



Meeting	Council
Date and Time	Wednesday, 17th January, 2024 at 6.30 pm .
Venue	Council Chamber, Castle Hill, Winchester SO23 8UL

NOTICE IS HEREBY GIVEN that an Ordinary Meeting of the Council will be held at 6.30 pm on Wednesday, 17th January, 2024 in the Council Chamber, Castle Hill, Winchester SO23 8UL and all Members of the Council are summoned to attend.

Note: This meeting is being held in person at the location specified above. Members of the public should note that the meeting will be streamed live to the council's You Tube channel (www.youtube.com/WinchesterCC).

A limited number of seats will be made available at the above named location, however attendance must be notified to the council at least 3 working days before the meeting. Please note that priority will be given to those having registered to speak during the Public Question session over those wishing to attend and observe. Please note that Questions must be received in writing by Democratic Services (democracy@winchester.gov.uk) prior to 10am, five working days preceding the day of the council meeting.

AGENDA

- 1. Minutes of the Ordinary Meeting of the Council held on 30 November 2023** (Pages 7 - 16)
- 2. Disclosure of Interests**
To receive any disclosure of interests from Members or Officers in matters to be discussed.
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with the Council's Code of Conduct.
- 3. Announcements from the Mayor, Leader and Chief Executive.**



4. **Questions from Members of the Public**

To receive and answer and questions from the public.
(Questions must be received in writing by Democratic Services – democracy@winchester.gov.uk – no later than 10am on Wednesday 10th January 2024)

5. **Licensing Policy Update (CL170) (Pages 17 - 72)**

RECOMMENDED:

That Council adopt the Council's Statement of Licensing Policy as set out in Appendix 1 to the report.

6. **To consider and determine the following Recommended Minute of the Audit and Governance Committee held 9 November 2023 - Final Report and Pay Policy Statement 2024/25 (AG103) (Pages 73 - 112)**

RECOMMENDED:

That the Pay Policy Statement for the financial year 2024/25 be adopted as set out in report AG103.

7. **Notices of Motion**

To consider the following Motion to be proposed by Councillor Danny Lee (seconded by Councillor Wallace):

Full Council notes:

1. That this Council has unanimously declared a Climate and Nature emergency and recognises the interdependences between the two emergencies.
2. The supporting motions for the emergencies above commit the Council to achieve net zero carbon emissions by 2030 and do all it can to protect and enhance nature.
3. There are now 6 years left to achieve the net zero District carbon target date.
4. The council has been progressing a package of low carbon opportunities through its Carbon Neutrality Action Plan (CNAP) which has been updated based on a refreshed Roadmap to reach the District wide net zero target by 2030.
5. The Council's 2023/24 'Treasury Management Strategy Statement' and 'Annual Investment Strategy' has acknowledged Community

Municipal Investments [CMI] as a funding option. This approach already has the support of 9 Councils; with another 4 Council CMIs due by June plus 2-3 imminent for a second issue including Bristol City Council. [1]

6. Research reveals:
 - 73% of savers and investors are interested in lending money to their council if it helps deliver environmental or socially beneficial projects (Place Climate Action Network).
 - On average every 100,000 people hold £4bn of savings and investments in the UK. The vast majority of this wealth currently flows out of communities into national or international saving and investment products (ONS).
 - Not all of this money will be seeking low risk return profile of CMI, but even if only 5% of this money is looking for a low-risk option this represents £200m of potential borrowing available within a typical council's area (Abundance).
7. This source of finance is a way to channel local savings into local projects [2].
8. All 'environment' projects need routine robust business plans based on the Council Plan including the CNAP plus Nature Emergency resolutions.
9. That offering local savers a way to support the District's journey to carbon neutrality and nature protection/enhancement should be developed.
10. That offering investment through municipal bonds is an established way to develop local infrastructure for these emergencies [3]. This could complement other projects such as in the example at Bristol Energy Cooperative.
11. CMIs offer a very different set of financial benefits to investors when compared with investments offered by commercial companies.
12. That CMIs could help us develop a low carbon Winchester District in partnership with our community.
13. CMIs provide multiple Engagement and Social Value benefits as a powerful and complementary community engagement tool.
14. Winchester should seek to learn from the other pioneers of CMI in developing appropriate local opportunities for local investors [e.g. 4]

Full Council resolves:

1. To continue to develop Community Municipal Investments for Winchester.
2. To request officers to identify carbon saving and high nature projects suited to CMI investment in conjunction with appropriate stakeholders. Once a suitable project is identified to scope methods to promote CMI as a way residents and institutions can contribute to a new zero carbon and high nature Winchester district

References:

1. The report supported by Bristol:
<https://baumaninstitute.leeds.ac.uk/research/financing-for-society/>
2. Initial proposed interest rate is 1.2%. See: Your questions answered on Green Community Bonds | Abundance Blog
<https://medium.abundanceinvestment.com/community-municipal-investments-your-questions-answered-25218ed4d2cb>
3. https://medium.abundanceinvestment.com/community-municipal-investments-the-new-option-for-your-low-risk-money-a9cc5d72e03a?source=post_internal_links-----1-----
4. These are: Leeds Council, Warrington, and West Berkshire. E.g. Invest now: <https://info.westberks.gov.uk/wbcmi>;
<https://www.abundanceinvestment.com/invest-now/warrington-2025>
5. https://eprints.whiterose.ac.uk/175824/1/2021_07_01_CMB-Innovate-UK-Report-Web-2.pdf
6. <https://www.local.gov.uk/publications/financing-green-ambitions>

8. Appointment of Monitoring Officer

Following the resignation of the existing postholder, that the Council appoint Lisa Kirkman as Monitoring Officer for the Council. The Chief Executive exercised their powers under urgency procedures (Part 3.4, para 5.3 (e)) to appoint Ms Kirkman with effect from 1 January 2024 having considered that the proposed Monitoring Officer has the appropriate knowledge, skills and experience to undertake this role.

RECOMMENDATION:

It is recommended that, Ms Lisa Kirkman be appointed Monitoring Officer for the Council

9. Information for Council

Partnership for South Hampshire: Cllr Martin Tod

10. **Changes to Committee Memberships**

To receive any resignations from committees and to make any necessary re-appointments.

11. **Questions from Members of Council**

The total time for questions and the answer and supplementaries thereto shall not exceed **40** minutes.

LAURA TAYLOR
Chief Executive

All of the Council's publicly available agendas, reports and minutes are available to view and download from the Council's [Website](#) and are also open to inspection at the offices of the council. As part of our drive to minimise our use of paper we do not provide paper copies of the full agenda pack at meetings. We do however, provide a number of copies of the agenda front sheet at the meeting which contains the QR Code opposite. Scanning this code enables members of the public to easily access all of the meeting papers on their own electronic device. Please hold your device's camera or QR code App over the QR Code so that it's clearly visible within your screen and you will be redirected to the agenda pack.



9 January 2024

Agenda Contact: David Blakemore, Democratic Services Team Manager
Tel: 01962 848217 Email: dblakemore@winchester.gov.uk

Quorum = 15 members

PUBLIC PARTICIPATION

Members of the public may ask questions of the Leader, Cabinet Members and Committee Chairs at Ordinary Meetings of the Council. The total time allocated for questions by the public shall normally be limited to 20 minutes.

A question may only be asked if notice has been given by delivering it in writing to Democratic Services no later than 5 working days preceding the Council meeting. For example, if the Council meeting is being held at 6.30pm on a Wednesday then the question would need to be received by noon on the preceding Wednesday. Please email to democracy@winchester.gov.uk.

FILMING AND BROADCAST NOTIFICATION

This meeting will be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's

Constitution for further information, which is available to view on the [Council's website](#).

DISABLED ACCESS:

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

COUNCIL

Thursday, 30 November 2023

Attendance:

Councillors Present

Clear (Chairperson)

Batho
Becker
Brook
Brophy
Chamberlain
Cook
Cramoysan
Cunningham
Eve
Godfrey
Gordon-Smith
Greenberg
Horrill
Kurn
Laming
Langford-Smith
Learney

Lee
Morris
Pett
Porter
Power
Prest
Rutter
Scott
Small
Thompson
Tippett-Cooper
Tod
Wallace
Westwood
Williams
Wise

Apologies for Absence:

Councillors Achwal S, Achwal V, Bolton, Cutler, Edwards, Isaacs, Miller, Pearson, Reach, Read and Warwick

[Video recording of meeting](#)

1. **MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON 20 SEPTEMBER 2023**

RESOLVED:

That the minutes of the Ordinary meeting of the Council held on 20 September 2023 be approved and adopted.

2. **DISCLOSURE OF INTERESTS**

Councillors Porter and Tod declared personal (but not prejudicial) interests in respect of various agenda items due to their role as County Councillors.

Councillor Becker declared a personal and prejudicial interest in respect of agenda item 8 (c) (motion relating to investment in fossil fuels) and left the room during council's consideration of that item.

Councillor Learney declared a personal and prejudicial interest in respect of agenda item 8 (c) (motion relating to investment in fossil fuels) and left the room during council's consideration of that item.

Councillor Godfrey declared a personal (but not prejudicial) interest in respect of agenda item 8 (c) (motion relating to investment in fossil fuels) as he was an employee of Hampshire County Council and a contributor to the Hampshire Local Government Pension Fund.

Councillor Brophy declared a personal (but not prejudicial) interest in respect of agenda item 8 (c) (motion relating to investment in fossil fuels) as his spouse was an employee of a private pension fund organisation.

3. **ANNOUNCEMENTS FROM THE MAYOR, LEADER AND CHIEF EXECUTIVE.**

The Mayor highlighted some of the many events that she would be attending during the festive season. She then advised the meeting that former councillor and Mayor of Winchester (2007 - 08) Chris Pines, was unwell and residing in a hospice in Winchester. Finally, the Mayor invited all members of the council and officers to Abbey House on Wednesday 6 December for mince pies and mulled wine.

The Leader then announced that he had received information from Hampshire NHS Integrated Care Board (ICB) regarding proposed changes to local hospital and health services in Winchester and Basingstoke, including constructing a new hospital at Basingstoke potentially close to Junction 7 of the M3. Recognising the need for investment, the Leader advised that the council would work closely with the ICB and the local hospital trust to bring about investment in hospital services at Winchester and also to respond to queries regarding the proposals. Recognising that all councillors should have a role in scrutinising these proposals the Health and Environment Policy Committee would convene an additional meeting at the end of January 2024 where there was to be a presentation from the hospital team. The feedback from this meeting would inform the council's consultation response.

The Chief Executive announced apologies for the meeting.

4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

One written question had been received from a member of the public who attended the meeting to present their question. A supplementary question was also asked. The question received and its response was subsequently set out on the [council's website](#).

5. **TO RECEIVE PETITIONS**

In accordance with Council Procedure Rule 16, a petition was submitted by Mr D Gibson regarding abolishing free parking between 7pm and 8am in Winchester city centre car parks. The details of the petition was set out on the agenda. Mr Gibson and Mr d'Arcy-Hughes introduced their petition.

Councillor Learney (Cabinet Member for Climate Emergency) responded to the matters in the petition as summarised as follows:

- 1250 spaces in the council's 'park and walk' car parks remained free after 5pm, with less than a 10-minute walk to the city centre.
- The impact to changes to tariffs were monitored and community groups and businesses continued to be engaged.
- Winchester BID footfall data showed no appreciable difference to night-time visitors to the city centre compared to before the new tariff was implemented.
- Most hospitality staff started their shifts before 7pm and those starting after this time would not be impacted by the changes.
- The new one-hour tariff would go live from tomorrow and was a consequence of the council's consultation with subscription-based businesses. A volunteer permit scheme was also now in place. Blue badges were valid in un-barriered car parks.
- The Winchester Movement Strategy was adopted in spring 2019 as council policy and the tariff changes were in support of its three aims – to reduce city centre traffic, support healthier lifestyle choices, and support sustainable growth.
- The introduction of evening car parking charges was part of the council's long-term strategy to improve the quality of life for residents and to make Winchester a more pleasant place for visitors.
- Community organisations operated at all times of the day in the city centre when parking charges had already been in operation.

Council then proceeded to debate the petition and matters therein and in summary, the following matters were raised:

- There was plenty of free car parking that was a short walk away from the city centre. The Cattle Market car park was also on a more accessible walking route when compared to Tower Street Multi Story car park.
- The new tariffs had been implemented stating they would maintain accessibility to the city centre whilst bringing about various environmental benefits. In reality, their introduction was to generate new income and the negative impact on residents and businesses had been significant. Consultation feedback had been ignored.
- There was linkage previously agreed that to improve air quality, parking prices in the city centre should be increased.
- Footfall and vacancy rates in the city centre continued to be monitored.
- Responding to feedback, some unforeseen consequences had required some adjustments or change to the scheme.
- Evening parking charges were not uncompetitive and were in place across Hampshire.

- The outcomes achieved by the new tariffs demonstrated that the council was moving ahead with improving air quality in the city centre, whilst ensuring that footfall remained high, vacancy rates remained low, and the night-time economy continued to thrive.
- If the new tariffs were an issue for some people, car sharing should be encouraged, and this also would assist with improving air quality. Everyone should challenge what they would normally want to do to help achieve improved air quality for all.
- Improving air quality and making safer streets in the city centre was vital to many people and the council must achieve these through all measures such as increasing parking tariffs.
- If there has not been a positive impact on air quality improvement and a detrimental impact on footfall etc, would the changes to charges then be reviewed?
- The Winchester BID Board has reported that there has not been any detrimental impact on footfall to the city centre.
- There are residents in the city centre who would wish to benefit from cleaner air.
- Residents from across the district who engaged with regular services and community groups in the city centre were subject to a negative cumulative impact from the new tariffs and were therefore penalised. Those who have an occasional dinner out (for example) were less impacted.
- Supporting our communities should be central to everything the council does. There could be balances that were needed to achieve our objectives, such as those related to air quality etc.

At conclusion of debate, Councillor Learney reiterated that it was cheaper to park in the city centre in the evening compared to the daytime and was also cheaper than travelling by bus. The evening parking charges had not had any impact on city centre footfall and acknowledged this information would continue to be monitored, along with improvements to air quality.

RESOLVED:

That the petitioner be thanked for bringing the matter forward and it be noted that that Council will not support the request of the petition to reverse the council's decision to abolish free parking between 7pm and 8am in Winchester city centre car parks.

6. **REVIEW OF THE WINCHESTER CITY COUNCIL CONSTITUTION 2023 (CL169)**

Councillor Becker (Cabinet Member for Community and Engagement) moved that the recommendations in report CL169 be approved and adopted (seconded by Councillor Tod, Leader and Cabinet Member for Asset Management).

Council agreed that it did not need to ask questions or debate the matters in the report and its appendices.

RESOLVED:

1. That Council note the comments and recommendations of the Audit and Governance Committee as set out in Appendix 1.
2. That Council adopt the proposed amendments to the Council's Constitution as set out in Appendix 2.
3. That Council authorise the Monitoring Officer to make any necessary further changes to the proposed amendments to the Council's Constitution in relation to formatting, numbering or such other changes consequential to or incidental to the intentions of Council.

7. **TO CONSIDER AND DETERMINE THE FOLLOWING RECOMMENDED MINUTE OF CABINET HELD 21 NOVEMBER 2023 - 59 COLEBROOK STREET – REFURBISHMENT AND CONVERSION TO SHARED ACCOMMODATION FOR USE BY UKRAINIAN AND AFGHANISTAN GUESTS (CAB3433)**

Councillor Westwood (Cabinet Member for Housing) moved that the recommended minute of Cabinet be approved and adopted (seconded by Councillor Learney, Cabinet Member for Climate Emergency).

Council proceeded to debate the matters in the recommended minute and report. There were no questions asked.

RESOLVED:

That Council approve a capital budget of £610,000 to refurbish 59 Colebrook Street to provide temporary homeless accommodation, funded by £250k grant from HCC, £206k grant from LAHF, and £154k of prudential borrowing.

8. **NOTICES OF MOTION**

In accordance with Council Procedure Rule 10, three motions had been submitted for council.

(i) **Motion submitted by Councillor Batho – Vaping products**

The motion had been submitted by Councillor Batho as set out on the agenda and was seconded by Councillor Porter. The motion was introduced.

Council then debated the matters in the motion. In summary the following points were raised:

- Society seemingly continued to promote things that were detrimental to young people's health.
- Vapes can be a positive way for adults to wean themselves off smoking cigarettes.
- A ban on all vape products would be preferable, but the motion as presented was a starting point.

