

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
Tel: 01427 676676 Fax: 01427 675170

This meeting will be held via MS Teams and streamed live to our website  
(address below)

## AGENDA

Prayers will be conducted prior to the start of the meeting.  
Members are welcome to attend.

**Notice** is hereby given that a meeting of the Council will be held in via MS Teams at <https://west-lindsey.public-i.tv/core/portal/home>, on **Monday, 2nd November, 2020 at 7.00 pm**, and your attendance at such meeting is hereby requested to transact the following business.

**To: Members of West Lindsey District Council**

1. REGISTER OF ATTENDANCE
  
2. MINUTES OF THE PREVIOUS MEETING  
To confirm as a correct record the Minutes of the previous meeting held on 7 September 2020.  
**(PAGES 6 - 16)**
  
3. MEMBERS' DECLARATIONS OF INTEREST  
Members may make any declarations of interest at this point and may also make them at any point during the meeting.
  
4. TO ELECT A LEADER OF THE COUNCIL
  
5. TO ELECT A DEPUTY LEADER OF THE COUNCIL

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6. MATTERS ARISING  
**(PAGES 17 - 18)**

7. ANNOUNCEMENTS  
i) Chairman of Council  
ii) Leader of the Council  
iii) Chief Executive

8. PUBLIC QUESTION TIME

9. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9

10. MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10  
**Motion 1**

**Combating Litter**

“Chairman, I am sure that we will all have spoken to residents over the last few months who have commented on how dramatically litter levels declined during the national lockdown. However, litter is again becoming a common issue despite the hard work of the street cleaners and bin men. Therefore, all of us must play our part in preventing the build up of litter in our community. This motion outlines how we can do this.

West Lindsey District Council notes that:

- The Keep Britain Tidy Campaign offers local councils the opportunity to become members of a Network, which provides access to specialist advice and support.
- The campaign is also promoting a Love Parks campaign and a Charity Bin sponsorship scheme whereby the monies raised from recycling cans is contributed to local charities.
- Several national supermarket chains are now operating trials of reverse vending machines, whose customers are rewarded for returning used cans and bottles for recycling.
- DEFRA has published a voluntary code for local businesses and groups to sign up to and reduce the litter that results from fast food businesses.

West Lindsey District Council recognises that:

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- Whilst we are committed to tackling litter in our District and to working for cleaner streets, roads, verges and public spaces across our communities, we can not do this alone.
- In the battle for cleaner streets and public spaces, we must involve the public and businesses in a co-operative effort.
- There are community champions and organisations commendably 'doing their bit'.
- In doing their bit, residents and businesses help the Council make the streets, town/villages, parks and public amenities of our District more inviting to residents and visitors.

West Lindsey District Council resolves to:

- Promote participation in litter prevention activities to members of the public, community, faith and youth groups, through our social media, website and existing emails-outs to partners.
- To examine the merits of becoming a local authority member of the Keep Britain Tidy Network, and identify which of the campaign's including Love Parks and Charity Bins, could be introduced in the District.
- Ask the Leader and Chief Executive to write to national supermarket chains with stores in this district asking them to install a reverse vending machine.
- Promote take up of the DEFRA voluntary code amongst our fast food businesses and local business partnerships and seek their sponsorship for the introductory of a Charity Bin scheme and for public education programme.

I so move.

Councillor Stephen Bunney”

## **Motion 2**

### **Universal Credit and Free School Meals**

“Chairman, it is widely accepted that the £20 per week uplift to Universal Credit and Working Tax Credit along with the provision of vouchers to those families eligible for Free School Meals has been a lifeline for families during the coronavirus storm.

The ending of the Universal Credit uplift in April 2021 will see families, representing around 16 million individuals, overnight lose £1040 per year.

Inevitably this will hit those on the lowest incomes and families with children. The Joseph Rowntree Foundation estimate that this will pull 700,000 more people into poverty. This at a time when the Government is continually promising to protect living standards and level up the economic and regional divides in our country.

The impact of the cut will be multiplied in the future as job losses, brought about by the pandemic, occur over the next few months. There is serious concern among social economists that this will plunge a further 500,000 individuals into

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deep poverty – 50% below the poverty line.

No region, let alone West Lindsey, is immune from these devastating problems and so urgent action is required.

West Lindsey District Council require The Chief Executive and Leader of The Administration to write to The Chancellor of The Exchequer, The Rt Hon Rishi Sunak MP, supporting both;

- the open letter, written at the end of September, from at least 50 leading welfare charities, calling for the permanent £20 uplift to Universal Credit and Working Tax Credit; and
- Marcus Rashford MBE's call for the Government to provide food vouchers during **all** holidays for those families with young people entitled to free school meals.

I so move and commend this motion to the Council.

Councillor Stephen Bunney”

## 11. REPORTS FOR DETERMINATION

a. LGA Peer Challenge Outcome and Update

**(PAGES 19 - 53)**

b. Normanby by Spital and Owmbly by Spital parish councils - Applications for Neighbourhood Plans

**(PAGES 54 - 60)**

c. Licensing Policy Review - Approval

**(PAGES 61 - 106)**

d. APPOINTMENTS ON SUB-COMMITTEES, BOARDS AND OTHER BODIES (INCLUDING OUTSIDE BODIES) AND THE RE-ALIGNMENT OF COMMITTEE CHAIRMANSHIPS

**(PAGES 107 - 111)**

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Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Friday, 23 October 2020

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# Agenda Item 2

West Lindsey District Council - 7 September 2020

## WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held at <https://west-lindsey.public-i.tv/core/portal/home> on 7 September 2020 at 7.00 pm.

**Present:** Councillor Steve England (Chairman)  
Councillor Mrs Angela Lawrence (Vice-Chairman)

Councillor Owen Bierley	Councillor Matthew Boles
Councillor Mrs Jackie Brockway	Councillor Stephen Bunney
Councillor Liz Clews	Councillor Mrs Tracey Coulson
Councillor Timothy Davies	Councillor Michael Devine
Councillor Jane Ellis	Councillor Ian Fleetwood
Councillor Mrs Caralyne Grimble	Councillor Paul Howitt-Cowan
Councillor Mrs Cordelia McCartney	Councillor Giles McNeill
Councillor John McNeill	Councillor Mrs Jessie Milne
Councillor Keith Panter	Councillor Roger Patterson
Councillor Mrs Judy Rainsforth	Councillor Mrs Diana Rodgers
Councillor Mrs Lesley Rollings	Councillor Jim Snee
Councillor Mrs Mandy Snee	Councillor Mrs Anne Welburn
Councillor Mrs Angela White	Councillor Trevor Young

### **In Attendance:**

Ian Knowles	Chief Executive
Alan Robinson	Director of Corporate Services and Monitoring Officer
Tracey Bircumshaw	Assistant Director of Finance and Property Services and Section 151 Officer
Matthew Snee	Community Engagement Officer
Katie Storr	Senior Democratic & Civic Officer
James Welbourn	Democratic and Civic Officer

### **Apologies**

Councillor David Cotton  
Councillor David Dobbie  
Councillor Tom Regis  
Councillor Robert Waller

## **16 REGISTER OF ATTENDANCE**

The Chairman opened the meeting and welcomed all present to the second virtual meeting of Full Council.

The Monitoring Officer was requested to undertake the formal roll-call to confirm all Members were in attendance.

The roll-call for both Members and Officers was undertaken, during which apologies were noted from Councillors Cotton, Dobbie, Regis and Waller.

## 17 MINUTES OF THE PREVIOUS MEETING

a) Minutes of the Meeting of Full Council held on 29 June 2020

Having being moved and seconded, on being put to the vote it was:

**RESOLVED** that the Minutes of the Meeting of Full Council held on 29 June 2020 be confirmed and signed as a correct record.

## 18 MEMBERS' DECLARATIONS OF INTEREST

Councillors Mandy Snee and Jim Snee declared a personal interest in relation to agenda item 9 (b) (New Fee for Community Defibrillator Scheme) as the item was being presented to Members by their son.

Councillor Tracey Coulson also declared a personal interest in relation to agenda item 9 (b) (New Fee for Community Defibrillator Scheme) as her company was a custodian for a defibrillator and would be eligible to apply for the scheme.

## 19 MATTERS ARISING

The Chairman introduced the report advising Members that the report would be taken "as read" unless Members' had any questions.

With no questions posed and with no requirement for a vote, the Matters Arising were **DULY NOTED**.

## 20 ANNOUNCEMENTS

### Chairman

The Chairman started his announcements advising that due to the continued restrictions in place many events that would have taken place were either cancelled or postponed.

However with the wonders of technology, he been able to attend some events virtually, especially Armed Forces Day and Merchant Navy Day, the latter accompanied by the Leader and Chief Executive.

The Chairman had been able to attend, in person, the public opening of the superb new facility at Market Rasen where he had been joined again by the Leader and Ward Members.

On the 25th of August, along with Councillors Rodgers and Grimble the Chairman had

welcomed the Chief Executive for a tour of the Dunholme and Welton Ward which he hoped had been both informative and useful for the Chief Executive.

Over the Bank Holiday weekend, accompanied by the Leader, the Chairman had had the pleasure of visiting the Continental Market in Gainsborough. It had been great to speak to many of the stallholders and customers and have the opportunity to purchase some of the “goodies” on offer. He made special mention of one particular stall holder, and daughter of a fellow Councillor who had been manning a stall selling bird boxes to fund a trip next year to Ecuador.

In concluding his announcements, the Chairman commented on her remarkable commitment, her adventurous spirit and wished her well, before handing over to the Leader.

## **Leader**

The Leader made the following address to Council: -

“Chairman, when this Council last met, some ten weeks ago, at the end of June we were three months into lockdown and the Covid-19 pandemic was upon us. Whilst lockdown has loosened, we continue to confront this emergency. I had hoped that we might have made more progress and be able to hold meetings once again in the Chamber. This has not been possible.

The impact on the Council’s finances of this pandemic is significant, with reduced income and additional costs, a portion of which are still not being met by HM Government. I have regular contact at ministerial level and will continue to press the Secretary of State on this point.

I remain tremendously proud of our Officers at the Guildhall, who have changed their ways of working, changed the work they are doing, and the overwhelming majority have decamped to their homes to work remotely. These changes were handled with considerable agility and in a way that minimised disruption to our residents.

We are now faced with increased financial uncertainty from the long-term effects of Covid-19 in addition to the impact of the, once again, delayed Fairer Funding Review and Business Rates Retention Review. Whilst it is right that we should all be deeply concerned at any reduction in overall funding levels, this administration remains dedicated to continue with delivery of our plans to build a brighter future for everyone in West Lindsey; through effective and efficient delivery of our services and ensuring that every penny of public money is spent wisely.

Nevertheless, despite the difficulties that we face, as the district lead on the Recovery Cell, I can report that West Lindsey is probably the best placed district, in the county, to withstand the challenges of this pandemic.

I regret that we have not yet published and debated the LGA Peer Review. I have discussed this with our Chief Executive in our weekly meetings and I am pleased to say that progress is being made on a number of the recommendations in the report. I am pleased to announce that the LGA Review will be on the agenda for our next meeting of Full Council on



Monday, 2nd November.

Since I last reported on my activities to Council work has intensified on Devolution. A meeting was held with Simon Clarke MP, Minister of State for Regional Growth and Local Government, with all local authority Leaders and Chief Executives from the Greater Lincolnshire. It has become clear that any new devolution deal for Lincolnshire will only be on the basis of the reorganisation of local government – or unitarisation. This administration remains resolutely committed to resisting such a reorganisation. However, should such a reorganisation be forced upon us, it would be foolish to take no action. We have a responsibility to take any and all appropriate actions to ensure the best possible outcomes for our residents.

Chairman, like you, I was enormously pleased to attend the opening of our stunning new West Lindsey Leisure Centre in Market Rasen on Saturday, 25th July. Everyone Active, our partners who deliver leisure services on behalf of the Council, have done a tremendous job in opening only a few weeks after the scheduled date, and in a way that is Covid-secure.

With phase 2 of our investment in leisure facilities now complete and concluded I will begin, in the coming months, the process of looking at forming policy around what might constitute new phases for the future. In line with my Group's manifesto the next phase will include reassessing the viability of building the swimming pool module at the West Lindsey Leisure Centre, Market Rasen.. Chairman, I want to go further, I believe that for too long the villages and communities of West Lindsey on the periphery of Lincoln have not benefited from the investment in new facilities that other areas have. Today I commit my administration to ensure that a future phase of our investment in new leisure facilities will look at options to establish a West Lindsey Leisure Centre in the Lincoln Fringe; looking for a viable option in Torksey, Saxilby, Sudbrooke, Nettleham, Cherry Willingham or Bardney.

Members will be aware of HM Government's planning white paper 'Planning for the Future' that was published last month and is currently being consulted upon. I am confident that we will submit a comprehensive response to the consultation that closes at the end of October.

I attended a virtual roundtable meeting with the Rt. Hon. Christopher Pincher MP, Minister of State for Housing, four weeks ago. I subsequently submitted several questions and I am pleased to report that last Friday, I received a response, which I have passed to our Planning department.

Over the Bank Holiday weekend, I was very pleased to see the return of the Continental Market to Gainsborough. I visited the stalls in Marshall's Yard and the Market Place with you Chairman and it was very pleasing to see the town looking so vibrant. You have mentioned the stall being run to raise funds for the Leader of Opposition's daughter's trip to Ecuador – I would like to wish her every success in her fundraising efforts; and will shortly tweet a link to her fundraising site, should anyone wish to make a donation.

Chairman, I am looking forward to attending the virtual Community Awards event at some point in the future. I look forward to rewarding and acknowledging the tremendous contributions that so many volunteers and community groups do to make West Lindsey such a special district.

I was pleased to announce, at the end of July, the formation of the RAF Scampton Partnership Board, which replaces the Scampton Strategic Steering Group. The new board will bring together key partners from across the local community, the Defence Infrastructure Organisation and Lincolnshire County Council. The Board will work together to support and develop long term plans for Scampton following the Ministry of Defence's withdrawal.

I started my announcements by restating my desire to return to meetings in the Guildhall. Last Friday, the Chief Executive, the Rt. Hon. Sir Edward Leigh MP and I met with representatives of Scampton Holdings, a group that have ambitious plans for the base and are looking at making a bid for RAF Scampton. This was the first meeting in the Guildhall since lockdown, with strict social distancing measures in place. Following the meeting Sir Edward met with myself and the Chief Executive and then the various Committee Chairmen to update him on the Council's activities and programmes. I hope that these tentative steps will help us to begin to return to some limited meetings in the Guildhall in the coming months and begin the process of normalisation as we increasingly move out of full lockdown.

With the August hiatus behind us, in the coming weeks we will return to our normal schedule of committee meetings. The Core and Full Leaders' Panels will meet in three weeks' time and will consider a number of issues; particularly the recent announcement by Lincolnshire County Council regarding the roll-out of collecting recyclable paper & card, separate from other recycle, which I would hope we can align to the new Central Depot at Glentham becoming operational – which we will be breaking ground on in the very near future.

Chairman, I have had numerous meetings with Councillors, Officers, stakeholders, and the media, and will have further such meetings prior to the next meeting of Council on Monday, 2nd November. “

### **Chief Executive**

The Chief Executive addressed Council, and started his announcements by providing an update in respect of COVID-19. A total of 1599 grants had been completed with the amount paid totalling £17,043k. The Town centre opening was progressing well with few incidents and the hosting of a successful continental market, mentioned by both the Chairman and the Leader in their announcements.

WLDC continued to be the lowest area for infections in Lincolnshire, which itself was a low area of incidence nationally. Employees had been advised that they will continue to work from home until January 2021 and Management Team would consider any requests to work from the Guildhall on a needs basis.

An appointments system was being implemented for residents to arrange a face to face visit with certain services. The Management Team had held its first face to face meeting earlier in the day, using both Ancholme and Trent meeting rooms for a meeting of seven people. We will be looking at how more meetings can be held, but clearly capacity was going to be greatly reduced.

The Chief Executive then turned to the Organisational Structure, and was pleased to advise that as of the end of July the structure below Chief Executive had been implemented and the Authority was currently out to advert for two remaining vacancies. Interviews would be held

on the 30th September and 1st October. The Chief Executive would be implementing interim arrangements to cover those posts for the next six months.

The Authority had also taken all necessary steps to close down the Customer First project, which was to be replaced by T24. Both this and the organisational re-structure were issues raised within the Peer Challenge and the Chief Executive was pleased to advise that progress had been made on both. He would be bringing forward the final report to the Full Council meeting on the 2nd November. This would allow the report to be published which had been delayed since March due to the Covid Pandemic Emergency.

The Chief Executive's programme of ward visits had continued on a socially distanced basis and he thanked those Members for their hospitality. Having visited six out of the 20 Wards, the Chief Executive had covered 30% of the District and was looking to finalise dates for two final visits which would mean all ward visits would be completed by the end of January 2021.

Turning to Devolution, over the summer, and as mentioned by the Leader, there had been a number of meetings amongst districts. However work was ongoing and a letter from the Secretary of State was awaited. This would likely require an Extraordinary Council meeting should the letter be received and a response was to be submitted.

Finally, the Chief Executive concluded his announcements, by stating he was delighted to advise, that having made a submission to the MJ Awards for the Senior Team of the Year for 2020, West Lindsey had been shortlisted by the Judges. The submission was based on the achievements of the previous management team under the executive model, in order to mark the contributions of colleagues who had now left the organisation. It also provided a line in the sand to determine the successes of the new management team moving forward.

## 21 PUBLIC QUESTION TIME

The Chairman advised the meeting that one question had been submitted to the meeting. The question had been submitted by the Reverend Jon Harper, from Scotter. Unfortunately Mr Harper had not been able to attend the meeting due to a prior commitment and therefore the Chairman requested that an Officer read the question aloud to the meeting.

The Monitoring Officer read the question as follows: -

"Recent reports - eg <https://www.lincolnshirelive.co.uk/news/local-news/lincolnshire-community-highest-child-poverty-4075844> - have revealed shockingly high Gainsborough poverty levels, including an indefensible child poverty rate of 44% in one area.

Increasing numbers are dependent on food parcels from Gainsborough Food Bank, Affordable Foods, the Salvation Army etc. The Venue at Roses alone has already provided over 700 meals.

What are WLDC doing about this unnecessary problem in the 21<sup>st</sup> century? Should this major concern not be an item at every council meeting until resolved?

Will the Council consider bringing in an organisation such as Child Poverty Action Group, or similar, to help formulate an action plan?"

The Chairman thanked the Reverend Harper, in his absence, and invited Councillor Giles McNeill, Leader of the Council to respond.

The Leader provided the following statement in response: -

"I welcome the question from Rev. Harper and the opportunity to respond to it.

What are WLDC doing about this unnecessary problem in the 21st century?

