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SUMMONS TO ATTEND A MEETING OF THE
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Time/Date 6.30 pm on TUESDAY, 14 NOVEMBER 2023
Location Forest Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact Democratic Services (01530 454512)



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Chief Executive

AGENDA

Item	Pages
PRAYERS	
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest	
3. CHAIRMAN'S ANNOUNCEMENTS	
4. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS	
Members are reminded that under paragraph 11.1 of part 3 of the Constitution, questions can be asked of the Leader and Cabinet Members without notice about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement.	
5. QUESTION AND ANSWER SESSION	
To receive questions from members of the public under procedure rule no.10. The procedure rule provides that members of the public may ask members of the Cabinet any question on any matter in relation to which the Council has	

powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.

6. QUESTIONS FROM COUNCILLORS

To receive members' questions under procedure rule no.11. The procedure rule provides that any member may ask the Chairman of a board or group any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.

7. MOTIONS

To consider the following two motions received from Councillor M B Wyatt:

A - Leicestershire Pension Fund fossil fuel investment

The Council declared a climate emergency on 25 June 2019 and adopted its Zero Carbon Roadmap on 31 March 2020. The targets are for the Council to be net zero carbon by 2030 and for the district by 2050. The Zero Carbon Action Plan focuses on what the Council can directly action, what it can influence and what it can help facilitate and lead.

North West Leicestershire District Council has millions of pounds invested in fossil fuel producing companies via the Leicestershire Local Government Pension Scheme (LLGPS).

In 2023, LLGPS undertook a consultation exercise on the pension's fund Net Zero Climate Strategy which the Council responded to.

The LLGPS fund's strategy says that climate change is a material risk both to wider society and the £5.5 billion Pension Fund which must pay the pensions of over 100,000 scheme members on behalf of over 200 employers.

The Strategy commits the Fund to becoming net zero by 2050, with an ambition for sooner in line with the Paris Agreement goals to limit global temperature well below 2°C, with the aim of achieving a 1.5°C limit. This is supported by the interim target to halve the carbon intensity of the Fund's measurable investments by 2030. This will be supported through a number of targets and measures including:

- Decreasing the Fund's exposure to fossil fuel reserves and increasing exposure to climate solutions, such as renewable energy, and technology related to the transition to net zero.
- Supporting real-world emissions reduction through an active engagement programme targeting companies contributing the most to the Fund's climate metrics.

Former bank of England governor, Mark Carney, has warned that fossil fuel investments risk becoming "enormous, stranded assets"¹ i.e. worthless, unsellable shareholdings.

Pension funds have a fiduciary duty to consider the material risks of continued investment in fossil fuels.

The long-term sustainability of the LLGPS should not be put at risk by investing in companies which are in terminal decline resulting in "stranded assets". Nor

should the Pension Fund fail to take responsibility for the credibility and financial support it currently provides to fossil fuel companies by continuing to invest in them even as they open up new fossil fuel reserves which the world can no longer afford to burn.

The UN International Energy Agency (IEA) has called on financial bodies to stop investing in fossil fuel production² and predicts that global oil demand will significantly fall by 2030.

The LLGPS current strategy for decarbonisation of the Scheme's investment portfolio by 2050 as agreed in March 2023 provides credibility and financial support for the continued production of new fossil fuels and needs to be reviewed.

This Council therefore commits to:

- 1) Call on the LLGPS to urgently put in place and act on:
 - a) A public commitment to divest from the top 200 companies involved in fossil fuel production by 2027
 - b) A transparent process by which they will carry out this divestment
 - c) Urgently review its Net Zero Climate Strategy to:
 - i) Use robust measures which do not enable the companies it invests in to greenwash themselves
 - ii) Include a clear and effective escalation process, culminating in divestment from companies they invest in who fail to act to reduce their carbon emissions
- 2) Work with other local authorities and councillors in Leicestershire and Rutland, as well as other relevant employers in the pension scheme, to call on our shared Pension Fund to urgently and publicly end their investment in fossil fuel producing companies.

Sources:

- 1) <https://www.cnbc.com/2021/10/21/climate-stranded-assets-show-the-need-for-rapid-energy-transition-carney-says.html>
- 2) <https://www.cnbc.com/2021/05/18/stop-investing-in-fossil-fuels-to-meet-net-zero-targets-iea-says.html>

B - Ivanhoe Line

This Council welcomes the progress being made to finally see the Ivanhoe line reaching the next stage, but strongly encourages the Department for Transport and Network Rail to continue exploring the opportunities to complete the second phase of the Ivanhoe Line from Coalville to Leicester following the cancellation of the eastern leg of HS2.

8. PETITIONS

To receive petitions in accordance with the Council's Petition Scheme.

Item		Pages
9. MINUTES		
	To confirm the minutes of the meeting of the Council held on 5 September 2023.	5 - 20
10. COUNCIL DELIVERY PLAN		
	The report of the Chief Executive	21 - 122
11. REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY		
	The report of the Strategic Director	123 - 170
12. APPOINTMENT OF PARISH REPRESENTATIVES TO THE AUDIT AND GOVERNANCE COMMITTEE		
	The report of the Monitoring Officer	171 - 174
13. URGENT DECISIONS TAKEN BY CABINET		
	The report of the Chief Executive	175 - 176

MINUTES of a meeting of the COUNCIL held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 5 SEPTEMBER 2023

Present: Councillor R L Morris (Chair)

Councillors K Horn, M Ball, A Barker, R Boam, D Bigby, M Blair-Park, R Blunt, M Burke, R Canny, D Cooper, D Everitt, T Eynon, M French, J Geary, T Gillard, R Johnson, S Lambeth, P Lees, J Legrys, K Merrie MBE, A Morley, P Moul, J Page, E Parle, G Rogers, N J Rushton, A C Saffell, C A Sewell, S Sheahan, J G Simmons, N Smith, R Sutton, A Wilson, J Windram, L Windram, A C Woodman and M B Wyatt

Officers: Mr J Arnold, Mr A Barton, Mrs A Crouch, Mrs C Hammond, Ms K Hiller, Mrs A Thomas and Mrs R Wallace

31. APOLOGIES FOR ABSENCE

There were no apologies for absence.

32. DECLARATION OF INTERESTS

Councillor T Eynon declared an interest in item 6 – Questions from Councillors as the Chair of Snibston Heritage Trust and had submitted a question that related to the Trust.

33. CHAIR'S ANNOUNCEMENTS

The Chair made the following announcements:

Under his new initiative to celebrate the success of staff, the Chair announced that he had recently presented the award to Helen Patrick who worked in the Customer Services Centre. He invited any Councillors who were interested in accompanying him to the next presentation to contact him directly.

The Chair announced that the recent charity dinner had raised over £1000, he invited Members to the next dinner which would be taking place on 29 September.

34. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader of the Council, Councillor R Blunt, made the following announcements:

With the completion of Stenson House, the accommodation project was now concluded. It was confirmed that the running costs of the Council's buildings had reduced by half, the efficient buildings worked towards the Council's green targets and the project had been completed within budget. He thanked the Strategic Director for managing the project. He reported that the next stage was to move forward with Stenson Square and options would be considered in due course.

Work was due to commence on the Marlborough Square Project which would bring the area back to life. The delays were acknowledged and the support from Members and public was appreciated.

To conclude, Councillor R Blunt announced that Work on the Ivanhoe line was slowly moving forward. He referred to a letter he had drafted to the North West Leicestershire Member of Parliament to support the opening of the trainline and invited the Leader of the

Labour Group to add his signature to it. Councillor S Sheahan agreed to sign the letter and was happy to see that things were moving forward.

In response to a suggestion to name the Ivanhoe line the 'Stephenson Line' to represent the history of the area, Councillor R Blunt explained that the Ivanhoe Line was more than just Coalville as it would travel through the surrounding areas, therefore he felt the 'Ivanhoe Line' was more appropriate.

A challenge was made on the comments made in relation to the accommodation project being delivered within budget and reference was made to the report considered by Corporate Scrutiny Committee which reported that there was an overspend.

35. QUESTION AND ANSWER SESSION

There were three questions asked which are set out below together with the responses. Each member of the public who asked a question was invited by the Chair to ask one supplementary question which is also set out together with the response.

Question from Mr Palmer

'My name is Stephen Palmer and I live in Donington Le Heath. In our Parish of Hugglescote and Donington Le Heath and running through the villages we have a very small river, the River Sence. This is little more than a stream, locally referred to as the 'brook' and more and more regularly it smells of sewage.

Severn Trent's EDM (Event Duration Monitoring) data for 2022 shows 361 deliberate discharges of raw sewage with a total duration of 2,466 hours into the River Sence. Children play in this water and it runs through two nature reserves.

These are not spills and neither are they storm discharges.

The increasing incidence of deliberate discharges has less to do with the weather but more to do with the huge increases in the Parish (and beyond) of both residential and industrial development with zero new infrastructure.

Can the Portfolio Holder explain what powers the LPA has ensure that waste from old, new and proposed dwellings is treated and disposed of properly and to halt new and future developments until Severn Trent can give assurances that sufficient infrastructure is in place to enable all sewage to be treated properly and not deliberately discharged into our villages' waterways?'

Response by Councillor A Saffell

Responsibility for ensuring that waste flows from housing that is connected to mains sewers are disposed of correctly lies with the relevant sewage undertaker, Severn Trent Water (STW) who, under the Water Resources Act 1991, have a legal duty to comply with its sewage treatment works and storm overflow discharge permits, issued by the Environment Agency (EA). Failure to comply with Permit conditions can result in enforcement action being taken by the EA.

The essence of STW's legal duty to provide and extend our sewerage network and sewage treatment capacity is laid out below.

Severn Trent Water has a general duty under section 94 (cluses 1a and 1b) of the Water Industry Act 1991:

- a) To provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain these sewers and any lateral drains which belong to or vest in the undertaker as to ensure that the area is and continues to be effectually drained; and
- b) To make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.

In effect, this places an absolute obligation upon STW to provide such additional capacity as may be required to treat additional flows arising from new domestic development.

In terms of the Local Plan Review, the Council will consult with STW as part of the wider consultation on site allocations. It will be then be for STW to identify any issues on specific sites. More generally STW was also consulted as part of the Infrastructure Delivery Plan baseline study for the Local Plan Review. This identified some capacity issues at the Snarrows Waste Water Treatment Water Works which serves Coalville and also Kegworth, but notes that STW has indicated that schemes will come forward to address these, as per their requirements stated above. If necessary, allocation policies in the Local Plan Review could include criteria to ensure that new development is phased and aligned with mains and waste water infrastructure provision.

For the determination of planning applications, under the Town and Country Planning (Development Management Procedure) (England) Order 2015, STW is not a statutory consultee in respect of applications for new housing, but the Local Planning Authority will nevertheless normally consult STW on any new major full or outline housing applications, and as such, there would be an opportunity for them to draw attention to any issues relating to sewage treatment capacity. My officers can't recall any instances where STW have responded to a planning application consultation for development on sites in the Parish of Hugglescote and Donington le Heath to indicate that there is not sufficient capacity at the receiving waste water treatment works.

Supplementary question and response

Mr Palmer did not feel there was any concern and asked if it was acceptable for residents to have unsanitary waste in a stream running by their homes. Councillor A Saffell empathised with Mr Palmer and confirmed that the officers would continue to liaise with the Environment Agency on the matter.

Question from Ms Davies

'Residents in the area of the Lovell development, off Highfield Street, are experiencing not only an intrusive level of noise, but thick red dust on their properties, mud on the roads and now, yet again, the cutting down of trees in a TPO area.

Are the council aware of the impact this development is having on residents and the environment?'

Response from Councillor A Saffell

I can confirm that the Council are aware of concerns raised about the impact this development is having on residents and the environment. Unfortunately, the planning system does not have powers to prevent new developments from having no impact at all on neighbouring occupiers and as such it is an inevitable consequence that some impact during the construction phase should be expected.

However, the Council's Planning Enforcement team have been monitoring the situation in relation to the Lovell development off Highfields Street and have actively been visiting the site to check that the developer is complying with their planning conditions. The planning permission is subject to a construction management plan condition which seeks to reduce any adverse impacts on residents and having assessed the situation on site, the Planning Enforcement Officer has advised that the developer is complying with its terms as approved. The Planning Enforcement Team will continue to monitor the site to make the developer is aware of their continuing requirements to ensure that the construction of the development on this site has minimal impact on local residents.

In terms of trees removed that are protected by a Tree Preservation Order, this was permitted by the granting of the planning permission for the Lovell Development. The trees were protected via a group order (so not TPO'd individually) and when the Lovell planning application was submitted, the developer submitted a detailed tree report to justify the works they were proposing on that part of the site. This was carefully considered by the Council's Tree Officer as part of the consideration of the application, and it was agreed that some of trees in the group order could be removed as individually they weren't worthy of protection. It was also considered that the trees removal would not harm the status of the group order which still seeks to protect the remainder of the trees on site for the collective contribution that the group makes to the visual appearance of the area.

To clarify further, the granting of a planning permission for development, as in this case, supersedes the requirements of a Tree Preservation Order and the works that have been carried out on site are in line with that agreed in the planning permission for the development of housing on the site.

Supplementary question and response

Ms Davies quoted planning policy which referenced an efficient planning enforcement system. She asked if the Council was still of the opinion that planning enforcement was fit for purpose. Councillor A Saffell stated that he would visit the site and seek information from the planning enforcement team on the position, he would then make contact with Ms Davies.

Question from Ms Dillon

'There are 650 MPs in the elected Parliamentary chamber, all there to scrutinise the plans set forth by the government. The formation of political parties is a relatively recent development within our Parliamentary system, in particular the whipping system. It could be argued that the Party system has reduced the effect of those 650 voices – reducing democracy; power of the people, within Parliament.

The motion put forward implies that the Party allegiance of our MP is more important than the character of the MP, so I ask you to consider the following question in regards to the motion:

Should the MP of North West Leicestershire be a Party representative to the region, or should our MP be representing constituents interests whilst scrutinising government plans, policies and legislation?'

Response from Councillor R Blunt

I would like to thank Siobhan for her interesting question which is timely in view of the motion which appears later on our agenda this evening.

I have used sources from the UK Parliament and BBC websites in putting together my response.

Historically, as I understand it, the House of Commons has acted on the principle that all Members of the House of Commons are individually elected, and voters put a “cross against the name of a candidate”. While decisions on candidates may be affected by their party labels, Members of Parliament (MPs) are free to develop their own arguments once elected, until it is time to face the voters in the next general election.

The role of an MP, as set out on the websites referred to above is to:

“Represent his/her constituents, including those who did not vote for them or did not vote at all.

MPs represent their constituents in areas where the UK Parliament takes decisions. MPs either debate or ask questions in the House of Commons or they work in smaller groups known as committees.

Other important roles of MPs in Parliament are to help make laws and to scrutinise (check-up on) the work of the government or investigate issues.

The Parliamentary duties of an MP include:

- writing to or organising meetings with relevant ministers
- speaking in Parliament during a debate
- asking questions during Prime Minister's Questions (PMQs)
- introducing Members Bills on topics of concern to their constituents
- lobbying other organisations (such as local councils, health boards) and individuals on behalf of their constituents
- raising the profile of an issue in the media
- involvement in committees which scrutinise new legislation or question the work of the government.

When they are not working in parliament, MPs work in their constituencies, communicating with their constituents by writing letters, emails and replying to phone messages. Often MPs will hold 'surgeries' where local people can meet with their MP and ask questions. Constituents usually meet with their MP to seek help with a problem or issue. Some MPs send out newsletters to their constituents and communicate via their own website or social media accounts”.

I would, therefore, take the view that MPs, are a representative of their constituents rather than a delegate of their political party, should they be a member of one.

Supplementary question and response

Ms Dillon asked if Councillor R Blunt considered the role of the District Councillors to be similar to the Members of Parliament. Councillor R Blunt felt that once the elections were

finished, District Councillors represented the people of the District regardless of their political parties.

36. QUESTIONS FROM COUNCILLORS

There were five questions asked which are set out below together with the responses. Each Member who asked a question was invited by the Chair to ask one supplementary question which is also set out together with the response.

Question from Councillor Sheahan

'The Local Government and Social Care Ombudsman has been reported by the BBC as saying councils are frequently failing to use their powers to tackle anti-social behaviour. In the same report, the Local Government Association were quoted as saying, "...it is vital all agencies – including the Government – ensure all measures in the ASB Plan launched earlier this year are adequately resourced." Paragraph 40 of the Government's ASB Plan, says, "while the police, local authorities and other agencies have a range of powers to tackle anti-social behaviour, they do not use them consistently, or, at times, enough.

Does the Council recognise these issues?'

Response from Councillor M Wyatt

'All local authorities within Leicester, Leicestershire and Rutland have committed to following a shared procedure relating to tackling antisocial behaviour to ensure that there is both consistency and best practice applied across the area.

The procedure requires councils and the police to apply an incremental approach to tackling ASB. The approach details the breadth of powers available which range from informal approaches such as providing advice and the issuing of warning letters through to using formal legal powers such as community protection notices, injunctions, closures, and public space protection orders.

When tackling ASB officers start with an informal approach and move along the range of powers incrementally until a resolution can be reached.

When officers consider the use of legal powers the Council's legal team are engaged and the views of the Joint Action Group (JAG) are sought before acting. The membership of the JAG includes a range of agencies namely the police, schools, social care, youth justice and others as required.

The Council has a track record of making use of the full range of informal resolutions and formal legal powers to resolve ASB issues. The issue of advice and warning letters are a regular occurrence and were most recently used with recent injunctions to resolve a serious issue in June this year into ASB and violence between neighbours in Coalville.

In conclusion, I can confirm that this Council does not recognise the issues in the quote from Paragraph 40 of the Government's ASB Plan and sees that its practice of managing ASB accords with the best practice highlighted above.

Full details on the Council's ASB policy can be found at [Anti-social Behaviour Policy \(nwleics.gov.uk\)](http://nwleics.gov.uk)'

Supplementary question and response

Councillor S Sheahan asked for evidence including benchmarking information to prove that the council accords with best practice. Councillor M Wyatt confirmed he would be happy to provide the information outside of the meeting.

Question from Councillor J Legrys

'At Council on the 20 June 2023, I asked Councillor Saffell a question about the reopening of the Right of Way between London Road to Stephenson Way Coalville. The Right of Way is closed due to unsafe structures.

Councillor Saffell replied that the issue is complex, but he would be providing me with regular updates on progress to reopen the Right of Way.

I am disappointed that I have had no such regular update and I would be grateful if I can be informed when the Right of Way will be re-opened?'

Response from Councillor Saffell

Further to my response to the previous question raised on this matter at Council on 20 June 2023, I am advised that there were initially five or six walls in a dangerous condition and which led to the footpath within the park being fenced off. Officers have now had some feedback from LCC Highways who are leading on the matter as the footpath adjoins their public right of way. They have advised that there are now just two walls which need repairing by the owners. Officers are advised by LCC that there has been no response from those remaining owners so the matter will now be handled by the County Council's legal team who will start the legal process to enable repair of the wall. They have also advised that, unfortunately, this may take some time now it has become a legal process as there could be challenges regarding ownership and responsibility.

I can also advise that some of the temporary fencing has now been removed which means that residents can now access and egress the park from the jitty at northern end from Albert Road without having to walk all the way to the London Road entrance. In the meantime, Officers from the District and County Councils are looking into the position of the two remaining dangerous walls along the footpath so they can decide whether or not further parts can be reopened.

While I can't give a specific date when the footpath will be totally reopened, progress is being made and as soon as I have more information from officers, I will update Cllr Legrys further.

Supplementary question and response

Councillor J Legrys asked if the residents in that area that used the route regularly could be kept informed via a press release, regarding what action was being taken. Councillor A Saffell confirmed a press release could be issued.

Question from Councillor R Sutton

The last meeting of Council recommended, under Agenda 11, 'Appointments to Community Bodies', appointments to East Midlands Councils and the Regional Migration Board:

In what sense are these 'community bodies' independent of this Council and, if, on the other hand, membership of and influence via these two bodies indicates a democratic function, how are policy setting, accountability to Council members and our electorate, and open and transparent decision making all ensured, making specific reference to:

- a) Transport investment and delivery for rail and roads impinging on the District,

- b) The temporary housing and permanent resettlement of asylum seekers in the District?

Response from Councillor R Blunt

I have liaised with and taken advice from East Midlands Councils in preparing the response to this question.

- East Midlands Councils is independent partnership body that works on behalf local authorities in the region. East Midlands Councils provides a platform for collective work and decision making and is accountable to its Local Authority membership.
- Each member council has one seat by virtue of its membership, additional seats are allocated on the basis of political balance. All East Midlands Councils boards are politically-led, with decisions made by Local Authority councillors (including leaders and portfolio holders) from within its membership.
- All councillors in the region are invited to the plenary meetings of East Midlands Councils (two per year) and the agenda, papers and minutes of all Board meetings are publicly accessible.
- Policy setting, in respect to where East Midlands Councils has these responsibilities, is through the politically led Boards, including the collective regional response to nationally set policy, e.g., the implementation of asylum dispersal programmes, or in the case of strategic transport investment. Boards agree a collective response to inform the prioritisation of nationally directed investment, e.g. the Integrated Rail Plan.
- East Midlands Councils does not have responsibility for deciding the numbers, or location, of asylum dispersal (including contingency hotels). This is a nationally determined programme, undertaken in consultation with East Midlands Councils and local authorities. Similarly, while East Midlands Councils seeks to influence the prioritisation of strategic road and rail investment, decisions remain either nationally determined, or through the respective Local Transport Authority as appropriate.

Supplementary question and response

Councillor R Sutton stated that East Midlands Councils did set policies when required and made decisions, therefore he asked Councillor R Blunt if he agreed that residents should be able to access these minutes and therefore should be tabled at Council meetings. Councillor R Blunt could not provide a response as some further work was required on the appropriate process for feeding back from community bodies, therefore a response would be provided outside of the meeting.

Question from Councillor Sewell

'Having recently been frustrated by the Planning process at this Council, I would like to ask the following question:

Call-ins from Ward Members/neighbouring Ward Members are refused on a regular basis, from what I gather from my colleagues, even when strong material planning considerations are put forward.

I believe the refusal to allow call-in is decided by the Chairman of the Planning Committee, along with the Strategic Director of Place.

When a Ward Member/neighbouring Ward Member puts forward a call-in, they do so with prior local knowledge, and because of local constituents' concerns. The Strategic Director of Place, Planning Officers and Chair would always be aware of these 'local' matters and

totally rely on the Planning Portal for resident comments – this portal isn't always useable or accessible by members of the public.

Will consideration please be given to at least allow Ward Members/neighbouring Ward Members to be present at the discussion appertaining to the particular application they have the concern about? Phone calls or emails refusing call-ins aren't giving Ward Members the clarity necessary to provide the right information to concerned constituents on contentious planning issues.'

Response from Councillor A Saffell

The process for call in, is set out in the Constitution (page 37-38) under the terms of reference of the Planning Committee, paragraph 2.4 which sets out those matters which are reserved to Committee:

2.4 Excluding those types of applications detailed at paragraph 1.3 above, the determination of an application where:

(a) a ward member of the ward to which the application relates or the ward member of an adjoining ward (if that adjoining ward is materially impacted by the application) has notified the relevant Strategic Director (in writing or by email within 4 weeks of being notified of the application) that the application should be determined by the Planning Committee; and

(b) in the opinion of the Chair having consulted the relevant Strategic Director (or his nominated officer):

(i) the notification is supported by one or more material planning grounds; and

(ii) the item relates to a matter of local concern,

Provided that where the relevant ward member or neighbouring ward member has a disclosable pecuniary interest in the application in question, this "call-in" shall automatically be triggered for consideration by the Chair under (b) above.

Where the Chair decides that an application does not satisfy (b)(i) or (ii) above, written reasons shall be given to the requesting member.

There is currently no constitutional requirement for the Chair to contact Members regarding each call-in request that they make. However, at a meeting of the Planning Cross Party Working Group in June 2020, it was agreed to slightly amend the process so that the Chairman of Committee would speak to the Ward Member on their call-in reasons before a final decision was made. I understand that the new Chair of Planning Committee is now making contact with ward members to discuss the call-in requests and to understand their concerns before discussing with officers and making a final decision. It is also open to the ward member to contact the Chair about their call-in requests.

As I'm aware that some Members continue to have concerns about the current call-in procedure, as indicated by the question raised, I would suggest that this matter is discussed at the next Planning Cross Party Working Group, to explore whether any minor

changes to the process maybe required. I will ask for a meeting of the Planning Cross Party Working Group to be arranged for the Autumn.

Supplementary question and response

Councillor C Sewell asked how the planning department could be adequately funded to enable all Ward Councillor call-ins to be heard at planning committee which she was aware happened at other authorities. She believed this would be more democratic. Councillor A Saffell felt that accepting all call-in's would be a step too far as it was important to have material planning reasons. He confirmed that the Planning Cross Party Working Group would be convened soon to discuss, and he invited Councillor Sewell to attend.

Question from Councillor T Eynon

'How does this authority intend to meet its statutory duty, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving not only the listed buildings of Snibston Colliery but its setting on Ashby Road which includes the former Coalville and Local Mines Fire Station, the Pithead Baths, Ebenezer Chapel, Deputies Row and the Snibstone New Inn?'

Response from Councillor A Saffell

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a "general duty as respects listed buildings" in the exercise of our planning functions. The Council fulfils its statutory duty under S66 when dealing with applications for planning permission that would affect listed buildings at Snibston Colliery, including the Grade 2 administrative offices, locomotive house and powder magazine, or their settings, by carefully considering the impact of any development proposals on the listed building or its setting. Applications will be assessed and considered by the Council's Conservation Officer and their conclusions would be afforded considerable weight in the decision making process.