- In the USA, there had been some evidence that banning some vaping products has seen an increase in smoking. In some instances, young people were using nitrous oxide cannisters, which was a greater concern than vapes.
- The lack of recyclability of disposable vapes was an issue, but there could be unintended consequences of a ban from more smoking.
- Although cigarettes were more harmful, vapes are cheaper and more attractive to younger people and easier to get obtain – and their detrimental impact on developing lungs had been proven. Children used vapes more than who had previously been observed smoking.
- The key issue of the motion before council was regarding the principle of disposable vapes being able to be thrown away into general waste (or inadvertently into recycling) at the end of their use, to the detriment of the environment.
- The health benefits of vaping for adults who already smoke and then turn to vaping products had been proven.
- The ingredients and materials in vaping products was unregulated. The lithium batteries within the units can cause fires amongst recycling.
- Banning plastic straws, but not disposable vapes was illogical.

Following the proposer of motion (Councillor Batho) exercising his right to respond to the debate, council then voted on the motion as set out on the agenda.

RESOLVED:

That Council resolves:

1. To support the Local Government Association call for a ban on the sale and manufacture of disposable vapes by 2024 and that disposable vaping products be regulated through the Environmental Protection Act 1990 in a similar way as other single-use items, such as bans on plastic straws.
2. That the Leader write to Secretary of State for Health and Social Care to express Council's support for the banning of the disposable vaping products detailed in this motion.
3. That the Council should respond to any future consultation on the banning of the sale and manufacture of disposable vaping products by supporting such a ban.

(ii) **Motion submitted by Councillor Godfrey – carbon neutrality projects**

The motion had been submitted by Councillor Godfrey as set out on the agenda and was seconded by Councillor Brook. The motion was introduced.

Council then debated the matters in the motion. In summary the following points were raised:

- The council was confident that it was able to deliver, within the district, any offsetting required regarding the council's carbon footprint.

- Tree planting and other nature-based solutions take several years to have an impact regarding carbon benefits.
- Other projects such as, for example, investment in EV charging at Barfield 2 and initiatives such as energy monitoring and promoting active travel may fall foul to the detail expressed by motion.
- All substantive council projects were considered according to the usual council approvals process, including policy committees and scrutiny. If an objective of a project was to achieve carbon neutrality goals, and this was not proven to not have the necessary impact, then it would be rejected.
- It was not clear which type of climate action projects the motion would want to exclude.
- Winchester City Council's performance in Hampshire and the UK regarding its climate actions was good compared to other councils.
- The council should increase ambition and action on the climate emergency. This would also improve the lives of residents now through various measures and initiatives, such as insulating homes.
- Regarding carbon offsetting outside of the district, this was likely to be a last measure of resort.
- Carbon reduction measures were a global issue and could not be localised to the Winchester district. The council should embrace any project that would have a positive affect on the whole planet.
- All forms of energy have some impact on the planet. Solar energy projects would not help meet carbon net zero targets and these also produced pollutants during their manufacture. Projects should not cause any additional environmental issues.
- All investment should be made in the district for the benefit of its residents and should reduce carbon footprint in real terms.
- Urgent action regarding carbon reduction was required and should not include offsetting with carbon credits.

Following the proposer of motion (Councillor Godfrey) exercising his right to respond to the debate, council then voted on the motion as set out on the agenda.

RESOLVED:

That the motion proposed by Councillor Godfrey (seconded by Councillor Brook) be not supported.

(iii) Motion submitted by Councillor Morris – Hampshire Pension Fund and divestment in fossil fuels.

The motion had been submitted by Councillor Morris as set out on the agenda and was seconded by Councillor Tippet-Cooper. The motion was introduced.

Council then debated the matters in the motion. In summary the following points were raised:

- Councils are key to affect climate action, but this was potentially undermined by local authority pension funds funding fossil fuels.

- Councillors do not contribute to the Hampshire Pension Fund, nor have the right to interfere with the business of other organisations.
- Future beneficiaries rely on the security of the fund and can express their view to the pension board regarding their investments. Hasty divestment could threaten the fund.
- The largest energy companies were already looking at diversification in more sustainable models.
- The motion proposed to inspire the Hampshire Pension Fund to move faster on this matter.
- It is not the council's business to be advising on the appropriateness of the fund's investments.
- Energy companies were already moving towards greener alternatives and therefore they should not be considered at this time regarding divestment.
- Individuals can opt out of pension funds.
- The government backed National Employment Savings Trust Scheme (the UK's biggest pension fund) had recently announced divestment from fossil fuels.
- It was possible to encourage pension schemes to divest - but it was appreciated that you cannot tell them to do so.
- The motion as presented was for divestment by 2030, as to do so at a later time was too late,

AMENDMENT – Moved by Councillor Lee and seconded by Councillor Wallace:

Add additional c) at paragraph 6 of the Motion as proposed, to read:

“To actively consider creation of a Green Fund, at least £25million of the Hampshire Pension Fund, for investment bids in Hampshire wide Green projects to deliver climate and nature benefits in the fight against Climate Change and Nature crises. This fund to be open for bids by all Hampshire Local Authorities who can demonstrate projects meet FCA and pension fund ‘Return on Investment’ (ROI) rules.”

Council proceeded to then debate the matters in the Amendment. In summary the following points were raised:

- The council can not be seen to constrain pension trustees in their investments, nor assume officer resource in making bids for funds.
- There should be policy discussion about how to utilise investment in the Hampshire Pension Fund to drive change to de-carbonise and to tackle the nature emergency etc, recognising the need for a strong financial return.
- The intent behind the Amendment was good however contributors to the pension fund (those employed in the public sector in Hampshire) would be those receiving investments from the pension fund.
- The Amendment could lead the council closer to being involved in pension fund investments.

Following the proposer of original motion (Councillor Morris) exercising his right to reply to the debate on the Amendment, council then voted on the Amendment as set out above.

AMENDMENT LOST

Following the seconder of motion (unamended) (Councillor Tippet-Cooper) exercising his right to respond to the debate, council then voted on the motion as set out on the agenda.

RESOLVED:

This Council instructs the Leader to write to the Chair of the Hampshire Pension Fund Panel and Board asking the Board:

- a) To commit the Hampshire Pension Fund to divest from direct ownership and any commingled funds that include fossil fuel equities and corporate bonds as soon as possible with a deadline of 2030; and
- b) To actively seek to invest in companies that reduce greenhouse gas emissions, minimise climate risk and where possible provide local environmental benefits,

while ensuring the Fund continues to generate a sufficient level of return to ensure the current and future sustainability of the fund.

9. CHANGES TO COMMITTEE MEMBERSHIPS

There were no changes made to committee membership for council to approve

10. QUESTIONS FROM MEMBERS OF COUNCIL

13 written questions had been received which were heard at the meeting along with associated supplementary questions. All questions are set out in full on the [council's website](#), together with responses from the relevant Cabinet member.

The meeting commenced at 7.00 pm and concluded at 10.10 pm

The Mayor

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REPORT TITLE: ADOPTION OF LICENSING POLICY

17 JANUARY 2024

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: Carol Stefanczuk Tel No: 01962 848 529
Email: cstefanczuk@winchester.gov.uk

WARD(S): ALL

PURPOSE

At the meeting of the Licensing and Regulation Committee on 6 December 2023, Members resolved to recommend, subject to amendments, the Licensing Policy to Council for approval and adoption.

RECOMMENDATIONS:

That Council adopt the Council's Statement of Licensing Policy as set out in Appendix 1 to the report.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 The Policy aims to promote a thriving economy for individuals and businesses providing licensable activities, whilst ensuring that they comply with the law and seeks to balance supporting local businesses and using powers available to officers to ensure that the Winchester district is a pleasant place to live, work and visit.
- 1.2 The Policy sets out the powers available to officers and any person negatively impacted by the provision of licensable activities and where they consider the licensing objectives are not being met.

2 CONSULTATION AND COMMUNICATION

- 2.1 At the Licensing and Regulation Committee on 5 September 2023, Members considered the draft reviewed Policy and made minor amendments to approve the draft Policy for consultation – [LR577 refers](#).
- 2.2 The Licensing and Regulation Committee on 6 December 2023 considered a further draft of the Policy which summarised changes in response to this consultation, in addition to corrections to typographical errors.
- 2.3 In recommending the policy for adoption by Council, the committee also resolved that authority be delegated to the Licensing Manager, in consultation with the chair of the Committee and the Cabinet Member for Place and Local Plan, to agree revised wording to the Policy (if required) in response to the requirements of the Levelling-Up and Regeneration Act 2023,
- 2.4 Appendix 1 to this Report sets out the Policy recommended for adoption by Council. This is inclusive of the changes agreed by the Licensing and Regulation Committee, in addition to those in response to the Levelling-Up and Regeneration Act 2023. Appendix 2 is an extract of the minutes of the Licensing and Regulation Committee on 6 December 2023 for Council's information..

3 ENVIRONMENTAL CONSIDERATIONS

- 3.1 None

4 PUBLIC SECTOR EQUALITY DUTY

- 4.1 An Equality Impact Assessment (EqIA) was completed and considered at the [Licensing and Regulation Committee on 5 September 2023](#).

5 DATA PROTECTION IMPACT ASSESSMENT

- 5.1 None

6 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	N/A	
Exposure to challenge	The adoption of the Policy could be challenged by Judicial Review, but as the proposed changes are minor and legal advice has been provided for the process, a challenge is considered unlikely. A formal consultation process has been carried out.	
Innovation	N/A	
Reputation	The Policy aims to strike a balance between obtaining all the benefits provided by licensed premises and events, and ensuring that their impact is properly controlled and balanced against other community interests.	
Achievement of outcome	Where representations are received against applications, these decisions are made by the Licensing Sub-Committee where the Policy and national guidance are considered as part of the decision-making process.	
Property	N/A	
Community Support	All elected Members and Parish Clerks were consulted on the Policy review. All comments received were considered by the Licensing and Regulation Committee.	
Timescales	The current Policy will be active until the reviewed Policy has been adopted.	

Project capacity	N/A	
Other	N/A	

7 SUPPORTING INFORMATION:

Introduction

7.1 The City Council as the Licensing Authority is required to review and publish its Statement of Licensing Policy every five years, under section 5 of the Licensing Act 2003.

7.2 The current Statement of Licensing Policy (“the Policy”) was adopted by full Council on 28 February 2019 for the period 7 February 2019 to 7 February 2024.

7.3 A review of the Policy has taken place primarily to include updates to legislation and guidance during the five-year period.

Policy review process

7.4 Officers reviewed the Policy to take into consideration updates to legislation and relevant guidance and to promote awareness of national and local campaigns for applicants to consider when submitting applications.

7.5 At the meeting of the Licensing and Regulation Committee on 5 September 2023, Members approved the draft Statement of Licensing Policy for consultation. Report [LR577](#) refers.

7.6 Consultation took place between 20 September 2023 and 22 October 2023. All City Councillors and Parish Clerks were consulted, in addition to agencies as ‘Responsible Authorities’ under the Licensing Act 2003, Winchester BID, Winchester Pubwatch, Tenant and Council Together (TACT) and trade organisations. A list of all consultees can be found at paragraph 6.3 above.

7.7 Comments were received from; Cheriton Parish Council, South Downs National Park Authority, Cllr Cramoysan, Itchen Valley Parish Council, Itchen Stoke and Ovington Parish Council and New Alresford Town Council.

7.8 Members considered the comments at the Licensing and Regulation Committee meeting on 6 December 2023; report [LR578](#) refers. An extract of the minutes of the committee is included at Appendix 2 for information.

7.9 During the meeting on 6 December 2023, Cllr Pett made Members and Officers aware of the recent publication of the Levelling-Up and Regeneration Act 2023, which sets out duties in relation to National Parks. Members agreed that it be delegated to the Licensing Manager, in consultation with the Chair of Licensing and Regulation Committee and Cabinet Member for Place and Local Plan, to review the legislation and amend the Policy, if appropriate, and that the Policy is recommended to Council for approval and adoption.

- 7.10 Following consultation with the South Downs National Park Planning Link Officer, Cllr Laming (Chair) and Cllr Porter (Cabinet Member) agreed to the following amendment to the Policy, in light of the Levelling-Up and Regeneration Act 2023:

1.7 The licensing objectives collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises and those who choose to socialise in them. The licensing authority will seek to further the SDNP purposes when considering applications to ensure they are respected, as set out in section 11A(2) of the National Parks and Access to the Countryside Act 1949 (as amended by Section 245 of the Levelling-Up and Regeneration Act 2023).

- 7.11 The above amendment is shown tracked changed in Appendix 1 and requires the council to 'seek to further' the South Downs National Park purposes, instead of to 'have regard to'.
- 7.12 Any amendments to the Policy must be adopted by full Council prior to publication.
- 7.13 The revised Statement of Licensing Policy can be found at Appendix 1 of the report.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[LR578 – Review of Statement of Licensing Policy under the Licensing Act 2003 – update following consultation – 6 December 2023.](#)

[LR577 – Review of Licensing Policy under the Licensing Act 2003 – 5 September 2023](#)

Other Background Documents:-

[Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 – 16 August 2023](#)

[Section 11A of the National Parks and Access to the Countryside Act 1949](#)

[Section 245 of the Levelling-Up and Regeneration Act 2023](#)

APPENDICES:

Appendix 1 – Statement of Licensing Policy 2023

Appendix 2- Extract of minutes of the Licensing and Regulation Committee, 6 December 2023.

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STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

Review 2023

This Policy was adopted by full Council on ##### following a review.
The version was adopted for the five year period from ##### to #####.

CONTENTS

Part 1	Background
Part 2	Introduction
Part 3	Types of licence, certificate and notice
Part 4	Licensing Policies & Matters for Consideration by Applicants
	<ul style="list-style-type: none">• Section A: Prevention of Crime & Disorder• Section B: Public Safety• Section C: Prevention of Public Nuisance• Section D: Protection of Children
Appendices	
Glossary	

**WINCHESTER CITY COUNCIL
LICENSING ACT 2003
SECTION 5**

**Statement of Licensing Policy
2024 to 2029**

A licensing policy as determined by the Council in respect of its licensing functions for the five year period commencing 7 February 2024 is set out in this statement of licensing policy. During the five year period the policy will be kept under review and the Council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every five years hereafter.

The policy was reviewed and adopted by full Council on #####.

In this statement “the Council” means Winchester City Council. The City Council is the Licensing Authority for the purposes of the Act and the associated Guidance and Regulations. Accordingly, unless otherwise stated, references to “the Council” are references to the Licensing Authority.

PART 1: BACKGROUND

- 1.1 Winchester District is situated in the County of Hampshire and has a large number of licensed premises and events for which licences are required. These provide leisure and entertainment opportunities for residents and visitors which are an essential part of vibrant and active communities. They contribute to the local economy and provide significant employment. The purpose of this policy is to strike a balance between obtaining all the benefits provided by licensed premises and events and ensuring that their less welcome impact is properly controlled and balanced against other community interests.
- 1.2 There are approximately 540 licensed premises in the District where alcohol is sold, hot food or drink provision or entertainment is provided on a regular or occasional basis. These premises include:
- public houses and nightclubs
 - off licences (including supermarkets selling alcohol)
 - businesses offering hot food between 2300 and 0500
 - hotels, guest houses, restaurants and other places that sell alcohol
 - private members clubs and social clubs
 - theatres and venues for amateur dramatic groups
 - cinemas
 - premises where indoor sporting events take place
 - Village Halls, community premises and schools
 - Outdoor events and festivals
 - Wholesalers/online sales of alcohol

The main concentration of licensed premises is in Winchester City Centre. Since the introduction of the Licensing Act 2003, many premises extended their opening hours, generally seeking hours up to Midnight (rather than 2300, the usual end of permitted hours under the Licensing Act 1964). Some premises which already had terminal hours of midnight or later, extended those hours to 0100, 0200, and 0300.

Other Legislation

- 1.3 As well as being the Licensing Authority under the Licensing Act 2003, Winchester City Council is responsible for a number of other statutory functions which are interrelated to the licensing function. These include its role as a local planning authority determining planning applications, the environmental health function, and the building control service which is provided.
- 1.4 Prior to submitting an application to the Licensing Authority the Applicant should ensure that there is appropriate current Planning Permission for the hours and activities for which application is being made.
- 1.5 The South Downs National Park Authority (“SDNPA”) is the **sole** planning authority for “premises” within the South Downs National Park (“SDNP”). The purposes of the SDNP are:
 - Purpose 1 - ‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’.
 - Purpose 2 - ‘To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public’.
 - The SDNPA also has a duty ‘To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes’.

Where there is a conflict between the purposes and/or duty then Purpose 1 must have priority.