West Lindsey District Council have a proactive approach to supporting vulnerable communities, each year we prepare our State of the District report, which looks at the current position of the District and the characteristics of the people who live and work here. This work is vital. It enables us to understand what issues need to be addressed, to achieve our vision for the District and to see the effects of the work that we have been doing. Current active work includes, Contextual Safeguarding, the Safer Streets Fund, an Affordable Housing Solution together with numerous community engagement and development projects

- Contextual Safeguarding – which seeks to understand the impact on young people, of their circumstances and the behaviour they are exposed to.
- Safer Streets Fund (CCTV and community engagement work) – Working jointly with Lincolnshire Police with a successful bid for funds from the Government's Safer Streets Fund that has resulted in £250,000 award for CCTV provision and enhancement, along with community engagement work in Gainsborough
- Affordable Housing Solution – Council approved in July 2020 a package including £1m funding and transfer of 12 properties to deliver:
  - Significant intensive holistic support to households designed to enhance education, training and life skills;
  - Increased neighbourhood management;
  - Improving the quality of housing stock; and our longer term aim of open, green spaces with a community feel to expand on existing green spaces
- Various community engagement/development projects in South West Ward are already active and we are actively working to support the linking of these projects.

Should this major concern not be an item at every council meeting until resolved?

I would like to reassure Rev Harper that improving the lives of all our residents is the primary concern of the Council. However, my understanding of Council Procedure Rule 2 is that it does not allow for standing agenda items as he suggests. Nor do I accept that Full Council would be the right place to try and engage in solving the issues he

highlights, owing to our fourth option governance structure.

Will the Council consider bringing in an organisation such as Child Poverty Action Group, or similar, to help formulate and action plan?

I am pleased to say that the Council already works in partnership with numerous groups and organisations to improve the life chances of the district's children. But the Council is not just focused on efforts in Gainsborough South West ward;

- Intensive support to the Hemswell estate from 2017 to date, working in partnership with other agencies has seen real progress in stabilising and normalising the area.
- Following the Vulnerable Communities Audit in 2019 we have acted on the areas highlighted for improvement including the introduction this year of the new Communities at Risk Policy and Action Plan.
- During the ongoing pandemic our COVID-19 Community Fund has supported a wide mix of projects that in-turn are supporting vulnerable people in Gainsborough. This includes over eleven thousand pounds to organisations involved with feeding projects in Gainsborough.

As part of our bid to the Local Access Fund for Gainsborough; the town is one of six communities that will share £33m of funding.

We are part of a successful partnership between, Lincolnshire Community Foundation, Key Fund, Sortified, Voluntary Centre Services. The money will support charities and social enterprises in Gainsborough to grow the local social economy to tackle local issues.

This partnership will develop the local infrastructure required to support and fund an evolving social economy. This will include developing a package of support and investment around planning, infrastructure, development and funding for charities and social enterprises. These organisations play a vital role in helping to address inequalities in Gainsborough. The partnership is now in a co-design process with Access and Big Society Capital to refine our plans.

We are all tremendously grateful to our teams and the legion of volunteers who support those most in need in our society. It is proper that we record out thanks to them, particularly those who have continued to do so – or taken up additional responsibilities – during the pandemic.”

The Chairman thanked the Leader for the response and advised the meeting that he would ensure the Reverend Harper received the same response in writing within 7 days.

## **22 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9**

The Chairman confirmed to the meeting that no questions, pursuant to Council Procedural No.9, had been received.

## **23 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Chairman confirmed to the meeting that no motions, pursuant to Council Procedural No.10, had been received.

## **24 ANNUAL TREASURY REPORT 2019-20**

The Chairman of the Corporate Policy and Resources Committee presented the report and advised his Committee had considered this report at their meeting on Thursday, 23rd July and had resolved to recommend the report to Full Council.

Members were responsible for the review and scrutiny of treasury management policy and activities. The report provided details of the outturn position for treasury activities to the end of March 2020 and highlighted compliance with the Council's policies, previously approved by members.

The Chairman of the Corporate Policy and Resources Committee was pleased to report that there were no breaches to prudential indicators during the year and the treasury management function was undertaken in accordance with the Strategy, and Borrowing, Investments and Minimum Revenue Provision Policies.

Worthy of note was Section 3 of the report which detailed a delegated decision undertaken at the end of March 2020 to revise the Treasury Counterparty limits to allow for Grant Funding received from HM Government in relation Covid-19. Specific details in relation to this were detailed in Section 6.1 of the report.

Investment interest of 1.655% was above the benchmark of 0.7977% generating £269,000 of income. investment balances totalled £11.6m as at the year end.

Referencing Section 4.3 the report. Members were reminded that the report focused on activity to the end of March 2020 and whilst a gross yield of 6.53% (a net income of £721,000) was just shy of being 9% above target an impact was expected on this revenue due to Covid-19. The balance of the Valuation volatility reserve was £1.767m. Members noted that revenue was still being generated from the Commercial Property Portfolio and, was expected to achieve close to the 6% target in the current year, despite the pandemic.

During the year the Authority had borrowed an additional £6.5m, bringing the total amount borrowed to £20m. In addition, internal borrowing of £16.991m saved £419,000 in interest charges during the year.

The Chairman of the Corporate Policy and Resources Committee proposed the recommendations.

With no questions posed the recommendations were seconded and on being put to the vote it was: -

**RESOLVED** that the recommendation from the Corporate Policy and Resources Committee be accepted and the Annual Treasury Management Report and actual Prudential Indicators 2019/20 be approved.

## **25 NEW FEE FOR COMMUNITY DEFIBRILLATOR SCHEME**

The Council had provided community accessible defibrillators across West Lindsey since 2016. Since launching the scheme the Authority had installed over 75 defibrillators.

On 23<sup>rd</sup> April 2020 an updated Community Defibrillator Scheme was approved by delegated decision to include the provision of a maintenance service to be provided by the Council. The Delegated Decision Notice requested that Full Council be presented with a recommendation to approve the new annual maintenance fee of £100.

Members gave consideration to a report which proposed the introduction of this new fee.

Debate ensued and Members could not speak more positively or passionately about the scheme, its necessity and the difference such machines could make especially in rural locations and communities, and in times when ambulance services were at their most stretched.

Members noted the benefits the maintenance scheme afforded such as ensuring the assets remained in working order. Members considered the fee to be a reasonable one in response to questions, Members were advised how the machines functionality was tested, what actions were taken once a machine had been deployed and how quickly the machine became operative again once used, usually 24 to 48 hours following automatic notification. Members were also advised there was an easy to use on-line reporting tool to report any concerns “guardians” had regarding their machines.

Further questions were asked in respect of training and it was noted that whilst training was usually offered to “guardians” on installation, current restrictions had made this offer difficult. Officers were also mindful that people “moved on” and training and knowledge was not always passed on. It was hoped that a series of on-line videos could be made and “cluster” training events organised once current restrictions eased.

The Leader suggested Communications Officers provide template letters that parishes could use in local magazines to promote the scheme. Caution was expressed in not over promising delivery as sites needed to have minimum spec to host a defibrillator.

In response to further questions Officers undertook to circulate a map of the district, detailing the locations of WLDC installed defibrillators. It was also suggested the website be updated to reflect the current number of installations as this page appeared to be out of date.

Having being proposed and seconded, on being put to the vote it was

**RESOLVED** that the new fee of £100 per annum for the Community Defibrillator Scheme, be approved for immediate implementation.

The meeting concluded at 8.03 pm.

Chairman



## Council Matters Arising Schedule

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**Purpose:**

To consider progress on the matters arising from previous Council meetings.

**Recommendation:** That members note progress on the matters arising and request corrective action if necessary.

**Matters arising Schedule**

Meeting	Full Council				
<b>Status</b>	<b>Title</b>	<b>Action Required</b>	<b>Comments</b>	<b>Due Date</b>	<b>Allocated To</b>
Black	Public Question Time response in writing	extract from mins of meeting 7/9/20 The Chairman thanked the Leader for the response and advised the meeting that he would ensure the questioner received the same response in writing within 7 days, having being absent from the meeting	written communication issued.	14/09/20	Katie Storr
Green	Anti-Semitism in constitution	extract from mins 20/1/20  • The Leader had been in correspondence with the Secretary of State for Housing, Communities and Local Government about Anti-Semitism and he had asked that Mr. Robinson and Councillor J. McNeill look at ways to incorporate this into our Constitution and procedures	this will be considered as part of the annual review of the constitution .  Report has been considered by G and A Cttee awaiting annual council for approval	11/05/21	Alan Robinson

<p><b>Green</b></p>	<p><b>motion to council - sale of fireworks - lobby LCC</b></p>	<p>extract from mins 20/01/20</p> <p>suppliers of Fireworks across the District will be encouraged and required to separate and label quieter fireworks from louder ones, allowing customers to choose their purchases with animal and people safety in mind. In addition to help with the responsible use and possession of fireworks all retailers are required to apply challenge 25 legislation to the sale of fireworks, as would be the case with alcohol”.</p> <p>He further indicated that should Councillor Bunney wish to further amend his amendment to make it incumbent on the Leader to write to County Council regarding the recommendations he had earlier stated, he would be supportive of such action.</p> <p>Councillor Bunney indicated he was happy with the proposal that the Leader write to the County Council to lobby for the changes his early amendment had stipulated and the revised amendment was seconded.</p>	<p><b>Leader to prepare and send a letter to the county council in line with Cllr Bonney’s amendment.</b></p> <p><b>Letter sent.</b></p> <p><b>Holding response received, leader indicated he would update council as he receives further information</b></p> <p><b>Further update has been sought.</b></p>	<p>31/12/20</p>	<p>Carolyn Lancaster</p>
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Council

02 November 2020

**Subject : LGA Peer Challenge Outcome and Update**

Report by:

Ian Knowles

Contact Officer:

Ian Knowles  
Chief Executive  
[ian.knowles@west-lindsey.gov.uk](mailto:ian.knowles@west-lindsey.gov.uk)  
01427 675183

Purpose / Summary:

To provide Members with an update on progress against the recommendations from the LGA Peer Challenge.

**RECOMMENDATION(S):**

Members are asked to;

- 1 - Accept the final report of the Peer Challenge Group
- 2 - Agree the report should be published on the Council website
- 3 - Welcome the progress made against the recommendations

## IMPLICATIONS

**Legal:** No legal implications

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

**Financial : FIN REF : - FIN/95/21/TJB**

No Financial implications as process was free of charge

(N.B.) All committee reports **MUST** have a Fin Ref

**Staffing :** No staffing implications

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

**Equality and Diversity including Human Rights :** *NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).*

**Data Protection Implications :** No Data Protection implications

**Climate Related Risks and Opportunities:** N/A

**Section 17 Crime and Disorder Considerations:** N/A

**Health Implications:** N/A

**Title and Location of any Background Papers used in the preparation of this report :**

**Risk Assessment :**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## 1. Introduction

- 1.1 In January 2020, West Lindsey District Council received a visit from a Peer Team provided by the Local Government Association. The peer challenge is free of charge although we are expected to make our Officers available to participate in Peer Challenge in other areas as part of the scheme.
- 1.2 The final report was expected to be presented to the Annual Council in May 2020, however due to the impact of Covid 19 we were not able to proceed with that meeting.
- 1.3 We are therefore presenting the report to Full Council and provide an update on progress against the recommendations.

## 2 Final Report

- 2.1 The full report is available as Appendix 1 to this report.
- 2.2 The overall message from the Peer Group was very positive and they were particularly complimentary about the passion and commitment of both elected Members and Officers.
- 2.3 The final report made ten recommendations. These were shared with Members as part of the Strategic Leaders panel held on 31<sup>st</sup> January 2020, and are set

**1. Implement the new structure** – this should be completed as soon as possible and include the senior management structure as well as the structure of council departments including the resolution of temporary arrangements. As far as possible this new structure should seek to ensure the right number of employees with the right skills and experience are in place in substantive posts in order to provide clarity and a firmer footing to enable delivery of the council's priorities.

**2. Reduce the Customer First Programme to its core and 'rebrand' it** – its objectives are sound but the vision is currently too big and undeliverable, with some confusion about its overall purpose or vision. It has had its successes, eg in service redesign, so has potential for more. Engage your staff, who want to serve customers to full effect, to consider what customers really need and therefore what you need to do to meet those needs. Develop a new programme that offers a clean break from the current one.

**3. Use the 'purposeful pause' regarding commercialisation and financial planning to understand and identify where future income and savings should come from** – there is understandable uncertainty about local government funding, Brexit and economic conditions generally but use your financial strength, commercial success,

*momentum and strategic economic thinking to shape your next steps. Much of your potential could be lost if you do not make the most of this pause.*

**4. Clarify what ‘social regeneration’ means to the council, what it will deliver and how to resource it** – *the peer team heard about this new concept throughout its visit as a possible development or even replacement as a new approach to growth. There were however different interpretations within WLDC of what it could mean. The council therefore needs to clarify and agree exactly what it is and is not. This clarity will enable WLDC to decide if social regeneration should be part of its longer-term plans. If so, the council can then confirm its purpose, and plan the required activities and resources.*

**5. Improve communications with all stakeholders** - *to keep staff and councillors abreast of developments and decisions so they are clear about what they need to do. To improve relationships and trust, inform all district stakeholders regularly about what the council is doing, why and explain how they can be kept updated and get involved.*

**6. Use the Local Plan Review process to ensure the viability and deliverability of allocated housing sites across the District** – *the current Local Plan sets challenging housing targets, a review of the objectively assessed housing need, alongside the proposed allocations required to ensure targets remain deliverable. It will be essential to use your political leadership to inform and influence the next Local Plan.*

**7. Review the overview and scrutiny function** – *there are mixed views and questions about the function generally, including its effectiveness and purpose. This was reviewed about 18 months ago but there are already differing opinions about the value it adds. A further review is therefore needed to identify the function’s value and how it can be most effective, in particular how it can engage all members constructively.*

**8. Ensure a structured approach to workforce and succession planning** – *WLDC has an ageing workforce, there are pressures on staffing capacity and potential ‘single points of failure’ – where there will be no or insufficient cover if certain staff are absent or if/when they leave the council. You also have a large number of staff on secondment and acting up, and this has added to an air of uncertainty for your teams which has also informed recommendation 1. All of this needs addressing before these issues reach crisis point.*

**9. Ensure performance management processes are consistent at service level** – *you have a corporate performance management team that want to support team managers to improve performance rather than report it. Further engage with team managers as necessary to enable this.*

**10. Consider a cultural strategy** - *there is potential to align and increase the use of, and maximise income from, your portfolio of existing and planned cultural assets.*

### **3. Update**

- 3.1 The presentation attached as Appendix 2 provides an update on progress against the recommendations and I am pleased to say that we have made good progress in particular implementing the Senior Structure and simplifying Customer First.



# Corporate Peer Challenge **West Lindsey District Council**

Tuesday 21 to Thursday 23 January 2020

Feedback Report

## 1. Executive Summary

West Lindsey District Council (WLDC) is a well-run and proactive council. It is delivering and planning a range of successful customer focused services and physical assets for its residents, visitors and businesses.

The core of this success and progress is the council's passionate, proactive, open, honest and customer-focused officers and councillors. Staff feel generally supported by the council to do their job and develop new skills. They want to do their best, have a strong customer ethos and want to maximise their interactions with customers to address their wider as well as immediate needs and in doing so reduce service demand.

WLDC uses a wealth of regular, reliable information and creates from it a comprehensive picture of the district. This picture, and the wider information behind it, enables the council to make informed, evidenced based decisions on its corporate and service level aspirations, priorities, strategies and plans in a robust way.

There are clear linkages between the council's priorities, strategies and plans, clarifying which teams are doing what and why. These linkages are also made within and between the council's key wider partnership plans, eg the Greater Lincolnshire Local Enterprise Partnership Strategic Economic Plan and the Central Lincolnshire Local Plan.

The council should consider developing a cultural strategy. There is much potential to align and increase the use of, and maximise income from, the district's existing and planned cultural assets, such as the Trinity Arts Centre and the planned multiplex cinema in Gainsborough.

There is a perception throughout the district that WLDC is 'Gainsborough centric' in terms of where it is focusing its attention and activities. A lot of work is taking place in Gainsborough due to social and economic problems that are impacting on the wider district as well as its own population. The council is also undertaking a variety of work throughout the district as a whole. All of this work however is not being effectively communicated, and stakeholders are only aware of the work they see, hear about or are directly involved in. As a result, local people tend to hear more about what's happening in Gainsborough than in the wider district. This has contributed to this 'Gainsborough centric' perception. The council should therefore improve its communications with stakeholders to address this and other issues outlined in this report.

Financially, WLDC is in a relatively strong position. This is particularly due to the council's sound financial management, robust control and successful implementation of its commercial plan. The latter however comes to an end this year, so decisions need taking to develop a new plan. Uncertainties about future government funding, Brexit and its economic impacts have led to an understandable pause in commercial and financial planning. This should however be a 'purposeful pause' and used for proactive reflection, planning and activity.

At present there are too many big, interdependent internal programmes running at the same time. Some have come to a natural pause, and some require key decisions and actions. These multiple programmes, projects and related pauses are causing confusion, concerns and pressure amongst staff and having a detrimental impact on their capacity. There is a notable number of temporary appointments, including acting up and other interim arrangements, across the council. These temporary arrangements are creating pressure in services, adding to uncertainty for staff and need resolving to improve overall organisational capacity, staff wellbeing and clarity of direction. These programmes therefore need rationalising through a strategic approach that takes all these factors into account.

The council is spending significant time on performance measurement that could be better spent on proactive performance management, ie using performance information to actively consider what is and is not working, why, and deciding who needs to take what action, and when, to improve outcomes. Some teams are recognised as high-performers as a result of their successful approaches to performance management but there are inconsistencies between services. Opportunities are therefore being lost to deploy resources and staff to best effect to deliver the council's priorities.

The council's strong corporate performance and project management functions can further assist with some of these issues. These committed teams can offer additional support to all teams and project managers to enable them to best manage their performance and projects.

## **2. Key recommendations**

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, in addition to the conversations onsite, many of which provided ideas and examples of practice from other organisations. The following are the peer team's key recommendations to the council:

- 1. *Implement the new structure*** – *this should be completed as soon as possible and include the senior management structure as well as the structure of council departments including the resolution of temporary arrangements. As far as possible this new structure should seek to ensure the right number of employees with the right skills and experience are in place in substantive posts in order to provide clarity and a firmer footing to enable delivery of the council's priorities.*
- 2. *Reduce the Customer First Programme to its core and 'rebrand' it*** – *its objectives are sound but the vision is currently too big and undeliverable, with some confusion about its overall purpose or vision. It has had its successes, eg in service redesign, so has potential for more. Engage your staff, who want to serve customers to full effect, to consider what customers really need and therefore what you need to do to meet those needs. Develop a new programme that offers a clean break from the current one.*
- 3. *Use the 'purposeful pause' regarding commercialisation and financial planning to understand and identify where future income and savings should come from*** – *there is understandable uncertainty about local government funding, Brexit and economic conditions generally but use your financial strength, commercial success,*

2

momentum and strategic economic thinking to shape your next steps. Much of your potential could be lost if you do not make the most of this pause.