The headstocks and engine houses at Snibston Colliery are scheduled monuments, but there is no similar general duty as respects scheduled monuments. However, the Council ensures that any applications for planning permission conserve the scheduled monument and its setting in the same way by carefully considering the impact of any development proposals on monument or its setting. Applications will be assessed and considered by the Council's Conservation Officer and Historic England and their conclusions would again be afforded considerable weight in the decision making process.

I can confirm that a recent planning application for a major development on Ashby Road was refused permission and one of the reasons for refusal was that the scale, layout and appearance of the proposed development would erode the setting which contributes positively to the significance of the scheduled ancient monuments that form part of Snibston Colliery.

Supplementary question and response

Councillor T Eynon referred to the applications being assessed by tree officers and Environmental England and asked what opportunities existed to work in collaboration with heritage agencies. Councillor A Saffell stated that he would make some enquiries and provide a response outside of the meeting.

37. MOTIONS

The following motion was received from Councillor S Sheahan:

‘This Council calls upon Andrew Bridgen to resign as the MP for North West Leicestershire.

Whether or not they supported Mr Bridgen in the 2019 General Election, people generally knew what they were voting for, and it was clear that Mr Bridgen won the support of the largest body of opinion in the North West Leicestershire Constituency, as measured by the votes cast.

This was his democratic mandate, and it was that which gave him the credibility accorded an MP in the eyes of those he would be representing, those he would be making representations to and those he would be working in partnership with, such as this Council.

However, in May of this year, Mr Bridgen joined Reclaim, turning his back on the mandate he was elected on. Soon after, he announced that he would not be standing down to enable a by-election to take place. We believe that this is an affront to democracy and places the people of North West Leicestershire at a real disadvantage, when it comes to influencing important decisions.

Clearly we need a representative with a valid mandate who will restore credibility to the position of our Member of Parliament. Although he has hitherto rejected calls to resign his seat in order to trigger a by-election, we trust Mr Bridgen has had time to properly reflect on the difficulties he has placed himself and his constituents in.

Therefore, we call on him now – don’t obstruct democracy; do the right thing for the people of North West Leicestershire.’

Councillor S Sheahan spoke to and then formally moved the motion. It was seconded by Councillor J Legrys.

A discussion ensued on the recent behaviours of the North West Leicestershire Member of Parliament and comments were made both in support and against the motion. Acknowledgement was given to the Member of Parliament’s change of political allegiance and some public opinion that a by-election was the right way forward, however it was also noted that constituents were represented irrespective of political preference and Parliament had its own rules to deal with behaviour.

The motion was put to the vote. A recorded vote having been requested; the voting was as detailed below.

The result of the vote was tied, therefore in accordance with the Council’s Constitution, the Chair exercised his second and casting vote.

The motion was LOST.

[Recorded vote to be added once minutes finalised]

Motion to call upon Andrew Bridgen to to resign as MP for North West Leicestershire (Motion)	
Councillor Ray Morris	Against
Councillor Kenny Horn	Against
Councillor Mike Ball	Against
Councillor Anthony Barker	For
Councillor Russell Boam	Against
Councillor Dave Bigby	For
Councillor Murrae Blair-Park	For
Councillor Richard Blunt	Against

Councillor Morgan Burke	Against
Councillor Rachel Canny	Against
Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor Dr Terri Eynon	For
Councillor Marie French	Against
Councillor John Geary	For
Councillor Tony Gillard	Against
Councillor Russell Johnson	For
Councillor Simon Lambeth	For
Councillor Paul Lees	Against
Councillor John Legrys	For
Councillor Keith Merrie MBE	Against
Councillor Alison Morley	For
Councillor Peter Mout	For
Councillor June Page	For
Councillor Elizabeth Parle	For
Councillor Guy Rogers	For
Councillor Nicholas Rushton	Against
Councillor Tony Saffell	Against
Councillor Carol Sewell	For
Councillor Sean Sheahan	For
Councillor Jenny Simmons	Against
Councillor Nigel Smith	Against
Councillor Ray Sutton	For
Councillor Avril Wilson	For
Councillor Jake Windram	Against
Councillor Lee Windram	Against
Councillor Andrew Woodman	Against
Councillor Michael Wyatt	Against
Councillor Ray Morris	Against (Casting Vote)
Rejected	

38. PETITIONS

No petitions were received.

39. MINUTES

Consideration was given to the minutes of the meeting held on 20 June 2023.

It was moved by Councillor R Morris, seconded by Councillor Horn and

RESOLVED THAT:

The minutes of the meeting held on 20 June 2023 be approved and signed by the Chair as a correct record.

40. CAPITAL PROGRAMME UPDATE

Councillor N J Rushton presented the report to Members.

Objections were raised by a Member regarding the inclusion of a charge for the use of public toilet facilities, the cashless method of payment and the lengthy amount of time it would take to recoup the system installation cost. Following advice from the Deputy Monitoring Officer on how the recommendations could be amended to reflect this objection, Councillor S Lambeth moved the following amendment to recommendation 2:

‘That Council approve the updated Capital Programme as detailed in appendix 1, including the new schemes as set out in paragraphs 3.2 and 3.3, provided that £23,000 provided for public conveniences.’

It was seconded by Councillor S Sheahan. The Chair opened the debate on the proposed amendment.

A debate ensued and strong views were shared against charging members of the public to use public conveniences and the lack of consultation on the proposal. A comment was made that the report had previously been considered by Corporate Scrutiny Committee and therefore comments should have been raised then, however it was noted that the detail on the proposed use of the funds was not included in the report.

Further discussions were had on process in relation to notice periods for amendments to motions. It was confirmed by the Deputy Monitoring Officer that the amendment had been proposed in accordance with the Council’s Constitution.

The amendment was put to the vote. A recorded vote having been requested; the voting was as detailed below.

The result of the vote was tied, therefore in accordance with the Council’s Constitution, the Chair exercised his second and casting vote.

The amendment was LOST.

The Chair re-opened the debate on the recommendations within the report as previously moved by Councillor N J Rushton. It was seconded by Councillor R Blunt.

No further comments were made.

RESOLVED THAT:

- 1) The supplementary estimates detailed in paragraph 2.2 which were above £250,000 and externally funded be approved.
- 2) The updated Capital Programme as detailed in appendix 1, including new schemes as set out in paragraphs 3.2 and 3.3 be approved.

[Recorded vote to be added once minutes finalised]

Amendment to motion from Councillor S Lambeth (Amendment)	
Councillor Ray Morris	Against
Councillor Kenny Horn	Against
Councillor Mike Ball	Against
Councillor Anthony Barker	For
Councillor Russell Boam	Against
Councillor Dave Bigby	For
Councillor Murrae Blair-Park	For
Councillor Richard Blunt	Against
Councillor Morgan Burke	Against
Councillor Rachel Canny	Against

Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor Dr Terri Eynon	For
Councillor Marie French	Against
Councillor John Geary	For
Councillor Tony Gillard	Against
Councillor Russell Johnson	For
Councillor Simon Lambeth	For
Councillor Paul Lees	Against
Councillor John Legrys	For
Councillor Keith Merrie MBE	Against
Councillor Alison Morley	For
Councillor Peter Mout	For
Councillor June Page	For
Councillor Elizabeth Parle	For
Councillor Guy Rogers	For
Councillor Nicholas Rushton	Against
Councillor Tony Saffell	Against
Councillor Carol Sewell	For
Councillor Sean Sheahan	For
Councillor Jenny Simmons	Against
Councillor Nigel Smith	Against
Councillor Ray Sutton	For
Councillor Avril Wilson	For
Councillor Jake Windram	Against
Councillor Lee Windram	Against
Councillor Andrew Woodman	Against
Councillor Michael Wyatt	Against
Councillor Ray Morris	Against (Casting Vote)
Rejected	

41. SCRUTINY ANNUAL REPORT

Councillor K Merrie presented the report to Members.

It was seconded by Councillor K Horn.

A comment was received on the format of the report and the discussions already had on the improvements that could be made moving forward to engage with the public.

RESOLVED THAT:

The Annual Scrutiny Report be noted.

42. APPOINTMENTS TO COMMITTEES AND COMMUNITY BODIES

Councillor K Merrie presented the report to Members.

It was seconded by Councillor R Blunt.

Comments were made that although Members were appointed to Community Bodies, the Council did not receive any reports or feedback of the work being undertaken. A request was made to receive regular reports in future. The Portfolio Holder agreed to discuss this further with officers to ascertain the best approach to take with this matter.

RESOLVED THAT:

- 1) Councillor M Wyatt be appointed to the Employee Joint Consultative Committee.
- 2) Councillor L Windram be appointed to the vacant substitute seat on the Employee joint Consultative Committee.
- 3) Councillor A Woodman be appointed as the Council's representative on the Leicester, Leicestershire and Rutland Police and Crime Panel.
- 4) Councillor T Gillard be appointed as Councillor A Woodman's substitute on the Leicester, Leicestershire and Rutland Police and Crime Panel.

Councillor R Canny entered the meeting at 6.35pm

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.23 pm

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL - TUESDAY, 14 NOVEMBER 2023**

Title of Report	COUNCIL DELIVERY PLAN	
Presented by	Councillor Keith Merrie Infrastructure Portfolio Holder	
Background Papers	<p><u>Corporate Scrutiny Committees held on 11 July 2023 and 31 August 2023.</u></p> <p><u>Agenda for Cabinet on Tuesday, 24th October, 2023, 5.00 pm - North West Leicestershire District Council (nwleics.gov.uk)</u></p>	Public Report: Yes
Financial Implications	<p>The Council Delivery Plan (CDP) will need to be delivered within the overall financial resources the Council has available.</p> <p>At the time the Council set its revenue budget 2023/24 and Medium-Term Financial Plan (MTFP) in February 2023, the Council was operating in a climate of financial uncertainty. This uncertainty continues with high inflation, demand for services and uncertainty of local government funding in both the short and medium term.</p> <p>The MTFP has identified a funding gap of £1.6m in 2024/25 rising to an annual shortfall of £3.9m in 2027/28. The Draft Budget 2024/25 and MTFP 2024-29 will set proposals later in the year for plans to ensure the Council's financial stability and sustainability is maintained.</p>	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	None arising from the report	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The Council Delivery plan sets out the priorities for the Council for a five-year period so has significant corporate and staffing implications.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	A new Council Delivery Plan has been prepared by the Council's Alliance administration. The plan has been considered by the Corporate Scrutiny Committee and Cabinet.	

Reason for Decision	To implement a new Council Delivery Plan.
Recommendations	THAT COUNCIL ADOPTS THE COUNCIL DELIVERY PLAN 2023-28 AS ATTACHED AT APPENDIX 1.

1.0 BACKGROUND

- 1.1 The Council has previously prepared a Council Delivery Plan for the life of the administration at the beginning of each Council term. The attached plan has been prepared following two workshop sessions in the summer of 2023 involving members of the Alliance administration and senior officers from the Corporate Leadership team. It also takes into consideration issues which have been previously flagged as being of key interest to all members arising from member enquiries and topics considered previously by the Council's two Scrutiny Committees and Cabinet.
- 1.2 The plan is in three parts – the Main Plan attached at Appendix 1 – this is the public facing document which outlines the high-level priorities of the Council. Part 2 contains the 18 performance indicators that will sit behind the plan - these will be measured and monitored through quarterly reports to Cabinet and the Corporate Scrutiny Committee at Appendix 2, and the corporate performance framework which explains how the plans will be implemented, monitored and reviewed through the officer structures of the Council at Appendix 3. The directorate business plans will include details of how the actions and indicators will be managed and delivered and these will be mostly managed through quarterly reporting to the Corporate Leadership team. Some of the actions and indicators are new so benchmarking and baseline data may not yet be available - in those instances the information will be included as these are developed during the life of the plan.
- 1.3 A request was made at the meeting of the Corporate Scrutiny meeting held on 11 July 2023 for the (opposition) political groups to be consulted on the draft Council Delivery Plan when a more formed version was to be available. The Portfolio Holder for Infrastructure provided the political groups with a draft version of the plan in the first week of August 2023, and invited comments. A response was received from the Labour opposition group, and this was appended to the Corporate Scrutiny Committee report with officers' comments. The response is appended for information to this report at Appendix 4.

The Council Delivery Plan was then formally presented to the Corporate Scrutiny Committee on 31 August 2023. The Committee's discussion on the item is included in Appendix 5 of this report, with the extracted draft minutes and further officer commentary for each of the discussion points.

- 1.4 Changes and clarifications have been made to the proposed Council Delivery Plan (the changes have been incorporated into the updated document at Appendix 1). Changes and updates have also been made to the performance indicators document in Appendix 2.

The Labour group submitted a further paper in relation to the proposed CDP on the 22 October 2023, and this was presented to Cabinet. The portfolio Holders response to the paper is contained within the Cabinet draft minutes. The paper is attached at Appendix 6. When the report and Labour paper were presented to Cabinet on the 24 October 2023 the Leader agreed to further discussions with the Portfolio Holder and the Chair of the Corporate Scrutiny Committee. The Portfolio holder, Councillor Merrie, met with Councillor Lambeth and Councillor Morley on 30 October 2023 with officers,

when additions and clarifications were made to the performance indicators. These have been incorporated in the revised document at Appendix 2.

- 1.5 During the preparation of the revised Council Delivery plan and associated documents, attention has been paid to the developing government guidance on Best Value (currently in draft form for consultation) which states that the corporate plan for a well-functioning authority: -

“.. is evidence based, current, realistic and enables the whole organisation’s performance to be measured and held to account. Strategic priorities are aligned with the authority’s financial strategy and delivery arrangements, and respond appropriately to local need, including the plans of partners and stakeholders.”

The guidance also advises against Council plans having too many unrealistic priorities – the number of priorities and performance indicators have been reduced considerably when compared to the previous plan to ensure there is a real focus on what is able to be resourced and achieved given the current information about the Council’s likely future resources.

Critically, the plan focuses on issues that are in the gift of the Council to deliver.

With this in mind, care has been taken to align the plan with the Medium-Term Financial Plan, and the known plans of other partner organisations.

- 1.6 This plan sets out a clear and realistic vision and set of priorities for the district in the Council’s area and scope of influence to help build local economic growth, social cohesion, and a healthy local democracy. The plan will be monitored in conjunction with the budget at Cabinet and Corporate scrutiny at the same time on a quarterly basis.
- 1.7 The foreword to the plan contains a corporate narrative that sets out the Council’s ambition for the district. The development of this narrative was supported by the Local Government Association who would expect to see such a statement as part of any future Corporate Peer Review. The narrative was informed by interviews with the Leaders of all the Council’s political group leaders earlier this year as well as consultation with front line staff, managers, and the Corporate Leadership Team. It is intended to use this narrative in the Council’s communication with stakeholders, partners, staff and with residents.
- 1.8 The performance framework document at Appendix 3 outlines how the plan will be managed through the officer structure of the Council and provides more detail about how the priorities will be delivered. This document also outlines the corporate themes and approach behind the priorities – namely that we will:

- Be open about what can and cannot be achieved
- Be honest when we get things wrong
- Use a positive and friendly tone of voice (when engaging with customers).

Policies and other considerations, as appropriate	
Council Priorities:	This report proposes new Council priorities
Policy Considerations:	Previous Council Delivery Plan

Safeguarding:	No direct considerations
Equalities/Diversity:	No direct considerations, impacts across all the districts' communities.
Customer Impact:	This plan seeks to improve customer impacts and interactions with our many customers.
Economic and Social Impact:	This plan seeks to improve the economic and social impact of the Council's activities in the district.
Environment, Climate Change and Zero Carbon:	The plan contains the Council's commitments to a clean, green and zero carbon district.
Consultation/Community/Tenant Engagement:	The plan and narrative have been prepared in consultation with team managers, staff, and the corporate leadership team. The plan has been shared with the recognised trade unions.
Risks:	Consideration has been given to the corporate risk register when compiling the plan.
Officer Contact	<p>Mike Murphy Head of HR and OD Mike.murphy@nwleicestershire.gov.uk</p> <p>Allison Thomas Chief Executive Allison.thomas@nwleicestershire.gov.uk</p>

APPENDIX 1 COUNCIL DELIVERY PLAN

APPENDIX 2 PERFORMANCE INDICATORS

APPENDIX 3 PERFORMANCE MANAGEMENT FRAMEWORK

APPENDIX 4 LABOUR PLAN RESPONSE

APPENDIX 5 CORPORATE SCRUTINY COMMITTEE MINUTES AND COMMENTS

APPENDIX 6. OPPOSITION PAPER TO CABINET

Council Delivery Plan 2023 -2028



Welcome to our Council Delivery Plan

Like the National Forest that grows at the heart of the district, **our work is rooted in the lives of the people we are here for.**

We are proud to be part of North West Leicestershire, getting on with the vital day-to-day work of supporting and encouraging communities and businesses so that they are as healthy and prosperous as they can be.

As in nature, **we believe good growth comes from creating the right environment.** Just like the branches of a tree extend out from the centre, we know that our reach is greater than our size.

All across our district there are positive things to shout about.

We successfully attract big brands, whilst nurturing specialist and independent businesses so that there are jobs at all levels. We're focussed on creating clean and green places where people want to live and visit. Whether it's Download music festival or motor racing at Donington Park, family fun at Conkers, Hicks Lodge and Snibston Colliery Park, getting active at one of our leisure centres or enjoying heritage at Moira Furnace - everyone is welcome and there's something for everyone.

We aim to get our services right first time and will negotiate hard to make sure our residents benefit from change. Our location at the centre of the country, with the airport and road network, gives us some great advantages but that same thing also puts pressure on our district as we embrace growth in the right places.

Our challenge is to make the most of all the positive things and minimise any impact.

This isn't easy. We are realistic that a council of our size and budget can't do everything or support what everyone wants. It can be hard to meet the needs of all our different communities.

But from Ashby to Castle Donington, from Coalville to Ibstock, the rural areas, villages and towns in between, we will proudly work to make the biggest positive impact we can.

Our duty is to act as a custodian of the district's welfare for future generations. **We will be here in the tough times and the good. We will go the extra mile** to get things right and share your frustrations when that doesn't happen. We know we need to be better at listening and responding to what residents tell us. We want the best because so many of us live here too.

This is about leadership, creating the right environment, making connections, speaking up for the area and encouraging ambition.

Our forest stands as a powerful symbol of a connected and resourceful council, one that nurtures, adapts and grows together with its community. That's what we aim to be.



Hicks Lodge

Our Vision

Our vision is that we support a clean, green and prosperous place where people want to live, work and visit.

Our priorities

Planning and regeneration

This priority is about economic growth and physical development of the district.

Communities and housing

This priority is about looking after our tenants and keeping our communities safe.

Clean, green and Zero Carbon

This priority is about looking after the environment we live in.

A well-run council

This priority is about making sure our services are provided in a positive and friendly way, that we provide good value for money and that our finances are in good order.

This plan links our priorities directly to the departmental business plans and the work of each service through their service plans. We monitor our performance throughout the year against our objectives.



Councillor Richard Blunt – Leader



Allison Thomas – Chief Executive

Planning and regeneration

Key aim

How will we know when we get there?



We will provide an effective planning service to our communities.

We will adopt a new Local Plan by 2026.

We will deal with your planning applications for major, minor and other developments by consistently meeting and exceeding the government's targets of 60%, 65% and 80% respectively.



We will secure high quality design in new developments.

We will have developed a new local design guide and new developments will comply with it.



We will effectively manage unauthorised development.

We will have developed and published a new local enforcement plan to manage enforcement proactively, in a way that is appropriate to our area. This will set out how we will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate and will include a more efficient and useable harm scoring system and targeted response times depending on the type and priority of cases.



We will create the right environment in Coalville for people and businesses to thrive.

We will have delivered our ambitious Coalville Regeneration Framework.



We will support towns, villages and communities across the district to improve for people and businesses.

We will have developed a regeneration framework and will be on the way to supporting thriving towns, villages and communities across the district.

Communities and housing

Key aim



We will provide a high quality housing service to our tenants.

We will deliver an excellent repairs' service.



Our private rental tenants across the district are able to live safely in their homes.



Our food businesses meet food safety standards.



Our two major leisure centres in Ashby and Whitwick and Coalville provide good services to our communities.

How will we know when we get there?

We will regularly survey our tenants, measuring performance against the standards set by the Social Housing Regulator.

We will act on the results to improve the service to achieve a rating of 4 out of 5 or better against these standards.

We will ensure all private landlords are compliant with minimum energy efficiency standards.

We will have published a Private Sector Housing Charter to clearly set out our expectations of landlords and what tenants can expect.

The percentage of food businesses having a rating of 5 (very good) will increase to at least 85% by 2028.

The leisure centres will be assessed independently against a national standard and achieve a 'good' or higher rating.

Clean, green and Zero Carbon district

Key aim



We will have reviewed our waste service so that it is easy for the public to use and our recycling performance will be improved.

How will we know when we get there?

Households in our district will recycle at least 52% of their waste (not including food waste) or at least 60% (including food waste) by 2028.



We will aim to be carbon neutral as a Council by 2030, and as a district by 2050.

We will have delivered our ambitious zero carbon programme, reduced our energy use, reduced our impact on the environment, and reduced our carbon emissions from all Council operations by 2030.



We will increase the biodiversity of our District.

We will have delivered a minimum of 10% biodiversity net gain on all developments across the district.



We will have produced a Tree Management Strategy to better manage our tree stock.

We will have produced and implemented a tree management strategy.

A well-run council

Key aim

How will we know when we get there?



Our customers are at the heart of everything we do.

We will respond to all customer complaints promptly, admit when we get things wrong and learn from our mistakes to improve our services.



We will provide value for money services.

We will have been independently assessed by our external auditors and been given a clean bill of health.

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We will live within our financial means.

We will balance our budget every year and reduce our forecasted funding gap to zero.

Tracking our success

This plan links our priorities directly to our departmental business plans and the work of each service through specific service plans.

We monitor our performance throughout the year against our objectives.

This roadmap on page 9 shows how we plan what we do annually, how we monitor our progress and how we evaluate what we're doing.

Starting with our vision and priorities, we plan our work using the medium-term financial plan to make sure any decisions are financially sound.

Each department has an overall plan, with service plans in each service, to make sure our work fits with our priorities and that we're fulfilling our statutory obligations.

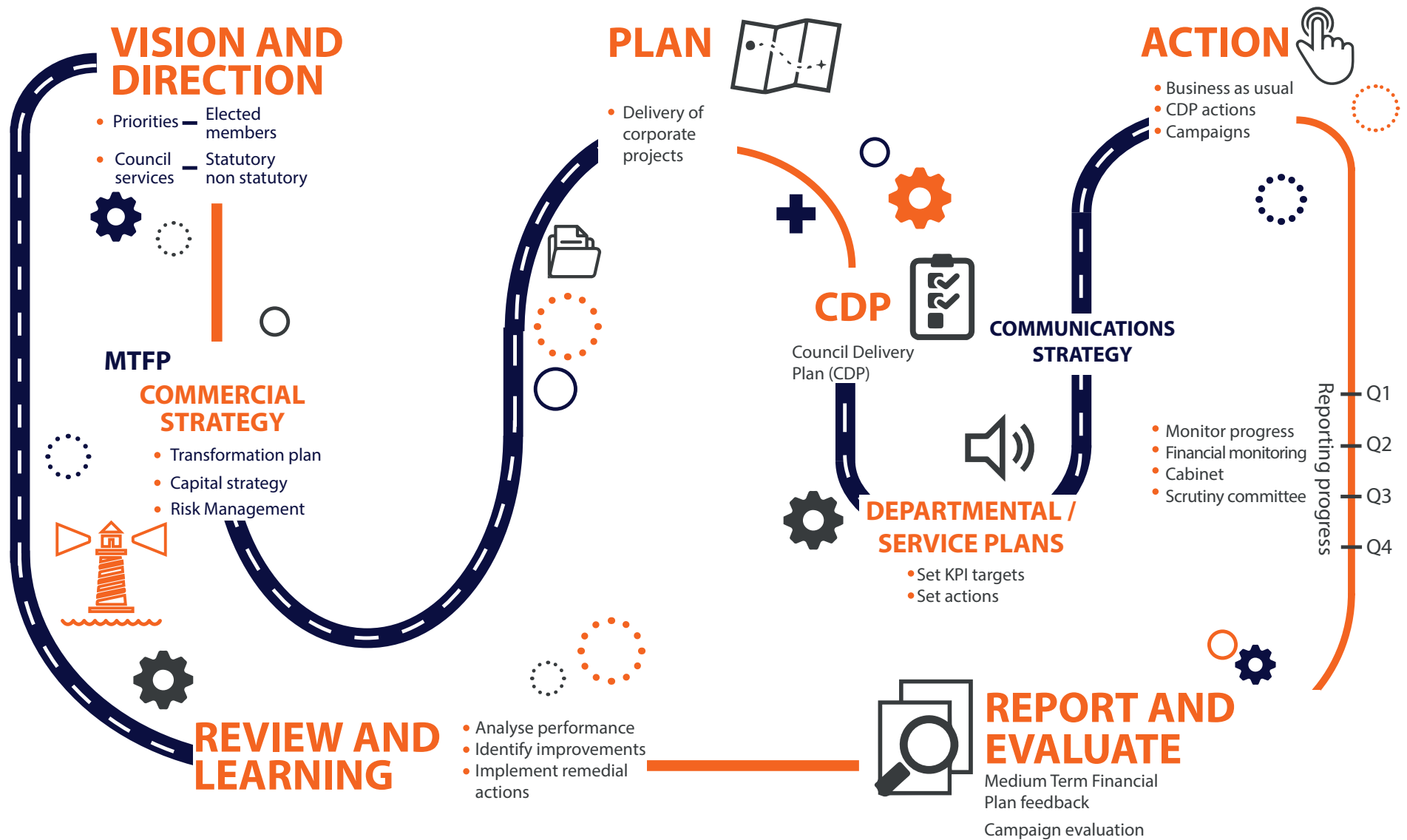
Our communications strategy supports how we engage and inform our different audiences about our work, and we check in on our performance every three months. The last performance report of the year takes a more in-depth look at how we're doing, so we can always look to improve.



