authority considers that applicants for premises licences and club premises certificates, should carry out a risk assessment. Advice and assistance in undertaking this task should be sought from Council Environmental Health Officers. Steps which may be appropriate to prevent public nuisance include:

- Limitation on hours of operation where necessary to prevent nuisance and disturbance
- Measures to reduce noise and vibration emissions from premises
- Measures to prevent noxious smells
- Measures to reduce light pollution
- Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
- Stricter controls will be supported in areas in closer proximity to residential accommodation.

10 The Protection of Children from Harm

10.1 General

The protection of children from harm includes the protection of children from moral, psychological, and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also

wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Local Safeguarding Children Board or Safeguarding Adults Board, www.lrsb.org.uk (Leicestershire and Rutland Safeguarding Boards)

Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars, and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises but will consider how the licensing objectives can be best promoted in each particular case.

The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The following areas would give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there has been an association with drug taking or dealing.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo).

Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present.
Age limitations (below 18).
- Limitations or exclusions when certain activities are taking place
- Limitations on the parts of premises to which children might be given access.
- Requirements for an accompanying adult.
- In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

10.2 Children and Cinemas

Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

10.3 Children and Public Entertainment

The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff is present to control the access, egress, and safety in and around the premises. The licensee should take into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

10.4 Proof of Age Cards

The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. It recommends that any premises licensed to sell alcohol adopts a policy of requiring proof of age from any person where there is any doubt as to whether they are over 18. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.

The Licensing Authority supports the '**Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.**'

<https://www.portmangroup.org.uk/wp-content/uploads/2019/09/Code-of-Practice-on-the-Naming-Packaging-and-Promotion-of-Alcoholic-Drinks-Sixth-Edition.pdf>

It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

11 Integrating strategies

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

11.1 Crime Reduction Partnership

The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other

partners, to make Charnwood a safe and attractive borough in which to live, work, study and socialise.

In making decisions, the Licensing Authority will consider the Charnwood Community Safety Partnership Strategy, especially relating to.

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

11.2 Planning

The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and efficiency. Licensing applications will not be a rerun of any planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal, or decisions made under delegated authority to officers.

Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution.

11.3 Cultural Strategy

‘Leisure and cultural opportunities for all’ is Charnwood’s Cultural Strategy setting out the common vision and shared goals for all those involved in the cultural life of the borough. Charnwood Borough Council is committed to its implementation working with the Cultural Strategy Partnership.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

The Strategy encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries. A key objective of Leicester’s Cultural Strategy is “to invest in the development of cultural activity which contributes to the

economic, social and personal well-being of individuals at all stages in their lives and to increase access to, and participation in, cultural activity”. Borough Council performance targets to increase cultural participation have underpinned this.

The Borough Council will also seek premises licences for selected public spaces in the community in its own name. This could include, for example, green spaces, parks, and town centre square’s etc. Performers and entertainers would require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.

This licensing policy will operate in the spirit of the Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to ‘manage’ any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

In order to maintain this balance, the Licensing Authority will:

- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance, and festivals
- create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc. by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small-scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- seek to create an environment which minimises nuisance and anti-social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right.

11.4 Building Control

The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.

Where a licence is applied for, or exists, and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a

licensed premises, the owner / licensee should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.

Two separate and distinct certificates are issued on a commercial or workplace premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire Service, which triggers their responsibilities under the Workplace Regulations and enforcement of risk assessments.

11.5 Promotion of Equality

In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment, and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups.

The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the

licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

11.6 Disabled Access

The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

11.7 Transport

Transport Strategy is set out in the Local Transport Plan (LTP).

The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail, and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.

A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the Council's Transport Strategy will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the Town Centre quickly, safely and efficiently.

Taxis provide a useful role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified and include both 24 hour ranks and ones which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

12 Duplication

The authority will avoid duplication with other regulatory regimes (e.g., the Health and Safety at Work Act) in so far as attaching conditions to premises licences and club premises certificates. Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation, they cannot be considered necessary in the context of licensing law.

13 Standardised Conditions

Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.

Standardised conditions will be avoided, and the Licensing Authority will only attach to premises licences, and club premises certificates, those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the achievement of one or more of the four licensing objectives. However, to aid administration attached to this statement, but not forming part of it, at Appendix 1, are a pool of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

There are a number of mandatory conditions which are required to be applied to licences.

13.1 Mandatory Conditions.

Mandatory conditions are provided by the 2003 Act, amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

The Mandatory Conditions are attached to this Policy at Appendix 2. These need to be adhered to and complied with by the Premises Licence Holder.

For premises with ON sales the Mandatory Conditions will include the following requirements.

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to: -

Permitted price of alcohol

Age verification Policy

Irresponsible promotions

No drinking games (encouraging people to drink too much or within specific time limits).

Free potable water

Measures of alcoholic drink

Exhibition of films
Door Supervision

For premises with OFF sales the Mandatory Conditions will include the following requirements.

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to: -
Permitted price of alcohol
Age verification Policy

14 Personal Licences

Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003, with effect from April 6, 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected.

Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

In order to carry out this duty, from April 6, 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity.

In order to discharge this duty, from 6th April 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK and require applicants to submit copies of one of the documents listed in Appendix 3. As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by providing their 'share code' to the Licensing Authority, enabling the Authority to carry out a check with the Home Office

The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason, personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.

The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017.

When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.

Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.

Applicants for personal licences who are ordinarily resident in a licensing authority's area are required to make the application to that licensing authority.

When applying for a personal licence, the Licensing Authority would expect applicants to produce an up-to-date Disclosure Barring Service certificate. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.

In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

14.1 Changes during lifetime of licence

The holder of a Personal licence is required by the 2003 Act to notify the licensing authority of any changes to a holder's name or address. These changes should be recorded by the licensing authority.

The holder is also under a duty to notify any convictions for relevant offences to the licensing authority and the courts are similarly required to inform the licensing authority of such convictions, whether or not they have ordered the suspension or forfeiture of the licence. The holder must also notify the licensing authority of any conviction for a foreign offence.

15 Temporary Event Notices (TENs)

The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).

There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the chief officer of police and Environmental Health services for the area no less than ten working days before the event. The chief officer of police or Environmental Health services may object to the event if satisfied that any of the four licensing objectives would be undermined.

“Late” TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. Late TENS can be given at any time as long as the limits specified, within guidance issued under section 182 of the Licensing Act 2003, are not exceeded. Late TENs can be given up to 5 working days but no earlier than 9 working days before the event is due to take place and, unless electronically given to the licensing authority, must also be sent by the premises user to the police and Environmental Health Services. A late TEN given less than 5 days before the date of the event to which it relates will be returned as void and the activities to which it relates will not be authorised.

The Licensing Authority considers that it is important that the police and Environmental Health services have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given, this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.

The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place. This can be particularly relevant to events which take place in the open air or in temporary structures.

15.1 Police and/or Environmental Health Intervention

The Act allows the Police and Environmental Health, within the prescribed time period, the opportunity to issue an objection notice if they believe the event would undermine any of the licensing objectives. The issue of an objection Notice in the case of a STANDARD TEN would require the consideration of the objection by the Licensing Authority at a hearing.

If an objection is received for a LATE TEN, then the TEN will not be valid and the event cannot go ahead as due to the limited time frame there is no scope for a hearing.

Due to the ability of the Police and Environmental Health to be able to serve such a notice it is highly recommended that event organisers do not rely on giving the minimum amount of notice and to contact the local Police and Environmental Health at their earliest opportunity about their proposed event.

16 Representations

Subject to the type of application representations may be made by a Responsible Authority or other persons (as defined by the Licensing Act 2003).

Any representation must be writing, and the Licensing Authority has a representation form available on the Council web site or that can be requested via the licensing section.

Any person (including members of the public) needs to be aware that their personal details will be made available to the applicant. The Licensing Authority is not able to accept anonymous representations. Representations must include your full name, address, and contact information (telephone number and email address).

Any representation, which is received other than from a Responsible Authority, will in the first instance be determined as to whether it is relevant, i.e., based upon one or more of the four licensing objectives.

Relevant representations are representations that:

- Are about the likely effect of the premises licence on the promotion of the licensing objectives.
- Which have not been withdrawn and are not, in the opinion of the Licensing Authority, frivolous or vexatious.

If relevant representations are received about an application, the Licensing Authority will hold a hearing to consider them unless the Licensing Authority, the applicant and everyone who has submitted a representation agree that the hearing is unnecessary. Applicants and those making representation should

seek, in advance of the meeting, to try and reach an agreement.

16.1 Petitions

The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition.

- a clear and detailed statement covering the subject of the petition. It should state what action the petitioners would like us to take.
- The instigator of the petition MUST identify themselves as the 'single point of contact'
- If the Licensing Authority cannot contact the single point of contact in order to verify the petition, the petition will not be considered valid
- Each page of the petition must give information as to the purpose of the petition so that all persons signing are aware of what they are signing
- Each person signing the petition must give their full name and address details
- The single point of contact must ensure that all persons signing the petition are made aware that a copy of the petition will be supplied to the applicant and contained in any Committee report, which may be published on the Councils website.
- If the application goes to a hearing the licensing authority will only write to the single point of contact giving notice of the hearing date
- It is expected that the single point of contact will represent all persons who signed the petition at the hearing and speak on their behalf.
- Failure to attend the hearing and be available to answer any questions which the Committee may have may limit the weight that the Committee can give to the petition
- The Licensing Authority will only write to the single point of contact to inform of the outcome of the application.

17 Enforcement

The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1. The Licensing Authority will develop and review enforcement protocols in agreement with the police.

Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition, account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable, and proportionate.