4. **Clarify what 'social regeneration' means to the council, what it will deliver and how to resource it** – the peer team heard about this new concept throughout its visit as a possible development or even replacement as a new approach to growth. There were however different interpretations within WLDC of what it could mean. The council therefore needs to clarify and agree exactly what it is and is not. This clarity will enable WLDC to decide if social regeneration should be part of its longer-term plans. If so, the council can then confirm its purpose, and plan the required activities and resources.
5. **Improve communications with all stakeholders** - to keep staff and councillors abreast of developments and decisions so they are clear about what they need to do. To improve relationships and trust, inform all district stakeholders regularly about what the council is doing, why and explain how they can be kept updated and get involved.
6. **Use the Local Plan Review process to ensure the viability and deliverability of allocated housing sites across the District** – the current Local Plan sets challenging housing targets, a review of the objectively assessed housing need, alongside the proposed allocations required to ensure targets remain deliverable. It will be essential to use your political leadership to inform and influence the next Local Plan.
7. **Review the overview and scrutiny function** – there are mixed views and questions about the function generally, including its effectiveness and purpose. This was reviewed about 18 months ago but there are already differing opinions about the value it adds. A further review is therefore needed to identify the function's value and how it can be most effective, in particular how it can engage all members constructively.
8. **Ensure a structured approach to workforce and succession planning** – WLDC has an ageing workforce, there are pressures on staffing capacity and potential 'single points of failure' – where there will be no or insufficient cover if certain staff are absent or if/when they leave the council. You also have a large number of staff on secondment and acting up, and this has added to an air of uncertainty for your teams which has also informed recommendation 1. All of this needs addressing before these issues reach crisis point.
9. **Ensure performance management processes are consistent at service level** – you have a corporate performance management team that want to support team managers to improve performance rather than report it. Further engage with team managers as necessary to enable this.
10. **Consider a cultural strategy** - there is potential to align and increase the use of, and maximise income from, your portfolio of existing and planned cultural assets.

### 3. Summary of the Peer Challenge approach

#### The peer team

Peer challenges are delivered by experienced councillors and officer peers. The make-up of the peer team reflected your requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise, and were agreed with you. The peers who delivered the peer challenge at WLDC were:

- Malcom Johnston, Executive Director, Rother District Council
- Stephen Parker, Former Leader, Hart District Council
- Caroline Ryba, Head of Finance & Section 151 Officer, Cambridge City Council
- Vickie Lee, HR Services Manager, Wychavon District Council
- Martin Hammond, Executive Director, Kettering Borough Council
- Penelope Galvin, Programme Support Officer, Local Government Association
- Vicki Goddard, Peer Challenge Manager, Local Government Association.

## Scope and focus

The peer team considered the following five questions which form the core components looked at by all Corporate Peer Challenges. These are the areas we believe are critical to councils' performance and improvement:

1. Understanding of the local place and how that influences priority setting: How well does the council understand its local context and place, what evidence has been used to inform and define the council's "place", a clear vision and its priorities? How well is the council achieving against those priorities? How well are those priorities reflected in our vision and the themes set out in the Corporate Plan? For example, how is the council delivering against its commitment to support Vulnerable Groups and Communities or growing the District's economy.
2. Leadership of Place: Does the council provide effective leadership of the District, within but also beyond the council's boundaries and the wider place – across Greater Lincolnshire, and the East Midlands; through its elected Members, officers and constructive relationships and partnerships with external stakeholders?
3. Financial planning and viability: Does the council have a plan in place to ensure long term financial sustainability and is there evidence that it is being implemented successfully? How aware is it of its costs compared to similar councils? Is the council maximising appropriate sharing and commercial opportunities to enable reinvestment in services and to contribute further to self-sufficiency? For example, is the council's approach to investing in out of area commercial property conducted in an effective and safe way?
4. Organisational leadership and governance: Is there effective political and managerial leadership supported by good governance and decision-making arrangements? Are these arrangements fleet of foot, responsive to key challenges and opportunities and enable change and transformation to be successfully implemented? Are elected and officer roles clearly defined and relationships constructive? Is the way the council operates its committee system fit for purpose, and is overview and scrutiny function effective and adding value? How well does the council manage its performance to ensure that the corporate objectives are achieved – what used to be called the "Golden Thread", from corporate objectives through to the delivery of the services on

the ground. Is the form of the proposed new officer structure likely to support and facilitate the delivery of the council's corporate objectives?

5. *Capacity to deliver:* Is there sufficient corporate capacity and is it aligned with priorities? Does the council influence, enable and leverage external capacity to focus on agreed outcomes? Are resources available in the right areas at the right times to grasp opportunities or address issues and emerging priorities? Is the culture one where colleagues across the council feel empowered and where good customer service is an outcome? What is the impact of the council's Customer First Programme? Is the council making the most of new technology, such as artificial intelligence, to reduce demand, improve efficiency and to effectively put customers at the forefront of what the council does?

You also asked the peer team to review service performance, eg whether:

- the council has sufficient overview and insight into the performance of service areas
- this information drives improvement, prioritisation and the allocation of resources
- the council is measuring the right things
- value for money is understood as a concept and is evident in services
- the Customer First Programme has been effective to date in focusing on customer satisfaction across all service areas and turning customer related data into intelligence to improve performance.

These have been addressed throughout the report.

### **The peer challenge process**

It is important to stress that this was not an inspection. Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The current LGA sector-led improvement support offer includes an expectation that all councils will have a Corporate Peer Challenge every 4 to 5 years. WLDC had a Corporate Peer Challenge in September 2011. Where relevant to do so, findings from that previous peer challenge have been referenced in this report.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing. The team then spent three days onsite at WLDC, during which they:

- spoke to more than 98 people including a range of council staff together with councillors, external partners and stakeholders

- gathered information and views from more than 31 meetings, visits to key sites in the area and additional research and reading
- collectively spent more than 250 hours to determine their findings – the equivalent of one person spending almost 7 working weeks in WLDC.

This report provides a summary of the peer team’s findings. It builds on the feedback presentation provided by the peer team at the end of their on-site visit on Thursday 23 January 2020. In presenting feedback to you, they have done so as fellow local government officers and councillors, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. We appreciate that some of the feedback may be about things you are already addressing and progressing.

## 4. Feedback

### 4.1 Understanding of the local place and priority setting

WLDC uses a wealth of regular, reliable information and data across its services and functions to inform and shape its priorities and aspirations for the district. This includes the council engaging with its communities, including vulnerable people and deprived localities, to work with them and seek their views, which local community groups spoke well of. The council brings together many of these sources to produce its annual State of the District report, which provides a focused yet comprehensive understanding and picture of the district. All this information enables the council to decide its corporate and service-level aspirations, priorities, strategies and plans in a robust, informed and intelligent way.

Community groups commented that the council wants to work well with communities and has made significant, positive changes in doing so in the last two years. This work has however been potentially undermined by resourcing and staffing issues and their impacts, as outlined elsewhere in this report. The communities team for example is what remains of a previously larger team, and whilst strategic information is shared relatively well, community level information is not, requiring a systematic approach to do so. Additionally, there were concerns regarding the reorganisation and acting up arrangements within the council’s housing services to address their under-resourcing. The separate workstreams of the communities team and the housing intervention teams could be more closely integrated.

There are clear linkages between the council’s priorities, strategies and plans, which are also highlighted within and between the council’s key wider partnership plans, eg the Greater Lincolnshire Local Enterprise Partnership Strategic Economic Plan and the Central Lincolnshire Local Plan. These linkages at both council and partnership level clarify who is doing what, in which area, and why. These linkages also evidence the council’s understanding and influence within the area, ensuring that West Lindsey district plays its fullest part within the wider Lincolnshire area, eg in terms of economic growth and housing.

These well-informed council and partnership priorities, strategies and plans have set a clear path for the successful delivery of many recent significant physical and long-term developments and plans for the district. Examples of this include the completion last week

of the district's first crematorium, previous completion and opening of Gainsborough's first hotel chain - a Travelodge, transformation of the town's former Britannia House warehouses into the flourishing Marshall's Yard retail park, the development of a new multi-facility leisure centre in Market Rasen that is due to open this year, and the council's plans for a multiplex cinema in Gainsborough.

In light of the council's plans for a multiplex cinema and the steps the council will need to take regarding its future commercialisation plan, the council should consider developing a cultural strategy. This will ensure that all the cultural assets of the district are maximised. Several people spoke about plans to screen films at Gainsborough's Trinity Arts Centre but no connection was made to the plans for a multiplex cinema, which will be direct and strong competition. There are also other opportunities to best utilise cultural assets across the district, eg how the centre and other facilities such as leisure centres could be used to host a range of events. A cultural strategy would enable these assets to work with and complement one another, rather than directly compete against each other. A cultural strategy could also inform more operational plans so that, for example, decisions could be made so that film screenings do not compete with one another. Decisions like these will ensure maximum cultural and social gain, attract the most visitors and generate the most income.

## 4.2 Leadership of Place

Strategic partners whom the peer team met all spoke well of how WLDC is working in partnership with its stakeholders in the wider Lincolnshire area. Partners and key economic and local plans outlined how the council's strong political and managerial leadership is ensuring that within the wider area:

- WLDC is positively influencing place-shaping through partnerships' agenda
- the West Lindsey district contributes and plays its fullest part, particularly in terms of economic growth and housing
- West Lindsey receives the maximum benefits, eg in terms of transport links, jobs, cultural and leisure opportunities.

With so many visible, positive developments in Gainsborough however, compared to other parts of the West Lindsey district, various stakeholders raised that WLDC seems 'Gainsborough centric' in terms of where it is focusing its activities. The council's main offices are located in the town at the far west of the district. Other parts of the district however have had their community outreach work significantly reduced, eg to a weekly two-hour session in Market Rasen in non-WLDC premises. Such differences strengthen the perception that the council is Gainsborough centric.

The peer team learned through its background reading and meetings generally however that the council is delivering and working with partners on a range of work across the whole district, including providing reliable broadband, enhancing neighbourhood planning and parish charters, building the new leisure centre in Market Rasen, and converting offices in Caistor into new health services and accommodation for older people. The peer team also learned that much work is happening in Gainsborough to tackle social, health



and economic problems that are impacting on the wider district as well as the town. The peer team heard a particular quote that summarises the council's approach to this, "We can't have a successful West Lindsey without a successful Gainsborough." Despite hearing about all this district-wide work, the peer team did not hear as much about how WLDC is communicating these developments, its reasons for Gainsborough specific work, and how it is engaging with communities on all this work. This may be contributing to this Gainsborough centric perception, which may also be impacting on stakeholders' views of and trust in the council.

The council should therefore improve its communications with stakeholders to address this and other issues outlined in this report. Improving internal communications will keep staff and councillors up to date with developments, decisions being taken, what they need to do and how they can be supported. It will also enable them to promote their work and engage with their wards, residents and other customers further. Improving external communications with stakeholders will similarly help ensure that residents, partners, visitors, businesses and others know what WLDC is doing, why and how to get involved.

One notable project that WLDC can learn from regarding successful communications and engagement is its community broadband work. Various stakeholders mentioned how much they value the council's work with them to deliver high-speed broadband throughout the district, particularly given its rurality and related difficulties in delivering such provision.

The council has a very challenging Local Plan target to build 4,435 new homes in the Gainsborough area. The target also represents a 40 per cent increase in Gainsborough's population. This will significantly impact on physical and social infrastructure, eg roads, broadband, schools and health provision, as well as community identity, which the council will need to thoroughly plan for and resource. The Council should therefore refresh and review the evidence base, particularly in relation to the Housing Needs Assessment and incorporating the Economic Assessment as well as the full Plan Viability Appraisal to ensure there is a robust understanding of the needs and viability of housing delivery within the District. Alongside this, ongoing monitoring and review of allocated sites taking into account landowner and developer feedback will be key. WLDC political and managerial leadership must then use this understanding to inform and influence the next Local Plan accordingly.

'Social regeneration' is a developing concept that the council is considering as part of its approach to growth. This was raised by several councillors and officers with the peer team onsite. It potentially includes ways to raise funds and finance activities on a more local basis within the district to help make more of an impact within communities. There were different interpretations however of what social regeneration is or could be. WLDC therefore needs to clarify what it is and what it is not. This will enable the council to decide if social regeneration should be part of its longer-term plans and if so, it can then confirm its purpose and plan the required activities and resources.

### **4.3 Organisational leadership and governance**

The peer team witnessed strong, positive councillor/officer relationships across the council, especially between the Leader of the Council and the Chief Executive. The peer team got a definite sense in talking to officers and councillors that there is clear, mutual understanding and support of each other's roles and that councillors and officers work well together.

WLDC is a very self-aware, open and honest organisation. This has been evidenced from the beginning of the preparation of this peer challenge. In scoping the challenge, the Leader and Chief Executive were clear what they wanted the team to focus on to drive the council forward. WLDC's peer challenge position statement clearly stated what the council's challenges are. The Chief Executive encouraged councillors and staff to be honest with the peer team, and everyone the peer team spoke to highlighted constructively where the council could improve but also what it is already good at.

Governance has improved and has been sustained generally as evidenced through annual internal and external governance statements, other related documents and meetings with relevant councillors, officers and external audit. There is a culture of honesty at the council in which issues can be raised, discussed and are able to be resolved before they escalate.

The council makes its political decisions through a committee system, one of four governance options available to councils. Through this system, a council establishes a number of committees, each with a specific area of responsibility, which generally enables more councillors to be actively involved in decision making but it can take longer to reach decisions. In the case of WLDC however, the latter is not the case, and decisions are made in a timely way. WLDC's committee system comprises 14 committees and is working well as a whole. Committees make their own decisions, or where appropriate, a delegation to the Chief Executive may be agreed in consultation with the Leader of the Council or the Chairman of the relevant committee. Councillors who met the peer team spoke well of the system, highlighting that decision making is no slower than other governance models, and that decisions that need making quickly can be done so.

The peer team however heard mixed views from officers and councillors about the overview and scrutiny function, which was reviewed about 18 months ago. Some comments were also made about the working of the committee itself. The actual function is still deemed important, even though it is not required as part of its committee system, but people are questioning its effectiveness since the review and whether it can be improved. The council should therefore consider reviewing the function again as appropriate to identify how to improve its effectiveness. This will also provide an opportunity to constructively engage all councillors in priority setting, so that they are involved in the core decision making of the council.

Operationally, through background reading and in talking to officers, the peer team quickly identified that WLDC is developing and running too many big internal programmes, plans and projects at the same time. This is putting unsustainable pressures on officers. The programmes include:

- plans for new IT systems, eg enterprise resource planning (ERP) comprising financial and performance management with options for HR, assets and project management – and customer relationship management (CRM)
- a new senior management structure
- the current Customer First Programme
- the future income generation and commercial plan, which comes to an end in 2020.

Many of these programmes are interdependent, some have come to a natural pause and/or require key decisions to progress them. These pauses and delays are causing confusion, concerns and pressure amongst staff, who are not sure of the council's priorities and what they should focus on. As a result, staff are being pulled in different directions, stretching their capacity. These programmes therefore need rationalising to confirm priorities and re-set the direction of WLDC.

To help rationalise and redevelop these programmes, the council should make the most of its corporate project management team's expertise. This team is already working with others across the council to ensure every project undertaken, regardless of size, is managed and delivered effectively. This includes ensuring risks are identified and mitigated; links to other related projects are made to maximise resources, results and impacts; and projects are delivered on time, to budget or amended as needed.

The council has reinstated a Chief Executive model, and the new Chief Executive has been appointed and is in post. Staff know that a new, wider senior management structure has been in preparation for a while but the delay in announcing it is causing concerns and tensions. Staff do not seem to know what is happening, some are feeling the pressure of their additional, acting up or otherwise temporary roles and responsibilities, and these pressures are rising. The remaining senior management structure therefore needs finalising as soon as possible.

As part of this, the peer team recommends separating the statutory roles, so that they are each undertaken by different individuals in the interest of good governance. The Chief Executive's current role for example includes that of the Section 151 Officer. Separating these roles will reduce any potential conflicts of interest and risks associated with the absence of any of those officers. In WLDC's case, it will also have the added benefit of doubling its Section 151 experience, which would be held by both a new Section 151 Officer and the Chief Executive.

Once the new senior management structure has been agreed, the council needs to announce it to staff and implement it as soon as possible. This will enable the council to resolve other temporary appointments across the council, as outlined further in section 4.5, and subsequently confirm the whole structure. This will address many staff questions and concerns, enable them to make informed decisions about their confirmed roles, responsibilities and workloads, and help improve staff morale and wellbeing.

Good communications can assist a number of these issues. Improving internal communications will help staff and councillors keep up to date with developments,

decisions being taken, what they need to do and how they can be supported. The peer team were informed of a range of mechanisms used to communicate with councillors, office and non-office-based staff. The challenge therefore is to make the most of these mechanisms on a regular basis.

The council has a strong corporate performance management team that wants to support and enable service teams to proactively manage their performance. Teams are however spending significantly more time manually drafting and presenting labour intensive performance reports in Word and Excel. Each report can take a week to produce because there isn't a corporate performance management IT system that can automate, present and save the data and information required. The corporate performance management team is developing service level dashboards to assist services in their performance reporting. This will assist with consistency across services but being based in Word and Excel, it still looks to be labour intensive. The council therefore needs to agree a corporate performance measurement IT system as part of its wider new IT system as soon as possible, so teams can spend more time managing rather than just reporting performance.

The corporate performance management team in the meantime is training and supporting team managers to enable them to manage their performance more proactively. Finance, waste collection and recycling teams are recognised as leading the way on this and are using the cycle of identifying performance issues and how they can be improved, planning those improvements and monitoring differences made to manage performance. Some service team managers are regularly sharing performance information with their staff. The peer team did not however hear or see how teams across the whole council are consistently using the information to manage performance and thereby drive improvements. These inconsistencies mean that opportunities are being lost to deploy resources and staff to best effect to deliver the council's priorities. The corporate performance management team is in a strong position however to continue its work with all service team managers, and to engage more advanced teams to help others.

The corporate performance management team also co-ordinates quarterly service level performance management reporting on an exception basis to the senior management team. The latter advises and can commission support to help address service performance, ensuring that performance is managed corporately, as well as at service level.

#### **4.4 Financial planning and viability**

Financially, WLDC is in a relatively strong financial position, as evidenced through its Statement of Accounts and Medium Term Financial Plan (MTFP). Various councillors, officers and external stakeholders, such as external audit and internal audit (delivered by Lincolnshire County Council under a Service Level Agreement) spoke of its strong financial management and governance.