SEGRO Logistics Park East Midlands Gateway and Rail Freight Interchange

PERFORMANCE ROADMAP

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Indicator 1:-

Priority- This indicator relates to the area of Planning and Regeneration

Outcome – We will adopt a new local plan by 2026

Measure	The agreement and adoption of a Local Plan by 2026. Delivery in accordance with up-to-date local development scheme.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT Local Plan Committee Cabinet Council
Definition	Delivery of an up-to-date local plan is a statutory requirement. This will provide planning policies to manage new development and growth in the district across the plan period 2020-2040.	Why this is important	A Local Plan sets out a vision and a framework for a specified area and provides the Council with control over where any new development is located. Local Plans are developed in conjunction with the local Community. Once in place, they become part of the statutory development plan, which is the starting point for making decisions on planning applications.
How will we measure success?	Through annual reporting of the Local Development Scheme to Local Plan Committee. Adoption of the new local plan following external examination by 2026 with the potential to span over the calendar years of 25/26 and 26/27.	Actions we are taking to ensure success	Assessment of workload to ensure that there is an appropriate level of staff/resource to deal with the preparation of the Local Plan. Briefings with Strategy Group, portfolio holders and members to update them on local plan issues and potential site allocations.
History with this indicator			
2022/3 Baseline Data (if available)			

	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	Submit local plan (Reg 18 consultation).				
2024/25	Pre-submission consultation (Reg 19) Submission of local plan and examination.				
2025/26	Adoption of the Local Plan by Q4 earliest.	N/A	N/A	N/A	
2026/27	Adoption of the Local Plan by the end of 2026.				
2027/28					
Overview of Performance				Actions needed to Improve/Sustain Performance	

Benchmarking	No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.
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Indicator 2:-

Priority- This indicator relates to the area of Planning and Regeneration

Outcome- Ensure that the statutory targets in terms of percentage of planning applications being dealt within a timely manner is being consistently exceeded

Measure	The percentage of applications being determined in a timely way exceeds national targets.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT DLUHC (Department for Levelling Up, Housing & Communities)		
Definition	This measure calculates the percentage of planning applications in specific categories (Major, Minor and other) which have met or exceeded the requisite time-frame.	Why this is important	To ensure compliance with statutory obligations and guidance, to avoid the Council being taken into special measures for failure to meet targets and to provide our residents with a good quality service.		
How will we measure success?	The purpose of this KPI is to see the statutory targets consistently met and exceeded over the next five years. This KPI is calculated quarterly.	Actions we are taking to ensure success	Assessment of workload to ensure that there is an appropriate level of staff to deal with the volume of applications received.		
History with this indicator	Performance against this KPI has improved over the last two quarters of 2022/23.		Review of processes to improve capacity for planning officers to determine planning applications in line with government targets.		
2022/3 Baseline Data (if available)					
Q4 data Major- 100% determined within 13 weeks, Minor- 85% determined within 8 weeks and Other- 96% determined within 8 weeks.					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March

2023/24	Major- At least 60% of applications determined within 13 weeks. Minor- At least 65% of applications determined within 8 weeks. Other- At least 80% of applications determined within 8 weeks.				
2024/25	Major- At least 60% of applications determined within 13 weeks. Minor- At least 65% of applications determined within 8 weeks. Other- At least 80% of applications determined within 8 weeks.				
2025/26	Major- At least 60% of applications determined within 13 weeks.				

	<p>Minor- At least 65% of applications determined within 8 weeks.</p> <p>Other- At least 80% of applications determined within 8 weeks.</p>				
2026/27	<p>Major- At least 60% of applications determined within 13 weeks.</p> <p>Minor- At least 65% of applications determined within 8 weeks.</p> <p>Other- At least 80% of applications determined within 8 weeks.</p>				
2027/28	<p>Major- At least 60% of applications determined within 13 weeks.</p> <p>Minor- At least 65% of applications determined within 8 weeks.</p>				

	Other- At least 80% of applications determined within 8 weeks.				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 3:-

Priority- This indicator relates to the area of Planning and Regeneration

Outcome – We will secure high quality design in new developments.

<p>Measure</p>	<p>We will secure high quality design in new developments.</p> <p>Compliance with the requirements of Good Design for North West Leicestershire Supplementary Planning Document for new developments.</p>	<p>Reviewing Body</p>	<p>This Key performance indicator will be reviewed by: - CLT Planning Committee annually External design review on strategic applications</p>
<p>Definition</p>	<p>The Good Design Guide for North West Leicestershire will provide advice to planning applicants and developers about what the Council requires with respect to the design quality of proposed new developments.</p>	<p>Why this is important</p>	<p>To ensure all new Developments within the District show excellence and quality in their design.</p> <p>The Good Design for North West Leicestershire gives us the ability to make sure we can be proud of our built environment and the developments we approve to be built.</p> <p>New development offers us the opportunity to use good design to create socially and economically vibrant places that work well for everyone. Well-designed buildings and spaces create meaningful places – places that people are proud of, will last for generations and help to make people’s lives happier and more fulfilling.</p>
<p>How will we measure success?</p>	<p>We will have developed a new local design guide and new developments will comply with it.</p>		<p>Assessment of workload to ensure that there is an appropriate level of resource to produce and adopt the Good Design Guide.</p>

History with this indicator	Performance monitored in the last Council was consistently high – see below.	Actions we are taking to ensure success	Working and engaging closely with stakeholders and partners to ensure support for the document. External design review (Design Midlands) on strategic sites.			
2022/3 Baseline Data (if available) All major residential schemes in 22/23 secured a high-quality design in compliance with the Good Design Supplementary Planning Document (SPD).						
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March	
2023/24	Develop a new Design Guide for North West Leicestershire adopting current best practice in accordance with the Governments National design guide. Undertake public consultation on the new Design Guide for North West Leicestershire.					
2024/25	Adopt the new design guide for North West Leicestershire. New development complies with the requirements of the adopted design guide.					

2025/26	New development complies with the requirements of the adopted design guide.				
2026/27	New development complies with the requirements of the adopted design guide.				
2027/28	New development complies with the requirements of the adopted design guide.				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 4:-

Priority- This indicator relates to the area of Planning and Regeneration

Outcome- We will effectively manage unauthorised development.

<p>Measure</p>	<p>We will adopt a Local Enforcement Plan to monitor and measure response times against the targets set out in the plan.</p>	<p>Reviewing Body</p>	<p>This Key performance indicator will be reviewed by: - CLT Corporate Scrutiny Planning Committee</p>
<p>Definition</p>	<p>The planning system regulates the development and use of land in the public interest, under powers set out in the Town and Country Planning Act 1990 and the council has various enforcement powers.</p>	<p>Why this is important</p>	<p>When development is carried out without planning permission when required or does not properly follow the detailed plans or comply with conditions attached to planning permissions, serious harm can be caused to the environment or the way that people live. Residents and businesses have a right to expect that harmful activities and unauthorised developments are dealt with effectively.</p>
<p>How will we measure success?</p>	<p>We will have developed and published a new local enforcement plan to manage enforcement proactively, in a way that is appropriate to our area. This will set out how we will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate and will include a more efficient and useable harm scoring system and</p>	<p>Actions we are taking to ensure success</p>	<p>Recruitment of a new Planning Enforcement Team Leader and Planning Enforcement Officer. Short term use of agency staff to help reduce the number of live planning enforcement cases in 2023/24.</p>

	targeted response times depending on the type and priority of cases.				
History with this indicator					
2022/3 Baseline Data (if available) The current baseline is 300 live planning enforcement cases per annum.					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24					
2024/25	Adopt a new local enforcement plan by the end of Q2 24/25 Monitor and measure response times against the targets set out in the adopted Local Enforcement Plan and report biannually to Planning Committee in Q3 and 4 24/25				
2025/26	Monitor and measure response times against the targets set out in the adopted Local Enforcement Plan and report biannually to Planning Committee.				

2026/27	Monitor and measure response times against the targets set out in the adopted Local Enforcement Plan and report biannually to Planning Committee.				
2027/28	24/25 - Monitor and measure response times against the targets set out in the adopted Local Enforcement Plan and report biannually to Planning Committee.				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 5:-

Priority- This indicator relates to the area of Planning and Regeneration

Outcome- We will create the right environment in Coalville for people and businesses to thrive

<p>Measure</p>	<p>Framework document reviewed and updated annually.</p> <p>Achievement of milestones for projects where the council is leading delivery.</p>	<p>Reviewing Body</p>	<p>This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny</p>
<p>Definition</p>	<p>The Coalville Regeneration Framework 2023 sets out current projects that will contribute towards the regeneration of the town.</p> <p>It is recognised that other projects will emerge during the life of the CDP (Council Delivery Plan) and that the council may wish to add these to the Regeneration Framework to ensure it remains a live document. To accommodate this, it is proposed that an annual update to the Framework is published. This annual update forms part of the outcome measure.</p> <p>In 2023 there are 6 projects where the council will be directly involved in delivery. These are:</p>	<p>Why this is important</p>	<p>The Regeneration of Coalville relies on the delivery of regeneration projects. Each of the council led projects comprises milestones. Measuring progress against milestones is a way of evidencing project progress and that regeneration is being delivered.</p>

	<ul style="list-style-type: none"> • Marlborough Square (Public Realm) • The Marlborough Centre • Stenson House and Square • Mantle Lane • Hermitage Recreation Ground • Wolsey Road Regeneration area <p>For each project there will be a project plan setting out critical project milestones. Achievement of these milestones forms the second part of the measure against this outcome.</p>					
How will we measure success?	<p>Success will be demonstrated by completion of the Coalville Regeneration Framework.</p> <p>Annual Review and progress against set project milestones.</p>	Actions we are taking to ensure success	Each Project within the Regeneration Framework that NWLDC (North West Leicestershire District Council) is delivering will have a defined project manager and project sponsor, responsible for ensuring the project is progressed.			
History with this indicator	This is a new indicator.					
2022/3 Baseline Data (if available)						
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March	
2023/24	Quarterly progress statement plus an					

	additional Annual Framework review in Q4				
2024/25	Quarterly progress statement plus an additional Annual Framework review in Q4				
2025/26	Quarterly progress statement plus an additional Annual Framework review in Q4				
2026/27	Quarterly progress statement plus an additional Annual Framework review in Q4				
2027/28	Quarterly progress statement plus an additional Annual Framework review in Q4				
Overview of Performance					

<p>By the end of the CDP period a number of project milestones should have been achieved demonstrating progress towards delivery of the council led projects identified in the Regeneration Framework.</p>		<p>Actions needed to Improve/Sustain Performance</p>	<p>Delivery of projects in the Regeneration Framework by the council needs to be resourced.</p>
<p>Benchmarking</p>	<p>No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.</p>		

Indicator 6:-

Priority- This indicator relates to the area of Planning and Regeneration

Outcome- We will support towns, villages and communities across the district to improve for people and businesses

<p>Measure</p>	<p>Year 1 – Framework Document Produced. Year 2 onwards - Project milestones achieved.</p>	<p>Reviewing Body</p>	<p>This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny</p>
<p>Definition</p>	<p>The North West Leicestershire Regeneration Framework will be produced during 2024 and will set out projects that will contribute towards the regeneration of the District.</p> <p>Within the 2024 Framework those projects where the council intends to lead delivery will be identified and project plans (containing milestones) developed. Quarterly reports identifying progress against milestones will be produced.</p> <p>It is recognised that other regeneration projects will emerge during the life of the CDP (Council Delivery Plan) and that the council may wish to add these to the NWL Regeneration Framework to ensure it remains a live document. To</p>	<p>Why this is important</p>	<p>The Regeneration of North West Leicestershire relies on the delivery of regeneration projects. Each project comprises milestones. Measuring progress against milestones is a way of evidencing project progress and that regeneration is being delivered.</p>

	accommodate this, it is proposed that an annual update to the Framework is published. This annual update forms part of the Outcome measure.				
How will we measure success?	<p>Success will be demonstrated by:</p> <p>2024/25 - the publication of a NWL Regeneration Framework document, quarterly progress reports and an annual review.</p> <p>2025/26 onwards - Publication of an annual review of the Framework document and quarterly reports on progress against milestones for council led projects.</p>	Actions we are taking to ensure success	Each Project within the Regeneration Framework that NWLDC (North West Leicestershire District Council) is delivering will have a defined project manager and project sponsor, responsible for ensuring the project is progressed.		
History with this indicator	This is a new indicator.				
2022/3 Baseline Data (if available)					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	NWL Regeneration Framework in production-Q4				
2024/25	NWL Regeneration Framework Published in Q1				

	Quarterly Progress statements plus Annual Framework Review				
2025/26	Quarterly Progress statements plus Annual Framework Review				
2026/27	Quarterly Progress statements plus Annual Framework Review				
2027/28	Quarterly Progress statements plus Annual Framework Review				
Overview of Performance				Actions needed to Improve/Sustain Performance	Delivery of projects in the Regeneration Framework by the council needs to be resourced.
By the end of the CDP period project milestones will have been achieved, demonstrating progress towards delivery of the projects identified in the Regeneration Framework.					
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 7:-

Priority- This indicator relates to the area of Communities and Housing

Outcome- We will provide a high-quality housing service to our tenants.

Measure	The level of satisfaction of our housing tenants with the service that we provide.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny
Definition	This will be measured annually via the Tenant Satisfaction Measures Standard set by the Social Housing Regulator (measure TP01).	Why this is important	We are a customer focussed organisation therefore the satisfaction level and feedback of our customers is important to us.
How will we measure success?	We will regularly survey our tenants, measuring performance against the standards set by the Social Housing Regulator. We will act on the results to improve the service to achieve a rating of 4 out of 5 or better against these standards.	Actions we are taking to ensure success	
History with this indicator	This is a new indicator from the Social Housing Regulator.		
2022/3 Baseline Data (if available) Unavailable as this is a new indicator. Baseline being collected in 22/23 and published by third party (NWL has no control of publication)			

	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	First data publication				
2024/25	Once baseline is known annual targets will be set.				
2025/26	Once baseline is known annual targets will be set.				
2026/27	Once baseline is known annual targets will be set.				
2027/28	Achieve a 'fairly satisfied' rating by 2028 (point 4 of a 5-point scale) on overall satisfaction from council tenants.				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 8:-

Priority- This indicator relates to the area of Communities and Housing

Outcome- We will deliver an excellent repairs' service.

Measure	The level of satisfaction of our housing tenants with the repairs service that we provide.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny
Definition	This will be measured annually (interim quarterly) via the Tenant Satisfaction Measures Standard set by the Social Housing Regulator (measure TP02).	Why this is important	We are a customer focussed organisation therefore the satisfaction level and feedback of our customers is important to us.
How will we measure success?	We will regularly survey our tenants, measuring performance against the standards set by the Social Housing Regulator. We will act on the results to improve the service to achieve a rating of 4 out of 5 or better against these standards.	Actions we are taking to ensure success	
History with this indicator	New indicator from Social Housing Regulator.		
2022/3 Baseline Data (if available) None available as this is a new indicator – baseline being collected in 23/24 and published by third party (NWL has no control of publication)			

	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	First data publication				
2024/25	Once baseline is known annual targets will be set.				
2025/26	Once baseline is known annual targets will be set.				
2026/27	Once baseline is known annual targets will be set.				
2027/28	Achieve a level of 'fairly satisfied' rating by 2028 (point 4 of a 5-point scale) on overall satisfaction from council tenants on repairs undertaken in the last 12 months.				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 9:-

Priority- This indicator relates to the area of Communities and Housing

Outcome-Our private rental tenants across the district are able to live safely in their homes.

Measure	Compliance of Private Landlords with Minimum Energy Efficiency Standards (MEES) at E or above).	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny		
Definition	This will be measured quarterly.	Why this is important	We are a customer focussed organisation therefore the safety of our residents is important to us.		
How will we measure success?	% of Landlords contacted within the specified time-period within the MEES policy for non-compliance	Actions we are taking to ensure success	MEES Policy adopted by Cabinet in June 2023, which introduces a financial penalty for non-compliance with the legislation. Non-compliant Landlords identified with proactive enforcement and enforcement procedure implemented.		
History with this indicator	This is a new indicator.				
2022/3 Baseline Data (if available) 2% non-compliance as at September 2023 (118 properties)					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	100%				
2024/25	100%				
2025/26	100%				
2026/27	100%				
2027/28	100%				

Overview of Performance		Actions needed to Improve/Sustain Performance	
	No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.		

Indicator 10:-					
Priority- This indicator relates to the area of Communities and Housing					
Outcome- Our food businesses meet food safety standards					
Measure	Compliance of Food businesses with Food Hygiene Standards and having a rating of 5 (Very Good), using the national food hygiene rating scheme.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny		
Definition	This will be measured quarterly against the food hygiene standards set by the Food Standards Agency (national food hygiene rating scheme).	Why this is important	We are a customer focussed organisation therefore the safety of our residents is important to us. Good hygiene standards of food businesses help prevent cases of food contamination and food poisoning.		
How will we measure success?	The percentage of food businesses having a hygiene rating of 5 (very good) will increase to at least 85% by 2028.	Actions we are taking to ensure success	Delivery of a food hygiene inspection programme Provision of advice to food businesses		
History with this indicator	79% of food businesses in the District currently have a Food hygiene rating of 5.				
2022/3 Baseline Data (if available)					
79% of food businesses in the District currently have a Food hygiene rating of 5.					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	80%				

2024/25	81%				
2025/26	83%				
2026/27	84%				
2027/28	85%				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 11:-			
Priority- This indicator relates to the area of Communities and Housing			
Outcome- Our two major leisure centres in Ashby and Whitwick and Coalville provide good services to our communities.			
Measure	The Service provided by the Leisure Centres will be measured through a Biennial independent QUEST assessment undertaken at Ashby Leisure Centre and Lido and Whitwick and Coalville Leisure Centre, complemented with a biennial Direction of Travel maintenance assessment at each site. An annual Quest Action Plan will also be developed.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny
Definition	QUEST, which will be used to assess Leisure Centre Service, is the recommended Sport England tool for measuring continuous improvement in leisure centre customer service standards. Performance against this KPI will be measured annually, and we are reliant upon Sport England to timetable assessments.	Why this is important	We are a customer focussed organisation therefore the service we provide to our residents is important to us.

How will we measure success?	The leisure centres will be assessed independently against a national standard and achieve a 'good' or higher rating.	Actions we are taking to ensure success			
History with this indicator	Ashby was assessed as 'Very Good' in May 2022 and had a Direction of Travel assessment in May 2023 for which the report is still awaited. Whitwick and Coalville is being assessed in June 2023 for the first time.				
2022/3 Baseline Data (if available) Ashby site 'Very Good' in May 22 – awaiting report for Coalville					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	A rating of "Good" or higher. (To be provided Annually in Q3)	N/A	N/A		N/A
2024/25	A rating of "Good" or higher. (To be provided Annually in Q3)	N/A	N/A		N/A
2025/26	A rating of "Good" or higher. (To be provided Annually in Q3)	N/A	N/A		N/A
2026/27	A rating of "Good" or higher. (To be provided Annually in Q3)	N/A	N/A		N/A

2027/28	A rating of "Good" or higher. (To be provided Annually in Q3)	N/A	N/A		N/A
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 12:-			
Priority- This indicator relates to the area of Clean, Green and Zero Carbon District			
Outcome-We will have reviewed our waste service so that it is easy for the public to use and our recycling performance will be improved.			
Measure	The Department for Environment, Food and Rural Affairs (Defra) has released the UK's statistics on waste from 2021 and release the recycling rate figures annually.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny
Definition	The official figure is released by DEFRA annually- this KPI will also be tracked quarterly.	Why this is important	Recycling is important to the environment because it: - <ul style="list-style-type: none"> • Reduces waste that is sent to landfills and incinerators, therefore cutting back on harmful greenhouse gas emissions that contribute to climate change and global warming. • Conserves important natural resources. • Prevents the spread of pollution. • Saves energy. • Produces lower carbon emissions by using less energy on sourcing and processing new raw materials.
How will we measure success?	Households in our district will recycle at least 52% of their waste (not including food waste) or at least 60% (including food waste) by 2028.	Actions we are taking to ensure success	
History with this indicator	46.6% recycling rate (2021/22 Defra figure).		

2022/3 Baseline Data (if available) Not available until end of year published by third party NWL does not control.					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	47%				
2024/25	48%				
2025/26	49%				
2026/27	50%				
2027/28	52% by 2028 without food or 60% with food				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 13:-			
Priority- This indicator relates to the area of Clean, green and Zero Carbon district			
Outcome- We will aim to be carbon neutral as a Council by 2030, and as a district by 2050			
Measure	There are several key actions to progress this measure: - <ul style="list-style-type: none"> • Progress action plan • Report on Scope 1 (gas, HVO (Hydro treated Vegetable Oil)) & Scope 2 (electric) emissions • Development of Scope 3 reporting plan (indirect, purchasing, investments) 	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny
Definition	Progress in respect of this KPI will be reported Annually	Why this is important	<p>The Council has declared a climate emergency and made a commitment for the Council to achieve net zero carbon by 2030.</p> <p>Put simply, net zero means achieving a balance between the carbon emitted into the atmosphere, and the carbon removed from it. To reach net zero, emissions from homes, transport, agriculture and industry will need to be cut to reduce the amount of carbon they put into the atmosphere. 'Residual' emissions will need to be removed from the atmosphere.</p> <p>Carbon emissions contribute to climate change and if we do nothing, temperatures will rise to a level which threaten the lives and livelihoods of us all.</p>

<p>How will we measure success?</p>	<p>We will have reduced carbon emissions from all Council operations and achieved net zero emissions by 2030.</p> <p>We will have delivered our ambitious zero carbon programme, reduced our energy use, reduced our impact on the environment and reduced our carbon emissions.</p>	<p>Actions we are taking to ensure success</p>	<p>Various actions as set out in the action plan.</p>			
<p>History with this indicator</p>			<p>Will be available at the end of the year – 21/22 figure set out above.</p>			
<p>2022/3 Baseline Data (if available) 982.6 tCO2e 22/23 (1761.2 tCO2e in 21/22)</p>						
	<p>Annual Target</p>	<p>Q1 April- June</p>	<p>Q2 July- September</p>	<p>Q3 October- December</p>	<p>Q4 January- March</p>	
<p>2023/24</p>	<p>Development of assessment work and target setting</p>					
<p>2024/25</p>	<p>Targets will be set once current assessment work completed.</p>					
<p>2025/26</p>	<p>Targets will be set once current assessment work completed.</p>					
<p>2026/27</p>	<p>Targets will be set once current assessment work completed.</p>					
<p>2027/28</p>	<p>Targets will be set once current assessment work completed.</p>					
<p>Overview of Performance</p>						

		Actions needed to Improve/Sustain Performance	
Benchmarking	No Benchmarking data is currently available, but this will be added where obtainable as soon as possible..		

Indicator 14:-

Priority- This indicator relates to the area of Clean and Green and Zero Carbon District

Outcome- Increasing Biodiversity within our District

<p>Measure</p>	<p>We will achieve a minimum of 10% biodiversity net gain (BNG) on developments across the District that are subject to the provisions of the Environment Act 2021 through applications approved by the Planning Service.</p>	<p>Reviewing Body</p>	<p>This Key performance indicator will be reviewed by: - CLT Corporate Scrutiny Planning Committee DLUHC (Department for Levelling Up, Housing & Communities)</p>
<p>Definition</p>	<p>The requirement for Biodiversity Net Gain (BNG) is enforced by the 2021 Environment Act, which introduced an automatic new condition to every planning permission granted (with some exemptions including householder applications and permitted development rights) for a BNG of 10% on large developments (10 or more houses or greater than 1000 sq. meters of floorspace) from January 2024 and large and small developments (less than 10 houses and 1000 sq. meters of floor space) from April 2024.</p>	<p>Why this is important</p>	<p>Biodiversity net gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of making sure the habitat for wildlife is in a better state than it was before development.</p> <p>Mandatory BNG will apply to large developments granted planning permission from November 2023 and large- and small-scale developments from April 2024.</p> <p>Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions such as householder developments and permitted development rights) except for small sites will have to deliver at least 10% BNG from November 2023. BNG will be required for small sites from April 2024. BNG will be</p>

			measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years.			
How will we measure success?	We will have delivered a minimum of 10% biodiversity net gain on all large developments across the District from November 2023 and large and small developments from April 2024.	Actions we are taking to ensure success	Updated and increased level service level agreement with Leicestershire County Council to provide support on biodiversity net gain.			
History with this indicator	None available.		Section 106 agreement monitoring. Planning enforcement monitoring.			
2022/3 Baseline Data (if available) N/A						
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March	
2023/24	10% BNG on large developments with planning permission	N/A	N/A			
2024/25	10% BNG on large and small developments from April 2024 with planning permission					
2025/26	10% BNG on large and small developments with planning permission					

2026/27	10% BNG on large and small developments with planning permission				
2027/28	10% BNG on large and small developments with planning permission				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 15:-					
Priority- This indicator relates to the area of Clean and Green and Zero Carbon District					
Outcome- We will have produced a Tree Management Strategy to better manage our tree stock.					
Measure	Progress of Tree Management Strategy.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT		
Definition	Create a Tree stock Management Strategy.	Why this is important	Managing our trees ensures that we safely manage our assets, ensuring they are safe, managed correctly and in a manner that keeps our estate in good order.		
How will we measure success?	We will have produced and implemented a Tree Management Strategy to better manage our tree stock.	Actions we are taking to ensure success			
History with this indicator	New indicator.				
2022/3 Baseline Data (if available)					
Tree management across corporate estate complete.					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	Cataloguing of Housing tree estate complete.				

2024/25	Publication of updated tree management strategy.				
2025/26	Target to be updated once tree management strategy updated.				
2026/27	Target to be updated once tree management strategy updated.				
2027/28	Target to be updated once tree management strategy updated.				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.			