Enforcement activities will include operations designed to:

- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in this Statement of Policy, and the requirements of the Licensing Act itself.
- Protect public safety.
- Prevent nuisance.
- Prevent crime and disorder.
- Protect children from harm.
- Identify unlicensed activities.
- Respond to complaints and representations from relevant individuals and responsible authorities.
- Prevent the sale of alcohol to minors
- Prevent the sale of alcohol to people who are drunk
- Identify the keeping of smuggled goods
- Prevent drug misuse

17.1 Annual Fees -Suspension for Non – Payment of Fees

The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. Once suspended, no licensable activities can be carried out at the premises or Club until such time as the annual fee has been paid. The suspension is lifted immediately once the outstanding fee is paid, and licensable activities may resume.

If the annual fee has not been paid by the due date the licence holder will be notified and given notice of the date that the suspension will take effect.

17.2 Reviews

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. This acts an incentive for premises to effectively self-regulate.

On receipt of a relevant representation to carry out a review, licensing authority has a range of options available to it and may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times.

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
- remove the designated premises supervisor.
- suspend the licence for a period not exceeding three months.
- revoke the licence.

18 Live Music, Dancing, Theatre, Circuses and Street Arts

The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses, and street arts it will act so as to promote the licensing objectives.

The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

18.1 Events in Charnwood

If holding an event in Charnwood which falls into one or more of the following categories:

- Attendance of more than 500 people
- VIP /Military interest or attendance
- Highway impact (including road closures or restrictions)
- Has a community impact (i.e., are there any issues that may affect a community's confidence or any community tensions that may arise from the planned event)

Guidance on the planning of such events is available to organisers via the Councils Website.

https://www.charnwood.gov.uk/pages/holding_an_event_in_charnwood_how_to_notify_us

Charnwood Borough Council uses a well-established Leicestershire-wide event notification and reporting process.

This is designed to support event organisers to run events safely and effectively, and to signpost them to guidance on the measures that they might need to take to ensure that they comply with the relevant legislation and guidance. It also helps us to fulfil our responsibility to flag information about upcoming events to our partner agencies, including the Emergency Services and Leicestershire County Council.

It is essential that organisers give substantial notice so that proper preparations and precautions can be put into place for the event. This also applies if the event is proposed under a Temporary Event Notice.

19 Wholesale of alcohol

From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers, and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

20 Delegation of Functions

The following matters will be determined by either the Licensing Committee or one of its sub-committees:

- Application for a personal licence where there are relevant unspent convictions.
- The review of a premises licence or club premises certificate.
- Decision to object when the local authority is the consultee and not the relevant authority considering the application.
- Determination of a police objection to a temporary event notice.

The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:

- Application for a personal licence.
- Application for a premises licence or club premises certificate.
- Application for a provisional statement.
- Application for variation to a premises licence or club premises certificate.
- Application to vary a designated premises supervisor
- Application for transfer of a premises licence
- Application for interim authority
- Determination of a temporary event notice.

The Licensing Manager will determine all other matters.

Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. There is clear guidance as to what constitutes a "minor variation" contained on Charnwood Borough Councils website.

Councillors are now considered as "interested parties" and can make representations on any application as such, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.

21 Period of Validity & Review

This statement of licensing policy will come into force in June 2022 and be valid for five years.

The policy will be kept under review during the period of validity and if necessary, amendments made.

Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.



Charnwood

To all Consultees of the new Statement of Licensing Policy 2003.

Licensing Section, Southfield Road,
Loughborough, Leicestershire, LE11 2TX

Ask for: Licensing

Contact Centre: 01509 634562

Email: licensing@charnwood.gov.uk

14th February 2022

Dear Sir/Madam

Licensing Act 2003 – Review of the Statement of Licensing Policy 2022 -2027

Charnwood Borough Council is undertaking a review of their Statement of Licensing Policy in accordance with the Licensing Act 2003, where the Authority has the duty to review their Licensing Policy at least every five years.

As an organisation or individual that is likely, at some point, to have come into contact with Charnwood Borough Council, or who has previously been consulted, in relation to the Licensing Act 2003, I am writing to seek your views and comments on the draft document.

The Licensing Policy sets out how Charnwood Borough Council intends to promote the licensing objectives pursuant to Section 5 of the Licensing Act 2003. In the preparation and publication of this licensing statement, the Council has had regard to the guidance issued by the Home Secretary, Home Office, under Section 182 of the 2003 Act.

Changes to the previous policy include:-

- **Right to Work** - Applicants for a licence must demonstrate that they have the right to work in the UK (Section 14) and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

Previously this was carried out by applicants manually providing copies of identification documents. As an alternative to providing a copy of original documents, the Home Office has now introduced an online right to work checking service.

Applicants can now produce their Right to work documents in two ways.

- 1) by providing their 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service
- 2) by manually providing a document or document combination that is stipulated as being suitable for this check.



Telephone: 01509 263151

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Visit us at www.charnwood.gov.uk

The Statement of Licensing Policy has been amended to make it easier to read and to include areas that the Licensing Section regularly receive questions on, which will assist both applicants, responsible authorities, and the public.

- **Promotion of the Licensing Objectives (Section 2.4)** - A sentence added to highlight that the 4 licensing objectives are of equal importance and the paramount concern of the Licensing Authority. Information for the applicant, that the operating schedule they include is converted into conditions on the licence. A recommendation, that the applicant discusses their application with the Responsible Authorities. Confirmation that where no representations are received that the Licensing Authority must grant the licence application.
- **Local, National and International Occasions (Section 5.1)** - A new section added in respect of Local, National and International Occasions to explain that applicants may wish to consider bank holiday opening hours when completing their operating schedule. That temporary event notices can be used to cover other occasions and that the Secretary of State can generally extend hours on special occasions such as a Royal Wedding or Royal Jubilee.
- **Drinking up Time (Section 5.2)** - A new section added to advise applicants and public that the 'drinking up time' was not carried over as part of the Licensing Act 2003. It highlights that the licensable activities time and that of the premises opening hours do not have to be the same but that applicants are encouraged to consider a drinking up time to assist with the gradual dispersal of customers.
- **Operating Schedule – Promotion of the Licensing Objectives (Section 6)** - The title of the section has been amended to include words 'Operating Schedule' to encourage applicants to include sufficient information in the 'operating schedule' of their application form. It encourages them to speak to the Responsible Authorities and carry out their own risk assessment.
- **Alcohol Deliveries (Section 7.4)** - Under the section entitled 'Prevention of Crime and Disorder' an additional section has been added headed 'Alcohol Deliveries' which became prevalent during Covid. It highlights the need for applicants wishing to deliver alcohol to consider how to maintain age verification during that process.
- **Change during lifetime of Licence (Section 14.1)** - This additional section is to act as a reminder to all applicants and personal licensees that the Licensing Act 2003 requires them to advise the Licensing Authority of any changes to their name or address and to notify the Licensing Authority of any relevant convictions during the lifetime of their licence.
- **Police and/or Environmental Health Intervention (Section 15.1)** - This section has been added under the section entitled Temporary Event Notices (TEN) (Section 15) to make both applicants and the public aware that the Police and Environmental Health in their roles as Responsible Authorities can raise objections to a 'Standard Ten' at which point a Committee hearing is required. Due to the limited time frame for a 'Late Ten' any such objection would result in the event not being able to go ahead. It reminds applicants of the need to submit a Temporary Event Notice (TEN) in good time.

- **Representations (Section 16)** - This is a new section on representations to advise the public and applicants how representations (objections) can be received against an application. It goes on to advise that any representation from an interested party, other than a Responsible Authority, will be considered as to whether it is relevant and must be based on one of the four licensing objectives.
- **Petitions (Section 16.1)** - A new section to advise how the licensing section will deal with petitions received and advice as to how a petition should be laid out and presented to potential signatories.
- **Annual Fees (Section 17.1)** - A new section under Section 17, Enforcement, which advises applicants that failure to pay the annual maintenance fee, will result in the premises licence being suspended and all licensable activities ceasing.
- **Reviews (Section 17.2)** - A new section to advise both applicants and the public that all premises, once a licence has been issued, can be subject to a review for matters arising at the premises in connection with the four licensing objectives. The Section also advises the options available to the Licensing Authority on receipt of review.
- **Events in Charnwood (Section 18.1)** - A new section to give advice to event organisers that the Licensing Authority requires notification of events to be held within Charnwood, with an aim to ensuring the events are run safely and effectively. It also allows the Licensing Authority to inform partner agencies, including emergency services about up and coming events.

The DRAFT revision of the Statement of Licensing Policy and all Appendices can be accessed at http://www.charnwood.gov.uk/pages/licence_alcohol_and_entertainment

Hard copies are available on request from the Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX.

If you have any comments please submit them in writing to the Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire, LE11 2TX by 4.00 pm on 18 March 2022.

Yours faithfully,



Grace Dowson,
Licensing Manager

Equality Impact Assessment

Licensing Act 2003 - Statement of Licensing Policy

- **Background**

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identifying and recording gaps and actions.

- **Legislation- Equality Duty**

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to

- ✓ Eliminate discrimination, harassment, victimisation.
- ✓ Advance Equality of Opportunity
- ✓ Foster good relations

For the following protected characteristics:

- ✓ Age
- ✓ Disability
- ✓ Gender reassignment
- ✓ Marriage and civil partnership
- ✓ Pregnancy and maternity
- ✓ Race
- ✓ Religion and belief
- ✓ Sex (Gender)
- ✓ Sexual orientation
- ✓ Socially excluded groups

What is prohibited?