Key drivers of this position include robust overview and control through its Section 151 Officer, the Deputy Section 151 Officer and the wider finance team. Intelligent use is made of comparative data, from sources such as [LG Inform](#), Grant Thornton's CFO (Chief

Financial Officer) Insights and the Chartered Institute of Public Finance and Accountancy's (CIPFA's) Financial Resilience Index. Additionally, the finance team has driven improvement in their service delivery by implementing a business partnering approach. This approach has focused on ensuring value for money and a commercial approach across the council.

WLDC's MTFP is a comprehensive document, covering a five-year timescale from 2019/20 to 2023/24. The council's revenue budget for 2019/20, excluding parish precepts and drainage board levies is £12.4m. The capital programme totals £37.4m over the years 2019/20 to 2023/24. Prudent assumptions have been made in relation to local government funding streams to identify a funding gap of £485k by 2023/24. This represents approximately three per cent of net operating expenditure. The funding gap is projected to reduce to £340k by 2028/29 as outlined in the MTFP. This projection uses assumptions on pay inflation, council tax increases and forecast returns on business plans and investments that are expected to generate additional returns in the longer term. The MTFP does not identify which plans or investments are expected to provide these additional returns but acknowledges that these projections are indicative and could vary significantly. The MTFP does not yet identify how this savings requirement will be met.

As at 31 March 2019 the council held the following reserve balances:

- General Fund working balance - £3.849m
- General Fund earmarked reserves - £15.834m
- Capital receipts - £3.361m
- Capital grants unapplied - £0.587m.

WLDC has an approved policy of maintaining a General Fund working balance of at least 10 per cent of Net Revenue Expenditure and as a minimum £2m. The balance above represents about 26 per cent of Net Revenue Expenditure, comfortably exceeding the prudent minimum balance set. At 31 March 2024, projection of General Fund reserves shows the working balance and earmarked reserves reducing to £2.8m and £6.2m respectively.

Plans for efficiencies from investment in technology through the Customer First Programme and additional income from commercial opportunities are being progressed but are insufficiently advanced to be included in the MTFP. However, the council has a record of delivering against savings requirements, having successfully managed the loss of £4m of Revenue Support Grant since 2013/14.

WLDC has delivered a proactive, multi-faceted, successful approach to income generation including commercialisation. The commercial plan 2015/16 – 2019/20 has overachieved its original annual £1m income target. In 2019/20 the forecast net contribution from the plan is £2.026m, as follows:

- £718k Investment in commercial property
- £193k trade waste income

- £854k green waste
- £78k pre-application planning advice
- £12k Surestaff Lincs Ltd (recruitment agency)
- £37k commercial loan income
- £134k leisure contract.

Key to this success has been the council's strategic thinking from the outset to inform the plan's diverse programme, which has been effectively and regularly scrutinised. Amongst other activities, the commercial plan has included reviewing all council services for trading and income potential, developing an 'Invest to Earn' fund to stimulate business development, and a varied investment portfolio based on robust business cases. Thorough assessment of each potential activity, and a wide investment and project portfolio has spread any potential risks. Funding the programme through the council's existing finances has also reduced risks associated with borrowing significant amounts.

Approximately £23m of commercial property purchases are currently funded by internal borrowing. Plans to sell these after a period of 10 years supports the policy of not charging Minimum Revenue Provision (MRP) on this borrowing. This however exposes the council to the following risks:

- If the council sells its commercial property assets, how will it replace the loss of more than £700k of annual recurring income?
- If it does not intend to sell, the recent tightening of MRP guidance specifically requires MRP to be charged (MHCLG Statutory Guidance on Minimum Revenue Provision paragraph 45 states, "The duty to make MRP extends to investment properties where their acquisition has been partially or fully funded by an increase in borrowing or credit arrangements."). The application date for this guidance is 1 April 2019, which would place an unplanned for pressure on the financial outturn for 2019/20.

The commercial plan runs until the end of this financial year. Many of the plan's projects have reached or are soon to reach their maximum annual income potential or natural end. The council therefore needs to consider whether ongoing commercial activities should be brought into business as usual and whether there are further opportunities available that would require it to develop and agree a new commercial plan.

WLDC is already considering a change management programme to deliver new efficiency and savings programmes, eg through forthcoming IT changes outlined above and their subsequent benefits. However, having exhausted more traditional ways of investing and raising income, the council needs to clarify what a potential 'social regeneration' growth model could look like and achieve, and consider other possibilities to make the most of its current financial and project successes, momentum and thinking.

Additionally, uncertainties about future local government funding, Brexit and its economic impacts have led to an understandable pause in commercial and financial planning. The council must use this time however as a 'purposeful pause' to proactively

reflect and plan its next steps, purpose and vision, rather than passively wait for clarity. The latter will see time pass by and momentum lost unnecessarily.

#### **4.5 Capacity to deliver**

The peer team met many committed, talented and aspirational staff who 'go beyond' what is good enough to do their very best. This isn't just for their own job satisfaction but because they are loyal to the council and have a strong customer ethos. They not only want to address customers' immediate needs but make the most of their interactions to empower them further and in turn reduce service demand.

Frequently used adjectives that staff used to describe the council were welcoming and friendly, progressive and forward thinking, supportive and flexible. Staff also spoke about how they are supported by their managers and encouraged to take up training and development. They also mentioned that the council is good at listening and that certain teams work particularly well together, getting away from siloed services and moving towards cross-organisational arrangements, for example on finance management.

Staff raised some common inconsistencies across the council that could be improved, for example:

- how managers manage their staff, eg via induction, appraisal, training and career progression to help retain staff
- managing team performance, eg measuring, sharing and managing success to be able to celebrate it internally and promote it externally
- communications, eg who new starters are and how staff located on different floors could better interact with one another.

The biggest concern for the peer team however through its background reading and onsite meetings is that staff capacity is becoming over-stretched. In part, this is due to various issues mentioned previously, eg too many programmes to deliver and decide on, and ineffective IT systems. There is also a high proportion of temporary staffing arrangements across the council, including interim appointments and internal acting up arrangements, which are further adding to pressure within teams because of lack of stability and, in places, net reduced resource. Additionally, the workforce is ageing, and younger staff often leave, resulting in vacancies to fill. There are also recognised 'single points of failure' – where there will be no or limited cover if certain staff are absent.

The council has a workforce development plan but this tends to focus on values and project-focused skills development. Whilst these are vitally important areas, the council would benefit from taking a more strategic and coordinated approach to workforce planning, including succession planning, focused on building longer term organisational capacity through coordinated analysis of workforce trends, future demands, and targeted talent development (eg developing aspiring leaders) across the council. Developing this approach as soon as possible will avoid reaching a crisis point and will help increase staff morale and wellbeing. The council is already involved in some

shared services such as legal and audit to address such specific capacity issues. It is therefore worth considering if further such arrangements could help capacity in other areas.

WLDC's Customer First Programme is an ambitious plan to improve customer service from all angles. By talking to staff, the peer team identified that the programme's objectives are clear in terms of what it wants to achieve. The current vision however of how to achieve them is too big; it contains too many elements, making it unfocused and unmanageable to deliver. The programme outlines its ethos, eight enablers, the why, what, who, how and when, six building blocks and what the council will do regarding each. It does not however outline which team will do what. It is also not clear what savings can be delivered and how. It appears to be trying to be 'all things to all people' and has unintentionally morphed into a pan-organisational transformation programme. There are too many inter-dependencies, including those with developing internal programmes such as a possible CRM IT system and the senior management structure, some of which are facing delays. As a result of all this, it has become unfocused, confusing for staff, and undeliverable. "It's just words," as one person described it. Staff also mentioned that since the programme was presented to them a couple of years ago, they have not been sufficiently well sighted on how it is being developed, reinforcing the need to improve communications.

The programme does however have sound objectives to benefit customers and has already had successes, eg in service redesign to help improvement, and telephony. There is therefore potential for further success. The council should consider reducing the programme to its core, ie review and clarify the absolute key objectives and develop a new programme around that core. WLDC's staff have a strong customer ethos, whether there is a specific customer programme or not. So senior managers should engage them in the new programme's development, to reflect on what customers really need and therefore what the council needs to do. Rebranding the programme will also offer a clean break from the current one and offer a new start.

## 5. Next steps

### Immediate next steps

We appreciate the senior managerial and political leadership will want to reflect on the findings within this report in order to determine how the organisation wishes to take things forward.

To support you in your improvement journey the peer team have identified a number of key recommendations, some of which you may already have in hand. We welcome your response to these recommendations within the next three months through the development of an action plan.

Your Principal Adviser Mark Edgell ([mark.edgell@local.gov.uk](mailto:mark.edgell@local.gov.uk)) will be in contact to assist the council going forward and to provide additional support, advice and guidance on any areas for development and improvement and he will be happy to discuss this.

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In the meantime, we are keen to continue the relationship we have formed with the council throughout the peer challenge. We will endeavour to provide signposting to examples of practice and further information and guidance about the issues we have raised in this report to help inform ongoing consideration.

### **Follow up visit**

The LGA Corporate Peer Challenge process includes a follow up visit. The purpose of the visit is to help the council assess the impact of the peer challenge and demonstrate the progress it has made against the areas of improvement and development identified by the peer team. It is a lighter-touch version of the original visit and does not necessarily involve all members of the original peer team. The timing of the visit is determined by the council. Our expectation is that it will occur within the next 2 years.

### **Next Corporate Peer Challenge**

The current LGA sector-led improvement support offer includes an expectation that all councils will have a Corporate Peer Challenge or Finance Peer Review every 4 to 5 years. It is therefore anticipated that the council will commission its next Peer Challenge by January 2025.

### **Examples of good practice**

The peer team was particularly impressed by the council's:

#### **Corporate performance management team**

The council has a strong corporate performance management team that is committed to supporting and enabling service teams to proactively manage their performance. The council doesn't currently have a corporate performance management IT system, so the team is developing service level dashboards to assist teams with their performance reporting and provide a consistent approach across the council. The team is also training and otherwise supporting team managers to enable them to manage their performance more proactively. Whilst there are some inconsistencies across services, finance, waste collection and recycling teams are recognised as leading the way on this and are using the cycle of identifying performance issues and how they can be improved, planning those improvements and monitoring differences made to manage performance.

The team also co-ordinates quarterly service level performance management reporting on an exception basis to the senior management team. The latter advises and can commission support to help address service performance, ensuring that performance is managed corporately, as well as at service level.

#### **Corporate project management team**

This team works with others across the council to ensure every project undertaken, regardless of size, is managed and delivered effectively. This includes ensuring risks

are identified and mitigated, links to other related projects are made to maximise resources, results and impacts, and projects are delivered on time, to budget or amended as needed.

# Peer Challenge Action Plan

Presented by Ian Knowles

# Peer Challenge Action Plan

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## Peer Challenge 21<sup>st</sup> – 23<sup>rd</sup> January 2020: Positive Findings

1. **Well-run proactive council**
2. **Good track record of delivery of customer focused services and physical assets**
3. **Passionate, proactive, open, honest and customer-focused officers and Members**
4. **Makes good use of a range of data and information to identify priorities, develop strategies and make evidenced based decisions**
5. **Clear linkages between priorities, strategies and plans. Linkages also evident with and between the council's wider partnership plans**
6. **Relatively strong financial position due to sound financial management, robust control and successful delivery of commercial plan**
7. **Strong corporate performance and project management functions**

# Peer Challenge Action Plan

Recommendation	Action	Member Update Via:	Responsible Officer(s)
Implement new structure	Proposed structure determined and communicated; consultation and appointment processes about to commence.	Structure implemented from 1 <sup>st</sup> August. Final interviews week beginning 28th September.	IK
Reduce Customer First Programme to its core and rebrand it	Customer First/ICT Board is in the process of reviewing original business case and identifying and prioritising key actions to progress. Relaunch in June is planned taking into account recent staff feedback on understanding of the Programme.	Customer First closedown as a project and two programmes launched Together 24 (T24) and ICT Programme	IK; AS; AR; MC

# Peer Challenge Action Plan

Recommendation	Action	Member Update Via:	Responsible Officer(s)
Use purposeful pause regarding commercialisation and financial planning to understand and identify where future income/savings could come from	Key focus of annual business planning exercise is to determine new or improved commercial opportunities, potential efficiencies and savings. Head room for commercial property investment will be continually reviewed subject to suitable property(ies) becoming available. The appointment of the Commercial Development Manager will provide additional capacity and capability in this area.	Commercial Board (Officer) reconstituted (September 2020) and Commercial Manager Appointed July 2020	IK; AS; TB; GR

# Peer Challenge Action Plan

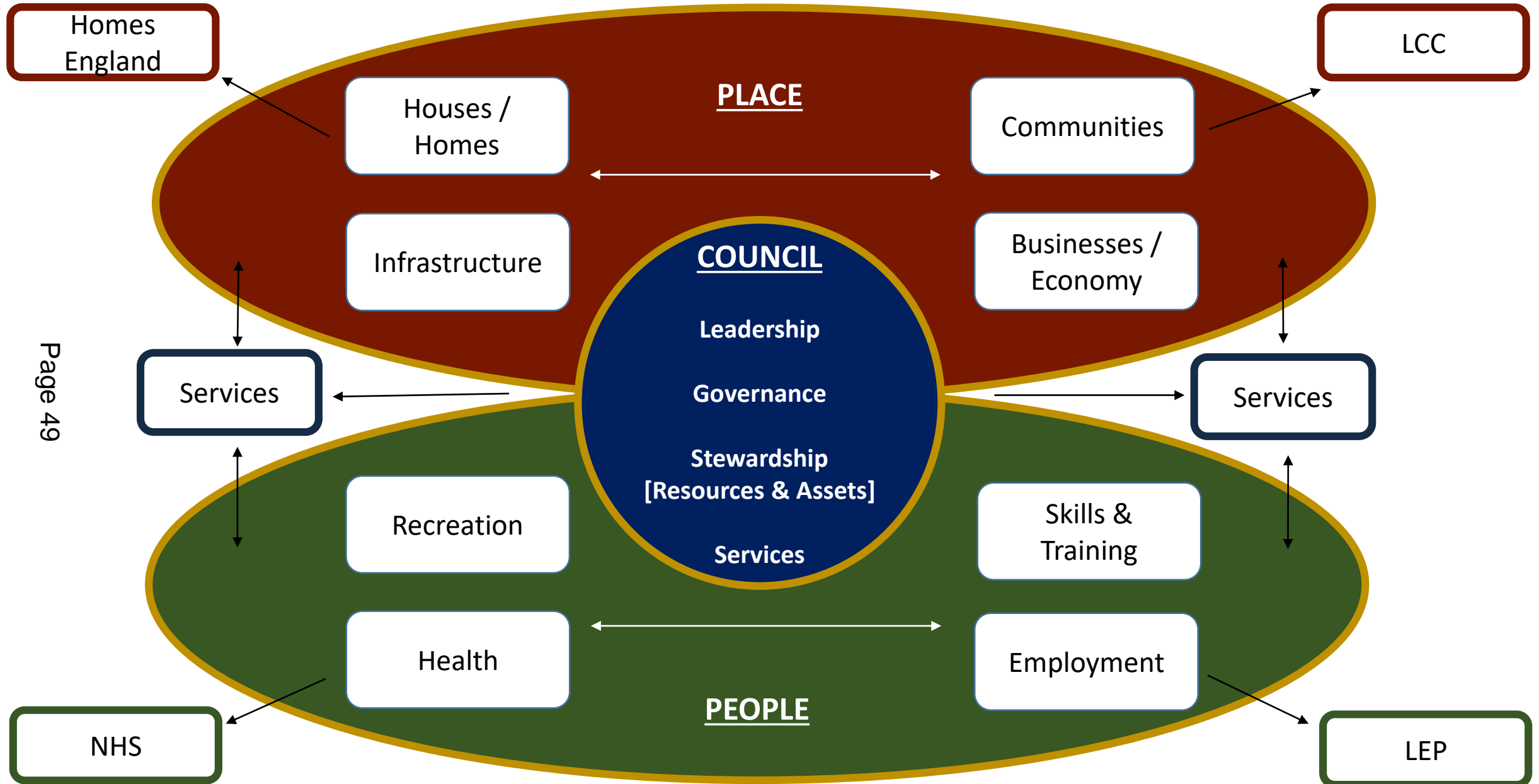
Recommendation	Action	Member Update Via:	Responsible Officer(s)
Clarify what 'social regeneration' means to the council, what it will deliver & how to resource it	Next reiteration of Housing and Communities Strategy & Economic Growth Strategy will provide clarity on interpretation of social regeneration.	Once the AD Homes and Communities is appointed this will be a task for the two AD's including Planning and Regeneration. Cushmans have been commissioned to review our current growth strategy and one of the strands is Employment Enterprise and Skills	SGS; AD H&C

# Peer Challenge Action Plan

Recommendation	Action	Member Update Via:	Responsible Officer(s)
<p>Improve communications with all stakeholders</p>	<p>This will be delivered through</p> <ul style="list-style-type: none"> <li>• The Council's new Consultation &amp; Engagement Strategy</li> <li>• Ensuring that each key project has undertaken stakeholder analysis to identify engagement and communication requirements</li> <li>• Messages are delivered to key stakeholders using appropriate methods depending on the needs of the stakeholders</li> <li>• The creation of a Marketing Strategy to provide a clear distinction between communications and marketing activities and messages.</li> <li>• The production of an annual Communications Report.</li> </ul>	<p>Weekly message from Management Team to staff and members to continue. As new initiatives are developed the use of Workshops will be re-introduced, Stakeholder analysis is now part of the programme management framework. A whole systems leadership approach will enhance focus on stakeholder engagement and influence</p>	<p>DM; JH</p>



# Whole System Diagram for West Lindsey District Council



# Peer Challenge Action Plan

Recommendation	Action	Member Update Via:	Responsible Officer(s)
<p>Use the Local Plan review process to ensure viability and deliverability of allocated housing sites across the District</p>	<p>Deliver a revised Local Plan which is supported by a full plan viability appraisal which sets the parameters for viable development.</p>	<p>The Local Plan work has continued and the introduction of a climate change agenda has caused some delays in timescale. Reports will be brought forward to Prosperous Communities and workshops will be held at appropriate milestones. Viability issue will be considered as part of the Refresh although we are pleased that the Southern SUE has now been signed off an Keepmoat will be on site very soon</p>	<p>SGS</p>

# Peer Challenge Action Plan

Recommendation	Action	Member Update Via:	Responsible Officer(s)
Review the overview & scrutiny function	The review of the effectiveness of all committees is a key governance function and Monitoring Officer responsibility. Oversight of the functioning of the Overview & Scrutiny Committee will form part of this on-going work with the Governance & Audit Committee kept abreast of developments.	G&A Committee. Constitution Review annually due March to May 2021.	AR

# Peer Challenge Action Plan

Recommendation	Action	Member Update Via:	Responsible Officer(s)
Ensure a structured approach to workforce and succession planning	The Council's Workforce Development Plan will be reviewed to ensure such matters are appropriately referenced and considered.	This will be incorporated into Business Planning	AR; ER
Ensure performance management processes are consistent at service level	The Performance Team continue to work across service areas to improve consistency. The move to a reduced number of corporate performance reports should release capacity to further consider qualitative related matters.	Performance Management Reporting will continue and will be an ongoing reviews and part of the new AD role to secure consistency.	DM

# Peer Challenge Action Plan

Recommendation	Action	Member Update Via:	Responsible Officer(s)
Consider a cultural strategy	Officers will work with Leader’s Panel to determine a suitable response to this, including reference to heritage. Creation of a Culture Board supported by the Leisure, Culture Events and Tourism Working Group, feeding into Prosperous Communities Committee could support development of this area.	This will be an assembly of current activity across Leisure, Arts, Heritage and Visitor economy. Work has already begun and is being led by the Commercial Development Manager. Workshop with member working group expected before Christmas 2020. The commission to Cushman’s also has a strand to consider arts, culture and heritage which will inform this development.	IK/AS/SGS/CM

All actions to meet the recommendations can be accommodated via addendums to business as usual activity, except the possible development of a Cultural Strategy. Should any actions develop into significant work packages, they will be undergo robust business case

# Agenda Item 11b



Council

Monday, 2 November 2020

**Subject: Normanby by Spital and Owmbly by Spital Parish Councils - Applications to prepare Neighbourhood Plans**

Report by:

Assistant Director of Planning and Regeneration

Contact Officer:

Nev Brown  
Senior Neighbourhood Planning Policy Officer

nev.brown@west-lindsey.gov.uk

Purpose / Summary:

This report requests Members to determine separate applications received from Normanby by Spital and Owmbly by Spital Parish Councils to prepare their own independent neighbourhood plans for their respective parish areas only.

