



Leicester
City Council

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

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

P R E S E N T:

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

Councillor Cank

Councillor Sangster

Councillor Unsworth

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39. APOLOGIES FOR ABSENCE

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

40. DECLARATIONS OF INTEREST

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

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

41. MEMBERSHIP OF THE COMMITTEE

Members noted the membership of the Committee for the municipal year 2018/19 as approved at the Annual Council meeting on 17th May 2018.

Chair	Councillor Thomas
Co Vice-Chair	Councillor Hunter
Co Vice-Chair	Councillor Singh Johal

Councillor Byrne
Councillor Cank
Councillor Fonseca

Councillor Sangster
Councillor Shelton
Councillor Unsworth

42. TERMS OF REFERENCE

Members noted the Terms of Reference of the Committee that were approved by the Annual Council meeting on 17th May 2018.

43. DATES OF MEETINGS

The dates for Committee meetings for the municipal year 2018/19 approved by the Annual Council meeting on 17th May 2018 were noted as:

Tuesday 10 July 2018 (cancelled)
Tuesday 23 October 2018
Tuesday 12 February 2019
Tuesday 23 April 2019

44. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 24th April 2018 be approved as a correct record.

45. PETITIONS

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

46. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

47. ULTRA LOW EMISSION VEHICLE - REQUEST FOR EXEMPTION FROM CONDITIONS OF FITNESS FOR HACKNEY CARRIAGES

The Director of Neighbourhood and Environmental Services submitted a report to request that the Committee grant an exemption from the Council's Conditions of Fitness for Hackney Carriages for a LEVC TX ultra-low emission vehicle (ULEV) the period of time that it is owned by Leicester City Council.

The Chief Licensing Officer presented the report, and drew Members' attention to the following points:

- The Committee had approved the current hackney carriage conditions of fitness on 27 July 2017, and in March 2018 the Committee had approved the LEVC TX ultra-low emission vehicle (ULEV) for licensing as a hackney

carriage, though none had been licensed to date, possibly due to drivers awaiting grant funding towards purchase costs.

- The Council was in the process of purchasing a LEVC TX ULEV for use by the Passenger Transport Service to be used for wheelchair users in place of a minibus.
- The intention was to subsequently licence the vehicle as a hackney carriage to lease short-term to drivers in the hope that they see it as economically viable.
- The vehicle with the 'clean air' logo would be the first vehicle of its kind to be licensed in Leicester, and would stand out as a clean vehicle. It would require exemption from the standard condition of fitness item 46 which required hackneys to be black or predominantly black, and the exemption would be specific for the Council's vehicle.
- The LEVC TX ULEV would have the Leicester City Council crest on the bonnet and front doors, and licence plate to the rear.
- It was expected the vehicle would be owned by the Council for two years.

During the discussion that followed, the Chief Licensing Officer checked the Council's database to confirm there were no licensed ULEVs in Leicester, but there were some licensed hybrids.

It was noted that the intention was for the passenger transport service to retain the vehicle for two years. The blue wrap would be removed, as the actual vehicle would be black. There would be publicity and marketing from Passenger Transport and Highways.

Members were supportive of the idea and were pleased to see the Council taking the initiative to allow other drivers to experience the vehicle, and that there would be no issue for disposal at the end of the two years. They requested that tight rules be drawn up for the leasing of the vehicle to other drivers.

The Chief Licensing Officer informed Members that since the temporary relaxation on the age policy in September 2017, those who had taken an extension were in the single figures and had fallen, as some people who had taken advantage of the extension had purchased other new vehicles.

Members said that some voluntary projects used disabled transport, and that the vehicle could perhaps be hired by them also. It was noted, however, that people could hire minibuses themselves, but once the vehicle was licensed, a taxi licence would be required from the authority and only registered taxi drivers would be allowed to use the vehicle.

The Chair supported the recommendation as outlined in the report.

RESOLVED:

that the Licensing and Public Safety Committee grant an exemption from the Council's condition of fitness which require all hackneys to be black or predominantly black, for this single vehicle for the period of time that it is owned by Leicester City

Council.

48. GAMBLING POLICY - CONSULTATION

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

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

The Chief Licensing Officer presented the report. Members noted that every three years the policy had to be reviewed, and the authority was required to publish its new Gambling Policy no later than the 3rd January 2019. Public consultation has taken place between 14 August and 18 September 2018. The consultation responses and the comments from Scrutiny and the Licensing and Public Safety Committee would be submitted to Full Council on 15 November 2018, and Council would be asked to approve the Gambling Policy for 2019-21.

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

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

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

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

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

When dealing with applications, the Committee could not refuse betting

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

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

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

RESOLVED:

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

REASON FOR THE DECISION

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

49. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 6.25 pm.