- 1.6 Applicants are encouraged to make contact with the SDNPA at the earliest opportunity where their premises are within the SDNP area **and to consider any guidance issued by the SDNPA** to further promote the licensing objectives. Guidance can be found on the SDNPA website at www.southdowns.gov.uk/planning-applications/do-i-need-planning-permission/guidance-organisers-large-festivals-events/.
- 1.7 The licensing objectives collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises and those who choose to socialise in them. The licensing authority will ~~have regard~~ seek to further the SDNP purposes when considering applications to ensure they are respected, as set out in section 11A(2) of the National Parks and Access to the Countryside Act 1949 (as amended by Section 245 of the Levelling-Up and Regeneration Act 2023).
- 1.8 The Council recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. To achieve this, close liaison will be

maintained between the licensing section, planning department and, where applicable, the South Downs National Park authority. Licensing applications are not a re-run of the planning application and should not cut across planning decisions (whether these are taken by planning officers under delegated powers, the Planning Committee, SDNPA or an inspector following an appeal against the decision of the Planning Authority). The Licensing and Regulation Committee, where appropriate, will provide reports to the Planning Committee on the situation regarding licensed premises in the area including the general impact of alcohol-related crime and disorder.

- 1.9 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions and to do all that it reasonably can to prevent crime and disorder in its area. In addition, it is a member of the Community Safety Partnership, which will also have a key role in the review of this Licensing Policy and the successful operation of the licensing system.
- 1.10 The Council has adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, with effect from 20 December 2010. Adult entertainment such as striptease and lap dancing which falls within the definition of “Relevant Entertainment” will therefore be controlled under these provisions (and any adopted policy for such provision), rather than the Licensing Act 2003. However, in certain cases, where such entertainment is carried out infrequently, it will continue to be regulated under the Licensing Act 2003 and the provisions of this Policy will therefore apply to such regulated entertainment. In any event, premises providing Relevant Entertainment will need to consider whether a Premises Licence is required for the provision of alcohol, regulated entertainment and late night refreshment.
- 1.11 Furthermore, premises must comply with all other relevant legislation, e.g.
 - Food Safety Act 1990 (Food Hygiene)
 - Health & Safety at Work etc Act 1974 (and associated Regulations))
 - Equality Act 2010
 - The Regulatory Reform (Fire Safety) Order 2005
- 1.12 The Council will seek to avoid duplication with other regulatory regimes as far as possible. However, if other regulations do not cover the unique circumstances that arise in connection with, for example, entertainment at specified premises, then additional controls will be imposed.
- 1.13 Winchester District is an attractive area, with historic towns and villages, as well as beautiful countryside, part of which is covered by the South Downs National Park. It attracts visitors from around the world, as well as students who choose to study at the City’s academic institutions. Many commute into the District to work each day, whilst a large proportion of residents commute to London and the surrounding areas.
- 1.14 The City Council wishes to ensure that the District continues to be a prosperous and attractive place in which to live or work, or to visit. It recognises that the provision of licensable activities can have adverse

impacts, such as crime and disorder, and public nuisance. The Licensing Policy, and the administration of licensing under the Licensing Act, will play a key role in ensuring that an appropriate balance is drawn between the interests of those people wishing to provide and enjoy licensable activities and those who might be affected by such provision and enjoyment.

PART 2: INTRODUCTION

- 2.1 Winchester City Council ("the Council") is the Licensing Authority pursuant to the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in Section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:
- Retail sale of alcohol
 - Supply of hot food or drink from premises between 2300 and 0500 hours
 - Supply of alcohol to club members
 - Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
 - Film exhibitions
 - Performances of a play
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances
- 2.2 Paragraph 1.2 provides examples (not exhaustive list) of the types of premises licensed. Applicants should refer to the Home Office Guidance issued under Section 182 of the Licensing Act 2003 or contact the Licensing Authority to clarify if a licence is required. The Guidance can be found at www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003.
- 2.3 There are a number of exceptions and details of these are set out in Sections 173 to 175 of the Act.
- 2.4 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act.
- 2.5 The Policy will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Proper weight shall be given to the views of all those consulted. Those to be consulted will include:
- The Chief Officer of Police for Hampshire
 - The Chief Officer of Hampshire Fire and Rescue Service
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates

- Bodies representing local holders of personal licences
 - Bodies representing businesses and residents in the Council's area
 - The relevant Area Child Protection Teams
 - Primary Care Trust or Health Board
 - Any other bodies the Council deems appropriate
- 2.6 The Council recognises that the best means of promoting the licensing objectives (see 2.8 below) is through the co-operation and partnership of local authorities, the Police, local business, performers, local people and those involved in child protection. The local Community Safety Partnership will be used as part of this partnership approach.
- 2.7 The Council believes that good liaison with operators of licensed premises can assist the promotion of the licensing objectives, by encouraging operators to adopt good practice (such as holding regular meetings with local residents). It will work with existing local groups of operators (where these exist) and will encourage the formation of new groups where appropriate.
- 2.8 The Council will always take the Licensing Policy into account in its decision making, but it may depart from the Policy in appropriate circumstances. Similarly, the Council will have regard to the Secretary of State's Guidance issued under the Licensing Act, but may depart from this Guidance if it is considered appropriate. Where this occurs, reasons will be given as part of the decision.

Licensing Objectives

- 2.9 When dealing with licensing matters the Council will promote and have regard to the four licensing objectives set out in the Act. These are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 2.10 The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned. It will consider any demonstrable link between particular licensed premises and reported problems of nuisance and anti-social behaviour, although the Council recognises that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from that premises/place and, therefore, beyond the direct control of the individual, business or club holding the licence or certificate concerned. However, as the Government's Guidance notes, the Policy is a key aspect of such control, and licensing laws will always be part of a holistic approach to the management of the evening and night-time economy in the City Centre.

- 2.11 Accordingly, any conditions attached to the licence/certificate will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not an instance can be regarded as being in the vicinity of licensed premises or places is a question of fact and will depend on the particular circumstances of the case.
- 2.12 The availability of Police resources to deal with crime and disorder problems arising from the operation of licensed premises will be taken into account when considering applications.

Integration of Strategies

- 2.13 As indicated in Section 1 of this Policy, the Council has clear objectives to promote tourism, the cultural diversity of the District and local employment; the Council recognises that licensed premises provide a valuable contribution to these objectives.
- 2.14 The Council will ensure at all times that it takes into account the views of relevant stakeholders and that there is proper integration between the Licensing Policy and other Council Strategies, where appropriate.

Integration will be achieved by a variety of methods, including consultation and input into the various strategies by relevant Portfolio Holders and officers, liaison with major partners and reports to relevant committees and other bodies.

- 2.15 The Council will work closely with other agencies or responsible authorities on issues of enforcement. Where appropriate, neighbouring authorities and Town and Parish councils will also be consulted.
- 2.16 In deciding applications, the Council will always take into account relevant representations from local residents and businesses and responsible authorities. It will also take into consideration the following (insofar as they are relevant to the licensing objectives):
- The requirements of the local tourist economy;
 - The cultural strategy for the District, and the Council's wish to encourage and promote live music, dancing and theatre to the wider cultural benefit of its community and visitors;
 - The employment situation in the District and the need for investment and employment where appropriate.
- 2.17 There are many stakeholders in the leisure industry. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 2.18 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect the Community Safety Strategy and local crime prevention strategies.

Cumulative Effect of a number of Licensed Premises in one area

2.19 This Council does not have a Special Saturation Policy.

Other Controls on Anti-social Behaviour

2.20 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:

Planning controls

- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- Power of local authorities to designate parts of the local authority area as being places where alcohol may not be consumed publicly (see below)
- Police enforcement of normal law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices and anti-social behaviour orders
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police and other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

Drinking on the Streets

2.21 The Council has introduced a Public Space Protection Order (known as the Alcohol Control Zone) under the Anti-Social Behaviour Crime and Policy Act 2014 to control the drinking of alcohol in the streets and other public areas within the Winchester Town (including Oliver's Battery, Badger Farm, and Harestock, as well as the six town wards).

2.22 Following a successful application for a review of a licence, the Council may decide to investigate whether an Order under the Police and Criminal Justice Act 2001 should be made to control the drinking of alcohol in public spaces in the area surrounding the premises concerned.

Licensing Hours

- 2.23 With regard to licensing hours, consideration will be given to the individual merits of an application. The Guidance issued under the Licensing Act 2003 indicates that the Government's view is that in some circumstances, flexible licensing hours relating to the sale of alcohol are important to ensure that the potential for concentrations of customers leaving premises simultaneously is reduced and a slower dispersal of people from premises is achieved. It is hoped that this approach will also result in a reduction in "binge drinking" at the end of an evening. This is necessary to reduce friction at late night food outlets, taxi ranks and other sources of transport which can lead to problems of disorder and disturbance.
- 2.24 The Council recognises the concerns which residents and businesses may have about extended opening hours, and the fear that these may have an adverse impact on crime and disorder, and public nuisance (two of the licensing objectives). Although these concerns may arise anywhere in the District, they are most likely to be found in the urban areas, particularly central Winchester. These problems may (amongst other things) impact on the police and other agencies, as well as local residents. The Council accepts that such concerns are legitimate issues to be considered as part of the licensing process. Therefore, the Council will seek to ensure that where longer opening hours are sought by applicants, or where applicants seek to open new licensed premises, the potential detrimental effects are properly considered and addressed by applicants in their operating schedules. Accordingly, where applications are submitted to extend the hours of opening of premises, and in the case of new premises seeking to open between 23.00 and 08.00, applicants will be expected to either demonstrate that these hours of operation will have no adverse effect on the achievement of the licensing objectives, or set out the steps which they propose to take to secure these objectives.
- 2.25 In accordance with the Government's Guidance, this Licensing Policy makes it clear that in areas of denser residential accommodation, stricter conditions relating to noise control will be imposed.

Standardised Conditions

- 2.26 The Council will impose conditions to reflect applicants' operating schedules in all cases. Where a hearing is held following relevant representations, and the Council believes it to be appropriate and necessary, in order to promote any of the licensing objectives, it will consider attaching further conditions to licences. Conditions attached to licences will, as far as possible, be tailored to the individual style and characteristics of the premises and licensable activities concerned. Disproportionate and over burdensome conditions on premises will not be imposed. Standardised conditions will be avoided, where possible. Any conditions which are imposed will be tailored to the specific premises and the specific application (see further Home Office Guidance Section 10).

Live Music, Dancing and Theatre

- 2.27 The Council recognises that as part of implementing any cultural strategy as may from time to time apply, proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.
- 2.28 The Live Music Act 2012 and Deregulation Act 2015 exempts certain licensing activities between 0800 to 2300, depending on the premises. Whilst exempt activities are taking place, the premises licence holder is still required to ensure that they do not create a nuisance. Premises could be subject to enforcement action under the Environmental Protection Act 1990 should they fail to prevent or control unacceptable nuisance. In some cases, this may also lead to a Review of the Premises Licence/Club Premises Certificate.

Enforcement

- 2.29 The Council established protocols with the local Police on enforcement issues. This will enable the more efficient deployment of local authority staff and Police Officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aim of the protocol is to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

Closure

- 2.30 The Police may seek a court order to:-
- (a) close down for up to 24 hours premises in a geographical area that is experiencing or likely to experience disorder;
 - (b) close down instantly for up to 24 hours individual licensed premises that are disorderly, likely to become disorderly or are causing nuisance as a result of noise from the premises.

Following information from the Police regarding such closures the Council will usually hold a Review Hearing, as described below.

Objections/Review Hearings

- 2.31 A responsible authority or any other person may make representations to the Council as Licensing Authority on any application for grant, variation or for the review of a Premises Licence.

The Council expects that such representations should be made in writing.

In the absence of relevant representations applications **must** be granted subject only to any applicable mandatory conditions and such conditions which are consistent with the applicant's Operating Schedule.

- 2.32 The Council can only review a licence where it is alleged that the licensing objectives are not being met. The Council will hold a review hearing to consider the merits of an application or licence where the representation is considered relevant. In order to be relevant it must relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Review hearings will be heard by a Sub-Committee of three City Councillors. Applicants, and any other person making a representation, will be informed of the hearing and invited to attend such hearings to present their arguments.
- 2.33 The Council will however make every effort to consult with the applicant and any other person making a representation to resolve any issues as appropriate.
- 2.34 Where the Council finds that a representation is not relevant, or is frivolous or vexatious, the person making the representation may challenge this finding by way of a judicial review in the Courts.
- 2.35 Following a Review Hearing the Council may:-
- (a) modify the conditions of the licence;
 - (b) exclude a licensable activity from the scope of the licence;
 - (c) remove the designated premises supervisor;
 - (d) suspend the licence for a period (not exceeding three months); or
 - (e) revoke the licence

Offences

- 2.36 The Act sets out a number of offences, proceedings for which may be instigated by the following:-
- (a) The Council (as Licensing Authority)
 - (b) The Director of Public Prosecutions
 - (c) In the case of an offence under section 146 or 147 (sale of alcohol to children), by Hampshire County Council (the local weights and measures authority).

Any action instigated by the Council will be carried out in accordance with any relevant enforcement policies for the time being in force.

Appeals

- 2.37 Within the Licensing Act 2003 there is provision for appeals in connection with decisions made by the Council for aggrieved parties (including as appropriate, the applicant, the Police, responsible authorities and any person who made relevant representations). An appeal has to be made to the Magistrates Court.
- 2.38 The rights of appeal and reasons for the decision(s) taken by the Council will be provided to all parties concerned with any Licensing decision which might give rise to such an appeal under the terms of the Act. Any reasons given will address the extent to which the decision was made with regard to the Council's statement of licensing policy, statutory guidance, regulations and the Act itself.

- 2.39 The Council reserves the right to make comprehensive records of any hearing held in connection with its licensing functions under the Act. This extends to the recording of hearings.

Equal opportunities & Race Equality

- 2.40 Subject to the general requirements of the Act, the Council will promote equality of opportunity. In such respects, nothing within this statement of licensing policy shall undermine the right of any individual to apply for any of the licences and/or authorisations provided for under the terms of the Act.
- 2.41 No applicant and/or licence holder shall receive less favourable treatment on the grounds of age, sex, sexual orientation, gender reassignment, disability, marital status, marriage and civil partnership, colour, race or ethnic origin, pregnancy and maternity, religion and belief. No applicant and/or licence holder shall be disadvantaged by conditions or requirements which are not relevant to their application and/or their licence, the promotion of the four licensing objectives and this statement of licensing policy.
- 2.42 Subject to the general requirements of the Act, nothing within this statement of licensing policy shall undermine the right of any person to make representation(s) on an application or seek a review of an existing licence or certificate where provision has been made for them to do so under the Act.

Data Protection

- 2.43 The Council may use the information submitted on any application form for any licence(s) and/or permission(s) provided for under the terms of the Act for the purpose of its statutory function(s) in its capacity as the relevant Licensing Authority.
- 2.44 The Council may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other Council Services (Departments).
- 2.45 All applicants have the right to ask for a copy of the information that the Council holds about them and to correct any inaccuracies held.
- 2.46 By making application to the Council for any licence and/or permission under the terms of the Act all applicants consent to the Council processing sensitive personal data about them where this is necessary.
- 2.47 The Act requires the Council however to keep a register of:-
- (a) A record of each Premises Licence, Club Premises Certificate and Personal Licence issued by it;
 - (b) A record of each Temporary Event Notice received by it ;
 - (c) Details of various applications and notices received by the Council (as set out in Schedule 3 of the Act); and
 - (d) Such other information as may be prescribed.

Any person is permitted to obtain a copy of this information from the Council.

Delegation of functions

- 2.48 In the interests of speed and efficiency the Council has delegated many licensing decisions and functions to officers. However, if the matter to be decided is controversial in any way (e.g. where relevant representations are received) or the determination of the matter under delegated powers is precluded by law then it will be decided by a Sub-Committee of the Licensing and Regulation Committee. Appendix A sets out the Council's scheme of delegation in respect of Licensing Matters.

PART 3: TYPES OF LICENCES, CERTIFICATES AND NOTICES

General

- 3.1 The Licensing Act 2003 sets out a comprehensive scheme for licensing of the sale of alcohol and provision of entertainment and late night refreshment. Depending on the circumstances, anyone proposing to carry out any of these activities may require one or more licences or notices under the Act.
- 3.2 Information on the various licences and notices is given on the Council's website (www.winchester.gov.uk/licensing). General advice and assistance may be obtained from the Council's Licensing Team.
- 3.3 There are an increasing number of events held on open land, in public parks and streets, or in temporary structures. Applicants may be required to attend a meeting of the Safety Advisory Group to discuss the detail of the event with the relevant authorities. The Group's terms of reference are to uphold reasonable standards of public safety at all public events in Winchester District, encourage the well being of the public at those public events, and ensure so far as possible that any inconvenience to residents, businesses and the general public arising from events is minimised. The Safety Advisory Group will assist event organisers in meeting these objectives. Further information to assist event organisers can be found at www.winchester.gov.uk/eventplanning.