## **RECOMMENDATION(S):**

**5.1 That Members approve applications by Normanby by Spital and Owmbly by Spital Parish Councils to have their respective parishes designated as separate neighbourhood plan areas for the purposes of producing their own independent neighbourhood plans.**

**5.2 That Members note the withdrawal of the designated neighbourhood plan area for the joint Normanby by Spital and Owmbly by Spital Neighbourhood Plan.**

## IMPLICATIONS

**Legal** : This work is a duty under the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

### **Financial : FIN/94/21/TJB**

For every completed neighbourhood plan the Council receives a grant of £20k from the Ministry for Housing, Communities and Local Government (MHCLG) to help support its neighbourhood planning role in the district. Therefore it is anticipated that £40k will be received for these 2 Neighbourhood Plans once approved.

**Staffing** : Internal resources in place to deal with neighbourhood planning.

**Equality and Diversity including Human Rights** : Plans are examined under the Neighbourhood Planning (General) Regulations 2012 (as amended) for any issues relating to equality and diversity.

*NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).*

**Data Protection Implications** : n/a

**Climate Related Risks and Opportunities** : n/a

**Section 17 Crime and Disorder Considerations** : n/a

**Health Implications:** n/a

**Title and Location of any Background Papers used in the preparation of this report:**

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/normanby-and-owmby-by-spital-neighbourhood-plan/>

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/normanby-by-spital-neighbourhood-plan/>

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/owmby-by-spital-neighbourhood-plan/>

Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.

**Risk Assessment :** n/a

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**x**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**x**

**No**



## **1 Introduction**

- 1.1 This report requests Members to determine separate applications received from Normanby and Spital and Owmbly by Spital Parish Councils to prepare their own neighbourhood plans for their parish areas only.
- 1.2 Such applications are normally dealt with under delegated powers but due to the level of public response from consultations on the applications it was agreed that this should instead be a matter for Full Council.

## **2 Background**

- 2.1 Until recently Normanby by Spital and Owmbly by Spital Parish Councils had been working together on a joint neighbourhood plan (NP) covering both parishes. Joint work started in June 2017 and was led by a steering group including residents from both communities which reported progress back to the parish councils.
- 2.2 Council officers met the group several times to offer guidance but Council funding was not used. The Council were informed about evidence base work that had been undertaken by the group on the joint NP including an initial resident survey and character/history assessment work.
- 2.3 However the joint NP had not reached the first all-important draft Regulation 14 consultation stage. A draft version of the joint NP had not been prepared and therefore did not exist. Regulation 14 is the key opening milestone in the preparation of a NP which would have provided an early opportunity for residents and interested parties to give feedback on the joint draft NP but this had not been undertaken.
- 2.4 Late last year the Council became aware that the joint NP was having governance difficulties. To resolve this, a draft terms of reference (memoranda of understanding) had been drawn up which the Council were consulted on and made comments.
- 2.5 On 28<sup>th</sup> May 2020 the Council received notification from Normanby by Spital Parish Council (PC) that it had decided to formally withdraw from sharing the joint neighbourhood plan with Owmbly by Spital PC. Instead, it wished to proceed with its own neighbourhood plan for Normanby by Spital parish only.
- 2.6 The Council informed Normanby by Spital PC of what the outcome of their withdrawal decision would mean for the joint NP and also that they would need to submit a formal application for its own neighbourhood plan which would involve public consultation. Owmbly by Spital PC were also notified.

- 2.7 Subsequently, Normanby by Spital PC submitted a formal application to the Council to prepare its own NP. Consultation was undertaken involving publishing the application on the Council's website and displaying public notices in the parish. Consultation ran for 8 weeks from 13 July to 7 September 2020.
- 2.8 Following receipt of Normanby by Spital PC's new application and indication to therefore withdraw from the joint NP, Owmbly by Spital PC were asked how they wished to move forward. On 5 July 2020 the Council received from them an application to prepare a neighbourhood plan for their parish area only. The consultation period for Owmbly by Spital PC's application ran for 8 weeks from 10 August to 5 October 2020.
- 2.9 A separate document accompanies this report which contains the many responses to the consultations on the Normanby by Spital and Owmbly by Spital PCs applications. In summary, the majority of comments are not in favour of the separate applications and would like to see work on the joint NP continue. There are some responses in support, and it is noted that Owmbly by Spital residents would support a single plan for their parish if no other option was available.

### **3. Decision and Reasoning**

- 3.1 The Localism Act 2011 gives powers to local communities to shape their own areas. They can do so by producing NPs for their areas. Once made these NPs become part of the Development Plan on which planning applications must be determined unless other material considerations dictate otherwise.
- 3.2 In parished areas like West Lindsey, bodies qualifying for such powers to prepare NPs are our parish councils. It is for a parish council to decide to prepare a NP or not, and indeed to decide to withdraw from one. Parish councils have ultimate responsibility for overseeing the production of their NPs including its content and submission format for examination. Often PCs establish a steering group to lead on the NP and occasionally they join forces with an adjoining parish to prepare a joint plan.
- 3.3 Local planning authorities (LPA/WLDC) are expected to play an advisory role helping and supporting PCs with their NPs, especially in the early stages. It is only in the later stages that LPAs are required to take more of a leading role.
- 3.4 Nevertheless the LPA is still required to make certain key decisions on the NP as it progresses. The first key decision, and relevant to this report, is to determine applications for a NP Area Designation from PCs who wish to do a NP.
- 3.5 In making this decision, guidance states that where an application is for the whole of a parish to be designated, then an LPA must designate

the area applied for if an application is valid *and* all of the area has not yet been designated. LPAs can in such circumstances (i.e. where an area is already designated) look to refuse an area designation application, but only where it considers the area applied for is not appropriate. In deciding to refuse an application, an LPA must be able to give reasons for its decision.

- 3.6 Both Normanby by Spital and Owmbly by Spital parish councils have applied to do their own NPs for their parish areas only. These would appear to be logical and appropriate areas to select. The boundaries are already established and used for governance/democratic/planning purposes. Physically they include the main settlements and immediate countryside. Best practice and guidance would support such areas being designated. Virtually all of the neighbourhood plans in the district including joint ones use parish boundaries for their areas.
- 3.7 However, the applications being considered are for areas currently covered by an existing designated neighbourhood plan area, that of the joint Normanby by Spital and Owmbly by Spital Neighbourhood area.
- 3.8 As stated earlier, although work on the joint NP had begun in June 2017 it had not reached the very first milestone in the preparation of a NP, that of Regulation 14 draft consultation. A joint draft NP did not exist and therefore the Regulation 14 stage could not be undertaken and completed.
- 3.9 From publicity feedback on the separate applications there is significant support for work on the joint NP to continue. Many reasons are put forward including that it would be far more beneficial to do a joint plan for both parish areas.
- 3.10 Normanby PC's decision to withdraw from the joint NP effectively means that it cannot continue as it is. Also Owmbly by Spital PC, aware of the situation, appears to have had little option but to apply to do its own neighbourhood plan. If the applications are approved by Members, the outcome of Normanby by Spital PC's decision to withdraw from the joint NP and the approval of the subsequent applications means that the Council will need to formally withdraw the designated area for the joint NP.

#### **4. Summary**

Given the level of public interest in the applications it was considered necessary for these to be considered and determined by Full Council rather than through delegated powers. The powers to apply and withdraw NPs rest with parish councils rather than this Council. However we are required to determine these applications to prepare NPs but only with regard to the appropriateness of the areas put forward. For the reasons given in the report it is recommended that both NP applications be approved and confirmation of the joint NP's withdrawal be published on the Council's website.

**5. Recommendations**

- 5.1 That Members approve applications by Normanby by Spital and Owmbly by Spital Parish Councils to have their respective parishes designated as separate neighbourhood plan areas for the purposes of producing their own independent neighbourhood plans.**
- 5.2 That Members note the withdrawal of the designated neighbourhood plan area for the joint Normanby by Spital and Owmbly by Spital Neighbourhood Plan.**



**Full Council**

**Monday 2<sup>nd</sup> November**

**Subject: Licensing Policy Review**

Report by:

Chief Executive

Contact Officer:

Andy Gray  
Housing and Enforcement Manager

[andy.gray@west-lindsey.gov.uk](mailto:andy.gray@west-lindsey.gov.uk)

Purpose / Summary:

This report is in relation to the statutory process of reviewing the Licensing Policy (which has been amended accordingly) and is put before Members of Full Council for their consideration

**RECOMMENDATION(S):**

Full Council are asked to accept the **RECOMMENDATION** from its Licensing Committee and approve the Revised Licensing Policy.

## IMPLICATIONS

### **Legal:**

Section 5(1)(a)(b) of the Act requires each Licensing Authority to determine and publish a Licensing Policy Statement and review on an ongoing basis, within a five year period. Adoption of the Policy Statement is a Council function which cannot be delegated to a Committee or Sub-Committee.

### **Financial : FIN/57/21/SSc**

No financial implications arising from this report.

### **Staffing :**

None noted.

### **Equality and Diversity including Human Rights :**

The consultation process will be completed in line with the legislative requirements and provision will be made for any persons to provide comments on the policy in any format that they wish.

### **Data Protection Implications :**

### **Climate Related Risks and Opportunities :**

### **Section 17 Crime and Disorder Considerations :**

It is noted that the Licensing of premises plays a key role in ensuring that any crime and disorder can be managed appropriately and ensures that a robust process is in place to enable the management of this. This policy seeks to ensure that this process can happen effectively.

### **Health Implications:**

An effective and fit for purpose Licensing Policy helps to ensure that residents within the district and those visiting are safe and reduces the risk of health implications in relation to premises which require a license.

### **Title and Location of any Background Papers used in the preparation of this report:**

Licensing Policy Review – Consultation Approval – Licensing Committee, 4 June 2020.

### **Risk Assessment :**

Failure to adopt and publish a Statement of Policy means that the authority would not be complying with the Licensing Act 2003 and would leave any decisions made by the Licensing Authority open to challenge along with the potential to damage to its reputation.

It should be noted that the policy, following on from consultation and if approved, can be challenged as with any decision made by the Council. However, in order to minimise the risks of any legal challenge, the comments received will be given due consideration and these will be set out in the final report to Licensing committee.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**No**

## 1. Introduction

- 1.1. Section 3 of the Licensing Act 2003 defines this Council as a “Licensing Authority”.
- 1.2. Section 4 of the Act requires the Licensing Authority to have regard to its Licensing Policy in carrying out its functions, and must also have regard to any guidance issued by the Secretary of State under Section 182
- 1.3. Section 5 of the Licensing Act 2003 requires that each Licensing Authority prepares, consults on and determines a Statement of Licensing Policy. That policy must be kept under review on an ongoing basis and in any case every five years. The current policy was adopted by Council in November 2015. The legislation requires that where revisions are made, the licensing authority must publish a statement of the revisions or the revised licensing statement. The revised policy must be in place by 7<sup>th</sup> January 2021.

## 2. Consultation

- 2.1. The decision to approve consultation on the revised policy was taken at the Licensing Committee on the 4<sup>th</sup> of June 2020. The consultation has been open from the 6<sup>th</sup> of June 2020 and is due to close on the 28<sup>th</sup> August 2020. Initially the 21<sup>st</sup> August 2020 was proposed as the closing date, however this has been extended by one week due to the ongoing requirements adding pressure to the sector in relation to Covid 19.
- 2.2. The Council has consulted with the following:
  - The Chief Officer of Police for the licensing authority’s area;
  - The Fire Authority for that area;
  - Representatives of holders of premises licences, club premises certificates and personal licences;
  - Other persons the licensing authority considers to be representative of businesses and residents in its area;
  - The Local Authority’s Director of Public Health England (DPH).
- 2.3. There were 7 responses to the consultation at the point in time that this report was produced. 6 respondents advised that they had viewed it and had no further comments. One proposed that we changed the wording below;

**‘The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police’.**

Given that the policy position is clear that this is an expectation and not a “must”, it is not proposed to amend the wording.



### **3. Policy**

- 3.1. There are no policy amendments proposed as a result of the consultation and the policy is shown in appendix 1.
- 3.2. The policy, as attached, was considered by the Councils Licensing Committee at its meeting on the 10<sup>th</sup> of September 2020 and was **RECOMMENDED** to Full Council for approval and adoption

# STATEMENT OF LICENSING POLICY

Adopted by **Full** Council on **XXXXX**

DRAFT

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## Executive Summary

The Licensing Act 2003 (the Act) came into effect in 2005. Section 5 of the Act requires the Licensing Authority (West Lindsey District Council) to determine, and publish, a statement of licensing policy that they propose to apply in exercising their functions under the Act. This process is to be repeated every five years. The Licensing Authority must also keep the policy under review during each five year period and make any such revisions it considers appropriate. The policy was last published in 2015.

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

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

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

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

Decisions can be taken by the Licensing Sub-Committee, a 3 person committee comprising members of the Licensing and Regulatory Committee; or Officers using delegated powers.

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

The Licensing Authority has the ability to grant licences for premises and certificates for qualifying club premises. It also grants personal licences and accepts temporary event notices. Applicants for premises licences should be aware of the expectations of the Licensing Authority and the Responsible Authorities regarding the steps that are appropriate for the promotion of the licensing objectives.

Where relevant the Licensing Authority consults with the responsible authorities as described in the Act. Local people and Members of the council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications for premises licences or requesting reviews of licences for problem premises.

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

# 1 Introduction

- 1.1 West Lindsey is seen as a place where people want to live, work, invest and visit.
- 1.2 The district of West Lindsey covers the area immediately north of Lincoln and forms the north-west gateway to Lincolnshire. Covering an area of 115,733 hectares (447 square miles, 1,158 square kilometres). The district is predominantly rural and provides an attractive setting for its three market towns of Caistor, Gainsborough and Market Rasen. The district is the 17th most sparsely populated area in England with a population density of 77 people per square kilometre. (ONS 2011 census).
- 1.3 West Lindsey District Council as Licensing Authority (hereinafter referred to as the Licensing Authority) is responsible for the licensing of all licensable activities under the Licensing Act 2003 (the Act). This document sets out the policies and principles that the Licensing Authority will apply when making decisions on applications for:
- Retail sale of alcohol
  - Supply of alcohol by or on behalf of a club, or to the order of a member of a club
  - Provision of 'regulated entertainment' – to the public, to club members or with a view to profit
  - A performance of a play
  - An exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment
  - A performance of live music
  - The playing of recorded music
  - A performance of dance
  - Provision of late night refreshment
  - Other similar entertainment
- 1.4 The term licensee/licence holder is deemed to include licence holders, designated premises supervisors and club premises certificate holders. This policy is intended to provide clarity to applicants, 'other persons' and 'responsible authorities' on how this Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment premises. Guidance is widely available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003> to assist applicants; however the Guidance does not form part of this Policy. The Licensing Authority will take this Policy into account if its discretion is engaged (i.e. at a hearing following relevant representations or a review hearing)
- 1.5 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with other departments of the district council, its neighbouring authorities, the police, other responsible authorities, local businesses and local people towards the promotion of the objectives.
- 1.6 In preparing this policy statement the Licensing Authority has consulted with the following:

- Lincolnshire Police
- Lincolnshire Fire and Rescue
- The Director of Public Health
- The body responsible for child protection
- The Planning Authority
- The Health and Safety authorities
- Environmental Health
- Trading Standards
- Representatives of licence holders and club certificate holders
- Local businesses and their representatives
- Local residents and their representatives
- Other bodies and persons that the Authority consider could contribute to this policy

1.7 In undertaking its licensing function, the Licensing Authority will have regard to other legislation, including, but not exclusively:-

- Section 17 of the Crime and Disorder Act 1998: requires the Council to take all reasonable steps to reduce crime and disorder within the District.
- The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
- The Provision of Services Regulations 2009 to ensure requirements are:
  - i. Non- discriminatory.
  - ii. Justified by an overriding reason relating to the public interest.
  - iii. Proportionate to that public interest objective.
  - iv. Clear and unambiguous.
  - v. Objective.
  - vi. Made public in advance, and
  - vii. Transparent and accessible.
- Human Rights Act 1998
- Violent Crime Reduction Act 2006
- Police and Crime Act 2009
- Police Reform and Social Responsibility Act 2011
- Live Music Act 2012
- Anti-Social Behaviour Crime and Policing Act 2014
- The Legislative Reform (Entertainment Licensing) Order 2014
- Deregulation Act 2015
- Immigration Act 2016
- Equality Act 2010

1.8 The purpose of licensing is to regulate licensed premises and other events within the terms of the Act. Where the responsible authorities and other parties do not raise any representations about the application made to the licensing authority, it is

the duty of the authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself. The licensing authority may not therefore impose any further conditions unless its discretion has been engaged following the making of relevant representation(s). It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representation(s).