- ✓ Direct Discrimination
- ✓ Indirect Discrimination
- ✓ Harassment
- ✓ Victimisation
- ✓ Discrimination by association
- ✓ Discrimination by perception
- ✓ Pregnancy and maternity discrimination
- ✓ Discrimination arising from disability
- ✓ Failing to make reasonable adjustments

Complete this action plan as you go through the questions

- **Step 1 – Introductory information**

Title of the policy	Statement of Licensing Policy
Lead officer and others undertaking this assessment	Grace Dowson, Licensing Manager Alan Twells, Head of Regulatory Services
Date EIA started	January 2022
Date EIA completed	January 2022

- **Step 2 – Overview of policy/function being assessed**

Outline: What is the purpose of this policy? (Specify aims and objectives)

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its Licensing Policy, reviewed 5 yearly. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003. The policy sets out the general approach to make licensing decisions whilst remaining consistent with provisions of the Licensing Act 2003.

What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?

The policy statement acts as the main vehicle for setting out the Licensing authorities approach to regulation. It aims to control operators of licensed premises within the local area to help protect the community, i.e. children and relevant vulnerable groups, and to guide those Operators as to how the Council wishes them to run their premises.

The licensing objectives are set out in the Act and are:

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

Which groups have been consulted as part of the creation or review of the policy?

On reviewing the Statement of Licensing Policy, the Council consults with:

- All existing licensees
- Local responsible authorities under the Act such as the Police
- Persons representing holders of existing licences for the sale of alcohol, public entertainment, theatres, cinemas and late-night refreshment
- Persons representing holders of clubs registered under the Licensing Act 1964
- Persons/bodies representing the interests of people likely to be affected by the Policy

- **Step 3 – What we already know and where there are gaps**

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

- The previous Statement of Licensing Policy was approved by the Council in June 2017 for a 5 year period. The Licensing Service has issued relevant Licences, undertaken enforcement checks and responded to complaints during this period. No significant risks have been identified which will impact on the development of this new Policy Statement. Part of this Policy, the Cumulative Impact Policy was reviewed and consulted upon in 2021 as required by the 182 guidance. The Consultees were the Responsible Authorities (including Charnwood Borough Council Licensing, Fire, Health and Safety, Health and Safety Executive, Planning, Police, Pollution, Trading Standards, Public Health, and the Home Secretary), Business and residents .e.g. relevant residents groups, Local Councillors, British Beer and Pub Association, Pub Watch, Licensing Solicitors, Premises Licence Holders, Premises Licence Holders of premises in the Cumulative Impact Zone (CIZ area), Premises Licence Holders of Late Night Refreshment premises in the CIZ area and Club Premises certificate holders. . No comments were raised on this consultation.

What does this information / data tell you about diverse groups? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

The current Licensing Database system is being updated and will be used to monitor relevant complaints regarding Licensed Premises. This will include any specific complaints made by relevant vulnerable groups.

• **Step 4 – Do we need to seek the views of others? If so, who?**

Considering the answers given in Step 2, do you need to consult with specific groups to identify needs / issues? If not explain why.

No further consultation required as per the requirements of the Licensing Act 2003.

• **Step 5 – Assessing the impact**

Considering any data/consultation/information and your own knowledge, identify whether the policy has a positive or negative impact on the individuals or community groups who identify with any ‘protected characteristics’ and provide an explanation for your decision. Please refer to the general duties on the front page.

Age	<p>Positive impact - As there are limitations on the age when a person can enter licensed premises and the policy has elements for the protection of children and young persons. Rules and regulations are clearly communicated to all licensees through the policy and advice is readily available to the public and the licensees.</p> <p>All licensees are required to include an operating schedule to show elements they would put into place to promote the Licensing Objective.</p>
<p>Disability</p> <ul style="list-style-type: none"> • Physical • Visual • Hearing 	<p>Positive impact - Responsible and transparent licensing policies, both for the premises licensed and the personal licensee, make a contribution to ensuring that venues and staff of those venues are aware of vulnerable groups.</p>

<ul style="list-style-type: none"> • learning disabilities • mental health 	Businesses have obligations under the national equality legislation, this can include the requirement to make reasonable adaptations for people who have a disability. It also includes appropriate evacuation arrangements in case of an emergency.
Gender Reassignment (Transgender)	No Impacts identified/ Neutral Impact
Race	No Impacts identified/ Neutral Impact
Religion or Belief (Includes no belief)	No Impacts identified/ Neutral Impact
Sex (Gender)	The Council promotes campaigns such as Drink Aware and Ask Angela for Licensed premises.
Sexual Orientation	No Impacts identified/ Neutral Impact
Other protected groups <ul style="list-style-type: none"> • Pregnancy & maternity • Marriage & civil partnership 	No Impacts identified/ Neutral Impact
Other socially excluded groups <ul style="list-style-type: none"> • Carers • Low literacy • Priority neighbourhoods • Health inequalities • Rural isolation • Asylum seeker and refugee communities 	Positive impact - Responsible and transparent licensing policies, both for the premises and the personal licensee, make a contribution to ensuring that venues and staff of those venues are aware of vulnerable groups, i.e., those overly intoxicated.

Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

- If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
- Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

Not relevant- no negative impact or potential barriers identified.

Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page).

The proposed Statement of Licensing Policy, to be issued under the Licensing Act 2003, will outline how Charnwood will implement the relevant provisions for the Licensing of premises within the Borough. This is in line with the national Guidance issued under Section 182 of the Licensing Act 2003, which is designed to promote the four statutory licensing objectives. With relevant enforcement and monitoring this will assist in the protection of the four Licensing Objectives and will be in line with the Council's Equality & Diversity responsibilities.

● **Step 6- Monitoring, evaluation, review**

Are there processes in place to review the findings of this Assessment and make appropriate changes? How will you monitor potential barriers and any positive/ negative impact?

The Statement of Licensing Policy is used as the basis for the licensing of premises within the local area covered by Charnwood Borough Council and compliance visits will be carried out where complaints are received or where advice is required.

How will the recommendations of this assessment be built into wider planning and review processes? e.g. policy reviews, annual plans and use of performance management systems.

The Licensing Committee of the Council are provided with update reports on the work undertaken by the Licensing Service, which includes the number of Premises Licences approved, complaints received and enforcement inspections undertaken at Licensed Premises, which are the responsibility of the Council.

● **Step 7- Action Plan**

Please include any identified concerns/actions/issues in this action plan. The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan

Reference Number	Action	Responsible Officer	Target Date
1	Continue to monitor relevant complaints regarding Licensed Premises, via the Licensing Database System, including any specific complaints made by relevant vulnerable groups.	GD	Ongoing
2.	Follow up any changes to premises which may result in lack of compliance, such as a change to the Designated Premises Supervisor or lack of payment of annual maintenance	GD	Ongoing

● **Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	Who needs to know?	How they will be informed (we have a legal duty to publish EIA's)
Employees	✓	The revised Statement of Licensing Policy and this EIA will be published on the Councils website for information and transparency.
Service users	✓	
Partners and stakeholders	✓	
Others	✓	
To ensure ease of access, what other communication needs/concerns are there?		

● **Step 9- Conclusion (to be completed and signed by the **Service Head**)**

[Title]

Delete as appropriate
I agree with this assessment
I disagree with this assessment
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales below.
Signed (Service Head): Alan Twells, Head of Regulatory Services
Date: 11 th February 2022

Please send completed & signed assessment to **Vicky Brackenbury** for publishing.

COUNCIL – 25TH APRIL 2022

Report of the Cabinet

ITEM 6.2 ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

Purpose of Report

To consider proposed amendments to the Constitution following the annual review.

Recommendation

That the changes to the Constitution set out in Appendix 1 to the report (attached as an Annex) be made, to be effective from the new Civic Year 2022/23.

Reason

To ensure the Constitution is kept up to date and fulfils its intended purposes.

Policy Justification and Previous Decisions

Section 2.4 of the Constitution requires the Monitoring Officer to monitor and review the Constitution. These reviews are undertaken annually with the last such review being considered by the Cabinet on 8th April 2021 (Item 7, Minute 108 refers) and Council on 26th April 2021 (Item 6.2, minute 132 refers).

At its meeting on 7th April 2022, the Cabinet considered a report of the Monitoring Officer, proposing amendments to the Constitution following this year's annual review, for recommendation to Council. That report is attached as an Annex.

An extract from the Cabinet minutes which details the Cabinet's consideration of the matter is set out below.

"106. REVIEW OF THE CONSTITUTION

Considered, a report of the Monitoring Officer to consider amendments to the Council's Constitution following the annual review, for recommendation to Council (item 9 on the agenda filed with these minutes).

The Democratic Services Manager (Deputy Monitoring Officer) assisted with consideration of the report.

RESOLVED that it be recommended to Council that the changes to the Constitution set out in Appendix 1 to the report be made, to be effective from the new Civic Year 2022/23.

Reason

To ensure the Constitution is kept up to date and fulfils its intended purposes."

Implementation Timetable including Future Decisions and Scrutiny

The approved changes to the Constitution will take effect from the new Civic Year 2022/23 as set out in the recommendation. The Monitoring Officer will publish an updated version of the Constitution incorporating the approved changes.

A change to the delegation of Executive functions to officers was identified in the course of this year's review. This was the subject of a separate report to the Leader, who has the authority to make changes to the delegation of Executive functions. A report setting out the change appears elsewhere on this agenda.

Report Implications

The following implications have been identified for this report.

Financial Implications

There are no costs associated with making the recommended changes to the Constitution.

Risk Management

No specific risks have been identified in connection with this report.

Key Decision: No

Background Papers: None

Officers to Contact: Adrian Ward
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Karen Widdowson
Democratic Services Manager and Deputy Monitoring Officer
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CABINET – 7TH APRIL 2022**Report of the Monitoring Officer
Lead Member: Councillor Margaret Smidowicz****Part A****ITEM ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION****Purpose of Report**

To enable the Cabinet to consider and recommend to Council amendments to the Constitution following the annual review.

Recommendation

That it be recommended to Council that the changes to the Constitution set out in appendix 1 to this report be made, to be effective from the new Civic Year 2022/23.

Reason

To ensure the Constitution is kept up to date and fulfils its intended purposes.