Personal licences

- 3.4 A personal licence will be granted to any applicant, aged 18 or over, who possesses a relevant qualification or is a person of a prescribed description as determined by the Department of Culture, Media and Sport. A licence will not be granted to any applicant who has forfeited a personal licence in the five year period ending with the date of the application.
- 3.5 The Police may oppose an application if an applicant has a relevant unspent conviction or a conviction for a comparable offence in a foreign jurisdiction.
- 3.6 Applicants who meet the statutory criteria in terms of age, qualifications and non-forfeiture, as mentioned above, will be granted a licence (subject to any Police objections being received). Applications that do not meet those criteria will be rejected.
- 3.7 If a Police objection is received the application will be determined by a Sub-Committee of the Licensing & Regulation Committee, at a hearing where all representations which are relevant to the grant or refusal of the licence will be taken into account. Matters to be considered may include the nature of any offences, the time since their commission and any mitigating circumstances. The Act requires the Council to reject an application if it considers it is necessary in the interests of crime prevention to do so and, where there is a Police objection, the normal course of events will be refusal **unless the applicant demonstrates** that there are exceptional and compelling reasons to grant the application.

There will be no need for a hearing if the applicant, Council and Chief Officer of Police agree that a hearing is not necessary.

- 3.8 The Council requires every application for a personal licence to be accompanied by a **basic online** criminal record disclosure certificate from the Disclosure and Barring Service. This will assist the Council in determining whether the applicant has any relevant unspent convictions.
- 3.9 Applicants should also produce a signed statement confirming that they have not been convicted outside of England and Wales of a relevant offence or equivalent offence (spent convictions excluded). Applicants should be warned that the making of a false declaration for the purpose of obtaining a licence is a criminal offence for which they will be prosecuted.
- 3.10 Only the Courts may revoke a Personal Licence, following a conviction for a relevant offence. The Council expects a high standard from Personal Licence holders operating in the District and will promote such standards at all licensed premises. It will work with the Police and other licensing authorities to ensure that appropriate action is taken by the Courts where these standards have not been met.

Temporary Event Notices

- 3.11 Temporary events involving relevant licensable activities may be held if certain criteria are fulfilled. However, the Council actively encourages persons organising such events ("premises users") to have due regard to any concerns of occupiers of premises adjacent to the proposed venue where the temporary event is due to take place.
- 3.12 When a temporary event is proposed, notice of the event, together with the relevant fee, must be served on the Council. A standard notice must be received at least 10 clear working days before the event. The Act also allows provision for a late Temporary Event Notice. Late notices must be given no later than 5 clear working days and no earlier than 9 working days. **This does not include the day the authority receives the notice or the day of the event.** Working days do not include weekends or bank holidays. The Council encourages premises users to serve notice on the Council as far as possible in advance of the proposed event. However, in order to allow the Police and Environmental Health to make a proper assessment of the situation, notices should not be served earlier than six months ahead of the event.
- 3.13 The premises user must also serve a copy of the notice on the local Chief Officer of Police and Environmental Health within the timescales laid down above in 3.12 if applying in paper format. All electronic notices will be forwarded by the Licensing Authority.
- 3.14 On receipt of a temporary event notice the Council will issue an acknowledgement notice in accordance with the requirements of the Act, unless a counter notice has been served under Section 107 of the Act. Counter notices under this Section relate to circumstances where the limits permitted under the Act for the service of temporary events notices are exceeded.

- 3.15 If the Chief Officer of Police and the Head of Environmental Health is satisfied that allowing the premises to be used in accordance with the notice will undermine any the licensing objectives, they must serve an objection notice stating their reasons, on both the Council and the premises user by the end of the third working day following the day on which the temporary event notice was received.
- 3.16 If the Council receives an objection notice it will hold a hearing to consider the objections (unless the Council, Police, Environmental Health and premises user agree that a hearing is unnecessary) and will give the premises user a counter notice under Section 105 of the Act if it considers it necessary for the promotion of the crime prevention objective to do so.

Club Premises Certificates

- 3.17 The Council acknowledges that private premises to which public access is restricted and where alcohol is supplied, other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. The Council encourages clubs to take advantage of the benefits offered to such premises such as the absence of a requirement for a Personal Licence Holder ("PLH") or Designated Premises Supervisor ("DPS").
- 3.18 The Council will consider applications for premises licences if the Club decides that it wishes to offer its facilities commercially for use by the general public but the applicant should remember that the appropriate planning consent should be sought prior to the application for a premises licence being submitted.
- 3.19 When premises have the benefit of a Club Premises Certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises. Such supply will only be allowed during the hours that the premises are open for supply of alcohol to its members on the premises. Any such permission that is granted will be subject to conditions that any alcohol supplied will be in a sealed container and will only be supplied to members.

Premises Licences

- 3.20 A premises licence is required for any premises being used for one or more licensable activity as defined in 2.1 above. "Premises" includes any "place" and public areas such as parks, squares and streets will be included in this definition. This means that if licensable events will be taking place in such areas (such as the annual Hat Fair), the areas will need to be licensed. Those who may apply for licences are defined in Section 16 of the Act.
- 3.21 As recommended in the statutory Guidance, applicants for new premises licences (or major variations to premises licences) should undertake a thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule.
- 3.22 The requirements in relation to applications for premises licences are set out in Section 17 of the Act and the Council will not be able to consider

applications which do not comply with those requirements. This Section requires that applications must be accompanied by:

- an Operating Schedule that demonstrates that the licensed premises can comply with the Council's licensing policy and promotes the four licensing objectives. The operating schedule must be adequate and appropriate for the type, location and opening hours of the particular premises. The licensing policies and matters for consideration by applicants, as detailed in Part 4 of this Policy, need to be considered carefully and measures included in the Operating Schedule, where necessary, showing how compliance with those policies will be achieved. Where an Operating Schedule does not include a measure which (under the Policy) the Council would expect to see included, a justification should be provided in the Operating Schedule.
- a plan of the premises to which the application relates in the prescribed form, details of the relevant premises supervisor and appropriate consent.
- the appropriate fee.

Note: fee levels and prescribed forms may be viewed on the government website www.gov.uk and the Council website www.winchester.gov.uk/licensing, or can be obtained from the Council's Licensing Section.

- 3.23 Premises Licences will include the mandatory conditions which must be imposed in accordance with the Licensing Act 2003. These are:

Where the Licence Authorises Supply of Alcohol:

1. *No supply of alcohol may be made under the premises licence:*
 - (a) *At a time when there is no designated premises supervisor in respect of the premises licence, or*
 - (b) *At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.*
2. *Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.*

Where the Licence requires Door Supervision:

Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Where the Licence Authorises Exhibition of Films:

Admission of children to the exhibition of any film is restricted in accordance with:

- (1) Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (2) Where:
 - (a) the film classification body is not specified in the licence; or

- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section: 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 9(c 39) (authority to determine suitability of video works for classification).

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) *The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.*
(2) *The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.*

- (3) *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.*
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. *A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.*
2. *For the purposes of the condition set out in paragraph 1-*
 - (a) *“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;*
 - (b) *“permitted price” is the price found by applying the formula- $P = D + (D \times V)$ where-*
 - (i) *P is the permitted price,*
 - (ii) *D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
 - (iii) *V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*
 - (c) *“relevant person” means, in relation to premises in respect of which there is in force a premises licence-*
 - (i) *the holder of the premises licence,*
 - (ii) *the designated premises supervisor (if any) in respect of such a licence, or*
 - (iii) *the personal licence holder who makes or authorises a supply of alcohol under such a licence;*
 - (d) *“relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and*
 - (e) *“valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.*

3. *Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.*
4. *(1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.*

Premises Licences for the consumption of alcohol off the premises will only include conditions shown above in *italics*.

In addition, conditions reflecting the operating schedule will be imposed. Where representations are received and a hearing is held, the Council may also impose other conditions it considers necessary as a result of those relevant representations.

- 3.24 Applications for major variations will need to include an operating schedule which deals with the issues relating to the licensing objectives, insofar as these are affected by the variation sought. Representations following such applications can only address the variation, and not the licence which would otherwise result from the conversion application alone.

PART 4: LICENSING POLICIES & MATTERS FOR CONSIDERATION BY APPLICANTS

This Part sets out the matters which applicants should have regard to, by reference to each of the Licensing Objectives. In submitting operating schedules, applicants should set out control measures which they propose to put in place, which will address the relevant issues as they apply to their application.

Applicants are encouraged to informally consult the relevant Responsible Authorities and other relevant bodies, where applicable, such as the South Downs National Park Authority, before preparing operating schedules, in order to ensure that, so far as possible, any issues which such consultees might raise can be dealt with before the application is submitted.

Applicants should deal in their Operating Schedule with each of the four licensing objectives, and state the measures they propose to deal with these objectives. Where a suggested measure mentioned in this Policy is clearly not relevant in respect of particular premises or activities, responsible authorities are less likely to make representations if applicants indicate in their operating schedule why they have not included such measures.

The lists of possible measures are not to be regarded as absolute requirements or as “check lists” and will not be used by the Licensing Authority to create standard conditions.

Section A: Prevention of Crime and Disorder

A. Matters to be considered by applicants.

A.1 Applicants should have regard to the following matters when writing their operating schedules and are advised to consult Hampshire Police before submitting their application. If the Council receives a representation, additional conditions may be imposed at the Hearing that determines the application.

A.2 It should be noted in particular that it is unlawful under the 2003 Act:

- To sell or supply alcohol to a person who is drunk
- To sell or supply alcohol to a person who is under 18 years of age
- To knowingly allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 05:00 hrs at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

- A.3 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when the Council is considering applications, following receipt of any relevant representations from a responsible authority or interested party, the measures laid down in Section A.2 should be considered as practices which, if necessary, may promote the prevention of crime and disorder.
- A.4 Whether or not any risk assessment shows these measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under their own codes of discipline to ensure the good order and behaviour of members.
- A.5 Whether it is necessary to impose conditions on the licence or certificate will also depend on local knowledge of the premises.
- A.6 Any individual preparing an Operating Schedule is at liberty to volunteer any measure, such as those described below in section A.8, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

GENERAL

- A.7 The following measures are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance. They are not intended to be regarded as standard conditions to be automatically imposed in all cases.
- A.8 The Applicant must indicate in the Operating Schedule the steps they propose to prevent crime and disorder. For premises open between 2300 and 0800, and as appropriate for all other premises (depending on the specific premises and business being carried out), the Council would expect Operating Schedules to have considered and include arrangements for the measures set out below (unless the applicant can justify why such measures should not be required):
- Use of CCTV both within and outside the premises in accordance with the code of practice issued by the Information Commissioner from time to time e.g. warning signs
 - Measures to prevent the bringing onto the premises of offensive weapons
 - Procedures for risk assessing promotions and events such as "happy hours" including the potential to cause crime and disorder and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of door supervisors licensed by the Security Industry Authority and other appropriately trained staff

- Participation in an appropriate Watch Scheme or other body designed to ensure effective liaison with the local community
- Proof of Age schemes
- Controls on bottles, glasses and containers
- Occupancy limits
- Notices and signage, including a prominent sign giving the name of the personal licence holder designated as being in charge of the premises at the relevant time.
- No admissions after a specified time
- A personal licence holder to be on duty at the premises during opening hours
- Procedure on how to deal with reports of Violence Against Women and Girls (VAWG)

Reason

Prevention of crime and disorder is one of the four licensing objectives of the Licensing Act 2003. It is important that Applicants identify measures taken to address this objective in their operating schedule.

Drugs/Alcohol Abuse

- A.9 The Council will expect licensees to have adequate management practices in place, as well as suitable training for staff, to ensure that sales are not made to persons under the age of 18, or to persons who may supply to persons under that age. These practices also need to be in place to ensure that sales are not made to persons who are drunk, or in circumstances where it is likely that the sale of alcohol may result in crime and disorder.
- A.10 The Council will also expect licensees to be aware of the misuse of drugs and take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs being supplied within the premises and to take practical measures to prevent tragedies as a result of drug misuse. The licensee must also be aware of drugs used for 'spiking' and the potential harm and vulnerability this may cause. The BIIAB (British Institute of Innkeeping Awarding Body) Level 2 Award in Drugs Awareness for Licensed Hospitality Staff qualification is an appropriate method of demonstrating such awareness.

Reason

Drug and alcohol abuse are problems associated with licensable premises. Conditions are required to assist operators of such premises to meet both the crime and disorder and the prevention of public nuisance objectives.

Shops Stores and Supermarkets.

- A.11 The Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, shops must have adequate management practices to ensure that sales are not made to under 18 year olds and persons where there are grounds to believe that the sale will result in crime and disorder.

- A.12 However, if there are good reasons for restricting those hours, for example, where Police representations made in respect of shops known to be the focus of disorder and disturbance, then restriction of hours will be considered.
- A.13 Operating Schedules should indicate how the applicant will ensure that only staff aged over 18 years sell alcohol (or that any staff under 18 years old are closely supervised doing so). Schedules should also indicate what steps will be taken to avoid staff being intimidated into selling alcohol to children or young people.
- A.14 The Council therefore encourages shops to follow the existing good practice in the licensing trade by ensuring that CCTV is in operation on their premises at points of sale.
- A.15 The Council encourages partnership working to consider applications for Drink Banning Orders under Part 1 of the Violent Crime Reduction Act 2006.
- A.16 Such orders may apply to persons who engage in criminal or disorderly conduct while under the influence of alcohol; and, that such an order is necessary to protect other persons from further conduct by him of that kind whilst he is under the influence of alcohol.
- A.17 The Council may serve closure orders under Section 19 of the Criminal Justice and Police Act 2001.
- A.18 Where the Council is satisfied that any premises in the area of the authority are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, the authority may serve a closure notice in respect of those premises.
- A.19 Such orders may be served on a person having control of, or responsibility for the activities at the premises.

Reason

The sale of alcohol from premises other than pubs or clubs throughout the day is integral to the Act. It is however necessary to ensure that suitable regimes are in place to prevent the sale of alcohol to persons under 18 years of age and to persons who are drunk. Controls will meet the need to address the potential for crime and disorder problems that such sales can present. In addition the controls required will also address the requirement under the Act to protect children from harm.

Additional matters which should be considered by applicants are shown in Appendix B of this Policy.

Section B: Public Safety

B. Matters to be considered by Applicants

- B.1 The Council recognises that the Regulatory Reform (Fire Safety) Order 2005 replaced the previous fire safety legislation. Accordingly, the Authority will not seek to impose fire safety conditions on a licence/certificate where the Order, or any future fire safety guidance/legislation, applies.
- B.2 Following receipt of an application, a responsible authority may make representations to the Council, if it considers that adequate provision for public safety has not been made or has not been demonstrated within the application.
- B.3 The Council will expect effective arrangements to secure adequate public safety at all times. When preparing the Operating Schedule, applicants should take into account the areas listed below and any others which are identified from either of the Health and Safety and the specific Fire Safety risk assessments of the premises.
- Adequate provision for the safety of persons in line with the Equality Act 2010
 - Adequate provision of safe ingress and egress to the premises at all times when in use
 - Safe occupancy levels to be determined and suitable arrangements to ensure they are not exceeded (where necessary and not imposed by other legislation).
 - Adequate means of escape in case of fire
 - Adequate warning in case of fire
 - Adequate provision for fire fighting
 - Adequate levels of both normal and emergency lighting
 - Suitable and adequate fire and safety notices
 - Adequate levels of ventilation.
 - Adequate provision for summoning the emergency services
 - Suitable levels of non combustible or flame retarded finishes for the premises construction, wall and ceiling coverings, drapes and contents
 - Adequate arrangements for the maintenance of safety equipment and systems.
 - Adequate levels of training to staff members
 - Suitable recording of maintenance, tests and training
 - Testing of electrical wiring and systems
 - Suitable access for emergency vehicles
 - Adequate arrangements for the provision of first aid equipment
 - Adequate safety for indoor Sports Entertainment
 - Adequate numbers of attendants and marshals
 - Adequate arrangements for the safe use and storage of equipment used for special effects
 - Consideration of implementing national safety campaigns such as 'Ask for Angela'

- Measures on how to prevent drink spiking by training staff (including door staff) in awareness of drink spiking and a procedure on how to deal with reported incidents

Reason

The safety of the public at licensed premises is paramount and is one of the four licensing objectives.

Counter Terrorism

- B.4 Applicants will be expected to consider implementing appropriate counter terrorism measures at their premises, in particular, larger premises and events, in line with any national guidance. Applicants must also have regard to any counter terrorism advice given by Counter Terrorism Security Advisors (CTSA) or local police.
- B.5 At premises with alcohol for consumption on the premises and entertainment venues, applicants are recommended to consider counter terrorism training for all staff, such as the free Action Counters Terrorism (ACT) e-learning course. At a decision or review hearing, a condition requiring staff to be trained in counter terrorism awareness and how to report suspicious activity or respond to an incident may be imposed.

The main guidance bibliography is listed in Appendix C to this Policy.