- 1.9 When as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes and these hours are different to the licensing hours, the applicant must always observe the earlier closing time.
- 1.10 These conditions will relate to the premises and other places being used for licensable activities and the impact of those activities. In this regard the Licensing Authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned.
- 1.11 Other considerations maybe taken into account including but are not limited to:
- The nature of the licensable activity
  - The nature and locality of the premises
  - The time of day of the proposed licensable activity/activities
  - The frequency of the activity/activities
- 1.12 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove appropriate.
- 1.13 The Licensing Authority will also seek to discharge its responsibilities identified by other Government strategies, and policies, so far as they impact on the objectives of the Licensing Act. Some examples of these Strategies are:
- Government Action Plans for Tackling Alcohol Related Crime, Disorder and Nuisance;
  - “Safer clubbing”
  - Age Restricted Products and Services: a Code of Practice for Regulatory Delivery (BRDO 2014)
  - The Lincolnshire Alcohol and Drug Strategy 2014 – 2019
  - The Community Safety Strategy
  - The Children and Young People’s plan for Lincolnshire
- 1.14 The Licensing Authority takes the following approach to the decision making process:
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making
  - Other persons can include residents’/tenants’ associations, community associations, trade associations and elected members. Councillors may represent other persons, providing they do not also sit on the Licensing Sub-Committee determining the application in question



- We will give clear reasons for our decisions

1.15 Where valid representations are made applications will be considered by a Licensing Sub-Committee (consisting of Councillors); we give applicants, responsible authorities and other persons an equal opportunity to state their case in accordance with our hearing procedure, which is available from the Licensing Section.

1.16 It should however be made clear that the licensing function is not to be seen as the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Whilst there are a range of statutory powers available to deal with such behaviour, these powers will not always be sufficient to control negative impacts on the licensing objective in the vicinity. Therefore, the fact that such impact may occur is a relevant factor in the consideration of licensing applications. This may lead to a refusal of the application or the application of conditions to meet the concern(s) contained in a relevant representation.

1.17 At the time of reviewing this Policy the Licensing Authority was responsible for the following number of licences and permits:

Premises Licence With alcohol	274
Premises Licence No Alcohol	64
Club Premises Certificate With alcohol	22
Personal Licence Holders	1253
<b>Total</b>	<b>1555</b>

## 2 Integrated Strategies and the Avoidance of Duplication

2.1 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing Committee may therefore receive, and may act upon, relevant reports concerning:

- crime and disorder and community safety issues
- needs of the local tourist economy
- cultural strategy for the area
- employment situation in the area and the need for new investment and employment where appropriate
- planning considerations which might affect licensed premise
- local transport arrangements
- Impact of licensing on the provision of regulated entertainment and particularly live music and dancing
- any other reports considered appropriate to the licensing function

2.2 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. There are several key differences between licensing and planning control. Licensing is concerned with the fitness of the operator and detailed issues

concerning the operation and management of the premises that are not addressed by the planning control process. Planning control relates to need and the use of the premises. The grant of planning permission should not be a presumption that a premises licence will automatically follow and vice versa.

- 2.3 Applicants are strongly encouraged to make any appropriate applications for planning permissions/building regulations approval before or at the same time as they make the application for the premises licence/club premises certificate.
- 2.4 In reaching a decision of whether or not to grant a licence/certificate, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.
- 2.5 In order to avoid duplication with existing legislation and regulatory regimes the Licensing Authority will, not attach conditions to the licence/certificate unless they are considered appropriate for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

### **3 The Licensing Process**

- 3.0.1 The functions of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority in accordance with the provisions of the of the Act. Delegated powers are in accordance with the table at Appendix 1. These delegated powers do not form part of this Policy and may be amended without consultation or review of the Policy.
- 3.0.2 Each application for licensing will be considered on its own merits, for example, free from the imposition of quotas on the number of licensed premises or generalised closing times. Nothing in this policy will undermine any person from applying for a variety of permissions under the Act.
- 3.0.3 Other than electronic applications applicants are reminded that documents submitted as part of an application which bear a signature, criminal record certificates, criminal conviction certificates, subject access documents and licensing qualifications must be original documents. Faxes and photocopies are not acceptable unless with the prior agreement of the Licensing Authority.
- 3.0.4 Failure to submit an application in the correct form will result in that application being returned. The Licensing Authority will endeavor to explain why the application is considered to be deficient and will invite the applicant to re-submit the application with all the required information. However, we will not return forms if they contain obvious and minor factual errors that can easily be amended. Applications for a premises licence or club premises certificate must be copied to each of the appropriate Responsible Authorities. It is the responsibility of the applicant to send the copies to the Responsible Authorities, unless the application has been properly made by means of an electronic application facility in which case it is the responsibility of the Licensing Authority to circulate the copies.

- 3.0.5 Applicants for any authority or permission are expected to make their application in accordance with the Act and any regulations made there under. Failure to meet this requirement may result in the application being returned.
- 3.0.6 Applications for minor variations may be subject to consultation with the appropriate responsible authorities and will be refused if any responsible authority indicates that they would make a representation on the proposed minor variation.
- 3.0.7 In an effort to avoid unnecessary hearings, applicants are strongly advised to prepare risk assessments and from these formulate any steps they consider appropriate to promote the licensing objectives and then to consult with the responsible authorities as defined within the Act before submitting their applications. Failure to do so may lead to representations which can only be determined by the Licensing Sub-Committee.
- 3.0.8 Account will be taken of the need to encourage and promote all types of entertainment including live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance arising out of these activities in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 3.0.9 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

### **3.1 Premises Licence and Club Premises Certificates**

- 3.1.1 Applicants will be required to submit their application in the form detailed in regulations made under the Act. Applicants will be required to submit with their application for a premises licence, club premises certificate, provisional statement or a variation to their existing premises licence or club registration certificate, an Operating Schedule detailing:
- The licensable activities to be conducted on the premises
  - The times during which it is proposed that the relevant licensable activities are to take place
  - any other times when the premises are to be open to the public or to members of a club
  - Where the licence is required only for a limited period, that period
  - where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor and a copy of his or her personal licence
  - where the licensable activities include the sale of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both
  - The steps which the applicant proposes to take to promote the licensing objectives
  - All supporting documentation to satisfy the four licensing objectives
- 3.1.2 Applications will be determined in accordance with the Licensing Act 2003 and subordinate legislation having regard to:
- This Policy

- Guidance issued by the Home Office including the guidance made under section 182 of the Act
  - Any 'relevant representations' received (provided they are not determined by officers in consultation with the Chair or Vice Chair of Licensing Committee) to be frivolous or vexatious)
- 3.1.3 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold, however the Licensing Authority would expect that details of where the DPS can be contacted would be available at the premises. The Premises Licence will specify the name of the DPS and it is the responsibility of the licensee to notify the Licensing Authority immediately of any change of the DPS.
- 3.1.4 "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 3.1.5 The Secretary of State considers that the following factors should be relevant in considering whether or not an authorisation has been given:
- The person(s) authorised to sell alcohol at any particular premises should be clearly identified;
  - The authorisation should have specified the acts which may be carried out by the person being authorised;
  - There should be an overt act of authorisation, for example, a specific written statement given to the individual being authorised to supply alcohol; and
  - There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 3.1.6 The Secretary of State strongly recommends that personal licence holders give specific written authorisations to individuals that they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sale over unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 3.1.7 The form of any written authorization is a matter for the personal licence holder, but the Licensing Authority would recommend that it should satisfy the criteria listed in the paragraph above. Written authorisation is not a requirement of the Act and its absence alone could not give rise to enforcement action.
- 3.1.8 The Licensing Authority reminds Designated Premises Supervisors that the mandatory licence conditions require relevant premises to hold an age verification policy in relation to the sale or supply of alcohol and further they now also provide that the Designated Premises Supervisor is legally responsible for ensuring that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

## **3.2 Adult Entertainment**

- 3.2.1 The Licensing Authority expects all applicants to complete the 'Adult Entertainment' Box of the application form which requires details of any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. If there are to be no such entertainments, services, activities or other matters then the form should state that clearly. The Licensing Authority may return, for amendment, any application which is incomplete in this material area.
- 3.2.2 Applicants should note that the Licensing Authority will attach a 'no adult entertainment' condition to licences when the application indicates that there will be no such entertainment provided.
- 3.2.3 In accordance with the Home Office Guidance to Licensing Authorities, this Authority expects all applicants to make enquiries about the specific area in which the licensed premises is, or is to be, situated. This includes, for example, the proximity to residential properties, areas where children congregate and any risk posed to the local area by the proposed licensable activities. Applicants will be expected to demonstrate this knowledge in their application and accompanying operating schedule.

## **3.3 Large Scale Events of More than 500 People**

- 3.3.1 Organisers of major festivals and carnivals should approach the Licensing Authority at the earliest opportunity to discuss arrangements for the licensing of those activities falling under the 2003 Act. In respect of some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. Anyone wishing to hold such an event should notify the Licensing Authority no less than 6 months before the event is due to happen. This will allow time for the preparation of a substantial operating schedule, by the applicant, about which the Licensing Authority will offer advice and assistance. If appropriate, the Licensing Authority will act as a co-ordinating body for preliminary input from the responsible authorities prior to formal notification about the event in appropriate cases by the formulation of a Safety Plan by the Lincolnshire Safety Advisory Group, a group made up of representatives from the Police, Fire, Health and Safety, Highways, District Councils and Ambulance service.

## **3.4 Personal Licences and Designated Premises Supervisors**

- 3.4.1 Personal Licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying-on of that activity. The Licensing Authority strongly encourages Premises Licence holders where alcohol is being sold to ensure that there are sufficient Personal Licence holders for the premises to ensure adequate supervision of the sale of alcohol.
- 3.4.2 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts. The requirement to renew a personal licence was removed from the Licensing Act 2003 by the Deregulation Act 2015. While personal licences

issued before the 2015 Act have expiry dates, these licences will remain valid and such dates no longer have an effect. Once granted, the licensing authority which issued the licence remains the “relevant licensing authority” for it and its holder, even though the individual may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing licensing authority.

- 3.4.3 Every premises licence that authorises the sale of alcohol will require that every supply of alcohol under that licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence.
- 3.4.4 The Licensing Authority will require one of the Personal Licence holders to be a Designated Premises Supervisor (DPS) at premises where alcohol is sold (premises with Club Premises Certificates are exempt from this requirement and Community Premises e.g. Village Halls can apply to remove the requirement). The main purpose being to ensure that there is always one specified individual who can be readily identified as responsible for the day-to-day management of the business at the premises.
- 3.4.5 The Licensing Authority will expect the DPS to have been given day-to-day responsibility for running the premises by the holder of the Premises Licence.

### **3.5 Temporary Event Notices**

- 3.5.1 Certain temporary events are not required to be licensed, although they must be notified to the Licensing Authority, Lincolnshire Police and the WLDC Environmental Protection Team. The Licensing Authority strongly encourages event organisers to submit TENs notifications as soon as reasonably practicable to enable the Police, Environmental Health and the Licensing Authority to work with them to identify and reduce the risk of any issues in relation to the licensing objectives.
- 3.5.2 The Licensing Authority recommends, but cannot insist, that for normal events at least 20 working days notification be given (the legal requirement is 10 working days). Although only the Police and Environment Health Officers can object to TENs, organisers of events where there may be significant numbers of people or may have an impact on the road network or public safety are encouraged to consult with relevant authorities at an earlier stage. In calculating working days we do not count the day of receipt of the Notice, the day of the event, bank holidays or weekends.
- 3.5.3 There are two types of Temporary Event Notice, Standard and Late.

TENs are subject to the following conditions and limitations: -

- The duration for each event is limited to a period of up to 168 hours.
- The event involves the presence of not more than 499 people at any one time.
- The same premises can be used for up to 15 occasions in one calendar year but the aggregate number of days must not exceed 21.
- A personal licence holder is limited to 50 TENs (of which 10 may be ‘Late’) per calendar year.

- A person not holding a personal licence is limited to five TENs (of which 2 may be 'Late') per calendar year.
- Notification of standard TENs must be at least 10 working days before the event. A 'Standard' TEN submitted with less than 10 working days, but more than 4 working days will be treated as a 'Late' TEN.

- 3.5.4 Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Licensing Authority, must also be sent by the premises user to the Police and the Environmental Health Officer. A TEN given less than five days before the event to which it relates will be returned, the activities to which it relates will not be authorised. In calculating working days we do not count the day of receipt of the Notice or the day of the event.
- 3.5.5 The Licensing Authority considers, although it cannot insist, that Late TENs ought not to be used for routine applications but for unplanned changes outside the control of the premises user, for example to change the venue at short notice. This is because of the restrictions of the statutory limits and the consequences should an objection be lodged.
- 3.5.6 The Police and the Council's Environmental Health Officers are the only bodies who may make representations to a TEN. They can object on grounds that allowing the event to proceed would undermine any one of the licensing objectives. Where objections are received to a Standard TEN the matter will be put before the Licensing Sub-Committee at a hearing. The Sub-Committee may decide to:
- Allow the TEN to go ahead
  - Reject the TEN
  - If the premises already has a premises licence which authorises the sale of alcohol the Sub Committee may allow the TEN but impose some, or all, of the conditions on the premises licence onto the TEN if appropriate
- 3.5.7 In relation to the last point above – the Licensing Authority has delegated powers to Officers to issue a TEN with conditions attached (without the need for a licensing hearing) – provided all parties agree to the attachment of the conditions. *(NB the Licensing Authority has not yet formally delegated this power, if the delegation is not made it will be removed from the final policy).*
- 3.5.8 The Police and Environmental Health Officer have a period of three working days from when they are given the notice to object to a TEN. If there is an objection from either the Police or local authority exercising environmental health functions to a Late TEN, the event will not go ahead. In these circumstances there is no scope for a hearing or the application of existing conditions, nor is there a right of appeal.

## 4. Licensing Hours

- 4.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an



important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport.

- 4.2 As far as the Licensing Authority's overall approach to licensing hours is concerned it is not intended that any form of zoning will be introduced. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on town centres than is appropriate, and can lead to increased disorder and nuisance.
- 4.3 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to receiving valid, relevant representations, a limitation on licensing hours may be appropriate.
- 4.4 In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, certificate or provisional statement stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises which are situated in largely residential or sensitive areas.

## **5. Licensing Objectives**

- 5.0.1 Each of the four licensing objectives is of equal importance and no one objective will take precedence over the others whilst considering applications. The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff in the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule. The West Lindsey Community Safety Partnership Codes of Practice for the Gainsborough Evening Economy may be of some assistance in ensuring that premises are well managed and operated. The Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.
- 5.0.2 The Licensing Authority reminds applicants of the requirement for them to demonstrate a detailed knowledge of the local area in which their premises is, or is to be located. This knowledge should be translated into the content of their risk assessments.

### **5.1 Prevention of Crime and Disorder**

- 5.1.1 The Licensing Authority will carry out its licensing functions with a view to promoting the prevention of crime and disorder and will seek to ensure that licensees take measures to regulate the behaviour of persons whilst on their premises, or in the immediate vicinity of the premises.
- 5.1.2 In addition to the requirement for the Licensing Authority to promote this licensing objective, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to



exercise its functions with due regard to the likely effect of the exercise of those functions on, and do all it reasonably can to prevent, crime and disorder in the District.

5.1.3 The Licensing Authority recommends applicants to include in their operating schedules the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

5.1.4 Examples of measures the Licensing Authority encourage applicants to consider and address include

- Physical security features e.g. use of toughened or plastic drinking glasses; or alternatives, as outlined in the National Alcohol Strategy
- Procedure for risk assessment of alcohol promotions to ensure they do not promote irresponsible drinking or potentially breach the mandatory condition on irresponsible drinks promotions
- The use of Security Industry Authority (SIA) registered door supervisors
- Amount of seating to be provided to reduce high volume vertical drinking
- Training given to staff in crime prevention and drug awareness measures
- Measures agreed with the Police to reduce crime and disorder
- Measures to prevent the use or supply of illegal drugs;
- Search procedures
- Participation in an appropriate Radio Link Scheme
- Formulation of a dispersal policy
- Measures to prevent customers taking bottles and glasses etc. away from licensed premises
- Training given to staff to prevent the sale of alcohol to those who are under age or appear drunk

5.1.5 CCTV remains one of the most effective measures for reducing crime and disorder. The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police.

## **5.2 Public Safety**

5.2.1 The Licensing Authority will carry out their licensing functions with a view to promoting public safety and will seek to ensure that licensees/certificate holders/designated premises supervisors take measures to protect the safety of performers and persons attending licensable activities. The risk to public safety will vary according to the type of premises and the activities carried out.

5.2.2 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety.

5.2.3 Depending on the individual style and characteristics of the premises and/or events the following issues may be of relevance:

- Suggested occupancy figures (including staff and performers)
- Use of equipment

- Levels of door supervision
- Measures to prevent the supply and use of illegal drugs
- Physical safety features e.g. use of toughened glass, polycarbonate and plastic containers
- Fire evacuation procedures
- Provision of CCTV
- For Large Scale Events regard should be had for the work of Lincolnshire Safety Advisory Group (S.A.G.)

5.2.4 The Licensing Authority would advise applicants applying for permissions to stage events which are likely to draw in large numbers of people and/or have an impact on the road network to have consulted with those authorities concerned with public safety and in particular with the Lincoln Events Safety Advisory Group (SAG) and Highways Authority.

5.2.5 SAG is not a responsible authority but is made up from representatives from bodies concerned with public safety; some of which are responsible authorities. Applicants are advised that the planning and consultation with SAG should commence at an early stage and on particularly large events promoters/organisers should commence consultation at least a year in advance of the event.

5.2.6 It is also advisable for applicants to read the guidance for large scale events titled HSG 195, The Event Safety Guide (for health, safety and welfare at music and similar events) commonly known as the Purple Guide.

5.2.7 The occupancy capacity for premises, and events as appropriate, is a fundamental factor in the achievement of the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). The Licensing Authority recommends the issue of occupancy capacity (including staff and performers) to be considered and addressed within the premises' fire risk assessment.

5.2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include but are not limited to:

- The nature of the premises or event,
- The nature of the licensable activities being provided,
- The provision or removal of such items as temporary structures, such as a stage, or furniture,
- The number of staff available to supervise customers both ordinarily and in the event of an emergency,
- The customer profile,
- Availability of suitable and sufficient sanitary accommodation,
- Nature and provision of facilities for ventilation.

5.2.9 The agreement to a capacity for premises or events should not be interpreted as a requirement in all cases to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without the need to resort to such

measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant is advised to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

- 5.2.10 It will be the responsibility of licence/certificate holders/designated premises supervisors to ensure they have complied with all Health and Safety legislation.
- 5.2.11 Applicants are strongly recommended to have undertaken full risk assessments of the premises, including fire risk assessments, which are a continuous process and as such must be monitored and audited. New and existing control measures should be maintained to make sure they are still working effectively.