Policy Justification and Previous Decisions

Section 2.4 of the Constitution requires the Monitoring Officer to monitor and review the Constitution. These reviews are undertaken annually with the last such review being considered by the Cabinet on 8th April 2021 (Minute 108 refers) and at Council on 26th April 2022 (Minute 132 refers).

The Member Conduct Committee was consulted and asked for any amendments to the Constitution relating to the role of the committee, namely the Members' Code of Conduct and the Monitoring Officers Protocol.

The Member Conduct Committee on 13th December 2021 made recommendations to Council relating to the 'Other Council Meeting Procedures' (Plans Committee Procedures) and the 'Planning Code of Conduct' and these are set out in this report.

The Member Conduct Committee on 13th December 2021 also made recommendations to Council about the new Members' Code of Conduct and this was approved by Council on 17th January 2022 and will be effective from the new civic Year 2022/23.

Relating to the new Members' Code of Conduct, the Member Conduct Committee also considered a report of the Monitoring Officer setting out differences between Charnwood's agreed procedure for dealing with Member conduct complaints, and the Local Government Association's

recently produced Guidance on Member Model Code of Conduct Complaints Handling (the 'LGA Guidance'). The Committee made recommendations to Council as part of the annual review of the Constitution.

Implementation Timetable including Future Decisions and Scrutiny

The proposed changes to the Constitution require Council approval and will be submitted to Council on 25th April 2022. Changes will come into effect from the new Civic Year 2022/23.

A small change to the Executive delegations to officers has been identified during this year's review. This will be the subject of a separate report to the Leader, who has the authority to make such changes. Any changes made will be reported to Council.

Report Implications

The following implications have been identified for this report.

Financial Implications

There are no costs associated with making the recommended changes to the Constitution.

Risk Management

No specific risks have been identified in connection with this report.

Key Decision: No

Background Papers: None

Officers to Contact: Adrian Ward
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adrian.ward@charnwood.gov.uk

Karen Widdowson
Democratic Services Manager and Deputy
Monitoring Officer
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Part B

Background

1. In line with good practice, the Council reviews the Constitution annually. As part of the review consultations have taken place with officers and councillors both individually and through meetings with Group Leaders, the Chair of the Plans Committee and the Member Conduct Committee. The remainder of this report describes the recommended changes to the Constitution and the proposed amendments are set out in appendix 1 to the report.

Proposed changes to the Constitution

Housing Management Advisory Board (HMAB) – Councillor Substitutes

2. The Council has established a Housing Management Advisory Board to promote tenant and leaseholder engagement in decisions relating to the Council's housing stock.
3. The Housing Management Advisory Board currently comprises:
 - six tenants/leaseholders, selected by a panel comprising the Strategic Director, lead officer for tenant participation, a representative of a recognised independent tenant participation organisation and other Borough Council officers if deemed appropriate by the Strategic Director, appointed for a period of three years providing the person continues to be a tenant/leaseholder;
 - three Councillors, who must not be Cabinet Members, appointed annually on the basis of political balance;
 - one person who is independent of the Council, selected by a panel comprising the Strategic Director, lead officer for tenant participation, two representatives from the Charnwood Housing Residents Forum and other Borough Council officers if deemed appropriate by the Strategic Director, appointed for a period of three years and confirmed annually by the Board.
4. It is proposed that Chapter 3 of the Constitution be amended as set out in the appendix to enable Councillor substitutes to be appointed. The reason for this suggestion is to ensure the quorum threshold is met and enables greater flexibility for Councillors. Currently the quorum for the meetings of the Board is five members with at least two of whom must be tenants/leaseholders. The tenant Chair of HMAB has been consulted and is in agreement to this proposal.

Loughborough Area Committee – Widening Functions

5. The Council has established the Area Committee with the following advisory functions:
 - To carry out a consultative role in relation to budgetary and financial issues which either solely or predominantly affect the Loughborough town area.
 - To carry out a consultative role in relation to matters of policy and strategic direction which relate to or affect the Loughborough town area
6. The current Vice-Chair of the Loughborough Area Committee has requested that the terms of reference be widened to enable it to:
 - (a) Commission Officer reports;
 - (b) Request specific relevant supporting information
7. The Constitution states ‘the Committee cannot commission or request reports from officers, other than as may be required to assist it with business being undertaken in its consultative roles’. It is considered that the Constitution is sufficiently clear, and this matter was only reviewed in September 2020. In addition, any Councillor may, by giving notice to the Head of Strategic Support initiate a Councillor Call for Action under Scrutiny Procedure 11.10 (d). There is no change is recommended on this point.

Audit Committee – Composition

8. The Audit Committee comprises an Independent Chair plus six councillors. No members of the Cabinet can be members of the Committee.
9. It is proposed that Chapter 12 of the Constitution be amended as set out in the appendix so that the size of the Committee is increased from six to seven councillors to assist with the quorum requirements. The quorum requirement works out as four councillors for either six or seven councillor members.
10. Of note is that councillors are allowed to substitute for Members of the Audit Committee using the usual substitution procedures set out in the Constitution and they must have attended mandatory training, or its equivalent, in the current council term.

Members Planning Code of Good Practice and Other Committee Procedures (Plans Committee)

11. The Member Conduct Committee on 13th December 2021 (Minute No. 24 2021/22 refers) considered a suggestion from a Plans Committee member about requiring Members to attend Plans Committee or appoint some other ward member to represent them when they have Called-in a planning application.

12. The Member Conduct Committee recommended the following changes;

Chapter 12 (Section 12.12 (c)) – Other Meeting Procedures (Plans Committee Procedures)

Replacement of the word ‘expected’ to ‘must’ in the sentence ‘Ward councillors who call-in a planning application are ‘expected’ to attend the Plans Committee meeting at which it is considered’.

Chapter 24 (Section 7.2) - Planning Code of Good Practice

Insertion of the paragraph ‘Where a ward councillor has called in an application to Plans Committee, they will attend the meeting to explain why it has been called in and their concerns. If they are unable to attend, they should nominate a substitute to stand in for them and express their views, or submit a written statement’

13. Following consideration of this matter with Group Leaders, it is proposed that Chapter 12 be not amended and the current wording of “expected” remain. Furthermore, the Group Leaders suggested a strengthening of Chapter 24 to the effect that if a ward councillor is unable to attend a Plans Committee, they must nominate a substitute to stand in for them and express their views or submit a written statement which can be read out within five minutes.

14. It is proposed that Chapter 24 of the Constitution be amended as set out in the appendix.

Member Conduct complaints process

15. The Member Conduct Committee on 13th December 2021 (Minute No. 27 2021/22 refers) considered a report of the Monitoring Officer setting out differences between Charnwood’s agreed procedure for dealing with Member Conduct complaints, and the Local Government Association’s recently produced Guidance on Member Model Code of Conduct Complaints Handling (the ‘LGA Guidance’). The Committee recommended that a requirement for investigations to be completed within 6 months and potential further sanctions be introduced.

16. It is proposed that chapter 18 of the Constitution be amended as set out in the appendix.

Petitions Scheme

17. The Council has in place a petitions scheme to enable residents to let the Council know about any concerns. The current Petitions scheme only makes reference to paper copies and it suggested that the scheme be updated to reflect that petitions can also be submitted electronically.

18. The current scheme also explains that residents can ask their local ward councillor to submit a petition at a meeting of the full Council. It is felt that this worded be strengthened so that it is clear that only ward members can submit a petition relevant to their ward. They cannot submit petitions on behalf of other ward members.
19. It is proposed that Chapter 15 of the Constitution be amended as set out in the appendix.

Deadline for Questions on Notice, Motions and Position Statements – Full Council, Cabinet and other committees

20. Chapter 9 of the Constitution sets out that the deadlines for receiving Council Questions on Notice, Motions and Position Statements is Noon on the **sixth** clear working day before the meeting (i.e., the day of agenda despatch). The deadline for receipt of questions on notice also applies to other Committees such as the Scrutiny Committees and Loughborough Area Committee.
21. Chapter 10 of the Constitution relates specifically to Cabinet and Single Cabinet Member procedures and also has the same deadline of Noon on the **sixth** clear working day before the meeting.
22. Chapter 12 of the Constitution relates to other committees and also has the same deadline of Noon on the **sixth** clear working day before the meeting.
23. There is a suggestion to move the deadline to noon on the **eighth** clear day before the meeting. This then enables officers to be given sufficient time to provide advice to councillors on the content and build in time for responses to be drafted in the case of questions on notice.
24. It is proposed that Chapters 9, 10 and 12 of the Constitution be amended as set out in the appendix.

Charnwood Statement of Community Involvement

25. Chapter 14(1) of the Constitution states that the Policy Framework comprises various documents including the Charnwood Statement of Community Involvement.
26. The Statement of Community Involvement (SCI) is a statutory document that sets out how the Council intends to involve all sections of the community in the planning process and engage with local communities, businesses and other interested parties when developing and reviewing planning documents and determining planning applications.
27. Section 18(3A) of the Planning and Compulsory Purchase Act 2004 states that: “The statement of community involvement must not be specified as a development plan document in the local development scheme”.

28. The Constitution seems to be in accordance with this in making a distinction between the SCI and DPDs. It states that the Budget and Policy Framework includes: "Plans and strategies which together comprise the Development Plan, including Development Plan Documents and the Statement of Community Involvement".
29. The Constitution wording is based on the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). This states that the following is not to be the sole responsibility of the Executive: "Plans and alterations which together comprise the Development Plan". Following the introduction of the 2004 Act the Regulations were amended to clarify that the responsibility of the Executive did not extend to: "Powers and duties relating to local development documents which are development plan documents".
30. It therefore appears that the SCI does not have to be part of the budget and policy framework, but Charnwood have chosen to include it. While it is possible to add policies to the budget and policy framework that are not dealt with by the Regulations (Charnwood have added the Customer Service Strategy and Member Development Strategy).
31. The Head of Planning and Regeneration has highlighted whether it is possible to amend the boundaries set out in the Regulations, i.e., between DPDs and non-DPDs.
32. Practice of other Local Authority's based on legal advice is that the Executive (i.e., Cabinet) can take this decision, with the other key development plan documents going to full Council, including the Local Development Framework setting out the timetable for the local plan review.
33. It is proposed that Chapter 14 of the Constitution be amended as set out in the appendix.