Indicator 16:-					
Priority- This indicator relates to the area of a well-run Council					
Outcome- Our customers are at the heart of everything we do.					
Measure	Formal complaints responded to on time.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny		
Definition	This measure will be reported quarterly.	Why this is important	Our focus is on getting things right the first time. Monitoring and taking action where this is not the case is a key way of ensuring that we are responsive to customers.		
How will we measure success?	We will respond to all customer complaints promptly, admit when we get things wrong and learn from our mistakes to improve our services.	Actions we are taking to ensure success			
History with this indicator					
2022/3 Baseline Data (if available)					
68% of complaints in Q1 23/24 cumulative of Stage 1 2 and Ombudsman were responded to on time.					
58% of Complaints in Q2 23/24 cumulative of Stage 1 2 and Ombudsman were responded to on time.					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March

2023/24	70% of Complaints responded to on time by end of year	68%	58%		
2024/25	80% of Complaints responded to on time by end of year				
2025/26	90% of Complaints responded to on time by end of year				
2026/27	95% of Complaints responded to on time by end of year				
2027/28	100% of Complaints responded to on time by end of year				
Overview of Performance				Actions needed to Improve/Sustain Performance	

Benchmarking	No Benchmarking data is currently available, but this will be added where obtainable as soon as possible.
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Indicator 17:-

Priority- This indicator relates to the area of a Well-Run Council

Outcome- We will provide value for money services

Measure	The Council's Services provide value for money and we are efficient and effective in our use of resources.	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny		
Definition	This measure will consist of an unqualified opinion from an external Auditor and will be reported annually.	Why this is important	Our focus is on our customers and providing value for money means that we are making the most efficient use of public money and ensure the financial sustainability of the Council.		
How will we measure success?	We will have been independently assessed by our external auditors and been given a clean bill of health.	Actions we are taking to ensure success			
History with this indicator	Unqualified Value for Money (VFM) opinion from Mazars for 2020/21.				
2022/3 Baseline Data (if available)					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March
2023/24	Unqualified Opinion				
2024/25	Unqualified Opinion				
2025/26	Unqualified Opinion				

2026/27	Unqualified Opinion				
2027/28	Unqualified Opinion				
Overview of Performance				Actions needed to Improve/Sustain Performance	
Benchmarking		Public Sector Auditor Appointments – Opinion on the Financial Statements/Value for Money Arrangements			

Indicator 18:-					
Priority- This indicator relates to the area of a well-run Council					
Outcome- The Council lives within its means – it is financially sustainable.					
Measure	Financially Balanced General Fund Medium Term Financial Plan (MTFP) Reduction of funding gap in each year	Reviewing Body	This Key performance indicator will be reviewed by: - CLT\Cabinet\Corporate Scrutiny		
Definition	This measure will be reported annually.	Why this is important	Our focus is on our customers and providing value for money means that we are making the most efficient use of public money and ensuring the financial sustainability of the Council.		
How will we measure success?	We will balance our budget every year and reduce our forecasted funding gap to zero.	Actions we are taking to ensure success	Our developing Transformation plan will have a brief to review all current and future budget plans and spend, and a wider brief to consider efficiencies and resource allocations across the Council over the medium term.		
History with this indicator					
2022/3 Baseline Data (if available)					
Funding Gap by year 2024/25 £1.4m 2025/26 £1.8m 2024/25 £2.0m 2025/26 £3.4m					
	Annual Target	Q1 April- June	Q2 July- September	Q3 October- December	Q4 January- March

2023/24	Zero funding gap.				
2024/25	Zero funding gap.				
2025/26	Zero funding gap.				
2026/27	Zero funding gap.				
2027/28	Zero funding gap.				
Overview of Performance					Actions needed to Improve/Sustain Performance
Benchmarking		Core Spending Power £m Reserves Balances £m CIPFA Financial Resilience Index			

PERFORMANCE MANAGEMENT FRAMEWORK 2023

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1. PURPOSE

The council sets out its priorities and the actions we will take to deliver them in the Council Delivery Plan. To achieve the work we have committed to in our plan we need to ensure that we effectively manage our performance. We need to monitor and respond to our actual performance to make outcomes for our communities better than they would otherwise be.

∞ The council takes an integrated approach to performance management. This means we ensure collaboration of the traditionally siloed strategic planning, budgeting and forecasting, investment, decision-making and performance management functions.

This provides the platform on which 'one team, one council' working can be built. It enables us to make effective, well informed and timely decisions which focus on the outcomes expressed in the Council Delivery Plan for our communities.



Allison Thomas
Chief Executive

This guidance aims to:

- Provide clarity about how the performance management system works
- Raise the awareness and understanding of performance management
- Explain how it all fits together
- Outline who is responsible for what
- Help us to improve our corporate working to ensure we achieve our vision and deliver high quality outcomes for the communities in North West Leicestershire.

2. SCOPE

Ensuring high quality outcomes for our customers and businesses is at the top of the council's agenda at a time when the demand for improvement and the pace of change is increasing dramatically.

We are faced with a range of challenges and opportunities, including significantly reduced levels of resources from central government to deliver key services married with increasingly high expectations from customers. This very scenario also provides us with an opportunity to fundamentally re-think our role.

We need effective performance management and measurements to ensure success in meeting these challenges, to provide evidence of achievements, to identify what works and tackle things that are not working so well.

The key messages of the framework are:

- Everyone in the council has a role to play in managing performance
- Councillors and senior management depend upon good-quality performance information to make well-informed decisions
- Managing performance is essential for good governance and accountability
- Efficiency and value for money

- Performance measures must reflect our priorities to ensure objectives are being met – we need to be clear about what success looks like
- Self-evaluation and review of activity are an important part of continuous improvement
- Performance information must be acted upon to improve outcomes.



3. WHAT DO WE MEAN BY PERFORMANCE MANAGEMENT?

Monitoring performance helps us demonstrate that we are making the best use of resources to deliver efficient and effective services to the community. Councillors and senior officers must therefore ensure that managing performance is part of their day-to-day business.

A properly constructed Performance Management Framework (PMF) supports this by removing the risk of inadequate or inappropriate performance reporting.

However, over-complicated reporting arrangements are burdensome, with the likelihood that they either won't be followed, or that the differing requirements of various service areas may overlap, resulting in misleading information.

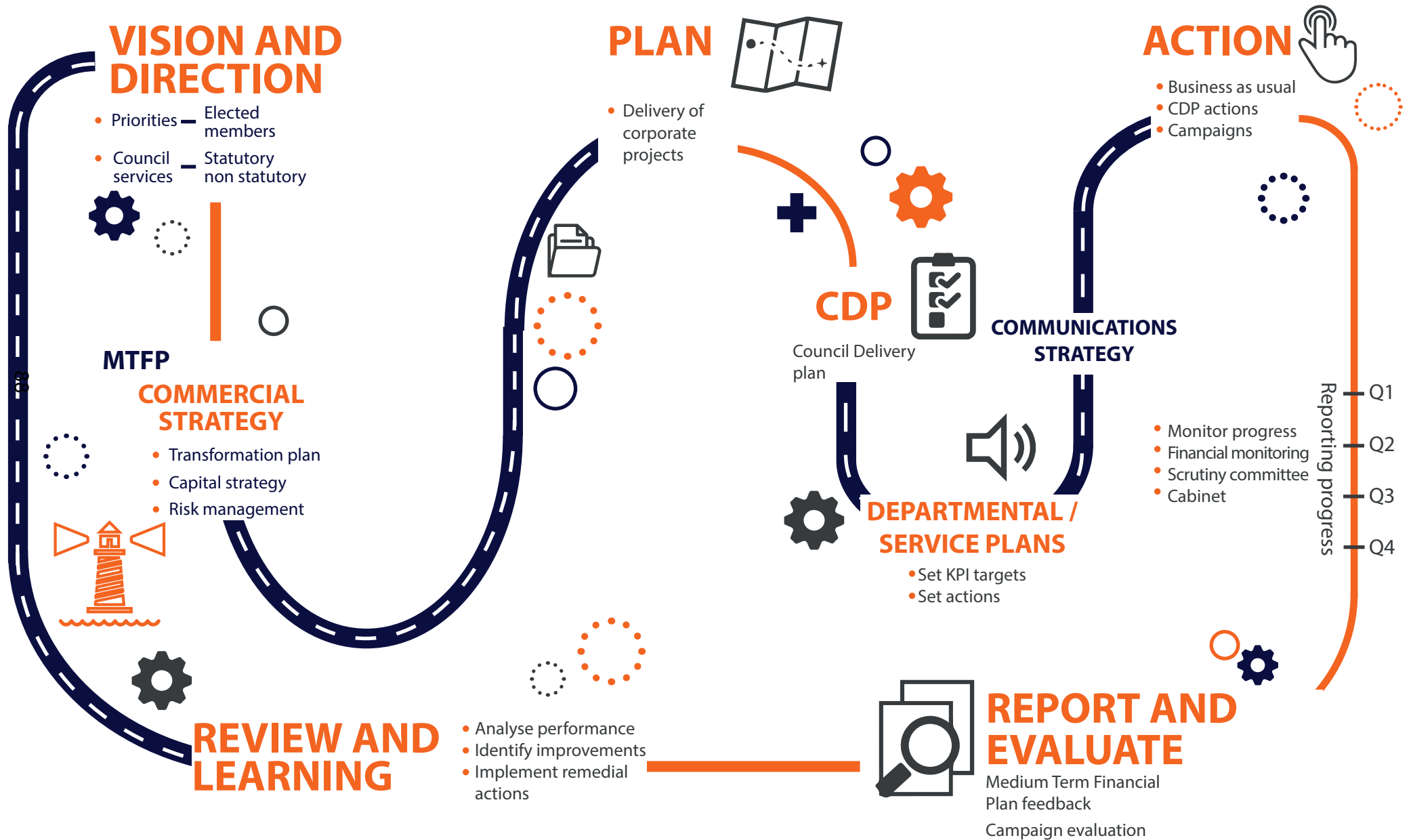
For any PMF to be effective it must reflect the council's priorities and be fully integrated into business planning arrangements. Put simply, if the Council Delivery Plan outlines **what** we will do, this framework explains **how** we will do it.

Effective performance management will help to:

- Prioritise what gets done and ensure there are sufficient resources to do it
- Ensure the council provides value for money
- Identify and rectify poor performance at an early stage and learn from past performance
- Increase user and public satisfaction.

The objective is to build, from the ground up, a proactive and collaborative performance management culture at all levels of the council. This will support improvement, delivery and decision making.

FIGURE 1 : PERFORMANCE ROADMAP



4. VISION AND DIRECTION

We receive our direction from two key areas:

Government

We provide a range of statutory services – like waste and planning – that operate under specific legislation and regulation.

Local political decisions

Our elected members will make evidence and knowledge-based decisions about the needs of our communities to inform our work and set the key priorities for the council.

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This evidence and knowledge forms the basis of business cases and reports that are provided to Cabinet and Council for decision-making, and also inform management decisions and day to day operations.



5. PLAN

We deliver the priorities set by members via a number of plans:

i) The Council Delivery Plan

The key priorities within the plan are:

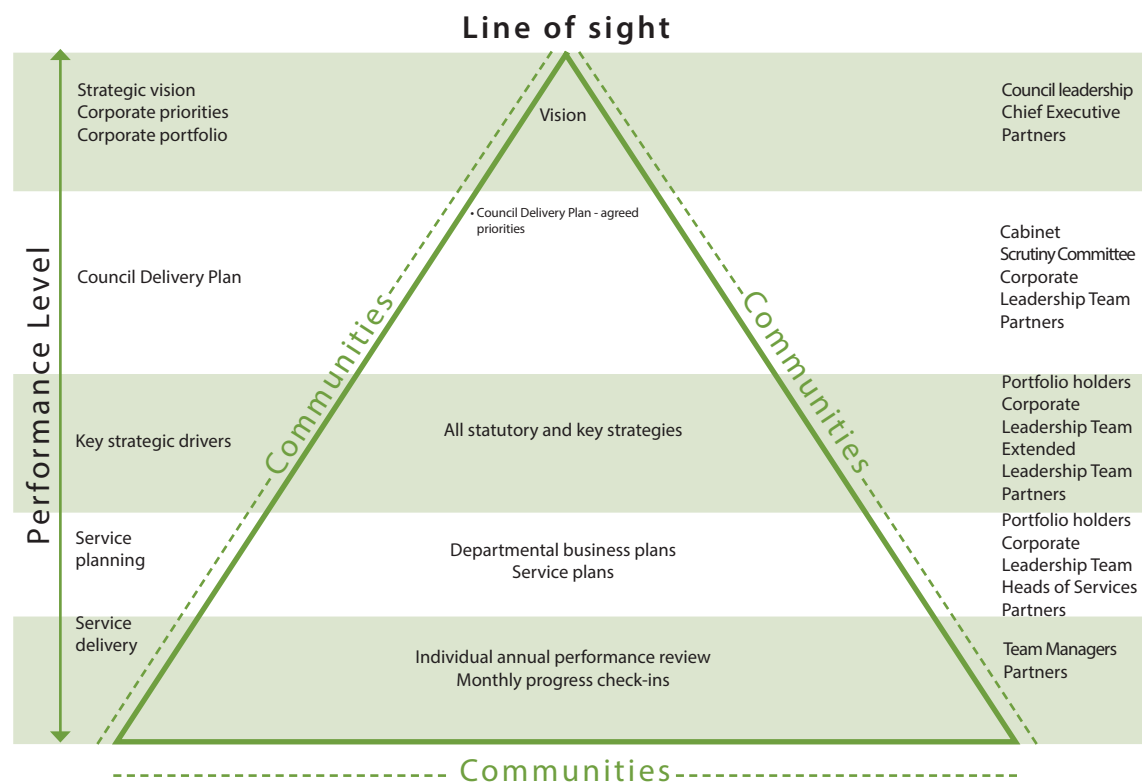
- Planning and regeneration
- Communities and housing
- Clean, green and Zero Carbon
- A well-run council

ii) Corporate themes

In delivering our priorities, we will:

- Be open about what can and can't be achieved
- Be honest when we get things wrong
- Use a positive and friendly tone of voice

Each of the key priorities outlined span across the portfolios held by each member of the Cabinet. The routine performance monitoring of priorities and portfolio areas drive the delivery of activity in order to realise ambitions in each thematic area.



5. PLAN

iii) Departmental business plans and service plans

Departmental business plans and service plans are a vital part of our performance management framework linking thematic priorities.

Having a clear framework enables each service area to identify how their actions contribute to the Council Delivery Plan and improved outcomes for North West Leicestershire.

Forecasting and benchmarking are core parts of well produced service team plans; an essential tool that ensures rational, evidence-based decisions can be taken concerning levels and types of activity.



We have service plans covering each service area. The plans contain actions, milestones and KPIs which:

- Contribute to achievement of the council's priorities
- Are driven by the need to improve efficiency and effectiveness
- Relate to frontline service or delivery of statutory requirements, whether or not directly related to the council's priorities.

These form the cornerstone of our performance reporting process by explaining in detail the methods and targets developed to measure and report progress. Everyone in the organisation should have a clear line of sight between their individual objectives, service plans and the Council Delivery Plan.

The annual performance management cycle is designed to provide a process for deciding what success looks like rather than just being a good measurement system for what we are doing now.

There is no point in having a system that demonstrates excellent performance if ultimately the council does not address its strategic priorities.



5. PLAN - GOVERNANCE AND SCRUTINY

Council structure

The structure of the council shown on page 11 supports delivery of the Council Delivery Plan at every level.

Council comprises 38 elected members who meet six times each year. They make decisions of matters reserved for council including the budget and policy framework.

Councillors decide the authority's priorities and delivery plan, agree some policies and set the budget each year. The council appoints a Leader who in turn appoints their Cabinet from amongst the elected councillors.

Cabinet is chaired by the Leader of the Council, who appoints the Deputy Leader and six elected members who serve as Portfolio Holders. Cabinet meetings are generally open to the public except where confidential matters are being discussed.

The Cabinet is the part of the council which is responsible for most day-to-day decisions. Cabinet has particular responsibility for determining the council's vision, defining priorities to achieve that vision, developing and implementing policy and the specific performance indicators by which to measure progress. Cabinet has responsibility to manage the budget once set by council.

Cabinet ensures that:

- Performance is being appropriately managed for each portfolio area
- Performance is robustly challenged and actions are appropriate
- Responds to performance issues raised by the corporate scrutiny committee.

Scrutiny committees

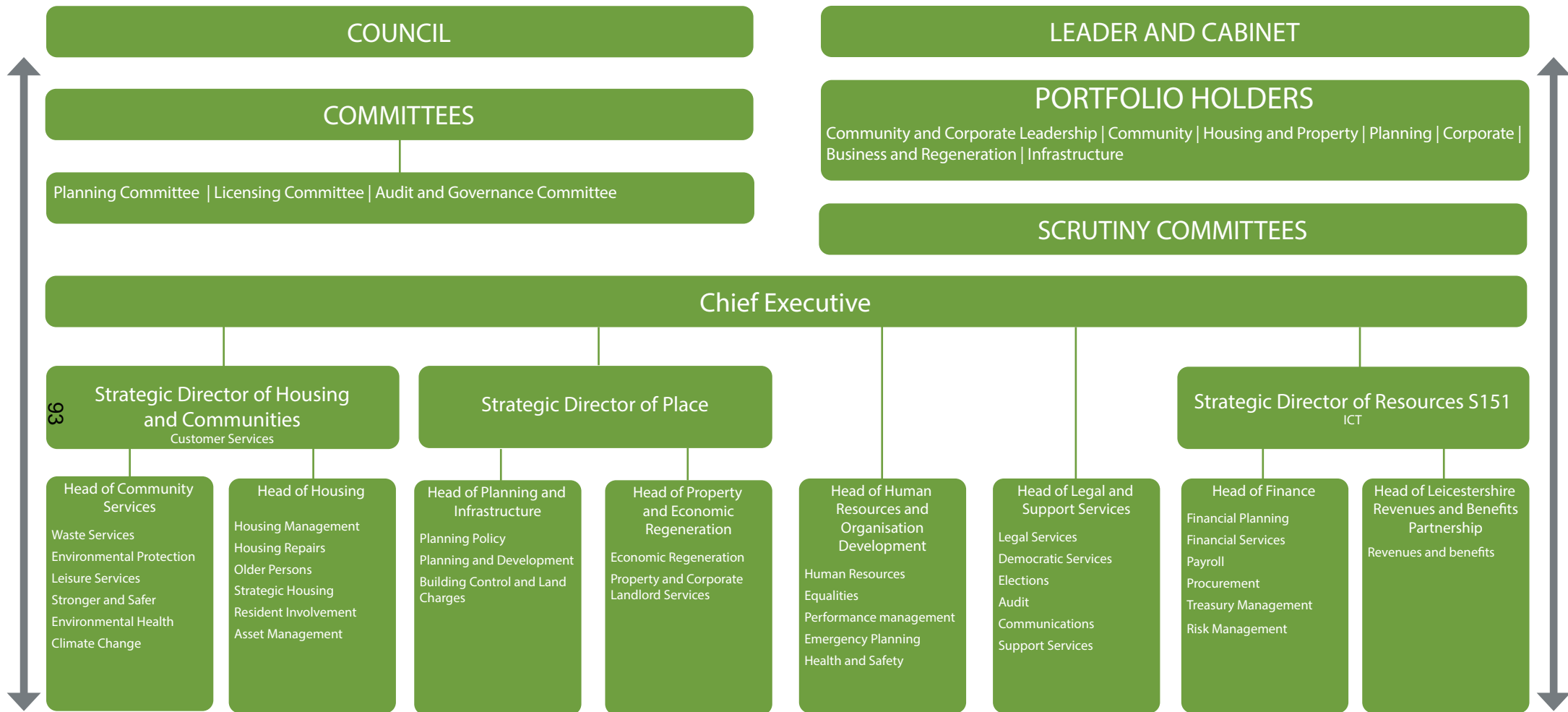
The council has two scrutiny committees; Corporate and Community. Both committees comprise of 11 members and they support the work of the Cabinet and the council on policies, budget and service delivery.

The committees monitor the decisions of the Cabinet and can 'call-in' a decision Cabinet has made but not yet implemented, enabling them to consider whether the decision is in line with the council's principles of decision making. They may recommend that Cabinet reconsider the decision.

Corporate Scrutiny Committee also provides challenge on the council's performance and risk management. The information on quarterly performance is presented to the committee for close examination and challenge.

Heads of Service can be called for further enquiry and the committee can choose to elevate matters of particular concern for further examination.

PERFORMANCE MANAGEMENT



6. ACTION

Strategic Directors are the primary interface between elected members and operational management with strategic responsibility for service provision.

Each Strategic Director is responsible for the full range of services within their directorate and will:

- Set, monitor and manage Council Delivery Plan actions, milestones and indicators
- Present performance reports and highlight any risks, current and future, to each Portfolio Holder
- Demonstrate that performance is actively and appropriately managed
- Update relevant members about key changes.

Corporate Leadership Team (CLT) comprises the Chief Executive, the three Strategic Directors and Heads of Service.

Overarching performance management at corporate level is undertaken by the Corporate Leadership team (CLT), which monitors the progress of each service on performance issues and provides constructive challenge.

CLT's role within this framework is to:

- Ensure that performance monitoring is undertaken for the whole council
- Identify over or under performance and strategic opportunities
- Identify the actions necessary to re-balance under or over performance
- Facilitate effective allocation of resources
- Ensure targets are properly set and reviewed at least annually
- Review and challenge the performance of each service
- Monitor the risk register to meet the council's risk appetite.

Heads of Service carry the top level of responsibility for service provision within their particular service areas, whilst driving forward corporate projects across the council.

Services - the Council provides outward facing services such as Environmental Health, Housing and waste collection, and internal support functions such as ICT, finance and Legal. Each service is headed by a team manager who is responsible for all aspects of day to day operations.

6. ACTION

The **Team Manager**'s role in the framework is to:

- Identify service outcomes
- Monitor and manage their service performance against actions, milestones and KPIs
- Agree appropriately challenging targets with individuals
- Ensure their service identifies the actions within their control that are necessary to re-balance under or over performance
- Identify risks and develop action plans to mitigate them
- Engage teams in service planning
- Cascade and discuss performance information
- Ensure accurate information on service performance is provided
- Conduct comprehensive performance reviews.

Employees - underpinning every service are teams of officers who work individually and collectively towards service-specific and corporate objectives and, through these, provide support to the community by achieving the aims defined in the Council Delivery Plan.

In applying this framework, every member of staff at NWLDC is directly and actively involved in the progress of the authority. Everybody has a clear part to play, all equally important and connected to achieving the council's vision.

Staff have access to a range of supporting documents and guidance to ensure their planning and delivery fit with the overall direction of the organisation, including:

- Organisation performance
- The Council Delivery Plan
- The Corporate Communications Strategy, including communication principles
- Business and service plans
- Performance reports

All of these documents are published on the intranet for staff to access at any time.

7. REPORT AND EVALUATE

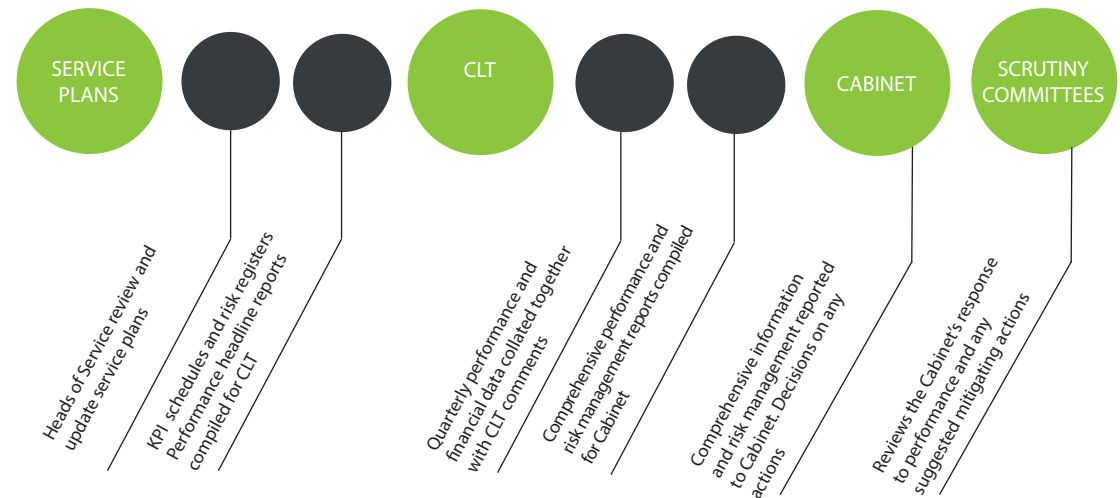
Organisation Performance Team

This team provides a range of support functions, working closely with staff and management across the whole council.

The team underpins the PMF by:

- Ensuring the performance cycle is maintained and reporting requirements are met
- Quality checking targets are SMART and sufficiently challenging
- Working with services to facilitate accurate data quality
- Recommending interventions where performance is below target .

REPORTING TIMELINE



7. REPORT AND EVALUATE

Reporting cycle

Reporting provides challenge, reviews exceptions quarterly, addresses under performance and identifies corrective actions.

Actions, milestones and KPIs are recorded on a monthly cycle and meetings take place between team managers and their Heads of Service to review performance dashboards and to identify interventions if performance is behind schedule.

19 Performance is reported quarterly to CLT, Cabinet and Corporate Scrutiny Committee ensuring progress is continuously monitored and reported at every level of the council.



7. REPORT AND EVALUATE

Performance measures

Being able to **measure** performance is key to **managing** performance, as only by devising appropriate measures can we properly monitor progress

Sound business planning with clear objectives not only determines the appropriate business model but also establishes the conditions of success to be measured. This forms the basis of what to measure in order to provide information based around clear performance objectives, tailoring performance measurement to key delivery drivers that cover:

- Service performance
- Trend and benchmarking data
- Targets
- Outcomes.