### **5.3 Prevention of Public Nuisance**

- 5.3.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.3.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3.3 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant’s operating schedule.
- 5.3.4 When addressing the issue of prevention of public nuisance, applicants are encouraged to demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
- The location of premises and proximity to residential and other noise sensitive premises , such as hospitals, hospices and places of worship
  - The hours of opening, particularly between 23.00 and 07.00
  - The nature of the activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises
  - The design and layout of the premises and in particular the presence of noise limiting features
  - The occupancy capacity of the premises
  - ‘wind down period’ between the end of the licensable activities and the closure of the premises; or formulation of a dispersal policy
  - Last admission time
  - The availability of public transport
  - The availability of parking and access to such parking

- The impact of service vehicles, particularly outside of business operating hours. e.g. delivery vehicles, waste and bottle collection etc.

5.3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises,
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly,
- Provision of CCTV,
- Control of operating hours for all or parts (e.g. garden areas) of the premises, including such matters as deliveries,
- Adoption of best practice guidance relating to noise prevention (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics),
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices,
- Management of people, including staff and traffic (and resulting queues) arriving and leaving premises,
- Sighting of external lighting, including security lighting,
- Management arrangements for collection and disposal of litter,
- Effective ventilation systems to prevent nuisance from odour,
- Undertaking noise impact assessments,
- Signage requiring customers to leave the premises in a quiet and orderly manner.

## 5.4 Protection of children from harm

5.4.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls or centres and schools. Except as prohibited by law, access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so to protect them from harm.

5.4.2 When deciding whether to limit access to children, other than in circumstances where the law demands their access to be limited, applicants/licence/certificate holders should consider the activities carried on at the premises. Examples which may give rise to concern in respect of children would include premises:

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

- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- 5.4.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.
- 5.4.4 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then following the receipt of relevant representations conditions may be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm. Where the Licensing Authority considers it appropriate following the receipt of relevant representations it may require the adult supervisors (being persons over the age of 18) to be subject to an enhanced Disclosure & Barring Service check (DBS). The onus will be on the premises licence holder to ensure, where required, these checks have been undertaken and the persons are suitable to carry out the supervision of children, which may include criminal record disclosure from the Disclosure & Barring Service.
- 5.4.5 The options available for limiting access by children would include:
- Limitations of the hours when children may be present
  - Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place
  - Limitations on the parts of premises to which children might be given access;
  - Age limitations (below 18)
  - Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
  - Full exclusion of those people under 18 years of age from the premises when any licensable activities are taking place
- 5.4.6 The Licensing Authority will not impose any condition that specifically requires access for Children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder/certificate holder or designated premises supervisor.
- 5.4.7 Where licence holders wish to employ children they should ensure that the legislation regarding this matter is complied with and any appropriate permits to work have been obtained. Further information on the requirements of this legislation is available from the Lincolnshire Safeguarding Children Board.
- 5.4.8 In respect of premises licensed for the sale of alcohol, the Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
- 5.4.9 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting them from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Licensing Authority is

especially mindful that it must always consider the need to protect children from sexual exploitation.

- 5.4.10 The general relaxation in the Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. This relaxation places additional responsibilities upon licence holders but the Authority acknowledges that parents and other adults accompanying children also have responsibilities.
- 5.4.11 The sale of alcohol to children and young persons under the relevant age is a criminal offence, often resulting in harm to the children and young persons concerned and disturbance and nuisance to local residents and businesses. In an effort to avoid inappropriate representations & subsequent hearings applicants are encouraged to detail adequate control measures in their operating schedule to prevent under-age sales. The Licensing Authority recognises that Lincolnshire County Council Trading Standards Service, as part of its responsibilities and duties under the legislation controlling the sale of age restricted products, including alcohol, provides advice and guidance on the controls and systems that may be adopted to help prevent such sales. The Licensing Authority also recognises that in liaison with the Police, the Trading Standards Service conducts covert test purchasing exercises to check compliance with the law. The Licensing Authority commends the adoption of Proof of Age Schemes such as the Challenge 21 scheme or other similar approved schemes.
- 5.4.12 Mandatory conditions require the adoption of a proof of age scheme. The Licensing Authority commends a scheme such as the British Retail Consortium's Proof of Age Standards Scheme (PASS), the "Challenge 21" scheme, "Challenge 25" scheme or any locally or nationally approved scheme. All staff engaged in the sale or supply of alcohol should be fully trained in the application of any policy adopted.
- 5.4.13 The Designated Premises Supervisor at a licensed premises is legally responsible for ensuring that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
- a. a holographic mark, or
  - b. an ultraviolet feature.

The body responsible for the interests of children is:

The Lincolnshire Safeguarding Children Board which is contactable through Lincolnshire County Council.

## **6. Cumulative Impact**

- 6.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. The issue

of 'need' is therefore a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.

- 6.2 The Licensing Authority may receive representations from either a responsible authority or an other person, (both defined by the Act), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application.
- 6.3 The Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the local community.
- 6.4 The decision to include a special policy within this policy will be evidentially based. The steps that will be followed in considering whether to adopt a special policy are:
- Identification of concern about crime and disorder or public nuisance
  - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which the problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent
  - Consultation with those specified by section 5(3) of the 2003 act as part of the general consultation required in respect of the whole statement of licensing policy
  - Subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of the guidance issued under section 182 of the 2003 act in the statement of licensing policy
  - Publication of the special policy as part of the statement of licensing policy required by the 2003 act
- 6.5 Any saturation policy is not absolute, and the circumstances of each application will be considered properly.
- 6.6 There are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include:
- planning controls
  - positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others
  - the provision of CCTV surveillance in urban centres, ample taxi ranks, provision of public conveniences open late at night, and effective street cleaning

- powers to designate parts of the District as places where alcohol may not be consumed publicly
- confiscation of alcohol from adults and children in designated areas
- police enforcement of the general law with regard to disorder and anti-social behaviour, including the issue of fixed-penalty notices
- 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 police, other responsible authorities, local businesses or residents to seek a review of the licence or certificate in question
- enforcement action against those selling alcohol to people who are already drunk
- Directions to leave under section 27 of the Violent Crime Reduction Act 2006.

6.7 The Licensing Authority may address a number of these issues through the Community Safety Partnership and County Licensing Group in line with the strategic objectives for crime and disorder reduction within the District.

## **7. Nudity and Striptease**

7.1 Where the activities specified in an operating schedule include adult entertainment the Licensing Authority, subject to receiving a relevant representation, will take into consideration the increased risk to the promotion of the Licensing Objectives. In particular, the Council will expect the applicant to have given additional thought to the promotion of the Licensing Objectives. (See section 6.5 – Protection of Children).

7.2 Whilst it is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature, the Licensing Authority considers that such entertainment would include topless bar staff, striptease, lap, table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

7.3 This Authority has adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that it can licence sexual entertainment venues in the District.

7.4 The Licensing Authority recognises that some premises providing sexual entertainment may not be providing the entertainment at a frequency which requires the premises to be licensed as a sexual entertainment venue. Where such premises are providing (or intending to provide) striptease or any other kind of nudity (for example, pole or lap dancing or topless waitresses) the Licensing Authority, subject to receiving a relevant representation, will take into consideration the increased risk to the promotion of the licensing objectives. In particular, the Licensing Authority encourages applicants to have given additional thought in their operating schedule to the promotion of the licensing objectives.

7.5 Where premises licence applications include striptease or any other kind of nudity, the Licensing Authority will (on the receipt of relevant representations) have particular regard to the location of the premises in relation to places of religious



worship or instruction, schools, youth clubs, nurseries, children's centres or other premises where significant numbers of children are likely to attend. With regard to location the Licensing Authority will give close scrutiny to those applications, which are in close proximity to the aforementioned premises or outside a major town centre

7.6 In order to promote the licensing objectives, where the Licensing Authority grants premises licences that include striptease or any other kind of nudity it will generally (following the receipt of relevant representations) impose conditions relating to the following issues:

- The location within the premises where the activity takes place.
- The absence of advertising the activities outside the premises.
- The measures taken to ensure no person under 18 years of age enters the premises whilst adult entertainment is taking place.
- The measures taken to ensure that the activities inside the premises cannot be seen from outside the premises.
- The position of the performers' dressing rooms in relation to the area in which they perform.
- Absence of physical contact between performers and customers.
- Absence of private booths or private performance areas.
- Means by which potential customers will be made aware of the nature of the performance.
- Stewarding arrangements.

7.7 Where a premises has a licence issued under the 2003 Act and a sex entertainment venue licence issued under the Local Government (Miscellaneous Provisions) Act 1982 and there are similar conditions on both licences, the more onerous will apply.

## **8. General Matters**

### **8.1 Regulated Entertainment**

8.1.1 The Licensing Authority is keen to encourage the performance of music and other entertainment at local venues and welcomes the changes to the 2003 Act which aim to facilitate such local activities. The cumulative effects of the deregulatory changes mean that no licence is required for the following activities:

- Live unamplified music anywhere between 0800-2300hrs
- Live amplified music in licensed premises and workplaces between 0800-2300hrs as long as the audience does not exceed 500.
- Recorded music between 0800-2300hrs in on-licensed premises provided the audience does not exceed 500.
- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the

screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

8.1.2 Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor.

8.1.3 An authorisation for regulated entertainment is always required for entertainment activities that take place before 08.00 or after 23.00, unless exempted under any other provision of the 2003 Act. Applicants should always consult the Licensing Authority if there is any doubt about licensing requirements.

8.1.4 Any Licence conditions imposed for live or recorded music activities will only apply if the activity has:

- more than 500 people present, and/or
- the activities are taking place between 23.00hrs and 08.00hrs.

8.1.5 These conditions will, in effect, be suspended between 08.00hrs and 23.00hrs if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

8.1.6 The Authority also acknowledges that the changes aim to strike a balance between the management of risks and regulatory burdens. The Licensing Authority is also mindful that anyone involved in the organisation or provision of entertainment activities whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

8.1.7 The Licensing Authority can remove the effect of the deregulation following a licence review and make live and recorded music in licensed premises licensable.

8.1.8 The Licensing Authority is aware that the comprehensive changes, whilst designed to reduce red tape, can be a source of confusion. In case of doubt when deciding if an activity is licensable organisers are urged to check with the Authority. Each case will be judged on its own merits. Karaoke is live music.

## **8.2 Early Morning Restriction Orders (EMROs)**

- 8.2.1 EMROs can be introduced by the Licensing Authority for any part of the District where it is considered that restricting the sale of alcohol between Midnight and 6am is appropriate to promote the four licensing objectives. It can apply either every day or for certain days, and for an unlimited or time-limited period.
- 8.2.2 Prior to introducing an EMRO, the Authority must consult directly with the Responsible Authorities, licensed premises and more widely with residents and other parties likely to be affected. Any representations must be made within a 28-day period and be considered by the relevant Licensing Committee; the EMRO itself must be endorsed by the full Council. Once introduced, the EMRO will make it an offence to sell alcohol during the times specified in the order, whether under a premises licence, club premises certificate or TEN (subject to certain specified exceptions).
- 8.2.3 The Licensing Authority does not, at this time, envisage the need for an EMRO in the District and so any consultation in relation to the possible introduction of an EMRO or decision to implement an EMRO will be undertaken separately.

## **8.3 Late Night Levy (LNL)**

- 8.3.1 Late night levies allow Licensing Authorities to charge a levy on persons who are licensed to sell alcohol late at night to contribute towards the policing costs generated by the late night economy. Any revenue must be shared between the Licensing Authority and the Police.
- 8.3.2 A consultation process is required before introducing a LNL. The consultation process will include the Police, licence holders and others. Unlike EMROs a LNL will not apply to TENs.
- 8.3.3 The legislative provisions for the LNL are not part of the Licensing Act 2003 so this is not, therefore, an issue directly related to this Policy. Like EMRO's there are no current plans to consider introducing a LNL.

## **8.4 Outdoor Furniture and Street Café Licences**

- 8.4.1 The Licensing Authority will (on the receipt of relevant representations) carefully consider any application for a premises licence where outdoor tables and chairs are to be provided. In particular the Licensing Authority will consider the premises in the context of their location, the hours during which the premises are to be open, the proposed licensable activities and proposals for control of tables and chairs outside the hours of operation. Where appropriate, licence holders should ensure that they have an agreement (street café licence) with Lincolnshire County Council to use the public footway for the provision of tables and chairs.

## **8.5 Smoke Free Legislation**

- 8.5.1 The Licensing Authority is aware that with the introduction of smoke free legislation there are a small number of licensed premises in the District that are unable to provide external smoking areas due to the layout and constraints of the particular licensed establishment. The Licensing Authority is aware that the congregation of patrons on the public highway outside the premise, who have temporarily vacated the premise in order to smoke, may in certain circumstances, lead to public nuisance issues. This is particularly the case where customers remain outside for some considerable period of time and consume alcohol immediately outside the premise as well as smoking. Licence holders should therefore ensure that appropriate measures are in place where appropriate to minimise public nuisance as a result of customers congregating outside the premise. Where applications for review are received the Licensing Authority may consider measures to negate public nuisance in the immediate vicinity of the premise.

## **8.6 Late Night Refreshment**

- 8.6.1 With regard to premises providing late night refreshment for consumption off the premises, the Licensing Authority will (on the receipt of relevant representations) carefully consider the level of nuisance likely to be caused by way of noise and litter/food refuse being deposited in the vicinity of the premises. Applicants should consider proposing practical steps in their operating schedule to reduce the likelihood of such problems.

## **8.7 Designated Premises Supervisor**

- 8.7.1 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. Because of this the Licensing Authority will normally expect that the DPS for a licensed premise will be able to demonstrate that they are in day to day control of the premises and playing an active role in its operation through a regular personal presence.

## **8.8 Review of Premises Licences and Club Premises Certificates**

- 8.8.1 A review of premises licences or club premises certificates is a means available to responsible authorities and other persons to examine the operation of the premises when it become problematic and is putting the licensing objectives at risk. The Licensing Authority will consider the full range of powers available to it when an application for review of a licence or certificate is heard. It will however be mindful of the need to prevent the review process being used as an opportunity by Responsible Authorities and Other persons to re-run earlier representations without due cause. The power to review premises licences/certificate represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives. Reviews of licences/certificates may be triggered at any stage by Responsible Authorities or Other persons due to a matter arising at the licensed premises and relating to one of the four licensing objectives. Reviews will become appropriate following the service of a closure order. It is the Licensing Authority's

belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews should therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

- 8.8.2 This Authority emphasises the importance of all parties working in partnership to achieve the promotion of licensing objectives; the Authority expects that Responsible Authorities will aim to give licensees early warning of any concerns identified at a premises.
- 8.8.3 The Licensing Authority is also a Responsible Authority under the Act. When acting as a Responsible Authority the Licensing Authority will, as far as is practicable, operate in accordance with the Home Office Guidance to Licensing Authorities in that there will be clear and identifiable separation of responsibilities. The Licensing Authority is able to initiate a licence review and to make representations about licence applications. The function of initiating a licence review is delegated to the Team Manager, Community Action Team, a post within the Localism Service of the Council. The Licensing Team, which serves the Licensing Authority, is a separate entity. The Team Manager, Community Action Team will initiate any premises reviews or make any relevant representations in relation to licence applications, whilst the Licensing Team will process applications and reviews and offer advice to the Licensing Authority.
- 8.8.4 The Licensing Authority does not, as a general rule, intend to act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups). Such parties can make relevant representations in their own right, and it is reasonable to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority considers that there are relevant grounds to make a representation then it may choose to act in its capacity as responsible authority.
- 8.8.5 The Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within their remit, For example, the Police where the representations are based on concerns about crime and disorder. Likewise, officers exercising environmental health functions should make representations where there are concerns about noise nuisance.
- 8.8.6 The Licensing Authority may choose to make representations in some circumstances, for example to bring together a number of minor unconnected complaints, that in themselves would not result in a representation from another Responsible Authority but when considered together may amount to a public nuisance. Likewise it could act to deal with breaches of licence conditions only witnessed by licensing officers.
- 8.8.7 Responsible Authorities and Other persons (e.g. local residents, local organisations and West Lindsey District Council Members) can apply for the review of a licence; the Licensing Authority itself acting as responsible authority can initiate the review process. The Authority's role will also be to administrate the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.
- 8.8.8 The Licensing Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be

proportionate to the problems involved. The steps the authority may take at a review hearing are:

- Modify (which includes adding deleting or altering) the conditions
- Excluding licensable activities from the licence/certificate
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding 3 months
- Revoke the licence/certificate
- Take no action

8.8.9 The Sub-Committee may also consider issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. If none of the above steps is considered appropriate the premises licence will remain in the form it was granted. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should seriously be considered.

## **8.9 Councillors as Other persons**

8.9.1 The definition of “other person”, in relation to the Licensing Act 2003, can include Councillors/Members. When acting as an other person Members will be aware of the role of the elected members in relation to licensing committee hearings and the Model Code of Conduct.

## **8.10 Town and Parish Councils**

8.10.1 The Licensing Authority recognises that Town and Parish Councils are bodies that are democratically elected to represent the views of their area. They are not Responsible Authorities under the Act but they are able to act as ‘other persons’ in their own right and also to represent the views of other parties when requested to do so.

## **8.11 Drinking Up Time/Chill Out Period**

8.11.1 It is recommended the hours during which premises are licensed to sell or supply alcohol and the opening hours of a premise are not the same and therefore applicants for premises licensed for the sale of alcohol for consumption on the premises are advised to consider a drinking up/cooling down period during which music volume (especially base beat) may be reduced, customers may consume their drinks, use the toilet facilities and make arrangements for transport from the premises. The Licensing Authority considers that this approach will assist in the gradual dispersal of customers and consequently reduce impact on the surrounding area.

8.11.2 The Licensing Authority will consider imposing a condition on drinking up time in individual cases where relevant representation(s) are made and it is considered that such a condition is appropriate in order to promote the licensing objectives in any individual case.

8.11.3 Applicants and licence holders are reminded that the provision of late night refreshment between the hours of 2300 and 0500 (with certain exceptions) is a licensable activity. As such the provision of late night refreshment must only take place by way of authorisation under the Licensing Act 2003.

## **8.12 Staff Training and safeguarding**

8.12.1 The licensing authority recognises the role that licensed premises play towards safeguarding and the protection of vulnerable persons. Safeguarding is not limited to children and young people, and vulnerability is an inherent part of the night time economy. Various training packages and resources exist which could help promote safeguarding awareness amongst staff members. This Authority recognises and supports initiatives such as Ask for Angela, the Welfare and Vulnerability Engagement (WAVE) Initiative and the work of Drinkaware. Furthermore the authority expects operators to be proactive in their approach to vulnerability in the night time economy.

## **8.13 Petrol Stations**

8.13.1 Section 176 of the Act states that any authorisation for the supply of alcohol in relation to a garage will have no effect if the premise is used primarily as a garage. It is for the Licensing Authority to decide in the light of the facts whether or not any premises are used primarily as a garage. The Licensing Authority will establish primary use based on an examination of the intensity of use by customers of the premises and not based on an examination of gross or net turnover.