Scrutiny Panels

34. Chapter 11 of the Constution sets out the procedures for Scrutiny meetings. Currently section 11.2 states "The Scrutiny Commission may establish scrutiny panels to undertake scrutiny of a particular subject over a limited period. Scrutiny Panels will be chaired by either the Chair or Vice chair of the Commission or by a Chair or Vice chair of the other Scrutiny Committees"
35. Following the re-structure of the Scrutiny function this practice is defunct as there are fewer Scrutiny Committees and therefore the Scrutiny Commission has been appointing Panel chairs and vice chairs based on expressions of interest.
36. Furthermore, the Head of Strategic Support has been making appointments to scrutiny panels in accordance with expressions of interest received from Councillors. Sometimes the expressions of interest are very high and to

ensure panels run effectively it is suggested that the maximum number of members on a panel is set at six members.

37. Accordingly, it is proposed that Chapter 11 of the Constitution be amended as set out in the appendix.

Approval of the Calendar of meetings

38. It has been common practice for a number of years now to set the calendar of meetings up to two years ahead to help plan decision making and to assist councillors who have busy schedules. Charnwood's constitution still states the programme for ordinary council meetings for the ensuing year will be undertaken at the Annual meeting of full Council (if not already undertaken).

39. It is not a legal requirement that the calendar of meetings be approved at full Council and indeed it is common practice at other councils to approve the calendar following consultation with the Group Leaders and Whips'. It is suggested that in future years the calendar of meetings be approved this way in order to speed up the process and to book dates into councillor's diary in a timely fashion.

40. Accordingly, it is proposed that Chapter 9 of the Constitution be amended as set out in the appendix

Scheme of Delegation to officers (Council Functions) - Delegation to the Head of Planning and Regeneration – High Hedges

41. The Cabinet meeting held on 8th April 2021 (Minute No. 108 20/21 refers) highlighted that in the 2022 review of the Constitution that "the delegation to Head of Service in respect of complaints regarding high hedges. Exceptions there listed would instead be determined by Plans Committee. A note would be included to make that clear as part of next year's review"

42. Accordingly, it is proposed that Chapter 8 of the Constitution be amended as set out in the appendix.

APPENDIX 1

PROPOSED CHANGES TO THE CONSTITUTION

KEY:

Deleted text shown as struck through

Added text shown in bold and underlined

Item 1 - Housing Management Advisory Board

The Housing Management Advisory Board will be composed of:

- six tenants/leaseholders, selected by a panel comprising the Strategic Director, lead officer for tenant participation, a representative of a recognised independent tenant participation organisation and other Borough Council officers if deemed appropriate by the Strategic Director, appointed for a period of three years providing the person continues to be a tenant/leaseholder;
- three Councillors, who must not be Cabinet Members, appointed annually on the basis of political balance;
- one person who is independent of the Council, selected by a panel comprising the Strategic Director, lead officer for tenant participation, two representatives from the Charnwood Housing Residents Forum and other Borough Council officers if deemed appropriate by the Strategic Director, appointed for a period of three years and confirmed annually by the Board.

In respect of the Councillor appointments only, substitutes can be made. Substitutions must be for the whole meeting. A member cannot take over from their substitute or hand over to them part of the way through. Substitutes cannot appoint substitutes of their own. If a member wants to send a substitute, they must tell the Head of Strategic Support before the meeting

Any member can resign from the Board by giving notice to the Strategic Director. Appointments to vacancies will be made in the same way as the original appointment and will be for the remainder of the resigning member's term of office.

The Chair of the Housing Management Advisory Board will be appointed annually by the Board from among the tenant/leaseholder members. The Board may appoint a Vice-chair from among its members.

The quorum for meetings of the Board will be five members, at least two of whom must be tenants/leaseholders.

Item 2 - Audit Committee – Composition

Chapter 12 - 12.3 Composition

Committee	Size	Quorum	Substitutes
Audit Committee	<p>Independent Chair plus six seven Councillor members. No members of the Cabinet can be members of the Committee</p> <p>The Vice-chair will be appointed by the Committee from among its members.</p> <p>Appointment of the Independent Chair of the Audit Committee to be made by Full Council on recommendation from the S151 officer</p>	Four Councillor members	Permitted

Item 3 - Members Planning Code of Good Practice and Other Committee Procedures (Plans Committee)

Chapter 24 (Section 7.2) - Planning Code of Good Practice

7 The Role of Ward Members

(Application: Plans Committee)

- 7.1 When determining planning matters your duty is to the whole community not just to the people in your Ward area. You must ensure that decisions are impartial, and you should not improperly favour, or appear to improperly favour, any person, company, group or locality, including the residents of your Ward.

(Application: All Councillors)

- 7.2 Councillors who are not members of the Plans Committee may exercise their separate speaking rights as a Ward Member set out in Other Committee Procedure 12.12. However, if you have a disclosable pecuniary interest or an interest leading to bias you will not be able to do this even under paragraphs 4.3 and 4.14 of the Members' Code of Conduct. If you do exercise speaking rights:

- advise the Head of Planning and Regeneration that you wish to speak in this capacity at least 24 hours before the meeting;
- you will not be able to vote on the matter;
- you should seat yourself in the place allocated to those addressing the Plans Committee;
- at or immediately prior to the meeting you should not circulate written information to the Committee.

Where a ward councillor has called in an application to Plans Committee, they will attend the meeting to explain why it has been called in and their concerns. If they are unable to attend, they must nominate a substitute to stand in for them and express their views or submit a written statement which can be read out within five minutes.

Item 4 - Member Conduct complaints process

18.5 Investigation of Complaints

(a) Investigation reports

Where a complaint has been referred for investigation, the Monitoring Officer, or another person appointed by the Monitoring Officer to carry out the investigation (the 'Investigator'), will conduct that investigation, **and it will be completed within a maximum period of six months.**

18.8 Hearings by a Panel of Members of the Member Conduct Committee

If the Panel finds against the Member, he/she will be asked if he/she wishes to respond to the finding before the Panel considers whether to impose a sanction. If the Panel finds against the Member, the Panel may impose one or more of the following sanctions:

- (i) issue a formal letter to the Member setting out the breach of the Code which has been identified;
- (ii) censure the Member;
- (iii) make recommendations to full Council to remove the Member from committee(s) and other appointments unless these are subject to political balance requirements;
- (iv) where political balance requirements apply make recommendations to the relevant Group Leader to remove the Member from committee(s) and other appointments;
- (v) make recommendations to the Leader to remove the Member from the Cabinet or from the role of Cabinet Support Member
- (vi) recommend that the Member undertake training or issue an apology.
- (vii) **recommend removal from outside body appointments (for Charnwood Borough Council appointments this would be subject to approval of Cabinet);**
- (viii) **withdraw specified facilities (IT equipment, internet access, email access) for a specified period;**
- (vix) **exclude the Member from council premises for a specified period, except where necessary to attend council or committee meetings.**

Item 5 – Petitions Scheme

15.1 The Councils petition scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. The originator of any petition will be sent an acknowledgement within 10 working days of the petition being received by the Council. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

~~Paper copies of petitions can be sent to:~~

Petitions can be submitted in three ways:

(1) By sending a paper copy to:

Democratic Services
Charnwood Borough Council
Council Offices
Southfield Road
Loughborough
LE11 2TR

(2) By submitting an e.petition through this link on the Council's website;

<https://charnwood.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>

(3) By asking your local ward councillor to submit the petition at a meeting of the full Council. Only ward members can submit a petition relevant to their ward. They cannot submit petitions on behalf of other ward members.

Item 6 - Deadline for Questions on Notice, Motions and Position Statements – Full Council, Cabinet and other committees

9.9 Questions by Councillors

(a) Questions on notice

A Councillor can ask a question on notice to the Leader or the Chair of a committee about something the Council is responsible for or something that directly affects people in the Borough.

The full wording of these questions must be given to the Head of Strategic Support by noon on the ~~sixth~~ **eighth** working day before the full Council meeting for it to be included on the agenda for that meeting.

9.10 Position Statements

One position statement may be presented to each meeting of the Council by the Leader or any member of the Cabinet in the form of a written report about a significant, topical matter affecting the Council or the Borough. Notice of position statements setting out the subject they are to cover must be received by the Head of Strategic Support no later than noon on the ~~sixth~~ **eighth** working day prior to the meeting at which they are to be considered.

9.12 Motions on notice

(a) Giving notice of motions

Some motions may be moved without notice. These are listed at 9.13. For all other motions, the full wording must be received by the Head of Strategic Support by noon on the ~~sixth~~ **eighth** clear working day before the Council meeting. Notice of a motion can be given by one or more Councillors.

10.7 Questions on notice

Any Councillor or resident of the Borough may ask the Leader a question about the business of the Cabinet so long as notice in writing setting out the question has been given to the Head of Strategic Support. Questions need to be submitted by noon on the ~~sixth~~ **eighth** working day before a meeting to be included on the agenda for that meeting.

12.8 Questions on notice

Any Councillor or resident of the Borough may ask the Chair a question about the business of a committee so long as notice in writing setting

out the question has been given to the Head of Strategic Support. Questions need to be submitted by noon on the ~~sixth~~**eighth** working day before a meeting to be included on the agenda for that meeting.