Section C: The Prevention of Public Nuisance

Noise Controls

- C.1 With all applications, a balance of interests will be considered to allow licensable activities where possible, whilst preventing public nuisance within the local community.
- C2. Stricter conditions with regard to noise control will be expected in some circumstances.
This includes:
- (i) areas of the District which have denser residential accommodation
 - (ii) areas of the District that have low levels of background noise (such as within South Downs National Park)
 - (iii) licensable activities which extend into night time hours e.g. 2300-0700
 - (iv) Licensable activities to be held outdoors, in garden areas or in marquees
 - (v) Licensable activities of longer duration or greater frequency e.g. every day/ every weekend
 - (vi) Multiple licences on the same piece of land
 - (vii) Poor history of compliance
- C3. Depending on the nature of the application, the operating schedule would be expected to include some / all of the following:
- The location of premises and proximity to residential and other noise sensitive premises;
 - The hours of opening, particularly between 23:00 hours and 07:00 hours;
 - The nature of 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 premises;
 - Details of the genre of music proposed
 - The design and layout of premises and in particular the presence of noise limiting features;
 - The total occupancy capacity (staff, customers, others) of the premises;
 - The availability of public transport;
 - Last admission time; and wind down period' between the end of the licensable activities and closure of the premises;
 - The age and type of clientele being attracted to or likely to be attracted to the premises.
- C4. In relation to C3 above, the applicant will be expected to demonstrate the measures that are taken to mitigate public nuisance, which where relevant, should include the following:
- Effective and responsible management of the premises
 - Installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, acoustic curtains, rubber seals to doorways, installation of rubber speaker mounts;
 - Keeping doors and windows closed;

- Limiting music to a particular area of a premises and considering the type of music/ volume;
- Consideration of the choice, location and orientation of speakers;
- Identifying and monitoring noise levels from specific locations and keeping records of this;
- Noise Management Plans;
- Management of people, including staff and traffic (and any resulting queues) arriving and leaving premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
- Time restrictions on use of garden areas;
- Management of external garden areas and smoking shelters including closing times;
- Management arrangements for the control of deliveries and collections & disposal of refuse;
- Liaison with public transport providers;
- Siting of external lighting including security lighting;
- Public Information – letters to nearby residents, hotline telephone contact numbers

C5. The applicant should give regard to current standards and national guidance for noise control at licensed premises and, where available, refer to the City Council's detailed advice on the Council's webpages. Applicants are also encouraged to contact the Environmental Health section for advice prior to submitting applications.

C6. Where an event is held in the South Downs National Park, event organisers should consider:

- (a) the Tranquillity Study carried out by the SDNPA available at www.southdowns.gov.uk/wp-content/uploads/2017/03/13-04-17-South-Downs-National-Park-Tranquillity-Study.pdf.
- (b) the International Dark Skies Reserve status, with respect to lighting at large events. Guidance can be found on the SDNPA website at www.southdowns.gov.uk/dark-night-skies/.

Section D: Protection of Children

D. Matters to be considered by Applicants

- D.1 When addressing the protection of children, applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule. They should also have regard to the following matters when writing their operating schedules and are advised to consult the relevant Area Child Protection Team, (The Safeguarding Unit, Falcon House, Monarch Way, Winchester SO22 5PL)
- D.2 If the Council receive a representation, additional conditions may be imposed at the Hearing that determines the application.
- D.3 It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present:
- (a) on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there; or
 - (b) between midnight and 05.00 at premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

Conditions duplicating these provisions are therefore unnecessary.

Adult Entertainment

- D.4 In most cases, adult entertainment, such as striptease or lapdancing, will be controlled under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (see paragraph 1.7 of Part 1 above). Where the Licensing Act 2003 applies to such adult entertainment, however, the following provisions will apply to such regulated entertainment.

The Council will take into account the increased risk to the licensing objectives arising from adult entertainment.

NOTE: For the sake of convenience the term "striptease" in this part of the policy should be taken to refer to any entertainment or service involving exposure of private parts or the sexual stimulation of patrons.

- D.5 Where such entertainment is provided the operating schedule must include measures designed to ensure that children are not admitted to and cannot witness these activities and to prevent crime and disorder problems. For example:

D.5.1 The area proposed for striptease shall:

- (a) be in a position where the performance cannot be seen from the street;
- (b) be in a designated area of the premises with segregation from the audience;
- (c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

D5.2 Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position, so that it can be easily read by persons entering the premises, in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

D.5.3 To prevent the possibility of children seeing unsuitable advertisements, unless the advertisement has been previously agreed by the Council, the policy of the Council will be to attach a condition to the effect that “Except with the consent of the Council there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.”

Reason

These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by prostitutes.

Additional Controls

D.6 The Council will take strong measures to protect children from harm. In particular, it will ensure that strenuous efforts are made to reduce unlawful drinking of alcohol by children and young people under the age of 18. Examples of premises where the introduction of additional controls are likely to be necessary are:

- Where there have been convictions for serving alcohol to a minor or with a reputation for under-age drinking
- Where the premises or the activities being provided are likely to attract children and young people seeking to unlawfully drink alcohol
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided

D.7 In such circumstances, it may sometimes be necessary to impose a complete prohibition, although this would only be imposed rarely. The Council would normally require:

- Limitations on the hours when children may be present
- Age limitations below 18
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adults
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

D.8 Where there is provision of entertainment specifically for children (e.g. a children's disco) the Council will require the presence of sufficient adults to control the access and egress of the children and assure their safety.

Reason

These policies are designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are "user friendly" for children but to ensure they are adequately protected.

Children & Cinemas

D.9 The Council expects licensees to include in their Operating Schedule arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.

D.10 Where the exhibition of films is permitted the Council will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with. Only in exceptional cases will variations to this general rule be granted by the Council and then only with appropriate safeguards.

D.11 In relation to specialist Film Festivals, where it is desired to show films not classified by the BBFC, the Council will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Council will use the guidelines published by the BBFC.

Reason

To prevent children from viewing unsuitable films.

Children and Regulated Entertainment

D.12 It is expected that adult staff will be present at places of public entertainment to control the access and egress of children and to protect them from harm. This requirement also applies to children present at an event as performers, in which case for every ten children there must be one supervising adult present at all times.

Children and Purchase of Alcohol

D.13 The Council will actively encourage licensees to keep registers of refused sales (refusals/challenge books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals/challenge books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.

Additional matters which should be considered by applicants are shown in Appendix E of this Policy.

APPENDIX A

SCHEME OF DELEGATION

Matter to be dealt with	Licensing Sub-Committee	Service Lead for Public Protection
Application for personal licence	If Police objection is made owing to unspent relevant convictions.	In all cases unless a Police objection is made owing to unspent relevant convictions.
Application for premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application 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 is made	In all other cases
Request to be removed as Designated Premises Supervisor		In all cases
Application for transfer of premises licence	If a Police objection is made	In all other cases
Application for interim authorities	If a Police objection is made	In all other cases
Application to review premises licence/club premises certificate	In all cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		In all cases
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 Health objection to a temporary event notice	In all cases	
In cases where the Magistrates' Court has determined the licence on appeal		In all cases

Matter to be dealt with	Licensing Sub-Committee	Service Lead for Public Protection
Application for a minor variation to premises licence/club premises certificate		In all cases
Decision on whether an application for minor variation should be referred to a responsible authority		In all cases
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a Police objection is made	In all other cases

APPENDIX B

Prevention of Crime and Disorder

Measures which should be considered

Electronic Communication Devices

An encrypted digital radio system connecting licensed premises may be utilised to communicate the presence of people in an area who may be engaging in anti-social behaviour, crime and disorder or who are a 'banned person' imposed by Winchester Pubwatch.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder)
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons
- Maintaining orderly queuing outside of venues prone to such queuing

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with a number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises and whether at least one female should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Bottle Bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider that drinking from bottles to be safer as it is easier for them to prevent the spiking with drugs of drinks in bottles the openings of which may be readily covered. These issues, therefore, need to be carefully balanced.

Non-glass based alternatives and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of non-glass based alternative containers or toughened glass that inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the

terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such non-glass based alternative containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should also be noted that the use of non-glass based alternative containers or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating Schedules should state the precise siting of each camera, the arrangements which will be put in place to maintain cameras in working order and the proposed retention period for such tapes.

The Police should provide individuals conducting risk assessments (when preparing Operating Schedules) with advice on the use of CCTV to prevent crime.

Open Containers Not to be Taken From the Premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions of Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Operating Schedules should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity Limits

Capacity limits are not enforceable under the Licensing Act 2003, however the Hampshire Fire and Rescue Service recommends that premises users include a capacity limit within their Risk Assessment.

Crime Prevention Notices

It may be necessary at some premises for notices to be displayed warning customers of the prevalence of crime that may affect them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might

require the displaying of notices at the premises advising customers about the need to be vigilant of unattended bags because of concerns about terrorism.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear when breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

It will often be important for the Police, authorised officers and members of the public to know the name of the person who is in charge of the premises when they are open for trading. In appropriate circumstances, a condition may be imposed requiring the name of the duty manager or other responsible person in charge to be displayed.

Reference: Home office guide – Design out crime

APPENDIX C

Public Safety

The following bibliography provides suitable information and guidance to assist applicants to determine the appropriate provisions and standards required for public safety.

BS 9999:2017 Fire Safety in the design, management and use of buildings

Approved document B to the Building Regulations – means of escape from fire.

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

Example risk assessments – www.hse.gov.uk/risk/casestudies

The Guide to Safety at Sports Grounds (“The Green Guide”) ISBN 978-1-9164583-0-7

The Noise Council Code of Practice on Environmental Noise at Concerts (1995)

The Purple Guide - www.thepurpleguide.co.uk

Guidance on running events safely – www.hse.gov.uk/event-safety

BS 8551:2015 – Temporary water supply code of practice

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the independent Street Arts Network, copies of which may be obtained through www.streetartsproject.org.uk

Assistance on fire safety related matters can be found by visiting Hampshire and IOW Fire and Rescue Service web site: www.hantsfire.gov.uk

Advice and guidance for businesses on how to protect the public from terrorist threats - www.counterterrorism.police.uk/adviceforbusinesses/ and www.protectuk.police.uk/

APPENDIX D

THE PROTECTION OF CHILDREN

Additional matters to be considered

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the Council considers such conditions necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by the Council on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing Operating Schedules or club Operating Schedules or variations of those schedules, for the purposes of obtaining or varying a premises licence or club premises certificate, should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.

- For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 2200 hrs in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operation schedules or variations of those schedules or club Operating Schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the personal licence holder, designated premises supervisor or club's discretion, the expectation would be for unrestricted access for children of any age to premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, following from which there would be no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

Age Restrictions - specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place the Council (following relevant representations made by responsible authorities and interested parties) will need to consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. The Council will consider:

- The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 2000 hrs does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example;
 - Family entertainment; or
 - Non-alcoholic events for young age groups such as under 18s dances

Similarly, types of event or activity that give rise to a more acute need for age restrictions than normal, for example:

- During "Happy Hours" or on drinks promotion nights;

Age restrictions - cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Part 20 of the Act, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Part 4 of the Video Recordings Act 1984 or by the Council itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that where the Council itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the Council, they should be classified in the following way:
 - U Universal - suitable for audiences aged four years and over.
 - PG Parental Guidance. Some scenes may be unsuitable for young children.
 - 12 Passed only for viewing by persons aged 12 years or older.

- 12A Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 Passed only for viewing by persons aged 15 years and over.
 - 18 Passed only for viewing by persons aged 18 years and over.
- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
 - A condition that when a Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the Council as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms -

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained,"

Theatres

The admission of children to theatres, as with other licensed premises, is not normally expected to be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play will normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Consideration will be given to the imposition of conditions to premises licence requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

Performances especially for children

Where performances are presented especially for children in theatres and cinemas conditions are anticipated to be needed which:

- Require that an attendant be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
- Specify whether or not standing will be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. However, if it is necessary to consider imposing conditions for the promotion of the protection of children from harm then the Council will consider the matters outlined below:

- **Venue** - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** - theatres, concerts halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

GLOSSARY OF TERMS USED

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Club Premises Certificate	A certificate granted under the Licensing Act 2003 for premises habitually used by a club which fulfils certain statutory criteria.
Designated Premises Supervisor	The person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence The Premises Licence Holder can also be the Designated Premises Supervisor.
Any Other Person	The Act has removed the vicinity test, therefore any person may make a representation or apply for review.
Late Night Refreshment	the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.
Licensable Activities	<ul style="list-style-type: none">• the sale by retail of alcohol• the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club• the provision of Regulated Entertainment• the provision of Late Night Refreshment
Licensed Premises	includes club premises and events unless the context otherwise requires.
Operating Schedule	a document containing a statement of the following matters (and any others that may be prescribed):- <ul style="list-style-type: none">• the relevant Licensable Activities• the times at which the Licensable Activities are to take place and any other times when premises are open to the public• information regarding the person who will be specified in the Premises Licence as the Premises Supervisor• where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises• steps being taken to promote the Licensing Objectives
Personal Licence	A licence granted to an individual authorising that individual to supply alcohol.

Premises Licence	A licence granted under the Licensing Act allowing premises to be used for one or more Licensable Activities.
Relevant Representation	<p>Representations which are:</p> <p>(a) relevant to one or more of the licensing objectives; and (b) made by any <u>person</u> within the appropriate period; and (c) have not been withdrawn; and (d) if they are made by any person (who is not also a responsible authority), are not, in the opinion of the Council frivolous, or vexatious</p> <p>The Council will determine whether representations are relevant or not.</p>
Responsible Authority	<p>These include any of the following:</p> <p>(a) The Chief Officer of Police (b) The Fire Authority (Hampshire Fire and Rescue) (c) The enforcing authority for health and safety at work (either the Health and Safety Executive or the City Council) (d) The local planning authority (the City Council or South Downs National Park Authority) (e) The local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health (the City Council (Environmental Health Section) (f) The Primary Care Trust or Health Board (g) The Licensing Authority (h) A body which:</p> <p style="padding-left: 20px;">(i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm and (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters (in Winchester's case, this will be the relevant Safeguarding Unit)</p> <p>(i) in relation to a vessel, a navigation authority, the Environment Agency, Maritime and Coastguard Agency or the British Waterways Board.</p>
Regulated Entertainment	<ul style="list-style-type: none"> • a performance of a play • an exhibition of a film • an indoor sporting event • a boxing or wrestling entertainment • a performance of live music • any playing of recorded music • a performance of dance <p>(or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment</p>

takes place in the presence of and for the purposes of entertaining that audience or spectators.

**Temporary
Event Notice**

- a temporary activity involving one or more Licensable Activities subject to the following various conditions and limitations set out under the Licensing Act 2003
- duration
- scale
- use of the same premises on a prescribed number of occasions per calendar year; and
- the number of notices given by an individual within a given period of time.

In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event.

Statement of Consultation

This document was produced by Winchester City Council in accordance with its duties under the Licensing Act 2003.

Under Section 5 of the Act, the Council is required to determine its policy with respect to licensing functions and publish a statement of that policy. The statement must be published no later than 6 February 2024, must be kept under review and a new policy published every five years.

The draft policy was published on the Council's website on 20 September 2023, and the following were consulted on the proposed policy:-

- Chief Constable, Hampshire and IOW Police;
- Hampshire and IOW Fire and Rescue Authority;
- Child Protection, Hampshire County Council
- Environmental Health – Winchester City Council
- Development Management – Winchester City Council
- South Downs National Park Authority
- All elected Members
- Parish and Town Councils in the Winchester District;
- Known residents associations;
- Winchester Pubwatch;
- Winchester BID;
- BIIAB
- British Beer and Pub Association;

The policy was approved following adoption by full Council on #####.

EXTRACT OF MINUTES

LICENSING & REGULATION COMMITTEE

Wednesday, 6 December 2023

1. **REVIEW OF THE LICENSING POLICY UNDER THE LICENSING ACT 2003 -
UPDATE FOLLOWING CONSULTATION**
(LR578)

The Licensing Manager introduced the report and summarised the main changes to the current policy which were proposed as a result of the consultation and set out in Appendix 1 to the report. She highlighted the following typographical errors:

- a) In paragraph 11.3a) of the covering report which should have referred to the Environment Act 1995 (not 2015 as stated).
- b) In Policy B3 the first bullet point should be divided into two sentences with separate bullet points.
- c) Correction to the paragraph numbers in the Counter Terrorism section of “Section B Public Safety” to B4 and B5.

The Licensing Manager responded to questions on the following:

- a) The potential impact of the new Levelling-Up and Regeneration Act 2023 on protection of national parks and whether consequential changes were required to the policy. The Licensing Manager agreed to investigate this further in order that any necessary amendments could be submitted to Council.
- b) The potential impact of the proposed additional Policy C6 on the future operation of large outside events held within the South Downs National Park (SDNP) area.
- c) The use of the word “adequate” in Policy B3.