Correctly devised measures clearly link inputs and activities to outputs and outcomes. This enables accurate monitoring and interpretation of current performance, supports continuous improvement and affords credible projections of future performance.

Performance measures show how the Council is progressing towards achieving strategic objectives and also what matters most to prioritise resources.

Key performance indicators

A key performance indicator (KPI) is the measure of performance of an activity that is critical to the success of the Council and must be both **meaningful** and **measurable**.

We differentiate two types of KPIs; strategic that directly relate to the objectives set out in the Council Delivery Plan and business as usual.

When determining which indicators to monitor and the target levels of performance required the council takes the following into account:

- Impact of service delivery on customers and residents
- The state of the economy and likely impact on demand for services
- The Council Delivery Plan, strategic direction and matters arising from its review.

This information is reviewed and used to chart and report actual movement or trend, thereby illustrating progress and identifying areas for improvement.

7. REPORT AND EVALUATE

Successfully designed KPIs are quantifiable, statistically or otherwise, with clear targets set for each one to achieve. The most effective indicators follow the SMART criteria.

Targets can take many forms; they may be statistical, such as a specific number, value or weight, have a clear time frame or completion date, or relate to recognised best practice.

⌘ Most importantly, the target must be both relevant to the indicator being measured and achievable. Targets set too high will result in apparent under-performance, whilst targets set too low undermine the monitoring process. Historical data may be of use to benchmark against for future results, but only in the context of the current environment. Last year's results are not necessarily any guide to future outputs.

KPI CRITERIA

→ SPECIFIC

Target a specific area for improvement with clear unambiguous objectives:

- What do we want to accomplish and why?
- Who is involved?
- Which requirements or constraints apply?

→ MEASURABLE

Indicators must be quantifiable concrete criteria for measuring progress:

- How much? How many? How will we know when it is accomplished?

→ ACHIEVABLE

Set goals that are realistic and attainable for the level of skills and resources:

- How can the goals be accomplished?

→ RELEVANT

Relevant goals drive the team forward:

- Is this worthwhile?
- Is this the right time?
- Does this match our other needs?

→ TIMELY

Specify when the results can be achieved:

- Commit to a deadline or time frame to focus resources on completion.
- Prevent goals being overtaken by day-to-day issues.

7. REPORT AND EVALUATE

Financial monitoring

Financial management

A fundamental aspect of the council's performance is its financial management overseen by the Strategic Director of Resources as the S151 Officer. There is an established system for monitoring the council's financial position, which is reported to Cabinet on a quarterly basis.

Departmental monitoring

The Finance Team is responsible for co-ordinating budget monitoring for the relevant Service Manager with individual monitoring arrangements agreed by Strategic Directors and Heads of Service. The finance team takes a business partnering approach to working with Team Managers, regularly reporting to Strategic Directors and senior management and monitoring reports produced at agreed frequencies

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7. REPORT AND EVALUATE

Accurate information

Councillors and senior management need performance information in order to:

- Tailor service provision to community needs
- Identify and address areas of concern
- Demonstrate service improvements and value for money.

The performance information reported must therefore be accurate.

Equally, the best selection of performance measures is of little use if monitoring data is unreliable or not reported effectively. These factors are therefore crucial when reporting performance information:

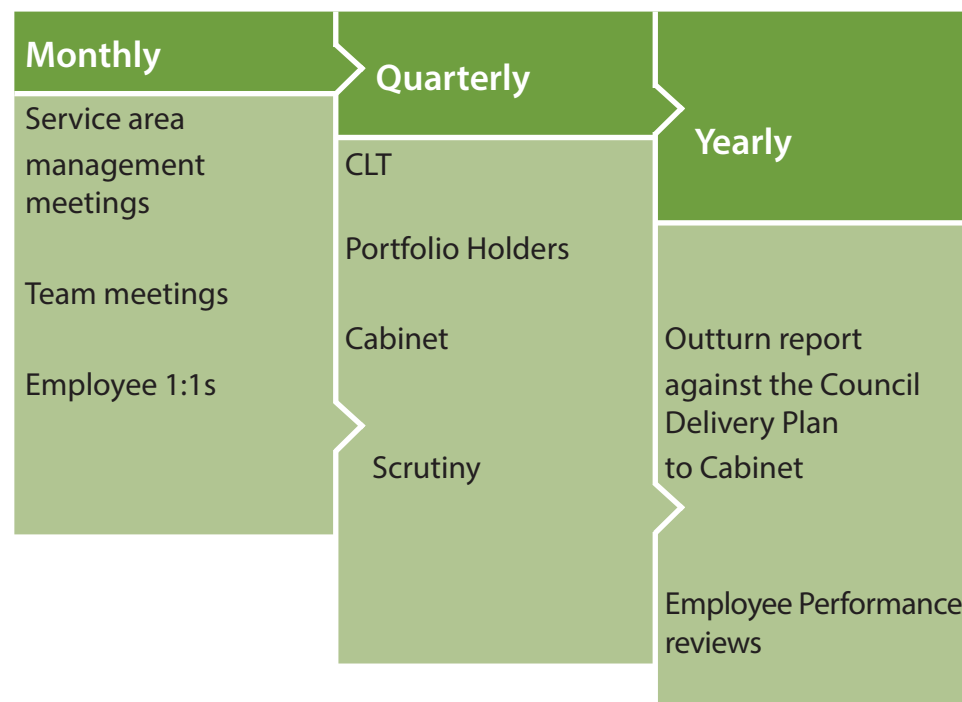
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- Constructing valid measures or KPIs
- Producing high quality data
- Reporting information in context
- Presenting information with insight and commentary.

Reporting via red, amber, green

The performance of every indicator is carefully reviewed against its target for the period and awarded a status using a red, amber, green rating system.

The council operates a tolerance level of 5%, or 10% for financial KPIs. This means that any KPI reporting performance up to **5% (or 10%) below** the set target will be classified 'amber' to be kept on watch. Any KPI reporting performance **more than 5% (or 10%) below** target are classified 'red' for urgent attention.



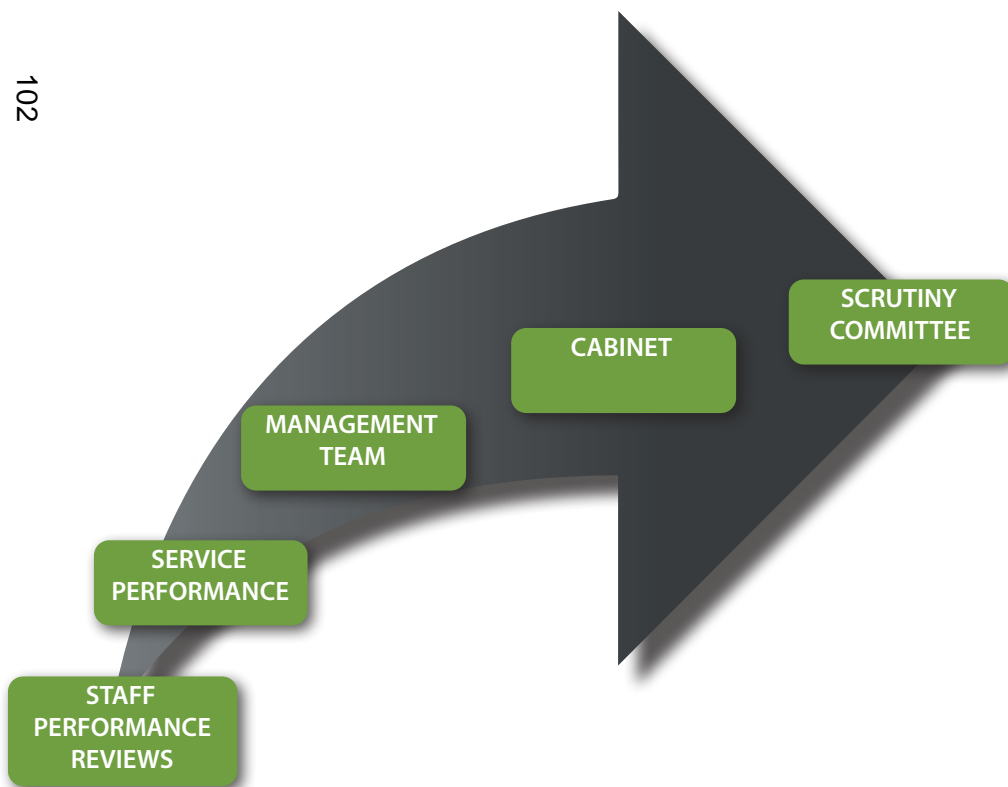
8. REVIEW AND LEARNING

Continuous review

This framework has been designed to ensure continuous review of performance at service level, through sequential upward reporting to senior management and members.

REPORTING SEQUENCE

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Analyse

Analysing the performance information provided in the quarterly reports enables early awareness of emerging issues and developing conditions, allowing forward planning to correct areas of weak performance.

It also enables management to properly target resources. Total resource needs, including staff, are never likely to be available. However, with regular performance monitoring resources that are available can be directed where they are most needed in order to maximise the achievement of our priorities.

Performance data

We use monthly performance reports, feedback from our Medium Term Financial Plan and campaign evaluation to inform the setting of priorities for the next year and the following year's Council Delivery Plan.

8. REVIEW AND LEARNING

Continuous improvement

Having a highly developed PMF is not an end in itself. To be successful decision-makers take action based on what the performance information is telling them.

The true value of a performance management process is generated by implementing its outcomes. For continuous improvement to occur the performance information must be acted upon; poor performance remedied, good practice shared and resources allocated most effectively.

To assist with this, service plans include a section describing their improvement plans, with corresponding action plans to ensure these are delivered. Improvement plans need to clearly distinguish:

- The issues
- The action to be taken
- The timescales
- The resources required to implement the actions
- How progress will be monitored and by whom
- What the measure of success will be.

The performance information gathered, revisions made, resources employed, targets set and outcomes accomplished through this process also informs future council aims and objectives.

In this way the council is able to improve on past years and embed those improvements into future Council Delivery Plans.

We know that our work is never done and that we will always need to listen to our communities, make the most of the resources we have and improve the district for the benefit of the people that live and work here.

APPENDIX 4 – RESPONSE FROM THE LABOUR GROUP

Priority Area	Corporate Leadership Team Response
Housing	
Increase the number of new social homes built for rent, whilst ensuring that growth in the Council's housing stock stays ahead of sales under the Right to Buy.	The business plan for the service area will include targets around new homes delivery (council and other providers). This is supporting the Council Delivery Plan (CDP) targets on tenant satisfaction.
Closely monitor routine housing repairs to ensure work is completed on time and to a proper standard.	The business plan for this area will include targets around repairs monitoring and supports the CDP target of satisfaction with repairs by tenants.
Through a carefully planned maintenance programme, ensure that all the Council's housing stock exceeds the minimum standards set by the Government.	This is a regulatory requirement, and similar targets are planned to be included in the business plans for the Directorate. This is supporting the CDP targets on tenants' satisfaction.
Introduce a Good Landlords' Charter. Whilst I note that this has been included in the draft Council Delivery Plan, it is important to see that the service provided is fit for purpose and adequately staffed.	As noted, this is included in the CDP. Cabinet has agreed to appoint additional staff resource in this area and funding for this is currently being explored.
All housing stock to achieve EPC C or above by 2028 and be on track to achieve net zero carbon emissions by 2030.	EPC by 2028 is a legislative/regulatory target and hence does not need to be included in the CDP. Council Housing Stock is a tier 3 emission and therefore is addressed in the Council's 2050 target. The approach to planning for this will be stock condition surveys, leading to an Asset Management Strategy which will explore the best way forward to address the balance regarding retro fit, new homes, and management overall of the existing stock. It is broadly accepted that a cost of c£15k per homes will be required to achieve zero carbon (this is benchmark data and not specific to NWL). This would equate to a cost of approximately £62m which is unfunded at the current time.

	<p>This challenge will be considered during the preparation of the new Asset Management Plan and Business Plan for the HRA.</p> <p>This is a significant cost in the context of the Council's HRA, for example the current total five-year Capital Programme is around £60m. The inclusion of a zero-carbon target would double the size of the current five-year capital programme. This would likely breach the Council's current strategy to repay its HRA borrowing. The Council could not afford this level of additional investment without external support from Government.</p>
The local economy	
Promote the District as a place for manufacturing businesses to set up and grow and encourage all businesses to take on apprentices.	These are actions. On their own they are not measurable. They should sit below Inward Investment Promotion activity that forms part of the District Regeneration Framework.
Invest in low-cost managed workspaces for creative enterprises, with appropriate support structures.	The development of a business case for the expansion of the supply of small business workspace is expected to be a defined activity within the District Regeneration Framework. The funding implications would need to be carefully considered as part of the business case.
Adopt a Buy Local policy.	This would need for more definition to be workable. What does buy local mean? Local supplier, locally based parent company, locally produced goods, locally sourced materials? How would it be measured? The cost and procurement implications would need to be assessed.
Support the restoration of the Ivanhoe Line and the Ashby Canal.	Support is not a measurable indicator. The scope and tangible delivery of projects to support these initiatives are likely to feature within the District Regeneration Framework subject to resources being secured. The Framework itself would be subject to Scrutiny consideration and Cabinet sign off.
Town Centres	

Provide more start-up units for new small businesses and continue to support them through a reduced Business Rate for the first two years.	Expansion of the supply of small business workspace would be subject to the necessary business case being developed. This is expected to be a defined activity within the District Regeneration Framework. The Framework itself would be subject to Scrutiny consideration and Cabinet sign off.
Ensure continued investment in Ashby-de-la-Zouch as a centre for tourism, working closely with the Ashby Business Improvement District.	Subject to the necessary business case being agreed this would be a proposed regeneration activity for Ashby and be defined in the District Regeneration Framework. The Framework itself would be subject to Scrutiny consideration and Cabinet sign off.
Planning	
Reorientate the Local Plan towards the needs and demands of the community, centred on a target for social homes for rent.	The Council is required to meet the development needs of the area, including, but not restricted to, those in need of affordable housing. This will be addressed as part of the new Local Plan.
Ensure staffing numbers in planning enforcement are maintained at the level required for an effective service.	This is not a strategic indicator and part of the business-as-usual activity of the service. There is sufficient budget within the service to employ an appropriate number of enforcement officers. It will be monitored on an ongoing basis.
Ensure effective oversight of the Freeport and respond to the concerns of the residents affected.	This is not a measurable target. The Infrastructure Portfolio Holder is engaged in the work of the East Midlands Freeport Board. As proposals are developed the Freeport Board will undertake consultation with all stakeholders, including local communities. The Council will respond as a key stakeholder.
Environment and Waste	
Actively pursue measures to reduce the carbon footprint of the District, to become a net-zero Council by 2030 and a net-zero District by 2050.	These targets are already included in the CDP draft

Ensure that a comprehensive survey of local public opinion is built into any review of the Council's Waste and Recycling services.	The waste review is in progress and members, staff and resident consultation is included as part of this work.
Leisure	
Open up leisure and health promoting opportunities for all ages and abilities.	<p>The Sport and Physical Activity Commissioning Plan delivers physical activity-based interventions targeting the inactive, areas of deprivation, children and young people, the elderly, people with disabilities, and cohorts that require specific health interventions. Activities can be free or subsidised, are community and/or leisure centre based, and are a mixture of sporting and non-sporting activities.</p> <p>The Everyone Active Community Wellbeing Plan highlights the actions the Council's leisure partner will deliver or support delivery of both within the community and the leisure centres either independently or in partnership with the NWLDC Health and Wellbeing Team to help improve the health and wellbeing of leisure centre and non-leisure centre users.</p> <p>This is a business-as-usual activity.</p>
Celebrate community life by supporting public art and local festivals.	This is not a measurable target. This is a business-as-usual activity. The Economic Development and Events Teams already undertake this type of activity. as well as our events teams.
Plan for improvements to leisure provision in the Castle Donington and Kegworth areas.	The Council is in the process of commissioning an Open Spaces and Built facilities strategy which will assess the leisure and recreational needs of the district. It will be a key piece of evidence to support the preparation of the new Local Plan which is already a proposed CDP priority and will also inform the wider work of Community Services.
A caring Council	
Strive for the highest standards in customer service by	This is not a measurable indicator however the Council Delivery Plan already contains three high level themes, one of which focuses

investing in staff and technology.	on putting customers at the heart of what the Council does.
Develop a comprehensive policy to tackle social isolation and loneliness.	This is not a core function or responsibility of the Council, however, there are elements of this work reflected in the business-as-usual activities of some services. .
Carry forward the key initiatives proposed by the Council's Fuel Poverty Action Group.	These have already been incorporated in a number of CDP targets. The rest will be captured in business plans and service plans for the areas in line with Cabinet decisions.

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	COUNCIL DELIVERY PLAN Corporate scrutiny comments.	Officer response comments
1	A Member said that she felt that, as a new Member, she found the delivery plan clear, well formatted, and easy to understand.	Good to hear some positive feedback – the plan has been developed following the engagement of Cabinet in two workshops, and informal prior consultation with the opposition political groups/members.
2	A Member asked whether the reports back to the Committee would be judged against Key Performance Indicators in this document or the lower-level departmental performance indices. He was concerned that if the latter, this might obscure things from the Committee that had previously come before them. The Head of Human Resources advised the reporting will be against indicators in appendix 2. He set out the logic behind this and how it would operate.	<p>The reports back to the Corporate scrutiny committee would be against the indicators in the Appendix 2 of the report. There has been a deliberate reduction in the indicators previously reported to the scrutiny committee when compared to the previous Council Delivery Plan to make the CDP a genuinely strategic document.</p> <p>During the preparation of the CDP, attention has been paid to the developing government guidance on Best Value (currently in draft form for consultation) which states that the corporate plan for a well-functioning authority - “. is evidence based, current, realistic and enables the whole organisation’s performance to be measured and held to account.</p> <p>Strategic priorities are aligned with the authority’s financial strategy and delivery arrangements, and respond appropriately to local need, including the plans of partners and stakeholders.”</p> <p>The guidance also advises against Council plans having too many unrealistic priorities – the number of priorities and performance indicators have been reduced considerably when compared to the previous plan to ensure there is a real focus on what is able to be resourced and achieved given the current information about the Council’s future resources. It also focuses on issues that are in the gift of the Council to deliver.</p> <p>The lower-level performance indicators will be monitored at officer level in the Directorate and Head of service business plans and information on progress will be shared with the Portfolio holders and shadow portfolio holders.</p>

3	<p>A Member found the new Key Performance Indicators, for example in Housing and Leisure but he felt his point could be applied more widely, concerning as they did not go into enough depth nor have a wide enough scope. He also found some unoriginal.</p>	<p>As explained above the detail and depth will be provided in the lower-level plans. It is recognised that not all the performance indicators in the proposed plan are original – some have been retained from the previous plan where they remain current and relevant – in some cases they are related to national targets, which is the reason they have been retained. This also applies to those monitored through the Business Plans.</p>
4	<p>A Member wanted more information from housing to be gathered. She also felt the benchmarks seemed unambitious and the report gave no contextual information on what they had been based, she feared they were simply set near to current benchmarks.</p>	<p>The Strategic Director of Communities advised that in the example given, regarding Housing complaints, the plan was scaled to work up to 100% over the plan period, this was also the case for most of the targets in the plan. These are a subset of the national indicators that the service is judged against by the regulator. Previous background information had also been presented to this committee through past monitoring reports, therefore the background is published. Other indicators are monitored via the Business Plans (for the reasons set out above), and those regulatory returns. The proposed approach is not to include every metric available only those most pertinent to the delivery of the CDP as a whole</p>
5	<p>The Member still felt that the first-year benchmarks were too low. Key Performance Indicators should be aspirational and benchmarked against peers.</p>	<p>The first-year targets have been reviewed by Officers in consultation with the portfolio holder and changes have been made where it is considered the targets are not sufficiently challenging. Benchmarking information is still being sought for some areas and where available will be included within future reports to Cabinet and the Scrutiny Committee.</p>
6	<p>A Member expressed concern with both the form and content of the report.</p>	<p>A request was made at the previous meeting of the corporate scrutiny committee for the (opposition) political groups to be consulted on the draft Council delivery plan when a more formed version was available. The Portfolio Holder for Infrastructure provided the political groups with a draft version of the plan in the first week of August 2023, and invited comments. A response was received from the Labour group, which was attached to the CDP report at Appendix 4 along with officer commentary on their proposals.</p>

	The member wanted to consult with the Head of Human Resources and Organisational Development again outside of the meeting.	Officers advised that the formal process of Scrutiny meant this committee needed to comment in the meeting prior to the report going forward to Cabinet and then Council.
7	The Portfolio Holder welcomed Members feedback so far and would work with Officers to reflect Scrutiny comments. The Portfolio Holder intended the Delivery Plan to be a costed and achievable document which synthesised the thoughts of Officers, the Alliance, and Opposition Members. The Chair concurred that the Delivery Plan must be costed and targeted and success should be clearly defined and measurable.	(This box is deliberately left blank.)
8	A Member expressed concern that Key Performance Indicators may have unintended consequences which needed to be considered. He listed some ways which he felt that overly simplistic metrics may lead to undesirable outcomes.	This comment was particularly related to the indicator around enforcement case numbers. This indicator has been clarified in the directorate business plan to ensure there are no unintended consequences.
9	Then he asked what had happened to net-zero Council houses by 2030 and why had this been pushed back to 2050. He dismissed budgetary concerns as they could and should be allayed by central government grants. The removal of this target removed any incentives to raise this money and pursue the matter with appropriate zeal.	The movement of Council housing directly from the 2030 target is a combination of: the anticipated cost for achievement by 2030 is outside of the available funds to the HRA at the current time, and whilst piecemeal funding is being announced there is no clarity or predictability from government regarding further funding. It is also reflecting the work level required to be completed to achieve such a change to the Council's stock, and the ability of the industry to achieve this within that time frame. Finally the Council does not fully control all elements of the use of our housing stock (i.e. the Council cannot control how tenants make certain decision on how they use their homes). As such there is no certainty on deliverability, and as with most councils this a scope 3 issue to address.

		<p>This does not mean that work is stopped, the EPC C target in 2028 is being retained even though this has been removed by government, and this provides a step towards zero carbon. Work is commencing on the HRA Business Plan and Asset Management Plan which will provide the data supported backbone to enable a clear and costed case for moving towards zero carbon of the housing stock, and following this a plan for our housing stock will be developed which takes account of this new data and available finance. This is a specific piece of work identified in the Business Plan for the Communities Directorate. It is also clear from the CDP that this is a 'by 2050' date and is operating as a final stop date not a target for completion.</p>
10	<p>Performance Indicator 9 regarding private rental tenants and minimal energy standards also seemed in his view both immeasurable and unambitious.</p>	<p>We have updated the indicator to pick up this comment</p>
11	<p>Expanding on the point of unsophisticated metrics and unforeseen outcomes, another Member felt that decreased crime rates would be a more sensible measure of success with regards to what was hoped to be achieved by CCTV. Another Member suggested that wider community cooperation was necessary to combat crime and should be reflected in the appropriate Key Performance Indicators however accepting that this was not fully in the Councils control.</p>	<p>The CCTV indicator / action was chosen because it is one of the only direct influences the district council has around crime rates. It is recognised the crime rates are rightly much more significantly influenced by the actions of the Police and other stakeholders. Consequently this indicator has been moved from the CDP to the Business Plan</p>
12	<p>A Member referred to the waste management Key Performance Indicators and requested more specificity around food waste recycling.</p>	<p>The targets have been set based on the information currently available. There is considerable uncertainty around future collection arrangements while governments guidance is awaited, particularly in relation to food waste collection. This has been further complicated by very recent announcements from Government.</p>

		The targets are likely to be reviewed following a better understanding of the government guidance and/or when the outcomes of the waste review are known, and if needing updating will be done so via the formal reporting process
13	A Member expressed concern that a Key Performance Indicator which detailed how successful the Council had been at getting landlords to sign up to the housing charter had been omitted from the document.	This indicator was discussed in the context of a related report at the Community Scrutiny Committee on the 28 September 2023 and has been modified in the Directorate Business Plan.
14	The Chair felt the document was unclear and ought to be restructured. He felt that the drafting process was failing, and the final document would not achieve what it hoped to achieve. Several Members felt that, with the critical importance of what was being discussed, it was imperative that the granular and complex nature of the discussion be accurately recorded in the minutes. No alternative measures or metrics were provided by the Committee.	The comments of the committee have been recorded in detail in this document and further responses made to hopefully address some of the Committee's concerns.

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Council Delivery Plan

Comments to Cabinet Tuesday, 24 October 2023

The Labour Group remain concerned about the proposed Council Delivery Plan and wish to bring the following issues to the attention of the ruling group prior to Full Council.

At the heart of the administration's Council Delivery Plan is a vision to 'support a clean, green and prosperous place where people want to live, work and visit'. To achieve these important objectives, the Council must be well run and financially prudent.

Whilst NWLDC has claimed that it is 'well run' this is actually far from reality. The claim that financial prudence has allowed them to keep the precept at the same level for 12 years belies the fact that the Council's finances are in a critical state.

Over the last decade, services have diminished, employment conditions for employees of the Council have worsened and, critically, the reserves of the Council have reduced.

A failure to maintain its financial integrity can only lead to further failure.

FINANCIAL BACKGROUND

One of the Council's Key Performance Indicators is that 'The Council lives within its means [and that] it is financially sustainable'. The measure of this is that it has a Financially Balanced General Fund Medium Term Financial Plan (MTFP) Reduction of funding gap in each year.

The Council's Medium Term Financial Plan anticipates a worsening financial position with a deficit likely to rise from £1.6m in 2024/25 to a shortfall – by the time of the next election – of £3.9m each year.

Whilst the administration appears to deliver a balanced budget for 2023 (in line with its Legal Obligation¹) it is likely that amount that they expect to spend will be more than the amount of money they expect to receive.