The person asking the question may attend the meeting at which the question is asked and may (having received an answer) ask one supplementary question and/or make a statement which must be relevant to and arise directly out of the original question or reply.

The Chair will reply to the question(s) and respond to the statement and may allow other members of the committee to comment and officers to advise.

The answers to questions submitted under this rule will be included in the minutes of the meeting and published prior to the meeting.

The Head of Strategic Support can reject a question on notice from a member of the public if:

- (i) it relates to an application for any permission, licence or other permission from the Council;
- (ii) there is any right of appeal to the Council or other authority is available;
- (iii) it relates to any matter directly relating to an employee of the Council;
- (iv) it relates to any matter which constitutes exempt or confidential information under Schedule 12A of the Local Government Act 1972;
- (v) in the opinion of the Monitoring Officer, it is illegal or improper.

If a question is rejected, reasons must be given.

Item 7 – Charnwood Statement of Community Involvement

14.1 Responsibilities for the budget and policy framework

Full Council sets the budget and policy framework, and the Cabinet and officers must act within it.

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of the Council's investments, the control of its capital expenditure and the setting of virement limits.

The policy framework comprises the following documents:

- Corporate Strategy;
- Crime and Disorder Reduction Strategy;
- Customer Service Strategy;
- Plans and strategies which together comprise the Development Plan, including Development Plan Documents and the Statement of Community Involvement;
- Medium Term Financial Strategy;
- Member Development Strategy.

Item 8 – Scrutiny Panels

11.2 Membership and quorum of scrutiny bodies

The Scrutiny Commission may establish scrutiny panels to undertake scrutiny of a particular subject over a limited period. ~~Scrutiny Panels will be chaired by either the Chair or Vice Chair of the Commission or by a Chair or Vice chair of the other Scrutiny Committees.~~

The Scrutiny Commission will make appointments of Scrutiny Panel Chairs and Vice Chairs in accordance with expressions of interest.

The Head of Strategic Support may make appointments to scrutiny panels in accordance with expressions of interest received from Councillors who are not members of the Cabinet. **The size of a Panel will be no more than 6 members.**

Item 9 - Annual meeting of full Council – Calendar of meetings

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

The order of business will be:

- (a) Elect the Mayor
- (b) Elect the Deputy Mayor
- (c) Receive any declarations on interests
- (d) Approve the minutes of the last meeting
- (e) Elect the Leader (in the year in which this is required)
- (f) Review the political balance of appropriate committees (if not already undertaken)
- (g) Appoint any Council committees and scrutiny bodies for the ensuing year (if not already undertaken)
- (h) ~~Approve a programme of ordinary meetings for the ensuing year (if not already undertaken)~~

- (i) Deal with any other items on the agenda; there will be no presentations, Cabinet or committee business, questions on notice, notices of motion or petitions on the agenda unless specifically authorised by the Chief Executive
- (j) Receive any announcements from the Mayor and/or the Chief Executive.

**Item 10 – Scheme of Delegation to officers (Council Functions)
Delegation to the Head of Planning and Regeneration**

High Hedges

34. To determine complaints received under the provisions of the High Hedges Regulations 2005, specify remedial action required to resolve complaints received under the High Hedges Regulations 2005, specify remedial action to resolve the complaints in accordance with the national guidance and initiate enforcement action as necessary, except where the high hedge complaint relates to:
- (i) the Council's own land;
 - (ii) land is occupied by a councillor or Council employee; or
 - (iii) where the complainant is a councillor or Council employee

[Note: The above-mentioned exceptions will determined by the Plans Committee]

COUNCIL – 25th APRIL 2022

Report of the Chief Executive

ITEM 6.3 REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

Purpose of Report

To present a proposal to undertake a review of polling districts, polling places and polling stations within the Borough to prepare for the new warding arrangements that will come into effect for the Borough elections on 4th May 2023.

Recommendation

That a review of polling districts, polling places and polling stations within the Borough be undertaken, to commence in May 2022, with final proposals being reported for approval at the November 2022 Council meeting.

Reason

To ensure that any amended arrangements for polling districts, polling places and polling stations are in place for the next Borough elections in May 2023.

Policy Justification and Previous Decisions

The Electoral Registration and Administration Act 2013 introduced changes to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The next compulsory review must be started and completed between 1st October 2023 and 31st January 2025 (inclusive).

The last such review was undertaken in 2018, and the recommendations were agreed by Council at its meeting on 21st January 2019 (minute reference 62.4)

Although the next compulsory review is not be required to be undertaken at this point in time, because of the changes to Borough wards that will come into effect for the May 2023 elections following the recent review by the Local Government Boundary Commission for England, it is necessary to undertake an interim review.

Implementation Timetable including Future Decisions and Scrutiny

As set out in the recommendation, a further report setting out recommendations for appropriate arrangements will be brought to the November 2022 Council meeting.

A period of public consultation will be included as part of the review, and relevant parties and organisations will also be informed and given an opportunity to comment, including MPs, Borough and County Councillors, political parties, and parish and town councils.

Report Implications

The following implications have been identified for this report.

Financial Implications

The review can be undertaken within existing budgets.

Risk Management

There are no specific risks associated with this decision.

Background Papers: Electoral Commission guidance on reviews of polling districts, polling areas and polling stations:

<https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/polling-place-reviews>

Officers to contact:

Rob Mitchell
Chief Executive
(01509) 634600
rob.mitchell@charnwood.gov.uk

Adrian Ward
Head of Strategic Support
(01509) 634573
adrian.ward@charnwood.gov.uk

Katie Owens
Elections & Land Charges Manager
(01509) 634612
katie.owens@charnwood.gov.uk

COUNCIL – 25TH APRIL 2022

Report of the Chief Executive

ITEM 6.4 TIMETABLE FOR COUNCIL AND COMMITTEE MEETINGS AND MEMBER TRAINING DAYS FOR 2022/24

Purpose of Report

To consider a proposed timetable for Council and committee meetings and designated member training days for the next two Council years (2022 - 2024), from June 2022 to May 2024.

Recommendations

1. That the schedule of Council, Cabinet, Scrutiny and other committee meetings for 2022-24, attached as Appendix 1 to the report, be approved.
2. That the proposed dates for member training days for 2022-24, attached as Appendix 2 to the report, be endorsed.
3. That delegated authority be given to the Head of Strategic Support to make minor amendments and corrections to the schedule of Council and committee meetings and member training days.

Reasons

1. To ensure that a schedule of meetings for 2022-24 is agreed to enable planning for the forthcoming two Council years.
2. To ensure that there is a timetable to enable planning for training and development days for councillors and co-opted members.
3. To enable minor amendments and corrections to be made in a timely manner.

Policy Justification and Previous Decisions

Council Meeting Dates

The Full Council Procedures set out the responsibility of Council to set a programme of Council meetings for the year. The Procedure Rules for Cabinet and committees allow them to fix the date and time of their meetings. Full Council is asked to agree the meeting dates for all meetings to enable the programme to be co-ordinated. Two Council years have been included to enable planning by members.

Member Training Days

The Member Development Strategy, approved by Council on 9th November 2020 (minute 54 refers), sets out the following in respect of member training days:

- As part of setting the annual calendar of meetings one day per month will be allocated as a training day and one day per quarter as a planning training day so that members can have as much notice as possible of the dates on which training is to take place.
- The day of the week selected for training days will take into account the needs of all members and this may require different days to be utilised over the course of the year.

Therefore in proposing dates for member training days different days of the week have been selected.

Implementation Timetable including Future Decisions

Attached as appendices are proposed timetables for the next two Council years (2022-2024) for:

- Council, Cabinet, Scrutiny and committee meetings (Appendix 1)
- Monthly member training days and quarterly planning update training days (Appendix 2).

Amendments to the programme of meetings can be agreed during the year by the relevant bodies or by councillors and officers as set out in the Council's Constitution.

Report Implications

The following implications have been identified for this report.

Financial Implications

None.

Risk Management

There are no specific risks associated with these recommendations.

Background Papers: None

Officer to Contact: Karen Widdowson
Democratic Services Manager
01509 634785
karen.widdowson@charnwood.gov.uk

SCHEDULE OF COUNCIL AND COMMITTEE MEETINGS FOR 2022-24

<i>Meeting</i>	<i>Day</i>	<i>Date</i>
Annual Council	Monday	23rd May 2022
Plans Committee	Thursday	26th May 2022
Appeals and Reviews Committee	Monday	30th May 2022
Scrutiny Commission	Monday	6th June 2022
Personnel Committee	Tuesday	7th June 2022
Cabinet	Thursday	9th June 2022
Member Conduct Committee	Monday	13th June 2022
Loughborough Area Committee	Wednesday	15th June 2022
Council	Monday	20th June 2022
Licensing Committee	Tuesday	21st June 2022
Plans Committee	Thursday	23rd June 2022
Appeals and Reviews Committee	Monday	27th June 2022
Finance and Performance Scrutiny Committee	Tuesday	28th June 2022
Scrutiny Commission	Monday	4th July 2022
Cabinet	Thursday	7th July 2022
Audit Committee	Tuesday	12th July 2022
Plans Committee	Thursday	21st July 2022
Appeals and Reviews Committee	Monday	25th July 2022
Scrutiny Commission	Monday	8th August 2022
Cabinet	Thursday	11th August 2022
Plans Committee	Thursday	18th August 2022
Appeals and Reviews Committee	Monday	22nd August 2022
Council	Monday	5th September 2022
Finance and Performance Scrutiny Committee	Tuesday	6th September 2022
Scrutiny Commission	Monday	12th September 2022
Cabinet	Thursday	15th September 2022
Member Conduct Committee	Monday	19th September 2022
Plans Committee	Thursday	22nd September 2022
Appeals and Reviews Committee	Monday	26th September 2022
Scrutiny Commission	Monday	10th October 2022
Personnel Committee	Tuesday	11th October 2022
Cabinet	Thursday	13th October 2022
Licensing Committee	Tuesday	18th October 2022
Plans Committee	Thursday	20th October 2022
Appeals and Reviews Committee	Monday	24th October 2022
Council	Monday	7th November 2022
Audit Committee	Tuesday	8th November 2022