## **8.14 Circuses**

8.14.1 Travelling circuses are now exempt from licensing in respect of any entertainment (excluding film shows, boxing or wrestling) which takes place there, provided that:

- It takes place within a moveable structure that accommodates the audience and;
- The circus has not been on the same site for more than 28 consecutive days.

## **8.15 Excessive Consumption of Alcohol/Binge Drinking/Irresponsible Drinks Promotions**

8.15.1 The Licensing Authority is acutely aware of the link between the supply of excessively discounted liquor or irresponsible drinks promotions and incidents of alcohol related disorder as well as the impact that excessive or binge drinking can have on public health. The Council as Licensing Authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.

8.15.2 Licence holders are reminded that the mandatory licence conditions require the responsible person at the licensed premises to take all reasonable steps to ensure that staff do not carry out irresponsible promotions. Irresponsible promotion means carrying on an activity (defined in the mandatory condition), which carries a

significant risk to the licensing objectives. When deciding whether a drinks promotion constitutes an irresponsible promotion the Authority will make specific reference to the guidance issued by the Home Office in relation to drinks promotions and the Authority will give appropriate weight to the Home Office document in its decision making process.

- 8.15.3 Irresponsible drinks promotions are likely to encourage excessive consumption or binge drinking and result in alcohol fuelled incidents of crime and disorder and implications for public safety, public nuisance and may expose children to risk of harm.
- 8.15.4 Any premises found to be promoting irresponsible drinks promotions (likely to have a negative effect on the licensing objectives) will be liable for prosecution. Responsible Authorities have stated that where evidence shows that a premises' alcohol drinks promotions are undermining one or more of the licensing objectives, then they may instigate a review of the licence.
- 8.15.5 When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association's document – Point of Sales Promotion Standards for the Management of Responsible Drinks Promotions, including happy hours. The Licensing Authority expects applicants to have regard to these issues when completing risk assessments or operating schedules.
- 8.15.6 Where relevant representations are made or reviews are requested on any individual case, the licensee will be expected to demonstrate to the Licensing Authority that appropriate measures are in place to ensure that promotions do not carry a significant risk to the licensing objectives.
- 8.15.7 On receipt of relevant representations, or review applications, from a Responsible Authority or Other person, which demonstrate a clear link between sales promotions and levels of crime and disorder or public nuisance on or in the vicinity of the premises, the Licensing Authority will seriously consider the status of the premises licence.
- 8.15.8 The Director of Public Health may be useful in providing evidence or making representations in respect of matters such as alcohol-related A&E admissions or ambulance service data that might be directly relevant to an application under the act.

## **8.16 Community Premises and Applications for the Removal of the Requirement for a Designated Premises Supervisor**

- 8.16.1 The Licensing Authority recognises that community premises may apply for the removal of the requirement for a Designated Premises Supervisor (DPS).
- 8.16.2 On receipt of an application requesting the removal of the two mandatory conditions relating to the need for a Designated Premises Supervisor, and sales of alcohol being authorised by a personal licence holder, the Licensing Authority will consider replacing those conditions with the following alternative condition:



- Every supply of alcohol under the premises licence must be made or authorised by the management committee

8.16.3 Such applications shall only be granted to 'community premises'. A Community Premises is defined as premises that are or form part of;

- a) a church hall, chapel hall or other similar building, or
- b) a village hall, parish hall, community hall or similar building

8.16.4 When considering whether a premises is a community premises the Licensing Authority will consider each application on its own merits. The main consideration for the Licensing Authority will be how the premises are predominately used. If they are genuinely made available and accessible by a broad range of persons and sectors of the local community, for purposes beneficial to the community as a whole, then the premises is likely to meet the definition. However if there is an aspect of private gain in relation to the operation of the premises then it is unlikely to be viewed as a community premises.

8.16.5 Before granting the dispensation from the requirement for a DPS the Licensing Authority will need to be satisfied that suitable arrangements are in place at the community premises in order to manage the supply of alcohol. Officers acting under delegated powers will undertake the initial scrutiny of applications. If Officers or the Police are not happy with the arrangements (and the applicant still wishes to proceed with the application) then the application will be considered by a Licensing Sub-Committee hearing.

8.16.6 All applications must be copied to the Police for comment and consultation. The Licensing Authority will allow the Police 28 days to make any representations.

8.16.7 The Licensing Authority will consider the management arrangements of the premises when considering applications for the removal of the requirement for a DPS. The management should be by a formal Management or Executive Committee, and the premises licence must be in the name of that committee. The Licensing Authority will need to be satisfied that the arrangements for the management of the premises are sufficient to ensure adequate supervision of the supply of alcohol on the premises. Any arrangements should normally include:

- The contact details of a responsible person or nominated contact to take any appropriate action should issues arise
- A written policy on how children and underage sales of alcohol will be managed. The policy should identify the offences under Sections 145 to 153 inclusive of Licensing Act 2003 in respect of children and alcohol
- An effective hiring agreement when the premises are hired for private events
- Provision of a Refusals Register
- Provision of Staff Training

8.16.8 Community premises should note that the Licensing Authority supports the Challenge 21 Scheme in order to combat the underage sales of alcohol and endorses the **Action with Communities in Rural England (ACRE)** model in relation to community premises hiring agreements.

8.16.9 The Licensing Authority would normally expect any hiring agreement to contain the following:

- The conditions of the premises licence
- The policy on underage sales
- A signed declaration that the hirer has read and understands his responsibilities in leasing the premises

8.16.10 The management board or committee, as premises licence holder, will collectively be responsible for ensuring compliance with the law.

8.16.11 If a representation is received from the Police requesting the imposition of the same mandatory conditions applicable to non-community premises, then the Licensing Authority will consider whether those conditions are appropriate to promote the crime prevention objective before granting or varying the licence. Where a review application is made in respect of a premises licence that includes the 'alternative condition', the Licensing Authority may determine that normal mandatory conditions should apply, and a Designated Premises Supervisor is required.

## **8.17 New Year's Eve and New Year's Day**

8.17.1 The Licensing Authority recognises that licensed premises are likely to wish to have extended operating hours over the period of New Year's Eve into New Year's Day. With this in mind applicants are encouraged to make provision for this period in their licence applications rather than perhaps relying on a Temporary Event Notice (TEN). If representations are made concerning the potential for noise disturbance during this limited period, the Licensing Authority's consideration will be balanced against the special nature of this particular time of the year.

## **8.18 Licence Suspensions – non-payment of annual fee**

8.18.1 Most Premises Licences and Club Premises Certificates attract an annual fee, the payment of which is due on the anniversary of the grant of the licence or certificate. The Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due, unless the payment was not made because of an administrative error, or a disputed liability for the fee notified before or at the time of the due date. In either of these cases there is a grace period of 21 days to allow the licensing authority and the licence holder the opportunity to resolve the dispute or error.

8.18.2 A dispute is one relating to liability to pay the fee at all or relating to its amount. In either case, the licence or certificate holder must notify the licensing authority of the dispute on or before the date on which the fee to which it relates becomes due.

8.18.3 There is no definition of "administrative error" in the 2003 Act, but it can include an error on the part of the licensing authority, the licence or certificate holder, or any other person. Therefore, "administrative error" will be given its plain, ordinary meaning. An example might be where post has been misdirected.

8.18.4 Where such a suspension takes place the Licensing Authority must give a minimum of two days' notice and may inform the police and other Responsible Authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee

irrespective of any transfer or hearing which may take place. The debt is owed by the licence holder who held the licence at the time it was suspended. However, it is likely that any new holder will make the payment. Where more than one payment year has been missed the outstanding fee in relation to each year will be required to reinstate the licence. Any non-compliance with a suspension notice may result in prosecution and also revocation of the licence.

- 8.18.5 The Licensing Authority urges licence holders to consider surrendering licences in cases where the licence is no longer active. This will avoid the accrual of annual fees.

## **8.19 Immigration Act 2016 – Entitlement to work**

- 8.19.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 8.19.2 The commencement of the Immigration Act 2016 made it a requirement for licensing authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.
- 8.19.3 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
- 8.19.4 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.
- 8.19.5 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The licensing authority will work in partnership with the Home Office (Immigration Enforcement) and Lincolnshire Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 8.19.6 The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

## **9. Conditions of Licence**

- 9.1 When considering conditions the Licensing Authority will look to the relevant responsible authorities to assist and advise on the appropriate measures to be taken.
- 9.2 The Licensing Authority does not propose to implement standard conditions of licence. It may draw upon the model pool of conditions issued by the Home Office

in Annexe D of the Guidance issued under Section 182 of the 2003 Act and attach conditions as appropriate given the circumstances of each individual case.

9.3 The Licensing Authority is aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a substantial nature.

9.4 The Licensing Authority is mindful that, additionally, any conditions which it attaches should be:

- Appropriate
- Proportionate
- Enforceable
- Precise, unequivocal and unambiguous
- Not duplicated by other statutory provisions
- Expressed in plain language capable of being understood by those expected to comply with them.

## **10. Enforcement**

10.1 Where relevant the Licensing Authority will establish protocols with the Police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises while applying a lighter touch approach in respect of low-risk premises.

10.2 In general, action will only be taken in accordance with the Council's own enforcement policy, which reflects the agreed principles which are consistent with the Enforcement Concordat. To this end the key principles of targeting consistency, transparency and proportionality will be maintained.

## **11. Review of Policy**

11.1 The Policy Statement will remain in existence for a period of 5 years and will be subject to review and further consultation before January 2026. However, following consultation, the Council may make revisions to it at such times as it considers appropriate.

## **12. Exchange of Information**

12.1 The Authority may from time to time exercise its powers under Section 115 of the Crime and Disorder Act 1998 to exchange data and information with the Police and other partners to fulfil its statutory objective of reducing crime in the area.

### **13. Advice and Guidance**

- 13.1 Further guidance information and advice on the licensing process can be obtained by contacting the District Council's licensing team at:

Licensing  
West Lindsey District Council  
Guildhall  
Marshalls Yard  
Gainsborough  
Lincolnshire  
DN21 2NA

Tel: 01427 676676

Email: [licensing@west-lindsey.gov.uk](mailto:licensing@west-lindsey.gov.uk)

This policy has been prepared having undertaken an equality impact assessment.

### **14. Delegation of functions**

- 14.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established Sub-Committees to deal with them.
- 14.2 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications including, for example, those licences and certificates where no representations have been made, has been delegated to Officers.
- 14.3 The table shown at Appendix 1 of this Policy sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or to the Full Committee, if considered appropriate in the circumstances of any particular case.
- 14.4 The function of the Licensing Authority when acting as a Responsible Authority will be undertaken by The Communities Manager.

**Delegation of Functions**

The delegation of functions in relation to licensing matters are as follows:

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Sub Committee</b>	<b>Chief Executive</b>
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application for to vary premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	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 (in consultation with either Chair or Vice Chair of Licensing Committee)
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

Determination of a police or environmental protection objection to a temporary event notice		All cases	
Acknowledgement of a Temporary Event Notice			All cases
Determination as to whether or not a premises is used primarily as a garage (Section 176 of the 2003 Act)		All other cases	Where Officers are of the opinion that the premises meet the requirements of Section 176.
Determination of an application for the minor variation of a premises licence.			All Cases
Application by a Community Premises for the disapplication from the requirement for a DPS.		All other cases	Where Officers are of the opinion that the premises meet the required standard and there have been no objections by Lincolnshire Police.
Decision to add existing premises licence conditions to TEN where objections made, provided all parties agree			All cases

(This summary is for information purposes only and does not form part of the Statement of Policy. The delegations may be amended at any time without further consultation).

The Licensing Sub-Committee shall consist of a minimum of three Members.

### Definitions and Glossary

#### Premises Licence

A Premises Licence / Club Premises Certificate is required in respect of any premises that are to be used for one or more of the licensable activities. These include:

- a) The sale of alcohol by retail
- b) The supply of alcohol by or on behalf of a club
- c) The provision of Regulated Entertainment
- d) The provision of late night refreshment

#### Regulated Entertainment

Regulated Entertainment is entertainment that is provided to members of the public, to members of a qualifying club and is an event held with a view to profit. This includes:

- a) The performance of a play
- b) The exhibition of a film
- c) The holding of an indoor sporting event
- d) Boxing or wrestling entertainment
- e) The performance of live music
- f) The playing of recorded music
- g) The performance of dance
- h) The provision of late night refreshment
- i) Anything similar to live music, recorded music or dance

#### Personal Licence

Personal Licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying-on of that activity.

The Deregulation Act 2015 abolished the requirement for Personal Licences to be renewed, accordingly from 1 April 2015 they will be valid indefinitely.

#### Major Variation (to Premises Licence)

Such as, for example, in connection with extending the hours or days of trading, or making major structural alterations.

#### Minor Variation (to Premises Licence)

This process can be used to make minor variations to existing Premises Licences and Club Premises Certificates issued under the Licensing Act 2003 and can include:

- Minor changes to the structure or layout of a premises.
- Small adjustments to licensing hours.



- Conditions: removal of irrelevant or unenforceable conditions.
  - Licensable activities: adding certain licensable activities, including live music
- Community Premises

The legislation defines these as premises that are or form part of:

- a church hall, chapel hall or other similar building
- a village hall, parish hall community hall or other similar building

#### Cumulative Impact

Means the potential impact on the promotion of the Licensing Objectives of a significant number of premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town of a large concentration of licensed premises in that part of the West Lindsey District.

#### Responsible Authority

The term 'Responsible Authority' includes public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a licence. For all premises, these include the Chief Officer of Police; the local Fire Authority; the Licensing Authority, the local enforcement agency for Health and Safety at Work; West Lindsey District Council's Environmental Protection and Planning teams and the Lincolnshire County Council's Child Protection Committee/Social Services Department, Director of Public Health and the Home Office.

#### Officer (of the Council)

The term, when used in this Policy document, refers to an employee of West Lindsey District Council operating under the delegated authority of the Council to undertake its regulatory functions, including that of licensing.

**If you would like a copy of this document in large print, audio, Braille or in another language:  
Please telephone 01427 676676 or email  
[customer.services@west-lindsey.gov.uk](mailto:customer.services@west-lindsey.gov.uk)**



West Lindsey District Council  
Guildhall, Marshall's Yard  
Gainsborough  
Lincolnshire, DN21 2NA



**Council**

**Monday, 2 November 2020**

**Subject: APPOINTMENTS ON SUB-COMMITTEES, BOARDS AND OTHER BODIES (INCLUDING OUTSIDE BODIES) AND THE RE-ALIGNMENT OF COMMITTEE CHAIRMANSHIPS**

Report by:

Director of Corporate Services and Monitoring Officer

Contact Officer:

Alan Robinson  
Director of Corporate Services and Monitoring Officer  
alan.robinson@west-lindsey.gov.uk

Purpose / Summary:

This report seeks to realign a number of previously made appointments on sub-committees, boards and other bodies (including outside bodies). The report also seeks to amend some Committee Chairmanships / Vice Chairmanships. These amendments are made arising from the change in Leadership and at the request of the Administration.

**RECOMMENDATION(S):**

- 1) That Council be aware of the positions which will automatically transfer to the new Leader, as set out in Section 2.1 of this report;**
- 2) That the persons named in section 3.3 be appointed to the positions stated.**
- 3) That Membership on the APSE National Council (Lincolnshire Representative) be approved as a formal outside body and be aligned to the Office of Leader.**

## IMPLICATIONS

### Legal:

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

### Financial : FIN/98/21/TJB

Travel and subsistence is payable for outside body meetings but can be met from within existing budgets

### Staffing :

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

### Equality and Diversity including Human Rights :

*NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).*

### Data Protection Implications :

### Climate Related Risks and Opportunities:

### Section 17 Crime and Disorder Considerations:

### Health Implications:

### Title and Location of any Background Papers used in the preparation of this report :

*Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.*

### Risk Assessment :

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## 1 Background / Summary

- 1.1 Whilst the resignation of the former Leader has resulted in a change in Leadership it has not necessitated the need for a re-calculation of political balance nor the need to fully re-appoint to the numerous sub-committees, boards and other bodies (including outside bodies).
- 1.2 However there are a number of positions that are automatically assigned to the Office of Leader; these are detailed at Section 2, and Council are asked to be aware of the positions which are being re-assigned.
- 1.3 The Constitution also recommends that the Leader of the Council should hold the Chairmanship of the Corporate Policy and Resources Committee (or his nominee), and that the Leader should be a Member of the Chief Officer Employment Committee (or his nominee). The Administration have indicated their intention to use the “nominee option” granted by the Constitution. Whilst the seats sit within the allocation of the Administration, changes in Chairmanships or Committee Memberships do need to be approved by Full Council and these are detailed at Section 3 of the report
- 1.4 Finally the report asks Council to formalise West Lindsey’s representation on the Association for Public Service Excellence (APSE) National Council (Lincolnshire Representative) as a recognised outside body. Further detail is contained in Section 4.

## 2 Positions automatically allocated to the Leader

- 2.1 The following positions are automatically assigned to the Leader of the Council:

Type of Appointment	Name of Body
Outside Body	District Councils Network
Outside Body	East Midlands Council
Outside Body	LGA General Assembly
Outside Body	Central Lincolnshire Joint Strategic Planning Committee (full member)
Working Group	Scampton Local Infrastructure Group

- 2.2 The Head of Paid Service has delegated authority within the Constitution to fill any Outside Bodies that become vacant within year and therefore **Council are simply asked to note that these appointments will be assigned to the new Leader.**

### **3 Committee Chairmanships / Vice-Chairmanships**

- 3.1 The Constitution recommends that the Leader of the Council should hold the Chairmanship of the Corporate Policy and Resources Committee (or his nominee), and that the Leader should be a Member of the Chief Officer Employment Committee (or his nominee).
- 3.2 As indicated in Section 1, the Administration have indicated their intention to use the “nominee option” granted by the Constitution.
- 3.3 The arising changes are detailed in the table below:

Chairman of Corporate Policy and Resources Committee	Councillor Anne Welburn
Vice-Chairman of Corporate Policy and Resources Committee	Councillor Paul Howitt-Cowan
Vice-Chairman of Chief Officer Employment Committee	Councillor Owen Bierley

- 3.4 Whilst the seats sit within the allocation of the Administration, changes in Chairmanships or Committee Memberships do need to be approved by Full Council. Council are therefore asked to approve the appointments.

### **4. Membership on the APSE National Council (Lincolnshire Representative)**

- 4.1 The Council has, for a number of years, had representation on the above body.
- 4.2 Council are asked to approve that representation on the APSE National Council (Lincolnshire Representative) be approved as a formal outside body.
- 4.3 Due to the nature of the role Council are asked to agree that the appointment should be aligned to the Office of Leader.