¹The provisions of the Local Government Finance Act 1992 set out what the council has to base its budget calculations upon require the council to set a balanced budget with regard to the advice of its Chief Finance Officer. A sound budget is essential to ensure effective financial control in any organisation.

As was identified at the Corporate Scrutiny Committee, these figures underestimate the current impact of inflation. The spending for 2023 is expected to exceed the forecast due to financial circumstances which result from current government policy. The UK has the highest inflation in the G7, it is expected to experience persistent high inflation through this year and next, and it will have the lowest real GDP growth of any of the advanced European economies.

In the draft submission issued for Corporate Scrutiny in July 2023 an 'over-optimistic' inflation rate was used at a time when the rate used was already known to be incorrect. The Chair of the Corporate Scrutiny Committee requested that a revised forecast be provided. This request remains outstanding.

The actual rate of inflation is far in excess of the forecast allowance. This is a known risk² for which the Council has not taken full cognisance.

Council Tax

Council tax is a local tax which helps councils pay for the services that are provided. We use the money collected for council tax to maintain roads and street lighting, for vital local services like schools, rubbish and recycling collections, and libraries. The Council also receives monies from Government grants, transport services, parking tickets and fines, leisure centres, and income from business rates and licencing.

In Leicestershire the council tax is calculated by adding together the amounts needed by:

- Leicestershire County Council
- Leicestershire Police (via the Police and Crime Commissioner)
- Leicester, Leicestershire and Rutland Combined Fire Authority
- District Councils
- Parish Councils.

Leicestershire County Council has increased their cost for 2023/2024 by 5%, of which 3% is for general expenditure and 2% is for Adult Social Care.

² This was also confirmed in July 2023, by the Local Government Association (LGA) who estimated that councils in England were facing funding gaps of £2bn in 2023/24 and £900m in 2024/25. However, this was based upon estimates of inflation at between 3% - 4%; and following an updated Inflation Forecast from the Bank of England, this has now been revised to funding gaps of £2.4bn in 2023/24 and £1.6bn in 2024/25.

Leicestershire and Rutland Fire Authority has increased their element of the charge by **6.7%**.

The Police and Crime Commissioner has increased their charge by **5.8%**.

The current cost to North West Leicestershire residents

In 2023/24, a resident in a Band D property will pay up to³ £2,036.36 in council tax (not including the amount paid to parish or town councils, or special expenses).

The money is split as follows:

Leicestershire County Council	£1,525.26	74.90%
Police and Crime Commissioner	£273.23	13.42%
North West Leicestershire District Council	£158.58	7.79%
Leicestershire Fire and Rescue	£79.29	3.89%
Total	£2036.36	100%

Despite the critical financial issues facing NWLDC, the administration has seen fit to keep the precept the same as for the previous 12 years. Whilst they like to present this as fiscally prudent it is a financially naïve stance given the forecast funding gap of £8.6m over the next 4 years and the as yet undefined impact of inflation in the current 2023/24 financial year.

This political stance achieves nothing. Ultimately the residents of the District will have to cover the shortfall in funding and a failure to increase the precept is simply deferring the inevitable. Importantly, services have worsened.

It is worth noting that a modest increase in the precept for NWLDC of 2.5% would result in an increase of £3.20 per month in the overall Council Tax for a Band D property and this would significantly address the Funding gap for the current and future years.

Failure to address this problem at the current time is the financial equivalent of 'kicking the can up the road'.

³ Council Tax Support: If you (or your partner if you're a couple) are over pension age and on a low income, you can get a discount up to the full amount of your Council Tax bill. If you (and your partner if you're a couple) are working age, you can get a discount of up to 85% of your bill.



The Council Delivery Plan omits to mention that the administration's failure to increase Council Tax in line with inflation over the last thirteen years has limited their ability to provide effective services.

At no point does the Plan make it clear how the administration intend to deliver their admittedly limited aspirations without the necessary resources. Neither is there any Plan to invest the capital the Council does have to save on revenue costs.

This is unfair on our residents, who experience a cut in services. It is unfair on our staff, who are having to deal with the strain of reduced staffing. It is unfair on local government as a whole to defer this issue to a future administration and risk this Council becoming insolvent.

A Labour administration would be open with residents about the political choices that led to the shortfall, and this inherited financial situation.

ACHIEVING NET ZERO

It is disappointing, though understandable, that the Council does not consider its housing stock to be part of the Council's own operations and is therefore deferring the improvement in our tenants' homes to Scope 3. What is not acceptable is saying 'Targets will be set once current assessment work completed' for the current year 2023/24. Action is needed now if this Council is to achieve its net zero target by 2050.

Actions also need to be effective. Replacing old gas boilers with so-called 'hydrogen-ready' boilers will be a false solution if there is no country-wide domestic hydrogen network⁴. These boilers will be reaching the end of their planned life before 2050.

Investment in domestic insulation will cost money in the short term. It will save money in the long term by reducing damp, mould and general degradation of our housing stock.

A Labour administration would prioritise leveraging additional funds to insulate our Council homes and uprate their carbon footprint.

PRIVATE LANDLORDS

This indicator is not only inappropriate, but the data has been superseded. Minimum Energy Efficiency Standards are not a target for Council's to achieve but a regulatory requirement for private sector landlords and, for them, the target is 100% or else.

⁴ National Infrastructure Commission report: 18 Oct 23
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It is up to the Council's enforcement team to be the 'or else' and to enforce these targets. The Enforcement team reported to Community Scrutiny the welcome news that 98% of NWLeics landlords are now fully compliant. That left 118 families living in substandard accommodation. At that meeting officers agreed that a better target would be to set a time frame to get this 2% of landlords to be compliant.

Councillors who sit on Scrutiny Committees are there to act as a critical friend to the administration. The failure to take notice of their comments, especially when these are backed up by senior officers, suggests that this Council does not understand the point of Scrutiny or value the work done by cross-party committees.

A Labour administration would work with private sector landlords to develop a Landlord's Charter so that would-be tenants can see which landlords are up to the mark when it comes to providing safe, refurbished, energy efficient homes.

POVERTY OF AMBITION

The administration's Plan is characterised by low aspirations and weak performance indicators throughout. When it comes to managing its own housing stock, the Plan relies on 'tenant satisfaction' as a measure of a high-quality service rather than more specific measures of success such as timeliness of response, number of repeat calls or visits for the same problem. When it comes to measuring the performance of the Leisure Centres, run for this Council by Everyone Active, the Plan limits its ambition to a Quest⁵ rating of 'Good or Higher'. Given that Ashby Leisure Centre and Lido has already secured a 'Very Good' Quest assessment banding and the Whitwick and Coalville Leisure Centre, whilst as yet unassessed, was shortlisted in the 2022 annual UK Fitness Awards in the 'Best Newcomer' category, this suggests the administration has very low expectations. This undermines and underestimates the staff who have put so much effort into achieving the current quality marks.

Measuring the success of the Leisure Centres from an industry-led perspective does not ensure that the Council's whole population, geographically and demographically, are accessing these facilities and achieving their own health and well-being objectives. This was discussed at Community Scrutiny where Everyone Active were keen to provide an annual postcode analysis to assist the Committee to measure their performance.

⁵ <https://questaward.org/about-us/about-quest#:~:text=Quest%20continues%20to%20be%20the,the%20changes%20within%20the%20industry.>

Given the administration's lack of respect for Scrutiny, it is hardly surprising that this measure is not reflected in the administration's Plan.

These are only two examples from a document whose appendices demonstrate a general reluctance to set meaningful targets and measure the administration's responsibilities.

A Labour administration would work with staff, residents and scrutineers to ensure all key performance indicators in its Council Delivery Plan were specific, measurable, achievable, relevant, and time-bound.

INVESTING IN NORTH WEST LEICESTERSHIRE

The Council Delivery Plan refers to a number of Regeneration Frameworks. It is unclear how any of the proposed Regeneration plans will address the fundamental financial instability of the Council and fundamental problems facing our residents.

Whilst the Labour Group are keen to see investment in our communities, the Council Delivery Plan now takes such a high-level approach that it is difficult to see how the Corporate Scrutiny Committee will be able to assess performance.

The lack of social and genuinely affordable homes is now nationally recognised to be a critical infrastructure deficit⁶ yet this Council Delivery Plan does nothing to address this issue.

A Labour administration would prioritise invest-to-save business cases for regeneration projects, such as industrial units, that provide good jobs, grow local businesses and bring a long-term income stream for the Council. A Labour administration would reschedule its Housing Revenue Account commitments and set ambitious targets for investment in social housing.

**Cllr Simon Lambeth
Chair of Corporate Scrutiny
For and on behalf of the Labour Group**

⁶ https://england.shelter.org.uk/support_us/campaigns/social_housing_deficit

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 14 NOVEMBER 2023



Title of Report	REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY	
Presented by	Councillor Michael Wyatt Communities Portfolio Holder	
Background Papers	Home Office – Guidance issued under Section 182 of the Licensing Act 2003 Licensing Act 2003 – Statement of Licensing Policy – Issue 7 Licensing Committee 13 September Minutes & Report	Public Report: Yes
Financial Implications	No direct financial implications	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Legislation requires the policy to be reviewed every five years.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The workload associated with the review of the Statement of Licensing Policy shall be undertaken within existing resources.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To present a draft statement of licensing policy for approval.	
Recommendations	THAT COUNCIL CONSIDERS AND APPROVES THE LICENSING ACT 2003 STATEMENT OF LICENSING POLICY	

1.0 BACKGROUND

- 1.1 Section 5 of the Licensing Act 2003 requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years.
- 1.2 A statement of licensing policy explains how the licensing authority will carry out its role under the Licensing Act 2003. The statement can be used to:
- Guide members of the licensing authority in their decision making.
 - Inform applicants about how applications will be viewed and 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.

- Inform residents and businesses about how applications will be viewed and how their needs will be addressed.
 - Support decisions made by the licensing authority when these decisions are challenged in a court of law.
- 1.3 The current policy (issue 7) was determined by Council on 26 February 2019 and came into force on 26 March 2019 and shall remain valid until 25 March 2024 unless amendments are necessary before this date.
- 1.4 The scope of the review has only included the policy statement. The cumulative impact assessment relating to an area of Ashby de la Zouch town centre was reviewed in 2022.

2.0 CONSULTATION PROCESS

- 2.1 Before a licensing authority can publish its policy it must consult with bodies/persons listed in section 5(3) of the 2003 Act. They are as follows:
- Chief Officer of police for the area.
 - The fire and rescue authority for the area.
 - Persons/bodies representative of local holders of premises licences.
 - Persons/bodies representative of local holders of club premises certificates.
 - Persons/bodies representative of local holders of personal licences.
 - Persons/bodies representative of local holders of businesses and residents in its area.
- 2.2 The consultation period commenced on 26 May 2023 and ended on 6 August 2023.
- 2.3 Email correspondence was sent to consultees listed at paragraph 2.1 referring them to a consultation document detailing structured questions relating to the draft statement of licensing policy.

3.0 PROPOSED CHANGES TO CURRENT POLICY

- 3.1 The draft policy sent to all consultees contained the following amendments:
- Updated profile of the district.
 - Paragraph 1.5 - Further detail added on licensable activities.
 - Paragraph 1.6 - Amendments to (Live Music) to add information relating to deregulation.
 - Paragraph 2.2 - Added new paragraph relating to right and entitlement to work.
 - Paragraph 3 - Added clarification that operating schedules should be converted to conditions which must be appropriate and proportionate for the promotion of the licensing objectives.
 - Paragraph 4.4 Conditions relating to prevention of crime and disorder.
 - Added paragraph relating to refusal logs.
 - Detail added to paragraph relating to prohibiting irresponsible drinks promotions.
 - Detail added to information relating to staff to control admission.

- Inclusion of age determination policy.
- Inclusion of adequate and appropriate staff training.
- Inclusion of appropriate steps to prevent drink spiking and sexual harassment
- Paragraph 5.4 conditions relating promotion of public safety.
 - Inclusion of CCTV and appropriate lighting.
 - Inclusion of provision of a safe space with the venue.
- Paragraph 7 Protection of Children from Harm.
 - Inclusion of reference to Leicestershire and Rutland Safeguarding Boards.
- Paragraph 9 Late Night Levy
 - Content amended to reflect changes to Police Reform and Social Responsibility Act 2011.
- Paragraph 10 Special policy on Cumulative Impact.
 - Expansion of the list of other mechanisms available to address poor and unlawful behaviour once away from the premises.
- Paragraph 11 Licensing hours.
 - Inclusion of paragraph relating to drinking up time and dispersal of customers.
- Paragraph 12 Lapsed licensed insolvency and death.
 - Inclusion of paragraph relating to interim authority notice.
- Paragraph 13 Variation of licenses.
 - More detail added to give clarity to types of variation.
- Paragraph 14 Transfer of licenses.
 - Inclusion of reference to Home Office role.
- Paragraph 16 Review of licenses.
 - Inclusion of closure order.
 - Inclusion of Summary Review.
- Paragraph 17 Personal Licenses
 - Information added on the role and responsibilities of a personal licence holder and Designated Premises Supervisor (DPS).
 - Inclusion of reference to entitlement to work in the UK.

- Added clarification that the licensing authority will normally refuse an application where the police have objected.
- Inclusion of paragraph relating to revocation and suspension powers.
- Paragraph 18 Permitted Temporary Activities.
 - Further information relating to standard and late temporary event notices (TEN's).
- Paragraph 19 Integrating strategies.
 - Inclusion of counter terrorism, supply and use of drugs and exploitation to the Community Safety Strategy paragraph.
 - Further information added within the promotion of equality paragraph.
 - Reference to taxis added to transport paragraph.
 - Inclusion of North West Leicestershire District Council's economic growth plan.
 - Inclusion of Public Health
- Paragraph 24 Deletion to reference of European Union Services Directive as outside of scope of policy.
- Paragraph 27 Period of validity and review.
 - Dates amended to reflect policy review.
- Paragraph 28 Contacts.
 - Licensing Authority postal address updated.
- Appendix 3
 - Inclusion of Home Office within the list of Responsible Authorities.

4.0 REVISED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

- 4.1 Revised guidance published in July 2023 introduced guidance relating to counter terrorism and public safety. The revision has been reflected within the draft statement of licensing policy.
- 4.2 The revision enables licensing committees to give due consideration to appropriate counter terrorism measures when considering licence applications. Any additional licensing conditions should be appropriate and proportionate to the venue. It is recommended that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or healthcare provision at appropriate premises and events applying for a licence.

5.0 CONSULTATION FEEDBACK

- 5.1 A total of five consultees have submitted comments on the draft policy which are as follows:

Consultee	Comment	Council response/comments
Castle Donington Parish Council	No comments to make on policy consultation	Not Applicable
Leicestershire Police	Clarification of the Business and Planning Act provisions in relation to TEN's and Off Sales following Government announcement in July 2023. Amendments to Late Night Levy due to changes announced by Government during the consultation process.	The Business and Planning Act 2020 and the Late-Night Levy updates have been issued since the consultation commenced, the draft policy has been updated to reflect these changes.
Solicitor/representative for the trade	Minor amendments to wording	Comments noted and amended within the draft policy
Leicestershire County Council Public Health	Request to include information with regards to Public Health within the policy	Comments noted and section included on Public Health within the draft policy
Ashby Town Council	The changes refer to paragraph 4.6 but this should state paragraph 1.6.	Paragraph amendments to draft policy completed

5.2 Licensing Committee considered the content of the draft policy at its meeting on 13 September. Licensing Committee endorsed the draft policy and recommended that Council approves the draft. No questions were asked. No amendments were requested to be made.

5.3 A draft policy taking into account all comments made by consultees is at **Appendix 1**.

6.0 APPROVAL PROCESS

6.1 A procedural irregularity by a licensing authority in relation to the determination of its policy may be subject to a challenge by way of Judicial Review to the Administrative Court. To mitigate the risk of challenge the review and determination of this policy has been carried out in accordance with the Home Office guidance issued under Section 182 of the Licensing Act 2003. The revised guidance did not change in regard to how an authority's policy should be reviewed.

6.2 The statement of licensing policy will be published and will commence on 26 March 2024.

Policies and other considerations, as appropriate	
Council Priorities:	relevant Council Priorities: <ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected

Policy Considerations:	As detailed within the report and draft policy
Safeguarding:	None at this time
Equalities/Diversity:	Detail any equalities/diversity considerations made.
Customer Impact:	To manage potential harms arising from premises and activities licensed under the Licensing Act 2003
Economic and Social Impact:	To seek to manage the balance between economic growth and negative impacts such as crime and disorder, public nuisance, public safety and protecting children from harm
Environment, Climate Change and zero carbon:	No impact
Consultation/Community Engagement:	As detailed within the report
Risks:	To mitigate the risk of challenge the review and determination of this policy has been carried out in accordance with the Home Office guidance issued under Section 182 of the Licensing Act 2003.
Officer Contact	Paul Sanders Head of Community Services paul.sanders@nwleicestershire.gov.uk



**NORTH WEST LEICESTERSHIRE
DISTRICT COUNCIL**

**Licensing Act 2003
Statement of Licensing Policy**

**Effective Period:
March 2024 to March 2029**

Issue 8 DRAFT

Approved by the Council at its meeting on DATE

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1. 1. Introduction

1.1.1 Profile of the District

North West Leicestershire District covers an area of 27,933 hectares. The principal town is Coalville and the other main settlements are Ashby de la Zouch, Castle Donington, Ibstock, Kegworth and Measham.

The population of North West Leicestershire is 104,704. (2021 Census, Office of National Statistics) ~~98,436~~. The proportion of young people (0-14 years) is ~~16.647.8~~ per cent ~~which is slightly lower than and is close to~~ regional and national averages. The District has ~~20.149.7~~ per cent of the population ~~above pension age 65 and above, which is slightly higher than the regional and national average~~. The black and minority ethnic population is ~~4.12.4~~ per cent; this compares with ~~14.30.7~~ per cent for East Midlands and ~~19.4.6~~ per cent for England.

The Council's vision statement is "North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home".

The Council recognises that the ~~hospitality sector~~~~entertainment and leisure industry~~ contributes to the District's urban and rural economies, ~~particularly given the location at the heart of the National Forest~~. These have a part to play in attracting tourists and visitors and are major employers. There were ~~3,295,400~~ ~~hospitality~~~~tourism~~-related jobs in ~~2021~~~~45~~. The District is home to a number of major attractions including Donington Park Race Circuit, ~~National Forest~~, Conkers, Moira Furnace, the 1620s House and Ashby Castle.

Pubs and restaurants are an important part of village life, and contribute to the vitality of the District's towns, together with the arts and entertainments venues throughout the District.

The following provides an indication of the profile of licensed premises and personal licence holders. Number of approximate:

- o Between 350 and 400 licensed premises consisting of –
- o 130 public houses, bars and wine bars
- o Over 200 late-night refreshment houses
- o 40 restaurants serving alcohol
- o 25 club premises
- o 3 night clubs
- o 1500 personal licence holders

~~The District has 360 licensed premises. These include approximately 130 pubs, bars and wine bars, 41 restaurants licensed to serve alcohol, 3 night clubs and dance venues. 206 premises are licensed as a late night refreshment house, these premises include takeaways, pubs and restaurants. There are other premises which are licensed which include other cultural venues and shops.~~

1.2 Purpose of the Policy

This Statement of Licensing Policy explains how the Licensing Authority will carry out its role under the Licensing Act 2003, (the Act). The Licensing Authority will keep this

policy under review and may make revisions to the document following consultation with the bodies outlined in paragraph 1.4 below.

It will also:

- Be used as a guide by members of the Licensing Authority in their decision making.
- Inform applicants about how applications will be viewed and how a licensed premise 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.
- Inform residents and businesses about how applications will be viewed and how their needs will be addressed.
- Be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

1.3 History

The first Statement of Licensing Policy issued by North West Leicestershire District Council came into force on 7 January 2005. It was revised on 8 November 2005 to reflect the adoption of a Special Policy in Ashby de la Zouch and further minor amendments. Issue 3 came into force on 7 January 2008 with minor amendments. Issue 4 with further amendments came into force on the 15 January 2008. Issue 5 of the policy was introduced on 7 January 2011. Issue 6 of the policy was introduced on 26 March 2014. Issue 7 of the policy was introduced on 26 March 2019. Issue 8 of the policy was introduced on 26 March 2024 and will remain in place until 25 March 2029.

1.4 Consultation

In developing this Statement the Licensing Authority has consulted with the bodies set out below, and has taken account of their views:

- Chief Officer of Police
- Fire authority
- Director of Public Health
- Persons/bodies representative of local premises licences holders.
- Persons/bodies representative of local club premises certificate holders.
- Persons/bodies representative of local personal licence holders.
- Persons/bodies representative of businesses and residents in North West Leicestershire.
- Other groups that the Licensing Authority consider appropriate

1.5 Licensable Activities

Licensable activities are:

- 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 regulated entertainment.
- The provision of late night refreshment.

Regulated entertainment requires a licence when it is performed in the presence of an audience for their entertainment. It is also provided for members of the

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public or a section of the public or exclusively for the members of a qualifying club and/or their guests or for consideration and with a view to profit, it includes the following:

- A performance of play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any performance of recorded music
- A performance of dance; and
- Entertainment of a similar description to a performance of live music, and playing of recorded music or a performance of dance.

1.6 Deregulation Live Music

Amendments made to the Licensing Act 2003 by ~~The~~ 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, mean that a licence is not required for the following activities that take place between 08:00 and 23:00 on any day: ~~came into force on~~ 1st October 2012.

- A performance of a play in the presence of an~~y~~ audience of no more than 500 people;
Most performances of dance in the presence of an~~y~~ audience of no more than 500 people;
- An indoor sporting event in the presence of an~~y~~ audience of no more than 1,000 people;
- Boxing and Wrestling: A contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between two participants in the presence of an audience of no more than 1,000 people;
~~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.~~
- Non-profit film exhibitions held in community premises provided that:
 - The audience does not exceed 500, and;
 - The organiser obtains consent for the screening from a person responsible for the premises, and;
 - Ensures that each such screening abides by age classification ratings.

Where de-regulated activities take place on licensed premises any licence conditions

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~~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.~~

~~Its main aim was to relax the licensing burden on those licence holders staging or looking to stage live music at their venue.~~

~~It removes the licensing requirements for:~~

- ~~• Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises.~~
- ~~• Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).~~
- ~~• Unamplified live music between 8am and 11pm in all venues.~~

~~It is possible to reinstate or impose conditions about live music following a review of a premises licence or club premises certificate authorising premises to supply alcohol for consumption on the premises.~~

~~The Live Music Act also removes licensing requirements for the provision of entertainment facilities.~~

~~In addition, it has widened the licensing exemption for music integral to a performance of Morris dancing or similar, so that the exemption applies to live or recorded music instead of unamplified live music.~~

~~Although the changes to the law and the associated benefits to local musicians and their supporters are to be welcomed there is still a requirement that any music should not be loud enough as to cause a nuisance to neighbours.~~

2. Fundamental Principles

2.1 Background

This Statement of Licensing Policy sets out how the Licensing Authority will carry out its functions under 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.

The Act requires applicants to consider carefully this policy when drafting their applications.

2.2 Right and Entitlement 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 licensing objective includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing Authorities work with the Home Office as well as the police, in respect of these matters.

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 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:

- By providing with their application 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 Council's web site GOV.uk and in guidance issued under s182 of the Licensing Act 2003.
- 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.

2.32 The Licensing Objectives

The Licensing Authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:

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

2.43 Balance

The Licensing Authority will seek 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 will not undermine the right of any individual 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 or certificate where provision has been made for them to do so in the Licensing Act 2003.

The Human Rights Act 1998, incorporating the European Convention on Human Rights, makes it unlawful for a Local Authority to act in a way, which is incompatible with a Convention right. The Licensing Authority will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions of the European Convention on Human Rights:

Article 6 – In the determination of civil rights and obligations every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 – Every person has the right to respect for his home and private and family life.

Article 1 of the First Protocol – Every person is entitled to the peaceful enjoyment of his or her possessions.

2.54 **Extent of Control**

Licensing is about regulating licensable activities on licensed premises, ~~qualifying~~ clubs and at temporary events. The conditions attached to various authorisations are focused on relevant matters that are within the control of the licence holders and others with relevant authorisations. This means those matters occurring at, and in the vicinity of premises, and the direct impact they have on nearby residents and businesses. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case.

Licensing law is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. However, the Licensing Authority expects every holder of a licence, certificate or authorisation to be responsible for minimising the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

2.65 **Determination of Applications**

When the Licensing Authority receives an application, it will initially determine whether the application has been made properly in accordance with the provisions of the Licensing Act 2003 and the relevant regulations. Amongst other things the Licensing Authority will consider whether the application has been properly advertised in accordance with the regulations.

All applications for new premises licences and variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the four licensing objectives. Applicants are advised to discuss their application with a member of the licensing team and to have regard to sections 3, 4, 5 and 6 of this policy when completing their application form.

A hearing will not be required where an application for a new premises licence, club premises certificate or variation has been properly made and no responsible authority or other persons has made a representation. In these cases, the Licensing Authority

must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule submitted with the application and relevant mandatory conditions contained in the Licensing Act 2003.

The responsible authorities who must be notified of applications and are entitled to make representations to the Licensing Authority in relation to an application are:

- Chief Officer of Leicestershire Police.
- Leicestershire Fire and Rescue Service.
- North West Leicestershire District Council (NWLDC).
- Relevant enforcing authority under the Health & Safety at Work etc Act 1974.
- NWLDC Environmental Health teams responsible for health and safety and pollution control.
- NWLDC Planning Team.
- A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm.
- Director of Public Health, Leicestershire County Council.
- Leicestershire County Council Trading Standards Department.
- Home Office Immigration Enforcement (on behalf of the Secretary of State).
- Environment Agency (vessels only)
- Canal and River Trust. (vessels only).

The Local Authority name/body for each of the Responsible Authorities is provided at Appendix 3. Current contact details including postal address and telephone contact numbers is provided on the Council's website.