<i>Meeting</i>	<i>Day</i>	<i>Date</i>
Scrutiny Commission	Monday	14th November 2022
Cabinet	Thursday	17th November 2022
Appeals and Reviews Committee	Tuesday	21st November 2022
Audit Committee	Tuesday	22nd November 2022
Plans Committee	Thursday	24th November 2022
Member Conduct Committee	Monday	28th November 2022
Finance and Performance Scrutiny Committee	Tuesday	29th November 2022
Appeals and Reviews Committee	Monday	5th December 2022
Loughborough Area Committee	Wednesday	7th December 2022
Scrutiny Commission	Monday	12th December 2022
Cabinet	Thursday	15th December 2022
Personnel Committee	Tuesday	20th December 2022
Plans Committee	Thursday	22nd December 2022
Scrutiny Commission	Monday	9th January 2023
Cabinet	Thursday	12th January 2023
Plans Committee	Thursday	19th January 2023
Council	Monday	23rd January 2023
Appeals and Reviews Committee	Monday	30th January 2023
Audit Committee	Tuesday	31st January 2023
Scrutiny Commission	Monday	6th February 2023
Licensing Committee	Tuesday	7th February 2023
Cabinet	Thursday	9th February 2023
Plans Committee	Thursday	16th February 2023
Appeals and Reviews Committee	Monday	20th February 2023
Council	Monday	27th February 2023
Scrutiny Commission	Monday	6th March 2023
Finance and Performance Scrutiny Committee	Tuesday	7th March 2023
Cabinet	Thursday	9th March 2023
Member Conduct Committee	Monday	13th March 2023
Plans Committee	Thursday	16th March 2023
Council	Monday	20th March 2023
Appeals and Reviews Committee	Tuesday	21st March 2023
Personnel Committee	Tuesday	28th March 2023
Scrutiny Commission	Tuesday	11th April 2023
Cabinet	Thursday	13th April 2023
Plans Committee	Thursday	20th April 2023
Appeals and Reviews Committee	Tuesday	21st April 2023
Audit Committee	Tuesday	25th April 2023
Annual Council	Monday	22nd May 2023
Plans Committee	Thursday	25th May 2023
Scrutiny Commission	Tuesday	30th May 2023

<i>Meeting</i>	<i>Day</i>	<i>Date</i>
Cabinet	Thursday	1st June 2023
Member Conduct Committee	Monday	5th June 2023
Appeals and Reviews Committee	Monday	12th June 2023
Personnel Committee	Tuesday	13th June 2023
Loughborough Committee	Wednesday	14th June 2023
Council	Monday	19th June 2023
Licensing Committee	Tuesday	20th June 2023
Plans Committee	Thursday	22nd June 2023
Finance and Performance Scrutiny Committee	Tuesday	27th June 2023
Scrutiny Commission	Monday	3rd July 2023
Cabinet	Thursday	6th July 2023
Audit Committee	Tuesday	11th July 2023
Plans Committee	Thursday	20th July 2023
Appeals and Reviews Committee	Monday	24th July 2023
Scrutiny Commission	Monday	7th August 2023
Cabinet	Thursday	10th August 2023
Plans Committee	Thursday	17th August 2023
Appeals and Reviews Committee	Monday	21st August 2023
Council	Monday	4th September 2023
Scrutiny Commission	Monday	11th September 2023
Finance and Performance Scrutiny Committee	Tuesday	12th September 2023
Cabinet	Thursday	14th September 2023
Member Conduct Committee	Monday	18th September 2023
Audit Committee	Tuesday	19th September 2023
Plans Committee	Thursday	21st September 2023
Appeals and Reviews Committee	Monday	25th September 2023
Scrutiny Commission	Monday	9th October 2023
Personnel Committee	Tuesday	10th October 2023
Cabinet	Thursday	12th October 2023
Licensing Committee	Tuesday	17th October 2023
Plans Committee	Thursday	19th October 2023
Appeals and Reviews Committee	Monday	23rd October 2023
Council	Monday	6th November 2023
Scrutiny Commission	Monday	13th November 2023
Cabinet	Thursday	16th November 2023
Audit Committee	Tuesday	21st November 2023
Plans Committee	Thursday	23rd November 2023
Appeals and Reviews Committee	Monday	27th November 2023
Finance and Performance Scrutiny Committee	Tuesday	28th November 2023
Member Conduct Committee	Monday	4th December 2023

<i>Meeting</i>	<i>Day</i>	<i>Date</i>
Loughborough Area Committee	Wednesday	6th December 2023
Scrutiny Commission	Monday	11th December 2023
Cabinet	Thursday	14th December 2023
Appeals and Reviews Committee	Monday	18th December 2023
Personnel Committee	Tuesday	19th December 2023
Plans Committee	Thursday	21st December 2023
Scrutiny Commission	Monday	8th January 2024
Cabinet	Thursday	11th January 2024
Council	Monday	15th January 2024
Appeals and Reviews Committee	Monday	22nd January 2024
Plans Committee	Thursday	25th January 2024
Audit Committee	Tuesday	30th January 2024
Scrutiny Commission	Monday	5th February 2024
Licensing Committee	Tuesday	6th February 2024
Cabinet	Thursday	8th February 2024
Appeals and Reviews Committee	Monday	19th February 2024
Plans Committee	Thursday	22nd February 2024
Council	Monday	26th February 2024
Scrutiny Commission	Monday	4th March 2024
Finance and Performance Scrutiny Committee	Tuesday	5th March 2024
Cabinet	Thursday	7th March 2024
Member Conduct Committee	Monday	11th March 2024
Plans Committee	Thursday	21st March 2024
Appeals and Reviews Committee	Monday	25th March 2024
Personnel Committee	Tuesday	26th March 2024
Scrutiny Commission	Monday	2nd April 2024
Cabinet	Thursday	4th April 2024
Appeals and Reviews Committee	Monday	15th April 2024
Plans Committee	Thursday	18th April 2024
Council	Monday	22nd April 2024
Audit Committee	Tuesday	23rd April 2024
Scrutiny Commission	Tuesday	29th April 2024
Cabinet	Thursday	2nd May 2024
Appeals and Reviews Committee	Monday	7th May 2024
Annual Council	Monday	13th May 2024
Plans Committee	Thursday	16th May 2024

SCHEDULE OF MEMBER TRAINING DAYS FOR 2022-24

Type	Day	Date
Monthly	Tuesday	31st May 2022
Monthly	Wednesday	8th June 2022
Planning	Thursday	30th June 2022
Monthly	Thursday	13th July 2022
Monthly	Wednesday	17th August 2022
Monthly	Tuesday	20th September 2022
Planning	Thursday	29th September 2022
Monthly	Wednesday	19th October 2022
Monthly	Tuesday	15th November 2022
Planning	Thursday	1st December 2022
Monthly	Thursday	8th December 2022
Monthly	Thursday	26th January 2023
Monthly	Wednesday	22nd February 2023
Planning	Thursday	23rd February 2023
Monthly	Wednesday	15th March 2023
Monthly	Tuesday	18th April 2023
Monthly	Thursday	15th June 2023
Planning	Thursday	29th June 2023
Monthly	Tuesday	4th July 2023
Monthly	Tuesday	15th August 2023
Monthly	Thursday	7th September 2023
Planning	Thursday	28th September 2023
Monthly	Thursday	26th October 2023
Monthly	Monday	20th November 2023
Monthly	Tuesday	5th December 2023
Monthly	Thursday	24th January 2024
Planning	Thursday	1st February 2024
Monthly	Monday	12th February 2024
Monthly	Thursday	14th March 2024
Monthly	Tuesday	16th April 2024
Monthly	Thursday	30th May 2024

COUNCIL – 25TH APRIL 2022

Report of the Chief Executive

ITEM 12 URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN:

i. GAS SUPPLY AGREEMENT

Purpose of Report

To note the decision which was exempted from call-in in accordance with Scrutiny Committee Procedure 11.9.

Action Requested

In accordance with Full Council Procedure 9.11(d) questions may be asked of the Leader in relation to the urgent decision that was taken. The Leader may ask the relevant Lead Member to respond.

Policy Justification and Previous Decisions

The call-in procedure provides for a period of five clear working days during which councillors can ask for decisions taken by the Cabinet and individual Cabinet members, and key decisions taken by officers to be reviewed. With the agreement of the Chair of the Scrutiny Commission or in his/her absence the Mayor or Deputy Mayor) a decision can be exempted from call-in if the decision to be taken is both urgent and reasonable and the delay caused by the call-in process would not be in the interests of the Council or the public. Scrutiny Committee Procedure 11.9 requires that decisions that are exempted from call-in are reported to Council.

(i) *Gas supply Agreement*

The Strategic Director of Commercial Development, Assets and Leisure made a decision on 24th February 2022 in respect of the Council renewing a gas supply agreement with the Eastern Shires Purchasing Organisation (ESPO).

The Chair of the Scrutiny Commission was consulted and agreed that the decision be exempted from call-in, to enable the Council to sign an agreement with ESPO by 28th February 2022 otherwise the Council would be exposed to significant gas supply costs.

The report considered can be found in the Annex to this report.

Implementation Timetable including Future Decisions

As detailed within the Annex to this report.

Report Implications

As detailed within the Annex to this report.

Background Papers: None

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
karen.widdowson@charnwood.gov.uk

Annex

Report considered by the Cabinet Lead Member and relevant officers.