The Committee agreed to an additional recommendation to give delegated authority to the Licensing Manager to consider the impact of the Levelling-Up and Regeneration Act as detailed below.

RESOLVED:

That authority be delegated to the Licensing Manager, in consultation with the chair of the Committee and the Cabinet Member for Place and Local Plan, to agree revised wording to the Policy (if required) in response to the requirements of the Levelling-Up and Regeneration Act 2023.

RECOMMENDED (TO COUNCIL):

That the revised Statement of Licensing Policy under the Licensing Act 2003 be approved and adopted as set out in Appendix 1 to the report, subject to any additional amendments required in response to the Levelling-Up and Regeneration Act 2023 as outlined above.

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AUDIT & GOVERNANCE COMMITTEE

9 November 2023

Minute Extract

1. **FINAL REPORT AND PAY POLICY STATEMENT 2024/25**
(AG103 refers)

The Service Lead - Human Resources introduced the report and responded to members' questions on the following:

- a) The impact of the change to staffing grade points agreed with effect from April 2023.
- b) The frequency of the use of market supplements.
- c) The monitoring of the use of contractors and consultants. It was agreed that an additional section on this point be included in the next annual workforce report.
- d) Confirmation that the council was abiding with the requirements of the living wage accreditation.

RECOMMENDED (TO COUNCIL):

That the Pay Policy Statement for the financial year 2024/25 be adopted as set out in report AG103.

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REPORT TITLE: FINAL REPORT AND PAY POLICY STATEMENT 2024/25

9 NOVEMBER 2023

REPORT OF CABINET MEMBER: Cllr Neil Cutler, CABINET MEMBER FOR FINANCE AND PERFORMANCE

Contact Officer: Robert O'Reilly (Service Lead HR) Tel No: 07890732036 Email ROReilly@winchester.gov.uk

WARD(S): ALL

PURPOSE

This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and will be updated annually from 1 April each year.

The Pay Policy Statement sets out Winchester City Council's policies relating to the pay of its workforce for the financial year 2024/25, in particular:

- the remuneration of its Chief Officers;
- the remuneration of its "lowest paid employees"; and
- the relationship between:
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers.

The purpose of the statement is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of Chief Officers. It also ensures that employees at all levels of the Council are remunerated on a fair and equitable basis in accordance with equality legislation.

RECOMMENDATIONS:

1. That the Pay Policy Statement for the financial year 2024/25 is recommended to Council for adoption.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Publishing an Annual Pay Policy Statement demonstrates an open and transparent approach to determining how council employees are remunerated. Defining key principles of how remuneration is determined contributes to the objective of achieving a balanced budget and stable council finances.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no additional financial implications for the council in adopting this Pay Policy Statement. The proposed 2024/25 budget fully reflects the assumptions in the Pay Policy Statement.
- 2.2 The level of remuneration is a very important factor in both recruitment and retention of staff. There is a need to balance affordability and value for money with creating a reward framework that ensures the council can recruit, retain, motivate and develop employees who have the skills and capabilities necessary to ensure the continued provision of high quality services.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Pay Policy Statement 2024/25 takes full account of the Secretary of State's guidance in relation to open and transparent reporting of senior level pay in addition to relevant legislative requirements. This includes ensuring that there is an appropriate relationship between the remuneration levels of our senior managers and of all other employees.
- 3.2 The Pay Policy Statement 2024/25 takes account of:
- the Local Government Transparency Code 2015 issued by the Department for Communities and Local Government in February 2015
 - Openness and Accountability in Local Pay: Guidance under S40 of Localism Act 2011 issued in February 2012
 - Openness and Accountability in Local Pay: Guidance under S40 of Localism Act 2011 Supplementary Guidance issued in February 2013
 - guidance issued by the Joint National Council (JNC) for Local Authority Chief Executives on pay policy statements, published in November 2011 and supplementary notes published in January and March 2012
 - Employment and equalities legislation affecting local authority employers, where relevant.
- 3.3 The Council's current Contract Procedure Rules encourages existing contractors to apply the Living Wage Foundation rates of pay and for new contractors to submit a plan on how they will implement the Living Wage

foundation rates of pay should they be awarded the contract when bidding for contracts.

4 WORKFORCE IMPLICATIONS

4.1 The overall approach to the remuneration for all employees, including senior management is based on:

- compliance with equal pay, discrimination and other relevant employment legislation such as the Equality Act 2010; and
- ensuring that our overall remuneration packages position the council as an “employer of choice” and that as such our “total reward package” is competitive within the local government and public sector markets.

4.2 In the application of the remuneration framework, the council takes into account market rates, individual performance and the need for consistency in the way remuneration bandings are applied. All remuneration differentials can be objectively justified using job evaluation mechanisms that directly establish the relative levels of posts in remuneration bands according to the requirements, demands and responsibilities of the post.

4.3 In determining remuneration, the council recognises the need to exercise the greatest care in managing scarce public resources while securing and retaining high quality employees. The principle of fair pay is important to the provision of well-managed services and the council is committed to ensuring fairness and equity in its remuneration practices.

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None.

6 CONSULTATION AND COMMUNICATION

6.1 The Localism Act 2011 requires the Council to publish a Pay Policy Statement on an annual basis. There are no material changes to the provisions set out in previous policy statements and there is therefore no requirement to consult on this policy wider than the scrutiny by the Audit & Governance Committee.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None.

8 EQUALITY IMPACT ASSESSEMENT

8.1 There is no differential impact on a specified group as all HR matters are applied consistently.

8.2 As required nationally, the council reports on any potential discrepancies in pay, based on gender (“Gender Pay Gap” reporting), in accordance with the statutory timeframe.

8.3 An equality impact assessment (EIA) has been completed on the implementation of the Pay Policy Statement and no negative impacts from the policy have been identified. The EIA will be reviewed annually alongside the Pay Policy Statement.

8.4 As requested at the February 2021 meeting of the Audit and Governance Committee, the distribution of gender by grade is now provided in the annual report (Appendix 2).

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 This report does not contain confidential data and so there is no need to undertake a Data Protection Impact Assessment.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure <i>Failure to recruit / retain necessary, high-quality employees leading to increased costs of employing locum / agency staff</i>	Assessment of market rates and individual performance combined with consistent application of remuneration bandings. Revisions to the pay grades implemented April 2023 improved the Council's position within the employment market which should aid recruitment and retention.	Positioning the council as an Employer of Choice.
Exposure to challenge <i>Failure to comply with the publication requirements of the Localism Act 2011, resulting in adverse local media coverage or legal challenge</i>	Pay policy review is embedded within the committee work programme to ensure annual publication.	
Reputation <i>Failure to recruit / retain necessary, high-quality employees leading to service delivery delays / failures.</i>	Assessment of market rates and individual performance combined with consistent application of remuneration bandings. Revisions to the pay grades implemented April 2023 improved the Council's position within	

	the employment market which should aid recruitment and retention.	
Other <i>Potential increase in sickness absence amongst lower paid staff if they do not believe their contribution to the council is valued.</i>	Revisions to the pay scales implemented during April 2019 and 2023 improved the basic pay for staff; the council remains a Living Wage Foundation employer.	

11 SUPPORTING INFORMATION:

- 11.1 Government has sought to encourage transparency on remuneration and as such every council is required to prepare and adopt a Pay Policy Statement and have that statement approved by Council. The Pay Policy Statement must contain the policy for the remuneration of the council’s employees on appointment, subsequent progression and any use of bonus or performance related pay. There are specific requirements as to the appointment of Chief Officers set out in the council’s Constitution. The Pay Policy Statement sets out the approach to the remuneration of Chief Officers on their ceasing to hold office or to be employed by the authority.
- 11.2 The Localism Act 2011 (“The Act”) requires councils to define ‘lowest paid employees’, to consider the relationship between the remuneration of the highest and lowest paid and to explain the rationale for their approach and to publish details of pay relativities to encourage fairness in remuneration.
- 11.3 The Pay Policy Statement 2024/25 does not contain any substantial changes to those considered previously.
- 11.4 The Pay Policy Statement sets principles and rules relating to the remuneration of senior employees. It does not set out the details of individual payments made in accordance with these principles – although there are separate requirements for the publication of payments made to senior staff in the annual statement of accounts.
- 11.5 The nationally agreed local government pay award is applied from the 1 April each year and the Pay Policy Statement will be updated when this has been agreed.

KEY POLICY ISSUES

- 11.6 There are a number of matters to note in the attached Pay Policy Statement:
- a) The Policy uses the term “Chief Officers” to identify senior employees, or those in receipt of the highest remuneration. This reflects a requirement in the Act, where the definition covers a number of senior posts for Winchester City Council (see 2.3 of the Pay Policy

Statement). The Policy recommends the current practice of adopting national pay schemes and job evaluation procedures as a basis for determining remuneration.

- b) The definition of “lowest paid employees”, required to show pay relativities, draws on Scale 3 of the pay scales, the lowest pay of permanent staff in the Council at present. The ratio of remuneration for highest to lowest paid is under 20:1 – the benchmark as recommended by the Hutton Review.
- c) The City Council is a ‘Living Wage Foundation Employer’ which means that a nationally agreed minimum hourly rate of pay is applied to directly employed employees.
- d) The Policy also covers increases and additions to remuneration. This is already covered by our adopted pay scheme and policies on annual incremental increases, which the Policy refers to. The Policy also makes clear at present the council has not adopted performance related pay or a system of bonus payments and sets out the policy on payment of honoraria.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 Publishing an annual Pay Policy Statement is a statutory requirement under the Localism Act 2011 therefore no other options were considered.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

AG041 Final Report and Pay Policy Statement for Audit and Governance on 11 Feb 2021 v9 020221

AG062 Final Report and Pay Policy Statement for Audit and Governance on 11 November 2021

AG092 Final Report and Pay Policy Statement for Audit and Governance on 10 November 2022

Other Background Documents:-

None.

APPENDICES:

Appendix 1 – Pay Policy Statement 2024/25 (with tracked changes version)

Appendix 2 - Pay Policy Statement 2024/25 (without tracked changes version)

Appendix 2 – Gender Distribution by Grade

Appendix 4 – Equality Impact Assessment

Appendix 1 (with tracked changes version)

Winchester City Council Pay Policy Statement – Financial Year 202~~43~~/2~~5~~4

1. Purpose

- 1.1 This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and will be updated annually from 1 April each year.
- 1.2 The Pay Policy Statement sets out Winchester City Council's policies relating to the remuneration of its workforce for the financial year 202~~43~~/2~~5~~4, in particular:
- the remuneration of its Chief Officers
 - the remuneration of its "lowest paid employees"
 - the relationship between:
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers
- 1.3 The purpose of the statement is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of Chief Officers. It also ensures that employees at all levels of the council are paid on a fair and equitable basis in accordance with equality legislation.

2. Definitions

- 2.1 For the purpose of this statement the following definitions will apply:
- 2.2 "**Remuneration**" in addition to salary will also include charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements, and termination payments.
- 2.3 "**Chief Officer**" refers to the Statutory Chief Officers (Head of Paid Service, Monitoring Officer and S151 Officer) and to Strategic Directors.
- 2.4 "**Lowest paid employees**" refers to those employed on Grade 3 of the council's pay framework.
- 2.4.1 The above definition for the "lowest paid employees" has been adopted because Grade 3 is the lowest grade on which employees are presently paid within the council's pay framework.
- 2.4.2 Those engaged on Casual Worker Agreements are paid a fixed hourly rate in line with the voluntary UK Living Foundation Wage. They are excluded from the definition of "lowest paid employees".

2.5 **“Employee who is not a Chief Officer”** refers to all employees that are not covered under the “Chief Officer” group above. This includes the “lowest paid employees” i.e. employees on Grade 3.

3. Pay Framework and Remuneration Levels

3.1 General Approach

3.1.1 Remuneration for all employees needs to be at the appropriate level to secure and retain high-quality employees dedicated to fulfilling the council’s business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is proportionate and appropriate for the role. Each council has responsibility for balancing these factors and faces its own unique challenges and opportunities in doing so. It is important that Winchester City Council retains flexibility within its pay framework to cope with a variety of circumstances that might necessitate the use of market supplements or other such mechanisms for individual categories of posts where appropriate. Using such solutions should only be short term and regular reviews should ensure that they are discontinued when circumstances change.

3.2 Responsibility for Decisions on Remuneration

3.2.1 It is essential for good governance that decisions on remuneration and reward packages for the Chief Executive and Chief Officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries.

3.2.2 Remuneration for employees at all grades is based on the national agreements on pay as follows:

- National Joint Council for Local Government Services
- Joint Negotiating Council for Chief Officers
- Joint Negotiating Council for Chief Executives.

3.2.3 Remuneration packages above £100,000 gross per annum must be considered by Cabinet, with a recommendation to Full Council.

3.3 Salary grades and grading framework

3.3.1 Grades for all posts are determined by a consistent job evaluation process. This followed a national requirement for all local authorities and other public sector employers to review their remuneration and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.

3.3.2 Job Evaluation is a systematic process for ranking jobs within an organisation ensuring consistency of approach and outcomes appropriate to the complexity and accountability of the role. Where the grade of a post changes as a result of the job evaluation process, any pay adjustment will

only be backdated to the date on which the role was considered by a job evaluation panel.

- 3.3.3 The council's pay structure is based on the pay spine issued by the National Joint Council (NJC) as part of the National Agreement for Local Government Services. Roles are placed within the pay structure on the basis of the evaluated grade of their role.
- 3.3.4 Incremental spinal column points provide for progression in role with the acquisition of skills, experience and competence (subject to satisfactory performance).
- 3.3.5 Pay awards are applied in line with the national agreements detailed in 3.2.2 on an annual basis for all employees, in conjunction with the nationally recognised trade unions.

3.4 Market Review and Market Payments

- 3.4.1 The council will from time to time, benchmark its remuneration and benefits by comparing a sample of posts. For the purpose of benchmarking and market testing the comparator group comprises public sector authorities in Hampshire, West Sussex and Surrey and authorities in other areas if relevant, who are similar to the council in terms of size (number of employees and population) and similar relevant factors. Jobs within London Boroughs will not be used for comparator purposes due to London weighting allowance. In exceptional circumstances, other external market pay data, including private sector data, will also be considered where relevant.
- 3.4.2 Where the benchmarking exercise highlights a discrepancy in remuneration, following consideration of a report made to the Executive Leadership Board a market supplement may be awarded, subject to annual review. Market supplements are typically paid as a fixed monthly amount.
- 3.4.3 Decisions relating to awarding a market supplement for the Chief Executive will be referred to Cabinet, with a recommendation to Full Council.
- 3.4.4 In some circumstances, targeted recruitment (i.e. 'Golden hellos') and retention (i.e. 'Golden handcuffs') payments can be more effective than market supplements in addressing 'hard to fill' vacancies. In contrast to market supplements, these are typically one-off payments at the start or end of a set period with repayment terms in the event of an early resignation from post.
- 3.4.5 Where evidence supports a recruitment/retention payment, the Chief Executive will approve the payment and repayment terms in the event of an early resignation from post.

4. Remuneration

4.1 Remuneration details including benefits in kind are set out in the council's published Annual Statement of Accounts.

4.2 **“Chief Officers”**, as defined in paragraph 2.3 of this statement, are paid within the council's pay framework which applies to all other employees. Normally, Chief Officers have received the same percentage pay award as other managers and employees within the council.

4.4 “Lowest paid employees”

4.4.1 Winchester City Council is an accredited Living Wage Foundation Employer. The Living Wage is paid voluntarily and is set to avoid poverty wages and support the principle that workers should be paid at a level which enables them to achieve an acceptable standard of living. The lowest paid employees are presently paid within the salary range for Grade 3 which covers six salary points ranging between ~~£20,444 – £22,571~~ £22,777 - £24,948 (pay award pending).

4.4.2 The lowest paid employees do not include apprentices for whom there are separate remuneration arrangements.

4.5 Honoraria and Additional Responsibilities

4.5.1 All employees are expected to perform any other duties commensurate with their job grade as reasonably required from time to time. However, there may be occasions where an employee agrees to take on additional duties and responsibilities that may be at the same level of their substantive grade but are beyond the reasonable scope of their normal job remit. In such circumstances, subject to approval from the Executive Leadership Board (ELB), an honorarium payment may be awarded. Honoraria are awarded in £100 multiples and should not normally exceed £500. Awards up to a maximum of £1,000 may be approved by the ELB in specific circumstances.

4.5.2 The appropriate Strategic Director, in consultation with ELB, may award an “acting up” allowance where an employee takes on temporary increased responsibility.