'Other Persons' are the bodies or individuals who are entitled to make representations to the Licensing Authority on applications and consist of:

- Any person;
- A body representing persons;
- A person involved in a business;
- A body representing persons involved in such businesses.

In order to be accepted by the Licensing Authority a representation must be relevant. A representation will only be relevant if it relates to the likely effect of the application on the promotion of at least one of the licensing objectives.

A representation by a Responsible Authority or 'other persons' cannot be accepted if it is frivolous or vexatious. The Licensing Authority will determine whether any representation is frivolous or vexatious on the basis of the ordinary meaning of those words and the statutory guidance.

Where, however, there are relevant representations to an application or variation, then a hearing before a Licensing Sub-Committee will normally follow. At the hearing the Sub-Committee must, having regards to the representations, take such steps as it considers appropriate to promote the four licensing objectives. These may include refusing the application either in full or in part or adding to or modifying the conditions proposed in the operating schedule.

2.76 Effective service of applications

Where reference is made to working [days](#), this is defined at Section 193 of the

Licensing Act as 'any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealing Act 1971 in England and Wales.

For the purposes of this policy non-statutory closures of the Council are not considered to be working days.

The Councils working day is 08:45 to 17:00. Applications received after 17:00 shall be deemed to be received on the following working day.

The Council accepts the following methods of service:

- o Postal
- o Electronic submission (online GOV.UK website)
- o Electronic submission (email)

An application that is submitted electronically during the course of a working day will be deemed as received at the time of receipt. This shall include applications submitted online or by email.

An application that is submitted electronically outside of the working day will be deemed as being received on the first working day following submission.

An application submitted by post will be served on the day of receipt or if there is no receipt deemed as if served on the second working day after being placed in a postal system. Proof of service will be required to confirm the date of posting.

Where an electronic application is received by the Council there is a requirement for the Council to serve a copy on all Responsible Authorities. Service can be made both by email and by post with the preferred method of service being by email. The above definitions of 'service' will apply. An application for a review falls outside of this process. This is explained further within the Statutory Guidance.

2.87 Licensing Authority (Responsible Authority Role)

The Licensing Authority is included in the list of responsible authorities and in common with the other responsible authorities it is for the Licensing Authority to determine when it considers it appropriate to act in that capacity.

The Licensing Authority will not make a representation or apply for a review at the request of another Responsible Authority or Other Person.

There may be occasions when the Licensing Authority may decide to make a representation or apply for a review based on evidence and information collated from other Responsible Authorities even though those other Responsible Authorities have chosen not to make a representation.

The Licensing Authority is unlikely to intervene where the basis for the intervention falls within the remit of another Responsible Authority. For example, the police should make representations where the representations are based on concerns about crime and disorder.

Where the Licensing Authority does make representations, it will ensure that there is a proper separation of responsibilities. The Licensing Officer preparing papers for a sub-committee hearing will be different to the Licensing Officer making the representations on behalf of the Responsible Authority. The Licensing Officer acting

for the Responsible Authority will not be involved in the administrative process of the application or review and will not discuss the merits of the case with those involved in making the determination by the Licensing Authority. Communication between these Licensing Officers in relation to the case will remain professional and consistent with communication with other Responsible Authorities.

The Licensing Officer administering the application will be allowed to conduct negotiations between the Licensing Officer making the representation and the applicant.

3. Operating Schedule - Policies Promoting Each of the Four Licensing Objectives

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

Applications for the grant or variation of a licence or certificate must be accompanied by an operating schedule that includes the steps that the applicant proposes to take to promote the licensing objectives. These policies are intended to help applicants by setting out the **criteria** and **considerations** that they should bear in mind when drawing up the operating schedule. The criteria, because they relate to the licensing objectives, will apply to all applications to some degree; the considerations listed may not necessarily apply, or apply equally, to all applications. The list contains considerations that Responsible Authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

Applicants for licences are recommended to discuss their proposals with the Responsible Authorities prior to submitting an application. This will enable them to obtain advice on the production of their operating schedule and may avoid representations and the need for a hearing.

The content of operating schedules will be converted to licence conditions which must be appropriate and proportionate for the promotion of the licensing objectives.

4. Prevention of Crime and Disorder

4.1 The Policy

To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews. The Licensing Authority will look to the police as the main source of advice on crime and disorder. The Licensing Authority will also seek to involve the NWL Community Safety Partnership.

4.2 Criteria

Whether the premises makes or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application.

4.3 Considerations

The levels of crime and disorder in and around the venue.

The proposals contained in the operating schedule.

The level of compliance with conditions on existing licences.

4.4 Conditions

The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 (as amended) (The Guidance) sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises. The Licensing Authority will tailor appropriate conditions for premises licences and club premises certificates. The seeking of and any imposition of conditions and their extent will depend upon the risks of crime and disorder at the particular premises.

In the context of this licensing objective the essential purpose of a licence or certificate is to regulate the behaviour of people while on, or in the immediate vicinity of the premises and as they seek to enter or leave. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct control of the licence holder and their staff or agents. Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. Licence conditions that are considered appropriate for the prevention of illegal working might include requiring a premises licence holder to undertake right to work checks on all staff employed and that a copy of any documentation checked is retained at the licensed premises.

The Licensing Authority may consider if any steps are appropriate to promote the prevention of crime and disorder. It will also consider representations made by Responsible Authorities that conditions are applied to licences to require those steps.

The Licensing Authority will seek to co-operate with the Security Industry Authority (SIA) as far as possible.

The inclusion of radio links and ring-around phone systems will be considered an appropriate condition for public houses, bars and nightclubs operating in town centre leisure areas with a high density of licensed premises.

Conditions relating to the management competency of designated premises supervisors will only be justified as appropriate where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

The Licensing Authority considers that proper records of all instances of refusal to sell alcohol and incidents of crime and disorder must be recorded. These records shall be immediately available to police and the Licensing Authority's Licensing Officers on request.

When preparing their operating schedules, applicants are encouraged to consider including the following items of best practice:

- Prohibiting the sale of alcohol in glass bottles for consumption on the premises to prevent their use as weapons.
- Prohibiting alcohol in open containers being taken from premises - This approach will discourage drinking in the streets and will also prevent the use of these containers as offensive weapons.

- Consider using drinking vessels made of plastic or toughened glass.
- Prohibiting 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.
- Consider the provision of CCTV surveillance equipment particularly in town centre locations and other large venues. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside, licensed premises. Should you deem it appropriate to install CCTV at your premises it is suggested that any system should be installed and maintained on advice from the Leicestershire Police.
- Displaying of warning signs about crime prevention measures in place.
- Consider the provision of text pagers to connect persons employed at premises, particularly in town centre locations, to the police.
- Appropriate measures to prevent overcrowding in premises or parts of the premises.
- The provision of staff to control admission including the operation of proof of age schemes, searching and exclusion of banned individuals. When such staff are engaged they must be licensed by the Security Industry Authority.
- The provision of staff ~~and~~ to control persons inside the premises. When such staff are engaged they must be licensed by the Security Industry Authority.
- The adoption of an age determination policy such as Challenge 21 to prevent underage sales.
- Appropriate measures to prevent the supply and consumption of illegal drugs, including any search procedures and entry policies.
- The provision of adequate and appropriate staff training in crime prevention. Examples of relevant training packages include:
 - The Welfare and Vulnerability Engagement (WAVE) initiative – A free tool aims to increase the skills and knowledge to identify vulnerability and make appropriate interventions to keep people safe.
 - Ask for Angela – This initiative advises customers through posters that, if they 'ask for Angela', staff will be alerted to the fact that the person feels unsafe or threatened and provide that individual with the required support.
- Take appropriate steps to prevent drink spiking and sexual harassment. Preventative measures could include training of staff, effective CCTV, reporting of all incidents to the police, membership of a pubwatch scheme.

The above items of best practice need only be included in an operating schedule where relevant to the premises. In addition to the above items of best practice applicants are also encouraged to refer to the Council's pool of licence conditions when producing an operating schedule.

The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of this licensing objective at their particular premises.

5. Public Safety

5.1 The Policy

To promote public safety, the Licensing Authority will apply the following criteria and

take into account the following considerations, where relevant, in determining applications and reviews:

5.2 **Criteria**

Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant Responsible Authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

5.3 **Considerations**

Whether the premises has undertaken a risk assessment and identified the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.

[Whether due consideration has been given to appropriate counterterrorism measures.](#)

Whether there are procedures proposed to record and limit the number of people on the premises.

Whether patrons can arrive and depart from the premises safely.

Whether the premises will use equipment or special effects that may affect public safety (e.g. vehicles, pyrotechnics, strobe lights, smoke machines, temporary structures etc).

Whether due regard has been given to the measures outlined in the 'Safer Clubbing' guide published by the Home Office – January 2002, in applications for facilities for music and dancing. The key areas identified are:

- Prevention of overcrowding
- Air conditioning and ventilation
- Availability of drinking water
- Affordable cloak rooms
- Further measures to prevent patrons overheating

Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

5.4 **Conditions**

The Guidance sets out matters which relate to conditions on public safety, and includes a Safer Clubbing checklist. These will be used to tailor appropriate conditions for premises licences and club premises certificates.

The Licensing Authority may consider if any steps are appropriate to promote public safety. It will also consider representations made by Responsible Authorities that conditions be applied to licences to require those steps.

When preparing their operating schedules, applicants are expected to consider the following items of best practice:

- Fire safety.
- Counterterrorism measures (security and health care provision)
- Ensuring appropriate access for emergency services such as ambulances.
- Good communication with local authorities and emergency services.
- Ensuring appropriate limits on the maximum capacity of the premises with reliable methods to count and control the number of persons on the premises.
- Adequate levels of door supervision to control access to and egress from premises in order to ensure public safety.
- CCTV and appropriate lighting
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation such as taxi companies).
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits.
- Maintaining and making available a record of inspections, pre-opening and during performance, of fire doors, escapes, and appliances and of the number of people on the premises.
- Ensuring appropriate and frequent waste disposal, particularly glass bottles.
- Preventing injury – Consider a policy of using plastic, polycarbonate or toughened glass.
- Ensuring that floors are kept from becoming slippery from spillages or condensation.
- Measures to prevent climbing onto ledges, balconies and speakers.
- Measures to keep sound levels below levels where damage to the hearing of staff and customers is likely to occur.
- Measures to reduce the risk of dancers and others overheating (chill-out rooms, affordable cloakrooms, free water, breaks from fast dance rhythms, identifying people who may be in distress).
- Provision of facilities for people who are taken ill or injured to contact friends or family, to recover, or be kept safe while awaiting medical assistance.
- Provision of a safe space within the venue for customers who are vulnerable due to the effects of alcohol or drugs so that they are not put at risk outside the venue.

The above items of best practice need only be included in an operating schedule where appropriate and proportionate relevant to the premises. In addition to the above items of best practice applicants are also encouraged to refer to the Council's

pool of licence conditions when producing an operating schedule. If applicants elect not to include best practice items in the operating schedule, they are strongly advised to include information explaining the reason for their decision. This might be because a risk assessment has shown that the step is not appropriate. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.

Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate and proportionate for the promotion of this licensing objective at their particular premises.

6. The Prevention of Public Nuisance

6.1 The Policy

To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

6.2 Criteria

The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is a mixed commercial / residential use with residential accommodation in the proximity of the premises.

Under the Act, "public nuisance" retains its broad common law meaning. Public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as a major disturbance affecting the whole community. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

6.3 Considerations

6.3.1 Noise and Vibration

Whether operating schedules contain adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them.

Measures to limit noise and vibration

Applicants will be expected to have considered the inclusion of measures in their operating schedules that make adequate provision to:

- Restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site.

- Limit the escape of noise from the premises or open air site.
- Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and whilst sleeping.
- Minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it.
- Minimise and control noise from staff, contractors, and suppliers and their activities.
- Minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers.
- Monitor the noise levels and its impact.
- Make a contact number available to any person wishing to report noise disturbance.

6.3.2 Eating, Drinking and Smoking Outside Premises

Whether people standing or sitting outside the premises are likely to cause obstruction or other nuisance.

Whether the premises are under or near to residential accommodation.

The hours of sale of alcohol in open containers or food for consumption outside the premises.

Measures to make sure that customers move away from outside premises when such sales cease.

Measures to collect drinking vessels and crockery, cutlery and litter.

The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking.

Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink, between certain hours or at all times.

6.3.3 Other Environmental Impacts

Whether Operating Schedules contain adequate measures to prevent:

- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions.
- Light pollution arising from the proposed licensable activity.

Whether the proposal will be likely to cause nuisance by congesting the pavement or the roadway.

Whether the proposal would lead to the need for increased refuse storage or waste

collection.

Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse.

Whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs. Litter includes both chewing gum and smoking related litter. Premises may need to make provision for patrols to clear up litter.

Whether queuing is likely and the steps proposed to prevent queuing, or to divert queues away from residential properties.

The measures proposed for the management of people leaving premises to smoke and for their readmission.

Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are appropriate.

6.4 **Conditions**

The Guidance sets out a pool of conditions that relate to the prevention of public nuisance. In addition, the Licensing Authority has devised a pool of conditions which can be found on the Council's website.

With regard to existing premises with non-audibility conditions the enforceability of these is now in question. In the event that premises subject to such a condition were found to be breaching that condition a review of all enforcement options would be undertaken to decide on the most appropriate course of action. If this results in a review of the licence a suitable condition would be added taking into account current noise guidance.

Hours of opening and hours for each licensable activity must be included in operating schedules. Conditions will be attached relating to the hours when premises are permitted to open in order to prevent public nuisance. Conditions could be appropriate to limit the times when certain licensable activities take place, although the premises may be open to the public at such times. For example, there may be reason to have a condition specifying the time at which music ceases to be played in a bar or at an open air concert, which is prior to the end of other licensable activities. Stricter conditions will be applied in areas of denser residential accommodation.

Conditions will be attached to premises where appropriate. These conditions are designed to reduce the impact of a public nuisance arising from the operation of the premises. The conditions may include the following:

- Maximum noise levels over particular time periods – Noise controls and limits specified within the licence will be set in line with relevant guidance currently the Noise Council Guidance and the World Health Organisation Guidelines for Community Noise.
- Installation of sound limiters.
- Acoustic lobbies.
- Provision of signs.
- Publicity and verbal advice to patrons to leave quietly.
- Controlling nuisance from light pollution.

- Taking food and drink outside the premises.
- Fly posting.
- Distribution of leaflets.
- Litter and cleaning outside of the frontage and in the vicinity of the premises.

7. The Protection of Children from Harm

7.1 The Policy

To protect children from harm, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

7.2 Criteria

Whether there are appropriate measures in place to protect children from harm

The admission of children to premises holding a premises licence or club premises certificate will normally be freely allowed without restricting conditions unless the Licensing Act 2003 imposes such a restriction or there are good reasons to restrict entry or to exclude children completely.

7.3 Considerations

Considerable weight will be given to representations about child protection matters. In addition to the police, it is recognised that the Director of Public Health may also have access to relevant evidence to inform such representations. Appropriate weight will be given to representations received from the Leicestershire and Rutland Safeguarding Boards.

Whether there are effective means to check the age of those young people who appear under 21, or under 25, to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises.

Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance.

The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.

Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks. The Licensing Authority supports the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It is recommended premises licensed for the sale of alcohol comply with the Code.

Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.

The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.

Whether there is evidence of heavy, binge or underage drinking on the premises.

Whether there is evidence of drug taking or dealing on the premises.

Whether the premises commonly provides entertainment or services of an adult or sexual nature.

Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).

Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according the recommendations of the British Board of Film Classification or the Council itself.

If performances or activities are likely to attract children, the number of adults required for the supervision of children.

Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken.

The measures taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children.

Proposals for the provision or arrangement for safe transport of children.

7.4 **Conditions**

The Guidance sets out suggestions for conditions that venue operators may offer relating to the protection of children from harm. This includes the protection of children from moral, psychological and physical harm. In addition the Licensing Authority has devised a pool of conditions which can be found on the Council's website.

In line with the Guidance conditions may be attached relating to the access or, where necessary, the exclusion of people under the age of 18 to a premises licence or club premises certificate where there is:

- A history of offences relating to underage drinking.
- A known association with drug taking or dealing.
- A strong element of gambling on the premises.
- Entertainment of an adult or sexual nature is commonly provided.
- Films shown with age restricted classification.

In line with the Guidance, where they are appropriate, conditions limiting the access of children should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions could

include:

- Requirements for adequate procedures to check ages in premises where alcohol is served.
- Limitations on the hours when children may be present.
- The exclusion of children under certain ages when particular specified activities are taking place.
- Age restrictions (below 18).
- Requirements for accompanying adults.
- Restrictions on the parts of premises to which children may have access.
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

As a Licensing Authority the Council will impose conditions on film exhibitions in order to protect children from inappropriate exposure to portrayals of violence or sexual activities, strong language and sexual expletives.

At premises and performances which are likely to attract a substantial number of children, the Licensing Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of the children during an emergency.

8. Early Morning Alcohol Restriction Orders (EMRO)

An EMRO enables a licensing authority to prohibit the sale of alcohol in the whole or part of its area for any specified period between 12am midnight and 6 am, if it is satisfied that this would be appropriate for the promotion of the licensing objectives. If an EMRO is introduced it would apply to premises licences, club premises certificates and temporary event notices that operate within the specified area and period.

EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder or serious public nuisance in specific areas at specific times, which is not directly attributable to specific premises.

The introduction of an EMRO could be suggested by the public or the police. A Licensing Authority is required to advertise any proposal to make an EMRO and demonstrate that they have evidence to justify doing so, as well as considering any representations.

The Licensing Authority will review the need for EMRO's at least every five years in line with the review of this policy to see if circumstances have changed and any are needed, however, the Licensing Authority would consider an EMRO at any time if circumstances changed and evidence supported this course of action.

There are currently no EMRO's in place within North West Leicestershire District.

9. Late Night Levy

A Late Night levy enables Licensing Authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It is a power that Licensing Authorities can choose whether or not to exercise.

The levy can either cover the whole of the Licensing Authority's area or be used to target smaller geographical areas where the night time economy places demand on policing. The Licensing Authority will choose the period during which the levy applies every night, between midnight and 6 a.m., and decide what exemptions and reductions should apply.

The Licensing Authority should discuss the need for a levy with the relevant Police and Crime Commissioner and the relevant Chief Officer of Police. The Licensing Authority will then decide whether to move to the next stage in the process and consult on its proposal to introduce a Late Night levy.

Should a Licensing Authority be considering the introduction of a levy, they will prepare and publish a consultation document stating its intention to introduce a levy, its proposed design and the services to be funded with the levy revenue. A Licensing Authority will then consider all consultation responses with a final proposal being put to full Council for their consideration.

The Licensing Authority will review the need for a Late Night Levy at least every five years in line with the review of this policy to see if circumstances have changed and whether a levy is needed, however, the Licensing Authority would consider a Late Night Levy at any time if circumstances changed and evidence supported this course of action.

A Late Night Levy is not considered appropriate and proportionate for the promotion of the licensing objectives.

10. Special Policy on Cumulative Impact

Cumulative impact is the potential impact on the licensing objectives of a significant number of licensed premises concentrated in one area.

In certain areas the number, type and density of premises selling alcohol may be associated with serious problems of crime and disorder and/or public nuisance. If this is the case the Licensing Authority may adopt a special policy.

The Licensing Authority in considering whether to adopt a special policy has to take the following steps:

- Identify concern about crime and disorder or public nuisance in the area.
- Consider whether there is good evidence that crime and disorder or nuisance are happening and caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Where it can be demonstrated that disorder or nuisance is arising as a result of customers of licensed premises, the boundaries of the disorder or nuisance of that area will be identified.
- Consult with those specified in section 5(3) of the Licensing Act 2003, and subject to the outcome of the consultation,
- Adopt a special policy and publish details in the licensing policy statement.

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.

Any special policy will not be used to:

- Revoke a licence or certificate when representations are received about problems with existing premises.
- Justify the rejection or variation of a licence or certificate except where the modifications are directly relevant to the policy.
- Adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

The Licensing Authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. In these 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.
- An Early Morning Alcohol Restriction Order (EMRO)
- A Late Night Levy
- The confiscation of alcohol from adults and children in designated areas. A Public Space Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space and the police a power to confiscate alcohol from adults and children in designated areas.
- ~~Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.~~
- ~~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.~~

Cumulative Impact – Ashby de la Zouch Town Centre

A cumulative impact assessment (CIA) has been published by the Council to help limit the number and type of licence applications granted in Ashby de la Zouch town centre.

The cumulative impact policy (CIP) was initially adopted by the Licensing Authority in November 2005 and has been regularly reviewed. The CIP in respect of Ashby de la

Zouch town centre has been retained following reviews of the policy in 2008, 2011, 2014, 2019 and 2022.

Having had regard to the legislation, guidance and evidence received from the Leicestershire Police following the necessary consultation, the Licensing Authority has determined that a CIP should continue to apply in respect of Ashby de la Zouch town centre. The Licensing Authority considers that the number of premises licences and/or club premises certificates within the area marked on the map at Appendix 1 is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.

Evidence supporting the necessity of the CIP made reference to both crime and disorder. Evidence showed that the number and density of licensed premises in the area marked on the map at Appendix 1 is having a cumulative impact and leading to problems which are undermining the licensing objectives.

In respect of each relevant application in the area defined at Appendix 1 the Licensing Authority will consider whether it is appropriate to make a representation to the Licensing Sub-Committee as a responsible authority in its own right.

In respect of each application received within the Ashby de la Zouch CIA, the Council will consider whether it is appropriate to make a representation as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. The Council will therefore grant an application where it considers it is appropriate and **where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.**

The CIP applies to:

- applications for **new premises licences or club premises certificates or variations;**
- applications from **premises** operating between **20:00 and 06:00;**
- premises of all types and characteristics. The cumulative impact assessment cannot be absolute. We will continue to allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives will be granted. After receiving relevant representations we will consider whether we would be justified in departing from the cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or theatre may not.
- premises within the area defined at Appendix 1 of the policy.

This CIP adopted by the Licensing Authority will be regularly reviewed. This CIP will remain in place until 25 March 2025, unless reviewed and removed earlier.

The CIP does not relieve responsible authorities or other persons of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to the special policy. If no representation is received, it remains the case that any application must be granted in terms that are consistent with the operating schedule submitted.

The Licensing Authority recognises that this CIP cannot be absolute and will continue to consider each application properly on its merits and those that are unlikely to contribute to the cumulative impact problems will be granted.

Where the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

11. Licensing Hours

It is recognised that flexible and staggered licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. This can help to reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.

However any licensable activity does have the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving or leave litter. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.

The Licensing Authority welcomes the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst the businesses are promoting the four licensing objectives.

Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours.

Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the Council considers it appropriate for the promotion of the licensing objectives to do so.

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 outlet is open for business. Any decision not to allow sales of alcohol at particular times will be based on the promotion of the licensing objectives.

The Licensing Authority will seek to avoid arbitrary restrictions on hours of opening that would undermine the principle of flexibility.

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.

12. Lapsed Licences, Insolvency and Death

In cases where licences have lapsed through insolvency or death, the Council will generally grant a new licence on similar terms to the lapsed licence as a replacement.

Any reapplication will be treated in the same way as other applications. Should representations be received and not resolved the matter will be decided by a hearing.

The Council will take into account the previous history of the premises, the length of time the premises has been closed, and any problems at the premises, and will impose conditions that reflect current good practice for the type of business proposed at the premises.

Where a premises licence has lapsed owing to the death, incapacity, or insolvency of the holder, an 'interim authority' notice may be given to the Licensing Authority within 28 consecutive days beginning the day after the licence lapsed. Further information is detailed within the statutory guidance.

13. Variation of Licences

Where a premises licence holder wishes to amend the licence, in most cases an application to vary can be made rather than applying for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licence objectives.

Variations to premises licences or club premises certificates that do not/will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process.

Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; and the addition of certain licensable activities.

On receipt of an application for a minor variation, the Licensing Authority will consider whether the variation could impact adversely on the licensing objectives. When considering an application, the Licensing Authority will consult relevant Responsible Authorities and take into account their views if there is any doubt about the impact of the variation on the licensing objectives.

The Licensing Authority will consider any relevant representations received from Other Persons in arriving at a decision. There is no right to a hearing.

The Licensing Authority will not use an application for the variation of a licence as a means to review the licence conditions already granted.

14. Transfer of Licences

When considering an application for the transfer of a premises licence, the Licensing Authority will only have regard to the individual circumstances of the case as set out in any objection raised by the police on the grounds that the transfer will undermine the crime prevention objective or the Home Office (Immigration Enforcement), if it considers that the granting of the transfer would be prejudicial to the prevention of illegal working in licensed premises.

15. Provisional Statements

An application for a provisional statement will be considered in the same way as would an application for a premises licence or club premises certificate, on the assumption that the works are completed as per the schedule of works submitted by the applicant.

16. Review of Licences

At any stage, following the grant of a premises licence or a club premises certificate a Responsible Authority or any Other Person may apply to the Licensing Authority for a review of the licence or certificate. A member of the club may also apply for review of a club premises certificate.

The application for review must relate to particular premises for which a premises licence or club premises certificate is in existence and must be relevant to the promotion of the licensing objectives.

Where an application for review is made the Licensing Authority will initially consider whether the application is relevant, vexatious, frivolous or repetitious. A repetitious representation is one that is identical or substantially similar to:

- A ground for review specified in an earlier application for review made in relation to the same premises which has already been determined.
- Representations considered by the Licensing Authority when the licence or certificate was first granted.
- Representations which would have been made when the application for the licence or certificate was first made and which were excluded by reason of the prior issue of a Provisional Statement

A reasonable interval must have elapsed since an earlier review or the grant of the licence. The Licensing Authority considers that a review originating from any Other Person should not normally be permitted within a period of 12 months on similar grounds.