Decision under Delegated Powers

Officer Making the Decision

Justin Henry
Strategic Director – Commercial Development, Assets and Leisure

Recommendation

That the Council renew a gas supply agreement with the Eastern Shires Purchasing Organisation before 28 February 2022

Reason

To take action in relation to a matter which would otherwise have been submitted to Cabinet, and to protect and mitigate the Council against the coming sharp rise in gas contract prices in the market.

Authority for Decision

Delegation of Executive functions - (Section 8.3 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Leader (or, in the Leader's absence, the Deputy Leaders);
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Cabinet.

Decision and Date

Taken on 24th February 2022



Justin Henry
Strategic Director – Commercial Development, Assets and Leisure

Background

1. Eastern Shires Purchasing Organisation (ESPO) is a public sector owned professional buying organisation (PBO), specialising in providing a wide range of goods and services to the public sector, one of which is energy supply.
2. Charnwood Borough Council have been largely protected from the turmoil in the UK energy markets over the last 12 months by virtue of its existing gas supply contract with ESPO, who forward purchased large quantities of the gas & electricity on behalf of customers in the early stages of the pandemic, in April 2020, when wholesale prices fell dramatically due to lockdowns.
3. The current rates are approximately 75% cheaper than the current wholesale market rates and are valid until 31 March 2022 for gas and 30 September 2022 for electricity. As part of the forward purchasing strategy, ESPO have already purchased much of the energy the Council will use in the following 12-month periods to further protect our budgets. The Council's gas consumption in the 2021 calendar year was £145,231.18
4. The Council will experience between 40% and 60% increases in gas charges from 1st April 2022 (anticipated to be between £203,323.65 and 232,369.89 in total annually), largely as a result of increases in Green levies and Unidentified Gas charges which are regulated by OFGEM and cannot be influenced by ESPO. Although a price rise of this percentage looks high, ESPO estimates that after these increases charges will still only represent 33% of the prices available if customers were to look for a new Fixed Price / Fixed Term contract in the current market.
5. Not signing the agreement could leave the Council exposed to gas supply costs of up to £704,151 per year.
6. ESPO are able to mitigate price shocks due to the way they purchase energy, namely, in advance when markets are favourable. It is crucial that the Council commits to the new gas framework, due to begin in April 2023, as soon as possible to ensure that our future requirements are secured as part of main portfolio consisting of over 28,000 customer supplies. The effectiveness of the ESPO strategy has mitigated the actual rises in the wholesale markets which are currently around 400% higher than those purchased by ESPO.
7. The ESPO framework uses a strategy which has kept prices low over many years and will attempt to do so in the future. The strategy is endorsed by the Cabinet Office as representing Best Practice in Public sector energy purchasing and is fully compliant with UK government procurement legislation.
8. If the Council does not enter into the agreement with ESPO, they will unfortunately be unable to secure the future volumes when the wholesale markets are conducive to do so and this would force the Council to source

a fixed term / fixed price contract which is against Cabinet Office advice on Best Practice advice for Public Sector energy procurement.

9. The agreement will run until from the date of the agreement until 31st March 2027. Prices within that time are not fixed and will fluctuate as the international gas markets fluctuate.
10. Signed agreements need to be returned to ESPO by the 28th February 2022.
11. This agreement will certainly help to avoid negative impacts of market price impacts but cannot wholly avoid them; market risks continue to exist regarding global gas supply and geopolitical instability, particularly with regard to the Russia and Ukraine situation.
12. The authority to award for a contract of this size is normally reserved to Cabinet. However, this item cannot be reasonably deferred as the risk of cost uplift (paras. 3, 4 & 5 above) outweighs the need to adhere to normal governance timelines.

Comments from HR

Not applicable

Financial Implications

The financial implications are outlined above.

Consultation with the Mayor, the Chair of the relevant Committee, or in their absence the Vice Chair *(Note: only applies to Council Functions)*

The Chair of Scrutiny Commission has been consulted (verbally and by email) that the decision will be taken under Special Urgency measures, and the Chair has approved the decision.

Consultation with Leader (or deputy appointed)

Both the Leader and Deputy Leader have been consulted on the issue. They individually agree that:

- the need to take the decision at this point helps to avoid very significant financial implications for the Council, and
- that the decision may not be reasonably deferred for the standard governance process

Consultation with Chief Executive and relevant Strategic Director(s)

The Chief Executive, Section 151 Officer and Monitoring Officer have all been consulted; each agrees that:

- the need to take the decision at this point helps to avoid very significant financial implications for the Council, and
- that the decision may not be reasonably deferred for the standard governance process

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
The Council faces significant cost rises in gas supply	4	4	High 16	<p>Signing this agreement will allow our purchaser, ESPO to undertake collective purchasing with larger volumes, thereby achieving better value from the market. This cannot fully insulate the Council from rising energy costs, but it forms the basis of a very substantial mitigation.</p> <p>The current geopolitical situation (Russia Ukraine conflict) and supply crunch in the face of very high demand in a post pandemic recovery mean the Council will certainly face costs increases in energy. The decision forms a part of mitigation.</p>

Key Decision: Yes

This item is not included on the Forward Plan as this is an urgent decision. A report will be made to the next ordinary Council meeting.

Background Papers: None

COUNCIL – 25TH APRIL 2022

Report of the Chief Executive

Part A

ITEM 13 DELEGATION OF EXECUTIVE FUNCTIONS - STREET
MANAGEMENT

Purpose of Report

To inform Council of a change to a delegation of Executive functions to the Head of Regulatory Services.

Action Requested

In accordance with Full Council Procedure 9.11(d) questions may be asked of the Leader in relation to the change to the delegation of Executive functions.

Policy Justification and Previous Decisions

At the Council Meeting on 20th May 2019, Council resolved that Councillor Jonathan Morgan be appointed Leader of the Council for the Council term 2019/20 to 2022/23. (Council minute 8 2019/20 refers).

As required by the Constitution, the Chief Executive reports to Council whenever the Leader makes a change to the composition of the Cabinet, or to the allocation of Executive functions to the Cabinet, individual Cabinet members or officers. The following change has been made:

(i) Street Management

On 22nd March 2022, the Leader amended an Executive Function relating to Street Management to the Head of Regulatory Services. Details are set out in the Annex to this report.

Implementation Timetable including Future Decisions and Scrutiny

The Leader may amend the size and composition of the Cabinet and the scheme of delegation relating to Executive functions at any time during the year. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

Report Implications

Financial Implications

The financial implications associated with the change to the delegation of Executive function are set out in the annexe (if applicable)

Risk Management

No specific risks have been identified in connection with this report.

Background Papers: None

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
karen.widdowson@charnwood.gov.uk

DECISION OF THE LEADER - 22nd March 2022Purpose of Decision

To review the allocation of Executive functions in accordance with section 9E of the Local Government Act 2000.

Decision

That the amendment to the delegation of Executive functions to officers as set out below be made with immediate effect.

Reason

To ensure that the allocation of Executive Functions meets the requirements of the Council in terms of effective decision making.

Background

Section 9E of the Local Government Act 2000 (as amended) ('the 2000 Act') gives authority to the Leader of the Council to arrange for Executive functions to be discharged by:

- himself or herself;
- the Cabinet;
- another member of the Cabinet;
- a committee of the Cabinet;
- an area committee, or
- an officer of the Council.

Councillor Jonathan Morgan was appointed as Leader of the Council on 21st May 2019 for the Council Term to 2019/23.

The Council's Constitution requires that any decision to change the allocation of Executive functions is reported for information to the next available meeting of the Council. In this particular case, it is anticipated that the matter will be reported to Council on 25th April 2022.

Proposal

Chapter 8.2 of the Constitution sets out the delegations of Council functions to officers.

Chapter 8.3 of the Constitution sets out the delegations of Executive Functions to officers. Under this chapter the Head of Regulatory Services has delegated powers. It is proposed that the following delegation under street management be amended as set out below:

Street Management

6. To make amendments/variations to Parking Place Orders, issue notices under section 35C of the Road Traffic Regulation Act 1984 and collect car parking fees and issue fixed penalty notices in accordance with those Orders.

Financial Implications

None

Risk Management

No specific risks have been identified in connection with this decision.



Signed:

Councillor Jonathan Morgan, Leader of the Council

21 March 2022

Date:

Officer to Contact: Karen Widdowson
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(01509) 634785
Karen.widdowson@charnwood.gov.uk

Key Decision: No

Background Papers: None

COUNCIL – 25TH APRIL 2022

Report of the Chief Executive

ITEM 14 APPOINTMENTS TO COMMITTEES

Purpose of the Report

To seek confirmation of changes to the membership of committees as set out below.

Recommendation

That the appointment set out below be made:

Committee Name	Past representative	New representative
Licensing Committee	Cllr Andrew Paling	Cllr Ken Pacey

Reason

To reflect the wishes of the Conservative group in making appointments to committees and to comply with sections 11.2(d) and 12.4(a) and (b) of the Council's Constitution.

Policy Justification and Previous Decisions

Appointments to committees are made by Full Council. All appointments are confirmed at the start of each Council year but can be amended by Council during the course of the year. In addition, the Head of Strategic Support has delegated authority to make interim committee appointments if notice is received from the relevant group leader (section 11.2(d) of the Constitution in respect of scrutiny appointments and section 12.4(a) and (b) of the Constitution in respect of other committee appointments).

Implementation Timetable including Future Decisions and Scrutiny

The Council's decision will have immediate effect. Further amendments to committee appointments can be made by Full Council at each of its meetings. The annual review of political balance arrangements and committee appointments will take place at the Annual Council meeting on 23rd May 2022.

Report Implications

Financial Implications

There are no additional financial costs, since any expenses claimed relating to these duties would be met from the existing councillors' allowances budget.

Risk Management

No risks have been identified with this decision.

Background Papers: None

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