4.5.3 The amount awarded should reflect the nature and duration of the work or responsibility. Where the employee has been covering the long term absence of a more senior officer, “acting up” payments are calculated based on the difference between the employee's scale point and the bottom scale point of the role they are covering. Temporary acting-up arrangements of this nature will not exceed more than 12 months duration and acting up should generally be undertaken for at least one month before payment will apply.

4.6 Charges, fees or allowances

- 4.6.1 No fees for election duties are included in the salaries of Chief Officers. Any additional fees payable for such responsibilities are calculated in accordance with the statutory rules and associated guidance published by the Government.
- 4.6.2 Special fees are paid for Returning Officer duties which are not part of the post holder's substantive role. These fees are payable as required and can be made to any senior officer appointed to fulfil the statutory duties of this role.
- 4.6.3 The Returning Officer is an officer of the City Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the City Council, the role is one which involves and incurs personal responsibility and accountability and is statutorily separate from their duties as an employee of the council. The Returning Officer is paid a separate allowance for each election for which they are responsible.
- 4.6.3 Where the council's Monitoring Officer or S151 Officer is not a Chief Officer, a special responsibility allowance of £6,000 gross per annum is paid in recognition of the additional requirements of the statutory role.
- 4.6.4 Any allowance or other payment will only be made to an employee in connection with their role or the patterns of hours they work and must be in accordance with the council's employment policies.
- 4.6.5 Where the council offers voluntary benefits e.g. childcare vouchers and employee discount schemes, they are offered to all employees regardless of their role and grade within the council.

4.7 Performance related pay

- 4.7.1 Performance is reviewed annually through the council's appraisal system and the council reserves the right to withhold increments where performance has not met the required standard and where this has been raised with the employee formally. Beyond annual increments awarded in this way, the council does not offer performance related pay to any employee.
- 4.7.2 Subject to approval from the appropriate Corporate Head of Service and Strategic Director, an employee may receive more than 1 increment in any financial year.

4.8 Pension

- 4.8.1 All employees, as a result of their employment, are eligible to join the Local Government Pension Scheme (LGPS).

4.8.2 In addition to the employee's own contribution, the council makes a contribution of 18% towards the pension of each member of the LGPS scheme.

4.9 Remuneration on appointment and promotion

4.9.1 The starting salary on appointment or following promotion will normally be based on the appointee's level of relevant experience and current salary, regardless of whether they are a current employee of Winchester City Council.

4.9.2 The chair of the recruitment panel has the discretion to determine the appropriate spinal column point within the agreed pay scale but the starting salary should not exceed the mid-point of the pay scale. In exceptional circumstances (e.g. the current salary is higher than the mid-point of the scale), the Service Lead: Human Resources or in their absence, the HR Manager: People, may authorise appointment on a spinal column point which is higher than the mid-point of the scale.

5. Relationship between Remuneration of "Chief Officers" and "Employees who are not Chief Officers"

5.1 It is the policy of the council to ensure that the ratio of the salary of the highest paid officer and the lowest paid officer is below the 20:1 ratio recommended as a maximum in the terms of reference for the 2011 Hutton review of Fair Pay in the Public Sector.

5.2 As at 1st April 2022, pay ratios within the council stand as follows (pay award pending):

Highest: lowest = ~~6:6.1~~ 5.9:1

5.3 This is based on the following salary packages:

- Highest paid annual salary = ~~£128,717~~ £134,365
- Lowest paid (minimum grade 3) = ~~£20,444~~ £22,777

6. Benefits in kind

6.1 The council pays professional fees for officers where it is an essential requirement for the post holder to maintain professional accreditation. Only one set of professional fees are paid per annum.

6.2 The council offers a Health Care Cash Plan scheme which is available to all employees regardless of their role and grade within the council.

6.3 A Park and Ride pass is offered to all employees.

- 6.4 Officers who are designated as “Essential Car Users” are issued with a permit for one of the car parks nearer to the council offices to enable them to meet the specific operational requirements of their role.

7. Termination Payments

- 7.1 Payments made on termination of employment are limited to those expressly required or allowed by law. In accordance with the council’s Constitution, termination payments which exceed £100,000 (regardless of the post to which they apply and the reasons for the payment) require approval from full council. ~~The recommendation, if approved, would then need to be submitted to government for approval as a waiver to the Exit Pay Cap legislation.~~

8. Access to Pension Payments

- 8.1 In some circumstances, an employee may be eligible to access their pension on termination of employment.
- 8.2 The LGPS requires employers to prepare and publish a written statement of policy in relation to the payment of pensions. The council’s policy on pensions (and related discretionary payments) is set out in **Annex A** of this document.

9. Redundancy Payments

- 9.1 The calculation of redundancy payments is based on the provisions of Employment Rights Act 1996 and may be subject to revision should this legislation be amended.
- 9.2 Redundancy payments are based on a ratio of completed years’ service and the employees’ age at the effective date of termination, using a multiplier of 1.6. Completed years’ service will be capped at 20 years and the maximum of 48 weeks’ pay will apply. The council uses the employee’s actual contractual pay to calculate redundancy payments.

10. Settlement Agreements

- 10.1 In exceptional circumstances, and specifically to settle an employment tribunal claim or similar significant dispute, the Corporate Head of Finance can agree payment of a settlement up to £10,000.
- 10.2 In such cases, each decision as the level of payment will be taken on its merits. Where the proposed termination payment exceeds £10,000, approval from the Section 151 Officer and one other Chief Officer is required.
- 10.3 In accordance with the council’s Constitution, settlement payments which exceed £100,000 (regardless of the post to which they apply) require approval from full council.

11. Re-employment of officers

- 11.1 When an employee is dismissed on the grounds of redundancy, the council will not re-employ them for a period of 12 months following the termination.
- 11.2 When an employee ceases employment with the council on the grounds of early retirement with the employer's consent, the council will not re-employ them for a period of 12 months following the termination.

12. Data Transparency

- 12.1 Under the Local Government Transparency Code 2014, remuneration information and a list of responsibilities for employees paid over £50,000 must be published. This information is available on the council's external website. Senior employees' remuneration can also be found in the annual Statement of Accounts.

Annex A

Pensions Discretions Policy Statement

The Local Government Pension Scheme Regulations 2013 and Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

1. Introduction

- 1.1 This policy statement is made in accordance with Paragraph 60 of the Local Government Pension Scheme Regulations 2013 and Paragraph 2 (2) of Schedule 2 of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
- 1.2 It sets out how Winchester City Council will apply discretionary provisions available within those Regulations.
- 1.3 This policy applies to all employees of Winchester City Council who are members of the Local Government Pension Scheme. It does not apply to Elected Members of the council.
- 1.4 In formulating and reviewing its policy, the council:
 - has regard to the extent to which the exercise of discretionary powers, unless properly limited, could lead to serious loss of confidence in the public service; and
 - is satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

2. Purpose of this Policy

- 2.1 This policy aims to provide fairness and consistency in situations where the council is agreeing to the release of accrued pension benefits.

3. Flexible Retirement – Regulations 30 (6) and 30 (8) (2013 Regulations)

- 3.1 The Pension Scheme allows for flexible retirement from age 55 with the payment of all or part of accrued pension benefits in situations where the employer agrees to the hours of work or the level of responsibility being reduced **and** to the release of pension benefits. In most cases, the pension benefits will be reduced if taken before normal retirement age.

- 3.2 Flexible retirement can benefit both the employee through enabling a gradual adjustment to retirement and the council through the ability to retain valuable experience and knowledge; it also increases the opportunity for succession planning and reflects the ethos of flexible working.
- 3.3 The council will consider all requests for flexible retirement in response to written requests from eligible employees.
- 3.4 The council will approve requests only where it is in their interest to do so; where there is no adverse impact on the service; where the costs are affordable or where there are likely to be cost savings achieved as a result of the proposal.
- 3.5 A request should typically involve a substantial reduction of at least 40% in remuneration, either through reduced hours or level of responsibility.
- 3.6 Requests for flexible retirement will be considered by the Executive Leadership Board. Where a request for flexible retirement is from a Chief Officer, the decision will be made by the Chief Executive. Requests for flexible retirement from the Chief Executive will require approval from full council.

4. Awarding Additional Pension – Regulation 31(2013 Regulations)

- 4.1 The council will not make use of the provision to award additional pension.
- 4.2 This discretion is therefore not exercised.

5. Shared Cost Additional Voluntary Contributions (SCAVC) and Shared Cost Additional Pension Contributions (SCAPC) – Regulations 16(2) (e) and 16(4) (d) (2013 Regulations)

- 5.1 The council will exercise discretion to allow Local Government Pension Scheme Members to contribute to a shared cost salary sacrifice additional voluntary contribution scheme.
- 5.2 The council will not exercise its discretion to allow Local Government Pension Scheme Members to contribute to a Shared Cost Additional Pension Contributions Scheme.

6. Discretion to “switch on” the 85 year rule for 55 year olds and older but before the age of 60 – Para 1(1) (c) Schedule 2 of the 2014 Regulations

6.1 The council will only exercise this discretion where there is a business reason to do so and where any costs associated with the discretion are affordable and sustainable to the council. Requests will be considered by the Executive Leadership Board.

7. Waiving Reduction due to Early Payment of Pension – Regulation 30 (8) (2013 Regulations)

7.1 Employees can retire from age 55 and receive immediate payment of their pension benefits however the pension benefits payable will be subject to an actuarial reduction.

7.2 The council will exercise the discretion to waive the actuarial reduction where Regulation 30 (7) is applicable (that is where employment is terminated on the grounds of redundancy or in the interest of business efficiency).

7.3 The council will exercise this discretion only where there is a business reason to do so and where any costs associated with the discretion are affordable and sustainable to the council. Requests will be considered by the Executive Leadership Board.

8. Early Payment of Deferred Pension Benefits – Regulation 30 of the LGPS (Benefits, Membership and Contributions) Regulations 2007

8.1 The council will not normally exercise this discretion but may consider it in exceptional circumstances where any costs associated with the discretion are affordable and sustainable to the council.

8.2 Requests will be considered by the Executive Leadership Board.

9. Transfer of Pension Rights – Regulation 100 (6) (2013 Regulations)

9.1 The Regulations permit the employer to extend the normal time limit (currently 12 months) during which a scheme member may transfer service from a previous employer.

9.2 The council will not make use of the provision to extend the normal time limit.

9.3 This discretion is therefore not exercised.

10. Aggregation of Membership - Regulations 22, 7(b) 8(b) (2013 Regulations)

- 10.1 If a member has a deferred, pre-1 April 2014 LGPS pension account, the Regulations allow for them to make a decision about whether it is combined with their new LGPS membership. If the LGPS account was deferred on or after 1 April 2014 the Regulations allow the member to elect to keep them separate.
- 10.2 Any such decision to maintain combined or separate pension accounts must be made within 12 months of becoming an active member.
- 10.3 The Regulations permit the employer to extend the normal timescale.
- 10.4 The council will not make use of the provision to extend the normal time limit.
- 10.5 This discretion is therefore not exercised.

11. Other Discretions

- 11.1 With the exception of the discretions set out in this policy statement, the council will not exercise any pension discretions pursuant to the 2013 and 2014 Regulations.

12. Review of the Policy

- 12.1 This policy will be reviewed by Human Resources annually.

Appendix 2 (without tracked changes version)

Winchester City Council Pay Policy Statement – Financial Year 2024/25

2. Purpose

- 1.1 This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and will be updated annually from 1 April each year.
- 1.2 The Pay Policy Statement sets out Winchester City Council's policies relating to the remuneration of its workforce for the financial year 2024/25, in particular:
- the remuneration of its Chief Officers
 - the remuneration of its "lowest paid employees"
 - the relationship between:
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers
- 1.3 The purpose of the statement is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of Chief Officers. It also ensures that employees at all levels of the council are paid on a fair and equitable basis in accordance with equality legislation.

2. Definitions

- 2.1 For the purpose of this statement the following definitions will apply:
- 2.2 "**Remuneration**" in addition to salary will also include charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements, and termination payments.
- 2.3 "**Chief Officer**" refers to the Statutory Chief Officers (Head of Paid Service, Monitoring Officer and S151 Officer) and to Strategic Directors.
- 2.4 "**Lowest paid employees**" refers to those employed on Grade 3 of the council's pay framework.
- 2.4.1 The above definition for the "lowest paid employees" has been adopted because Grade 3 is the lowest grade on which employees are presently paid within the council's pay framework.
- 2.4.2 Those engaged on Casual Worker Agreements are paid a fixed hourly rate in line with the voluntary UK Living Wage Foundation. They are excluded from the definition of "lowest paid employees".

- 2.5 **“Employee who is not a Chief Officer”** refers to all employees that are not covered under the “Chief Officer” group above. This includes the “lowest paid employees” i.e. employees on Grade 3.

3. Pay Framework and Remuneration Levels

3.1 General Approach

- 3.1.1 Remuneration for all employees needs to be at the appropriate level to secure and retain high-quality employees dedicated to fulfilling the council’s business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is proportionate and appropriate for the role. Each council has responsibility for balancing these factors and faces its own unique challenges and opportunities in doing so. It is important that Winchester City Council retains flexibility within its pay framework to cope with a variety of circumstances that might necessitate the use of market supplements or other such mechanisms for individual categories of posts where appropriate. Using such solutions should only be short term and regular reviews should ensure that they are discontinued when circumstances change.

3.2 Responsibility for Decisions on Remuneration

- 3.2.1 It is essential for good governance that decisions on remuneration and reward packages for the Chief Executive and Chief Officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries.

- 3.2.2 Remuneration for employees at all grades is based on the national agreements on pay as follows:

- National Joint Council for Local Government Services
- Joint Negotiating Council for Chief Officers
- Joint Negotiating Council for Chief Executives.

- 3.2.3 Remuneration packages above £100,000 gross per annum must be considered by Cabinet, with a recommendation to Full Council.

3.3 Salary grades and grading framework

- 3.3.1 Grades for all posts are determined by a consistent job evaluation process. This followed a national requirement for all local authorities and other public sector employers to review their remuneration and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.

- 3.3.2 Job Evaluation is a systematic process for ranking jobs within an organisation ensuring consistency of approach and outcomes appropriate to the complexity and accountability of the role. Where the grade of a post changes as a result of the job evaluation process, any pay adjustment will

only be backdated to the date on which the role was considered by a job evaluation panel.

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- 3.4.1 The council will from time to time, benchmark its remuneration and benefits by comparing a sample of posts. For the purpose of benchmarking and market testing the comparator group comprises public sector authorities in Hampshire, West Sussex and Surrey and authorities in other areas if relevant, who are similar to the council in terms of size (number of employees and population) and similar relevant factors. Jobs within London Boroughs will not be used for comparator purposes due to London weighting allowance. In exceptional circumstances, other external market pay data, including private sector data, will also be considered where relevant.
- 3.4.2 Where the benchmarking exercise highlights a discrepancy in remuneration, following consideration of a report made to the Executive Leadership Board a market supplement may be awarded, subject to annual review. Market supplements are typically paid as a fixed monthly amount.
- 3.4.3 Decisions relating to awarding a market supplement for the Chief Executive will be referred to Cabinet, with a recommendation to Full Council.
- 3.4.4 In some circumstances, targeted recruitment (i.e. 'Golden hellos') and retention (i.e. 'Golden handcuffs') payments can be more effective than market supplements in addressing 'hard to fill' vacancies. In contrast to market supplements, these are typically one-off payments at the start or end of a set period with repayment terms in the event of an early resignation from post.
- 3.4.5 Where evidence supports a recruitment/retention payment, the Chief Executive will approve the payment and repayment terms in the event of an early resignation from post.

4. Remuneration

4.1 Remuneration details including benefits in kind are set out in the council's published Annual Statement of Accounts.

4.2 **“Chief Officers”**, as defined in paragraph 2.3 of this statement, are paid within the council's pay framework which applies to all other employees. Normally, Chief Officers have received the same percentage pay award as other managers and employees within the council.

4.4 “Lowest paid employees”

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4.4.2 The lowest paid employees do not include apprentices for whom there are separate remuneration arrangements.

4.5 Honoraria and Additional Responsibilities

4.5.1 All employees are expected to perform any other duties commensurate with their job grade as reasonably required from time to time. However, there may be occasions where an employee agrees to take on additional duties and responsibilities that may be at the same level of their substantive grade but are beyond the reasonable scope of their normal job remit. In such circumstances, subject to approval from the Executive Leadership Board (ELB), an honorarium payment may be awarded. Honoraria are awarded in £100 multiples and should not normally exceed £500. Awards up to a maximum of £1,000 may be approved by the ELB in specific circumstances.

4.5.2 The appropriate Strategic Director, in consultation with ELB, may award an “acting up” allowance where an employee takes on temporary increased responsibility.

4.5.3 The amount awarded should reflect the nature and duration of the work or responsibility. Where the employee has been covering the long term absence of a more senior officer, “acting up” payments are calculated based on the difference between the employee's scale point and the bottom scale point of the role they are covering. Temporary acting-up arrangements of this nature will not exceed more than 12 months duration and acting up should generally be undertaken for at least one month before payment will apply.

4.6 Charges, fees or allowances

- 4.6.1 No fees for election duties are included in the salaries of Chief Officers. Any additional fees payable for such responsibilities are calculated in accordance with the statutory rules and associated guidance published by the Government.
- 4.6.2 Special fees are paid for Returning Officer duties which are not part of the post holder's substantive role. These fees are payable as required and can be made to any senior officer appointed to fulfil the statutory duties of this role.
- 4.6.3 The Returning Officer is an officer of the City Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the City Council, the role is one which involves and incurs personal responsibility and accountability and is statutorily separate from their duties as an employee of the council. The Returning Officer is paid a separate allowance for each election for which they are responsible.
- 4.6.3 Where the council's Monitoring Officer or S151 Officer is not a Chief Officer, a special responsibility allowance of £6,000 gross per annum is paid in recognition of the additional requirements of the statutory role.
- 4.6.4 Any allowance or other payment will only be made to an employee in connection with their role or the patterns of hours they work and must be in accordance with the council's employment policies.
- 4.6.5 Where the council offers voluntary benefits e.g. childcare vouchers and employee discount schemes, they are offered to all employees regardless of their role and grade within the council.

4.7 Performance related pay

- 4.7.1 Performance is reviewed annually through the council's appraisal system and the council reserves the right to withhold increments where performance has not met the required standard and where this has been raised with the employee formally. Beyond annual increments awarded in this way, the council does not offer performance related pay to any employee.
- 4.7.2 Subject to approval from the appropriate Corporate Head of Service and Strategic Director, an employee may receive more than 1 increment in any financial year.

4.8 Pension

- 4.8.1 All employees, as a result of their employment, are eligible to join the Local Government Pension Scheme (LGPS).

4.8.2 In addition to the employee's own contribution, the council makes a contribution of 18% towards the pension of each member of the LGPS scheme.

4.9 Remuneration on appointment and promotion

4.9.1 The starting salary on appointment or following promotion will normally be based on the appointee's level of relevant experience and current salary, regardless of whether they are a current employee of Winchester City Council.

4.9.2 The chair of the recruitment panel has the discretion to determine the appropriate spinal column point within the agreed pay scale but the starting salary should not exceed the mid-point of the pay scale. In exceptional circumstances (e.g. the current salary is higher than the mid-point of the scale), the Service Lead: Human Resources or in their absence, the HR Manager: People, may authorise appointment on a spinal column point which is higher than the mid-point of the scale.

5. Relationship between Remuneration of "Chief Officers" and "Employees who are not Chief Officers"

5.1 It is the policy of the council to ensure that the ratio of the salary of the highest paid officer and the lowest paid officer is below the 20:1 ratio recommended as a maximum in the terms of reference for the 2011 Hutton review of Fair Pay in the Public Sector.

5.2 As at 1st April 2023, pay ratios within the council stand as follows (pay award pending):

Highest: lowest = 1.5:9

5.3 This is based on the following salary packages:

- Highest paid annual salary = £134,365
- Lowest paid (minimum grade 3) = £22,777

6. Benefits in kind

6.1 The council pays professional fees for officers where it is an essential requirement for the post holder to maintain professional accreditation. Only one set of professional fees are paid per annum.

6.2 The council offers a Health Care Cash Plan scheme which is available to all employees regardless of their role and grade within the council.

6.3 A Park and Ride pass is offered to all employees.

- 6.4 Officers who are designated as “Essential Car Users” are issued with a permit for one of the car parks nearer to the council offices to enable them to meet the specific operational requirements of their role.

7. Termination Payments

- 7.1 Payments made on termination of employment are limited to those expressly required or allowed by law. In accordance with the council’s Constitution, termination payments which exceed £100,000 (regardless of the post to which they apply and the reasons for the payment) require approval from full council.

8. Access to Pension Payments

- 8.1 In some circumstances, an employee may be eligible to access their pension on termination of employment.
- 8.2 The LGPS requires employers to prepare and publish a written statement of policy in relation to the payment of pensions. The council’s policy on pensions (and related discretionary payments) is set out in **Annex A** of this document.

9. Redundancy Payments

- 9.1 The calculation of redundancy payments is based on the provisions of Employment Rights Act 1996 and may be subject to revision should this legislation be amended.
- 9.2 Redundancy payments are based on a ratio of completed years’ service and the employees’ age at the effective date of termination, using a multiplier of 1.6. Completed years’ service will be capped at 20 years and the maximum of 48 weeks’ pay will apply. The council uses the employee’s actual contractual pay to calculate redundancy payments.

10. Settlement Agreements

- 10.1 In exceptional circumstances, and specifically to settle an employment tribunal claim or similar significant dispute, the Corporate Head of Finance can agree payment of a settlement up to £10,000.
- 10.2 In such cases, each decision as the level of payment will be taken on its merits. Where the proposed termination payment exceeds £10,000, approval from the Section 151 Officer and one other Chief Officer is required.
- 10.3 In accordance with the council’s Constitution, settlement payments which exceed £100,000 (regardless of the post to which they apply) require approval from full council.

11. Re-employment of officers

- 11.1 When an employee is dismissed on the grounds of redundancy, the council will not re-employ them for a period of 12 months following the termination.
- 11.2 When an employee ceases employment with the council on the grounds of early retirement with the employer's consent, the council will not re-employ them for a period of 12 months following the termination.

12. Data Transparency

- 12.1 Under the Local Government Transparency Code 2014, remuneration information and a list of responsibilities for employees paid over £50,000 must be published. This information is available on the council's external website. Senior employees' remuneration can also be found in the annual Statement of Accounts.

Annex A

Pensions Discretions Policy Statement

The Local Government Pension Scheme Regulations 2013 and Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

13. Introduction

- 13.1 This policy statement is made in accordance with Paragraph 60 of the Local Government Pension Scheme Regulations 2013 and Paragraph 2 (2) of Schedule 2 of the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
- 13.2 It sets out how Winchester City Council will apply discretionary provisions available within those Regulations.
- 13.3 This policy applies to all employees of Winchester City Council who are members of the Local Government Pension Scheme. It does not apply to Elected Members of the council.
- 13.4 In formulating and reviewing its policy, the council:
- has regard to the extent to which the exercise of discretionary powers, unless properly limited, could lead to serious loss of confidence in the public service; and
 - is satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

14. Purpose of this Policy

- 14.1 This policy aims to provide fairness and consistency in situations where the council is agreeing to the release of accrued pension benefits.

15. Flexible Retirement – Regulations 30 (6) and 30 (8) (2013 Regulations)

- 15.1 The Pension Scheme allows for flexible retirement from age 55 with the payment of all or part of accrued pension benefits in situations where the employer agrees to the hours of work or the level of responsibility being reduced **and** to the release of pension benefits. In most cases, the pension benefits will be reduced if taken before normal retirement age.

- 15.2 Flexible retirement can benefit both the employee through enabling a gradual adjustment to retirement and the council through the ability to retain valuable experience and knowledge; it also increases the opportunity for succession planning and reflects the ethos of flexible working.
- 15.3 The council will consider all requests for flexible retirement in response to written requests from eligible employees.
- 15.4 The council will approve requests only where it is in their interest to do so; where there is no adverse impact on the service; where the costs are affordable or where there are likely to be cost savings achieved as a result of the proposal.
- 15.5 A request should typically involve a substantial reduction of at least 40% in remuneration, either through reduced hours or level of responsibility.
- 15.6 Requests for flexible retirement will be considered by the Executive Leadership Board. Where a request for flexible retirement is from a Chief Officer, the decision will be made by the Chief Executive. Requests for flexible retirement from the Chief Executive will require approval from full council.

16. Awarding Additional Pension – Regulation 31(2013 Regulations)

- 16.1 The council will not make use of the provision to award additional pension.
- 16.2 This discretion is therefore not exercised.

17. Shared Cost Additional Voluntary Contributions (SCAVC) and Shared Cost Additional Pension Contributions (SCAPC) – Regulations 16(2) (e) and 16(4) (d) (2013 Regulations)

- 17.1 The council will exercise discretion to allow Local Government Pension Scheme Members to contribute to a shared cost salary sacrifice additional voluntary contribution scheme.
- 17.2 The council will not exercise its discretion to allow Local Government Pension Scheme Members to contribute to a Shared Cost Additional Pension Contributions Scheme.

18. Discretion to “switch on” the 85 year rule for 55 year olds and older but before the age of 60 – Para 1(1) (c) Schedule 2 of the 2014 Regulations

18.1 The council will only exercise this discretion where there is a business reason to do so and where any costs associated with the discretion are affordable and sustainable to the council. Requests will be considered by the Executive Leadership Board.

19. Waiving Reduction due to Early Payment of Pension – Regulation 30 (8) (2013 Regulations)

7.1 Employees can retire from age 55 and receive immediate payment of their pension benefits however the pension benefits payable will be subject to an actuarial reduction.

7.2 The council will exercise the discretion to waive the actuarial reduction where Regulation 30 (7) is applicable (that is where employment is terminated on the grounds of redundancy or in the interest of business efficiency).

7.3 The council will exercise this discretion only where there is a business reason to do so and where any costs associated with the discretion are affordable and sustainable to the council. Requests will be considered by the Executive Leadership Board.

20. Early Payment of Deferred Pension Benefits – Regulation 30 of the LGPS (Benefits, Membership and Contributions) Regulations 2007

20.1 The council will not normally exercise this discretion but may consider it in exceptional circumstances where any costs associated with the discretion are affordable and sustainable to the council.

20.2 Requests will be considered by the Executive Leadership Board.

21. Transfer of Pension Rights – Regulation 100 (6) (2013 Regulations)

21.1 The Regulations permit the employer to extend the normal time limit (currently 12 months) during which a scheme member may transfer service from a previous employer.

21.2 The council will not make use of the provision to extend the normal time limit.

21.3 This discretion is therefore not exercised.

22. Aggregation of Membership - Regulations 22, 7(b) 8(b) (2013 Regulations)

- 10.1 If a member has a deferred, pre-1 April 2014 LGPS pension account, the Regulations allow for them to make a decision about whether it is combined with their new LGPS membership. If the LGPS account was deferred on or after 1 April 2014 the Regulations allow the member to elect to keep them separate.
- 10.2 Any such decision to maintain combined or separate pension accounts must be made within 12 months of becoming an active member.
- 10.3 The Regulations permit the employer to extend the normal timescale.
- 10.4 The council will not make use of the provision to extend the normal time limit.
- 10.5 This discretion is therefore not exercised.

23. Other Discretions

- 11.1 With the exception of the discretions set out in this policy statement, the council will not exercise any pension discretions pursuant to the 2013 and 2014 Regulations.

24. Review of the Policy

- 24.1 This policy will be reviewed by Human Resources annually.

Appendix 3

Gender distribution by grade

The council has an overall gender split of 60% female to 40% male employees.

1 September 2022

	F%	M%
Chief Executive	100	0
Director	67	33
Corporate Head of Service	63	37
Grade 9	43	57
Grade 8	32	68
Grade 7	37	63
Grade 6	53	47
Grade 5	67	33
Grade 4	64	36
Grade 3/2	70	30

1 September 2023

	F%	M%
Chief Executive	100	0
Director	60	40
Corporate Head of Service	75	25
Grade 9	29	71
Grade 8	39	61
Grade 7	26	74
Grade 6	59	41
Grade 5	65	35
Grade 4	66	34
Grade 3/2	69	31

Winchester City Council

Data and Equality Impact Assessment

When undertaking your Data and Equality Impact Assessment for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed against the Data Protection Act 1998 and General Data Protection Regulations and the public sector equality duty.

The checklist below is to help you sense check your policy or project before you move to Section 2. Note that the public sector duty is inclusive and not exclusive if there are any other relevant matters please insert a row.

Section 1 - Data Checklist

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	No complaints have been received in respect of the city council's pay policy.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	The policy is implemented and reviewed annually by the Human Resources department of the city council. The policy and annual report is reviewed by the Executive Leadership Board and the Audit & Governance Committee.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	No concerns have been highlighted and the pay policy statement is implemented in accordance with central government guidance and regulations. At the request of the Audit & Governance Committee February 2021, gender distribution by grade is now included in the annual report.

4	Do you have any concerns regarding the implementation of this policy or project? <i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i>	No	The Council is required under the Localism Act 2011 to publish a pay policy statement on an annual basis. There are no concerns in the implementation of this policy. <i>A self-assessment and action plan for the implementation of this policy will be undertaken.</i>
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	No	The council's pay policy statement fully takes account of central government guidance and regulations and there are no concerns about any accessible data.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from a data protection point of view?	Yes	The Localism Act 2011 requires annual publication of a pay policy statement. In the main, the policy sets the generic principles and rules for the pay of its employees and Chief Officers and does not include details of the pay arrangements for individual, named employees.
7	Are there any other issues that you think will be relevant?	No	

Section 2 - Your Equality Impact Assessment form

Directorate:	Your Service Area: Resources	Team: Human Resources	Officer responsible for this assessment: Rob O-Reilly	Date of assessment: 24.08.23
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	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Pay Policy Statement 2024/25
2	Is this a new or existing policy?	Annual update to existing policy
3	Briefly describe the aim and purpose of this work.	The purpose of the pay policy statement is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of Chief

		Officers. It also ensures that employees at all levels of the Council are remunerated on a fair and equitable basis in accordance with equality legislation.		
4	What are the associated objectives of this work?	To provide an annual update to ensure that statutory obligations are met which include the public sector equality duty		
5	Who is intended to benefit from this work and in what way?	Staff are intended to benefit. Publication of a pay policy ensures an organisation's approach to pay is open and transparent and does not discriminate.		
6	What are the outcomes sought from this work?	To provide a Pay Policy Statement in accordance with Section 38(1) of the Localism Act 2011 which is agreed and updated annually from 1 April each year.		
7	What factors/forces could contribute or detract from the outcomes?	A lack of transparency and fairness in the implementation of the city council's pay policy.		
8	Who are the key individuals and organisations responsible for the implementation of this work?	The city council has a directly employed team which manages the pay policy implementation.		
		Please select your answer in bold . Please provide detail here.		
9a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently?	Y	N	The policy will not have an effect on an individual or group of the community on the basis of race.
9b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of gender?	Y	N	The policy will not have an effect on an individual or group of the community on the basis of gender.
10b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		

11a	<p>Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?</p> <p><i>(you may wish to consider:</i></p> <ul style="list-style-type: none"> • <i>Physical access</i> • <i>Format of information</i> • <i>Time of interview or consultation event</i> • <i>Personal assistance</i> • <i>Interpreter</i> • <i>Induction loop system</i> • <i>Independent living equipment</i> • <i>Content of interview)</i> 	Y	N	The policy will not have an effect on an individual or group of the community on the basis of disability.
11b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		
12a	Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation?	Y	N	The policy will not have an effect on an individual or group of the community on the basis of sexual orientation.
12b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		
13a	Could the policy or project have the potential to affect individuals or group of community on the basis of age?	Y	N	The policy will not have an effect on an individual or group of the community on the basis of age.
13b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		
14a	Could the policy or project have the potential to affect individuals or communities on the basis of religious belief?	Y	N	The policy will not have an effect on an individual or group of the community on the basis of religious belief.
14b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		

15a	Could this policy or project have the potential to affect individuals on the basis of gender reassignment?	Y	N	The policy will not have an effect on an individual or group of the community on the basis of gender reassignment.
15b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		
16a	Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership?	Y	N	The policy will not have an effect on an individual or group of the community on the basis of marriage and civil partnership.
16b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		
17a	Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity?	Y	N	The policy will not have an effect on an individual or group of the community on the basis of pregnancy and maternity.
17b	What existing evidence (either presumed or otherwise) do you have for this?	Implementation of current policy together with a review of existing staff.		
18	Could any negative impacts that you identified in questions 9a to 17b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	The policy statement has been reviewed and none are identified.
19	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	Race: n/a- as no negative impact identified Gender: n/a- as no negative impact identified Disability: n/a- as no negative impact identified Sexual orientation: n/a- as no negative impact identified Age: n/a- as no negative impact identified Gender reassignment: n/a- as no negative impact identified Pregnancy and maternity n/a- as no negative impact identified Marriage and civil partnership: n/a- as no negative impact identified

				Religious belief: n/a- as no negative impact identified
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	None identified. Annual reviews and continuous monitoring of staff pay, particularly in relation to protected characteristics.		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N	None identified.

Signed by completing officer	Samantha Hanks, Employee Engagement Partner, 24.08.23
Signed by lead officer	Robert O'Reilly, Service Lead HR, 24.08.23

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