Where the Licensing Authority receives notice that a magistrates' court has made a closure order, it will determine the licence review within 28 days. A hearing will be held within ten working days with a notice of hearing being given no later than five working days before the first hearing date.

A summary review can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process is set out in the 2003 Act and statutory guidance and allows interim conditions to be quickly attached to a licence and a fast track licence review.

17. Personal Licences

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, ~~which would indicate their unsuitability.~~

Every sale of alcohol at a licensed premises is required to be made or authorised by

a personal licence holder. Because of this important role, the Licensing Authority considers it to be good practice for a personal licence holder and the designated premises supervisor to have significant operational involvement in the sale of alcohol rather than to undertake a remote or 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 for 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 the Licensing Authority.

Individuals applying for a personal licence must be entitled to work in the UK. Applications made by someone who is not entitled to work in the UK will be rejected.

When applying for a personal licence, the Licensing Authority require applicants to produce an up-to-date Disclosure and Barring Service Scotland Certificate, that is no older than one month. All applicants are also expected to make a clear statement as to whether or not they have been convicted of a relevant offence or an equivalent foreign offence outside England and Wales.

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.

The Licensing Authority has the power to revoke or suspend personal licences. Where the Licensing Authority has granted a personal licence and becomes aware that a licence holder has been convicted of a relevant offence, the Licensing Authority may revoke the licence or suspend it for a period of up to six months.

18. Permitted Temporary Activities

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 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 two different processes:-

Where a person wishes to use premises for one or more licensable activities for a period not exceeding 168 hours, that person can serve a:

- Standard Temporary Event Notice (TEN): on the Licensing Authority notifying it of the event.—The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than ten clear working days before the event is to begin. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.
- Late Temporary Event Notice (LATE TEN): on the Licensing Authority notifying it of the event.—The Late TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities

no later than 5 working days before the first day of the event and no earlier than 9 working days before the first day of the event. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself. A Late TEN given less than 5 working 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.

Premises can mean any place. Events authorised under a TEN will therefore not always be in a building and can take place for example in public parks and plots with larger areas of land. In all cases the premises user should provide a clear description of the area in which they propose to carry on licensable activities.

Whilst the Licensing Authority recognise that 10 working days is the minimum notice that may be given in respect of a TEN, the Licensing Authority would encourage such notices to be given at least 28 days before the event. to allow the police and Environmental Health services sufficient time to evaluate the likely impact of a temporary event-

The maximum number of persons allowed on the premises at the same time during the temporary event is 499.

A number of limitations are imposed on the use of TENS. These limitations are detailed in section 7 of the statutory guidance.

If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person serving the TEN, and that person need not hold a personal licence.

Only the Police and Environmental Health may object to the staging of a temporary event. If they believe that any of the four licensing objectives will be undermined by the event they will issue an 'Objection Notice'. The objection notice must be given within 3 working days following the day on which the TEN is received.

Where an Objection Notice is received in relation to a standard TEN, a licensing sub-committee will be held to determine the notice within seven working days of the Objection Notice being issued. A hearing may not be necessary if an agreement can be reached beforehand.

Where an Objection Notice is received in relation to a LATE TEN, the event will automatically be refused authorisation. There is no right of appeal in this instance.

There are limitations on the number of TENS that individuals can give and which can be given in relation to a particular premises.

The Act provides that only the Licensing Authority can impose conditions (from the existing conditions on the premises licence or club certificate) to a TEN. The Licensing Authority can only do so:

- If the Police or Environmental Health have objected to the TEN.
- If the objection has not been withdrawn.
- If there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given
- If the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

19. Integrating strategies

The Licensing Authority will seek to achieve integration with the other strategies related to the availability and consumption of alcohol and the reduction of crime and disorder and will consult with the appropriate organisations to achieve this.

19.1 Safer North West Leicestershire 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 North West Leicestershire a safe and attractive area in which to live, work, study and socialise.

The Licensing Authority, in making decisions will consider the Community Safety Strategy and the work undertaken by the Safer North West Leicestershire Partnership, especially relating to tackling crime and anti-social behaviour, counter-terrorism, combating the supply and use of drugs and exploitation.

19.2 Planning

The Licensing Authority will ensure that planning permission and licensing regimes are properly separated to avoid duplication and inefficiency. Applicants must bear in mind that it may be necessary to obtain both planning permission and an appropriate licence/certificate. In such cases applicants are encouraged to seek planning permission first. However, applications for licences and certificates may be made before any relevant planning permission has been sought or granted by the Planning Authority. Licensing Committee is not bound by decisions made by Planning Committee and vice versa.

Licensing Committee and officers will consider discussions with planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs. Where a terminal hour set as a planning condition differs to the licensing hours, the applicant must observe the earlier closing time.

19.3 Building Control

The Building Regulation process is a separate system to the licensing regime.

Applicants should ensure that all necessary approvals have been obtained before the premises begin operating.

19.4 Promotion of Equality

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

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. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act will be implemented

by the Licensing Authority:

- o The Licensing Policy will be available on the Councils webpage, and in other formats upon request.
- o Support will be offered to licence applicants, licence holders and those wishing to submit a representation who are socially excluded.
- o The impact of decision making upon community cohesion, will be taken into account.
- o Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- o Action will be taken to ensure that all applicants, particularly those from disadvantaged groups, are treated fairly.

19.5 Disabled Access

The Licensing Authority would remind operators of premises of their duties under the Equalities Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to enable a disabled person to access the service.

19.6 Transport

The Transport Strategy is set out in the Local Transport Plan (LTP) produced by the Leicestershire County Council. The plan sets out the main proposals for achieving an integrated transport system to tackle the adverse impacts of traffic growth. The intention is to encourage greater use of public transport, walking and cycling by making these more attractive.

Taxis provide a useful role in transporting people, particularly at times when other forms of public transport are not well provided. Taxi ranks are provided where demand is identified.

19.7 North West Leicestershire Economic Growth Plan

This Economic Growth Plan sets out our ambitions for North West Leicestershire, a thriving and ambitious district in the heart of the National Forest. Working cooperatively with our partners we will continue to develop a successful, sustainable economy, playing an increasingly prominent role in the regional and national economy.

The Plan is based on making the most of the area's strongest assets in terms of People, Place and Business and ensuring that these three gears of the economy function effectively together.

19.8 Public Health

The misuse of alcohol is a significant public health challenge, and it is recognised that alcohol can contribute to a variety of harms, including health, economic, social and community harms. Alcohol contributes to more than 60 diseases and health conditions and represents 10% of the burden of disease and death in the UK, placing it in the top three lifestyle risk factors after smoking and obesity.

The availability and density of alcohol outlets are associated with increased numbers of alcohol related hospital admissions, alcohol related mortality and higher levels of alcohol consumption generally. Evidence also suggests that exposure to alcohol

advertising is associated with the onset of drinking in children and increased consumption among young people who already drink.

Leicestershire County Council Public Health has responsibility for commissioning local substance misuse treatment services and to improve and protect the health and wellbeing of the population in Leicestershire. Public Health is also in a position to recognise and make links to the wider health inequalities associated with alcohol and alcohol misuse. For example, the impact of harmful drinking and alcohol dependence is much greater for those experiencing the highest levels of deprivation.

Whilst there is no public health licensing objective, Directors of Public Health are a Responsible Authority and are included in the premises licensing process to provide a health perspective and bring evidence from the health sector into licensing processes and decisions.

As a Responsible Authority, Leicestershire County Council Public Health will work with the Licensing Authority and other partners to ensure the links between the density of licensed premises, alcohol availability and indicators of health-related harm inform licence decisions and promote the licensing objectives. Where there is evidence, Public Health has the ability to make representations in its own right or to support representations by other Responsible Authorities. Such representations can potentially be made on the grounds of upholding all four of the licensing objectives.

Although indicators included in the Local Alcohol Profiles for England (LAPE) tool ¹ show similar or below the national average rates for Leicestershire and for the majority of indicators for North West Leicestershire, it is recognised that inequalities may still exist within this picture at a lower level than current available data captures.

In addition, some indicators for North West Leicestershire, including alcohol related mortality (females only), admissions for alcohol related conditions (females only) and admission episodes for alcohol related conditions (in 40 – 64 year olds), have rates above both the East Midlands and England rates for 2021/22.

Public Health will continue to monitor and share available data and look to obtain lower level and more up to date data where possible to inform its input as a Responsible Authority.

Alcohol related harm still poses a risk to our communities and licensing policy can play an important role in contributing to reducing the levels and impact of alcohol consumption.

Applicants are therefore encouraged by the Licensing Authority and Public Health to carefully consider the health impacts of their proposed activities in relation to the licensing objectives, and for those considerations to be reflected in their applications and operating schedules.

20. Related Policies

20.1 Street Trading Policy

North West Leicestershire District Council administers a Street Trading Consent scheme. The whole District is considered to be a consent area.

Those street traders who provide hot food or drink between 23:00 and 05:00 hours

also require a premises licence under the Licensing Act 2003.

Street traders equipped with a mobile catering vehicle may apply for a premises licence to supply late night refreshment but as part of the application process will be required to provide the details of the area in which they want to trade. This trading area will be quite well defined within the broader landscape and will act as the 'premises'. Trading will not be allowed outside the 'premises' area. The applicant will also be required to provide a description including photographs of their mobile catering vehicle.

To make a change to the vehicle or the 'premises' trading area a licence holder will be required to submit a fresh premises licence application.

20.2 Sex Establishment Venues (SEV)

The Council introduced its SEV policy on 29 March 2011 and although there is an understanding that no SEV licences will be granted the policy does accept there may be exceptional circumstances where this principle may be overturned. Should a SEV licence be granted its conditions will be integrated with any Licensing Act authorisation.

Licence holders taking advantage of the facility to have up to 11 events in any 12 month period must take all measures to comply with the four licensing objectives. Failure to comply may result in the premises licence/club premises certificate being reviewed.

21. Avoiding Duplication

The Licensing Authority will seek to avoid duplication with other regulatory regimes (e.g. Health and Safety at Work Act) insofar as attaching conditions to premises' licences and club premises certificates.

Conditions will only be attached where they are necessary and proportionate for the promotion of the licensing objectives. If duties are already imposed by other legislation it cannot be considered necessary to impose the same or similar duties in the context of the Licensing Act 2003.

22. Conditions

Each application will be considered on its own merits and in accordance with this policy.

The Licensing Authority will only attach conditions to premises licences and club premises certificates that are tailored to the individual style and characteristics of the premises and events concerned and where they are appropriate and proportionate for the promotion of one or more of the licensing objectives.

The Guidance contains a pool of conditions from which the Licensing Authority may draw appropriate conditions to cover particular circumstances. However, it is not intended to be an exhaustive list and other specific conditions may be appropriate.

A number of conditions are mandatory and are required to be applied to some licences or certificates. These relate to such things as the requirement for a

designated premises supervisor where alcohol is to be sold, preventing under age admission to age restricted films and the requirement that door supervisors are licensed by the Security Industry Authority. The list of mandatory conditions can be found within the legislation and guidance.

23. Enforcement

The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives.

The Licensing Authority will develop and review enforcement protocols in consultation with the police and other relevant enforcing authorities.

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 Regulators' Code and the general enforcement policy of the Licensing Authority, which aims to ensure that enforcement is transparent, fair, reasonable and proportionate.

The Licensing Authority will investigate complaints relevant to the four licensing objectives in relation to licensed premises. In the first instance, complaints will be encouraged to raise the complaint directly with the licensee or business concerned. Where a Responsible Authority or any other person has made:

- Valid representations about licensed premises; or
- A valid application for a licence to be reviewed;

then the Licensing Authority may initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.

North West Leicestershire District Council will continue to support and participate in the Leicester and Leicestershire Licensing Best Practice Group – The licensing group aims to:

- Develop consistency in approach and procedure between Licensing Authorities and Responsible Authorities.
- Develop liaison with agencies and other relevant organisations.
- Promote best practice.

North West Leicestershire District Council will continue to support and participate in the Leicester and Leicestershire Regulatory Services Partnership – The Partnership aims to:

- Act as a strategic forum for licensing.
- Enhance the potential for sharing resources.

~~24. European Union Services Directive~~

~~The EU Services Directive provides a mechanism for its citizens to apply for alcohol licences in other member states. That mechanism allows an applicant to make an application electronically, through the Licensing Authority's web site. Payments can also be made electronically. Where applications are made through this system the Licensing Authority will notify all responsible authorities on behalf of the applicant.~~

~~The Licensing Authority's EU Services Directive web pages can be found at www.nwleics.gov.uk/pages/licences-and-street-trading.~~

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245. Delegation of Functions

The following 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.
- Determination of an Environmental Health objection to a temporary event notice.

The following 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.

The Licensing Authority will ensure that all members appointed to serve as members on the Licensing Committee have undergone appropriate training before they act in that capacity.

A table of delegations of licensing functions is detailed at Appendix 2

256. Appeals

Applicants and those making representations in respect of applications and reviews to the Licensing Authority have the right of appeal to the Magistrates' Court against the Licensing Authority's decisions. Further information on how to appeal can be obtained by contacting Leicester Magistrates Court, The Court House, 15 Pocklington Walk, Leicester LE1 6BT

267. Fees

Following amendments that came into force in October 2012 the Licensing Act 2003 requires a Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

278. Period of Validity and Review

This statement of licensing policy will come into force on 26 March 2024 and be valid for five years, subject to review.

The policy will be kept under review during that period and if necessary amendments made.

289. Contacts

Anybody wishing to contact the Licensing Authority with regard to this Policy Statement can do so as follows:

In writing to: Environmental Health - Licensing
North West Leicestershire District Council
PO BOX 11051 Council Offices
Coalville
Leicestershire
LE67 3FJ

By e-mail to: licensing@nwleicestershire.gov.uk

~~By fax to: 01530 454574~~

Document History

Issue 1	7 January 2005 – 7 November 2005
Issue 2	8 November 2005 – 6 January 2008 (Ashby Special Policy)
Issue 3	7 January 2008 – 15 January 2008
Issue 4	15 January 2008 – 6 January 2011
Issue 5	7 January 2011 – 25 March 2014
Issue 6	26 March 2014 – 25 March 2019 (unless reviewed)
Issue 7	26 March 2019 – 25 March 2024 (unless reviewed)
Issue 8	26 March 2024 – 25 March 2029 (unless reviewed)

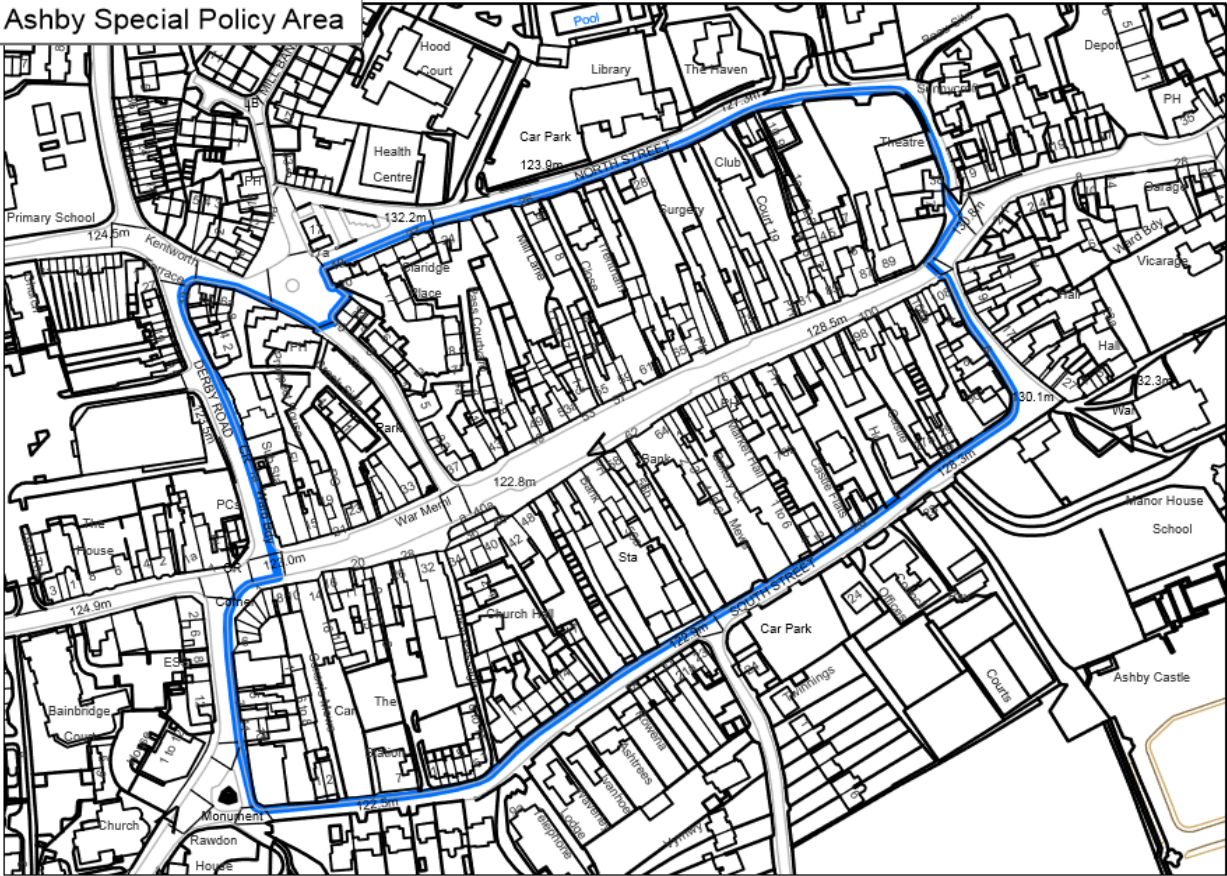
Appendix 1



Legend



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Appendix 2

Table of Delegations of Licensing Functions

Matter to be Dealt With	Licensing Committee	Sub-Committee (3 Member Panel)	Authorised Officer
Application for Personal Licence		If an objection is made	If no objection made
Application for a personal licence with unspent convictions		All cases	
Applications of premises licence / club premises certificate		If a representation is made	If no representation made
Application for provisional statement		If a representation is made	If no representation made
Application for Minor Variation to vary premises licence / club premises certificate			All cases
Application to vary premises licence / club registration certificate		If a representation is made	If no representation made
Application to vary designated premises supervisor		If a police objection is made	All other cases
Request to be removed as designated premises supervisor / personal licence holder			All cases
Application for transfer of premises licence		If a police objection is made	All other cases
Application for Interim Authorities		If a police objection is made	All other cases
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when Local Authority is a consultee and not the lead authority		All cases	
Determination of a police and / or Environmental Health representation to standard Temporary Event Notice		All cases	
Determination of a police and / or Environmental Health representation to a Late Temporary Event Notice			All cases

Appendix 3

Responsible Authorities

A current list of contact details for each authority is provided on the Council's web pages. Alternatively contact details can be obtained by contacting the Licensing Authority by telephone on 01530 454545 or by email at licensing@nwleicestershire.gov.uk.

Responsible Authority	Name of Local Organisation
Chief Officer of Police	Leicestershire Police
Local Safeguarding Children Board	Leicestershire & Rutland Local Safeguarding Children Board Leicestershire County Council
Local Fire & Rescue Authority	Leicestershire Fire & Rescue Service
Local Planning Department	Development Control Team North West Leicestershire District Council Council Offices
Local Authority with responsibility for Environmental Health (Public Nuisance)	Environmental Protection Team North West Leicestershire District Council Council Offices
Local enforcement agency for Health & Safety at Work	Environmental Health – Safety North West Leicestershire District Council
Licensing Authority	Environmental Health – Licensing North West Leicestershire District Council
Trading Standards	Trading Standards Business Services Leicestershire County Council
Director of Public Health	Public Health Leicestershire County Council
Home Office Immigration Enforcement	Licensing Function
Navigation Authority (vessels only)	Environment Agency Canal & River Trust

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 14 NOVEMBER 2023



Title of Report	APPOINTMENT OF PARISH REPRESENTATIVES TO THE AUDIT AND GOVERNANCE COMMITTEE	
Presented by	Councillor Nick Rushton Corporate Portfolio Holder	
Background Papers	Council report dated June 2012 Localism Act 2011	Public Report: Yes
Financial Implications	All work undertaken falls within the work the team are already doing in this area therefore there are no additional resource implications.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	None	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To seek Council's approval to the proposed nominations of parish representatives for the Audit and Governance Committee to sit on sub-committees as and when required.	
Recommendations	THAT COUNCIL: 1) APPROVES THE APPOINTMENTS OF PARISH REPRESENTATIVES AS DETAILED AT PARAGRAH 2.1 OF THE REPORT. 2) NOTES THE NEXT STEPS REQUIRED TO APPOINT TO THE REMAINING VACANT PARISH REPRESENTATIVE SEATS.	

1.0 BACKGROUND

- 1.1 Members will be aware the Audit and Governance Committee can establish sub-committees to determine matters concerning allegations of both District and Parish member conduct. The sub-committee may co-opt at least one Parish Council Member when decisions are taken concerning a parish matter.

- 1.2 It was agreed at the Council meeting in June 2012, that a pool of four parish representatives be appointed to sit on such sub-committees. Appointments to the pool would be sought following each Parish election or as when required.
- 1.3 The Town and Parish Council elections were held this year and therefore the process for appointing to the seats commenced in July 2023.

2.0 NOMINATIONS

- 2.1 The Democratic Services Team sought nominations from all Town and Parish Councils of any Town or Parish Councillor who wished to be considered for the four seats available. The following two nominations were received:
 - 2.1.2 Parish Councillor Russell Johnson of Hugglescote and Donington la Heath Parish Council; and
 - 2.1.3 Parish Councillor Lorraine Upton of Charley Parish Council.
- 2.2 As four representatives are required, the Democratic Services Team sought further nominations from all Town and Parish Council's in September. No nominations were received.
- 2.3 Therefore, at this stage, Council is asked to approve Parish Councillors Russell Johnson and Lorraine Upton as Parish Representatives on the Audit and Governance Committee. This will ensure that although appointments cannot yet be made to all four seats, representatives are available should they be required to sit on a sub-committee.

3.0 NEXT STEPS

- 3.1 The Democratic Services Team will seek nominations once again from all Town and Parish Councils to fill the remaining two vacant seats.
- 3.2 If more than two nominations are received, all Town and Parish Council's will be balloted, and a formal count conducted in the presence of the Monitoring Officer and the Chair of the Audit and Governance Committee.
- 3.3 Once the process has concluded, a further report will be brought to Council for consideration and approval.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	Localism Act 2011 Council's Constitution
Safeguarding:	None
Equalities/Diversity:	Nominations were invited from all Town and Parish Councillors.
Customer Impact:	None
Economic and Social Impact:	None
Environment, Climate Change and zero carbon:	None
Consultation/Community Engagement:	All Town and Parish Councils
Risks:	The Council's governance arrangements are a fundamental part of the Authority's management of risk and contribute towards good corporate governance.
Officer Contact	Elizabeth Warhurst Head of Legal and Support Services elizabeth.warhurst@nwleicestershire.gov.uk

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 14 NOVEMBER 2023



Title of Report	URGENT DECISIONS TAKEN BY CABINET	
Presented by	Councillor Richard Blunt Leader of the Council	
Background Papers	Council's Constitution Agenda for Cabinet on 24 October 2023	Public Report: Yes
Financial Implications	Financial implications were taken into account by the Cabinet in reaching its decisions. Signed off by the Section 151 Officer: Yes	
Legal Implications	Legal implications were taken into account by the Cabinet in reaching the decisions. Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no staffing and corporate implications Signed off by the Head of Paid Service: Yes	
Purpose of Report	In accordance with the Council's Constitution, to formally report that the Cabinet has taken decisions, which are considered to be urgent and, if delayed, would be likely to cause serious prejudice to the Council's interests.	
Recommendations	THAT COUNCIL NOTES THE REPORT.	

1.0 BACKGROUND

- 1.1 As set out in Rule 15 (call-in and urgency) of Part 3, Section D of the Council's Constitution, the call-in procedure may be suspended where a decision being taken by the Cabinet is urgent. A decision is considered urgent if any delay likely to be caused by the call-in would seriously prejudice the Council's or the public's interests.
- 1.2 In all circumstances, the Chairman of the Council must agree that the decision is reasonable and must agree to the decision being treated as a matter of urgency.
- 1.3 Decisions taken as a matter of urgency must be recorded in the minutes and be reported to the next available meeting of the Council, together with the reasons for urgency.
- 1.4 Decisions that required the waiver of call-in are detailed at section 2 of the report.

2.0 WAIVER OF CALL-IN DECISIONS MADE BY CABINET

2.1 One executive decision was taken by Cabinet, where the Chairman of the Council agreed that any delay caused by call-in process would seriously prejudice the Council's or the public's interests.

2.2 A summary of the decisions made is detailed below:-

2.3 Cabinet – Tuesday, 24 October 2023:

Uniform IDOX Software and Licensing Contract Renewal

The approval of the Chairman of the Council was given to the exemption of the Council's Scrutiny Procedure rules in relation to the call-in of the decision on the item, since any call-in would prejudice the ability of the Council to sign a new contract before 31 October 2023 to achieve the savings by the deadline set by the supplier.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	As detailed on each report that was considered by Cabinet.
Safeguarding:	As detailed on each report that was considered by Cabinet.
Equalities/Diversity:	As detailed on each report that was considered by Cabinet.
Customer Impact:	As detailed on each report that was considered by Cabinet.
Economic and Social Impact:	As detailed on each report that was considered by Cabinet.
Environment, Climate Change and zero carbon:	As detailed on each report that was considered by Cabinet.
Consultation/Community Engagement:	Chairman of the Council
Risks:	To comply with Special Urgency Rule 15, Section C of Part 3 of the Council's Constitution, the decisions made by Cabinet are to be reported to Council and Rule 15 (call-in urgency), Section D of Part 3 of the Council's Constitution that suspensions of Call-In in relation to urgent decisions made by Cabinet are to be reported to Council.
Officer Contact	Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk