



Leicester
City Council

Minutes of the Meeting of the
NEIGHBOURHOOD SERVICES AND COMMUNITY INVOLVEMENT SCRUTINY
COMMISSION

Held: MONDAY, 4 APRIL 2016 at 5:30 pm

P R E S E N T :

Councillor Dawood (Chair)
Councillor Gugnani (Vice-Chair)

Councillor Corral
Councillor Halford

Councillor Hunter
Councillor Khote

In Attendance:

Councillor Master, Assistant City Mayor - Neighbourhood Services
Councillor Sood, Assistant City Mayor - Communities & Equalities
Councillor Waddington, Assistant City Mayor - Jobs & Skills

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51. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cutkelvin.

52. DECLARATIONS OF INTEREST

Although not a member of the Commission, Councillor Sood, Assistant City Mayor (Communities and Equalities), declared an Other Disclosable Interest in the general business of the meeting, in that she was Chair of the Leicester Council of Faiths, was a JHMT Board member and was a Patron for CLASP.

In accordance with the Council's Code of Conduct, these interests were not considered so significant that they were likely to prejudice Councillors Sood's judgement of the public interest. She was not, therefore, required to withdraw from the meeting.

53. MINUTES OF THE PREVIOUS MEETING

AGREED:

That the minutes of the Neighbourhood Services and Community Involvement Scrutiny Commission meeting held on 7 January 2016 be confirmed as a correct record.

54. PETITIONS

The Monitoring Officer reported that no petitions had been received.

55. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations or statements of case had been received.

56. PROGRESS ON ACTIONS AGREED AT THE LAST MEETING

Members queried when the report requested on the work that Voluntary Action LeicesterShire was contracted by the City Council to provide would be submitted to this Commission, (resolution 3, minute 44, "Task Group Review of Ward Community Meetings", referred). It was noted that it was likely to be received in autumn 2016.

The Chair reported that work had focussed on completing the review of the impact of gambling on vulnerable communities. Outstanding issues could be added to the Commission's work programme for future consideration.

57. LEICESTER'S FOOD SECTOR:PUBLIC PROTECTION AND REGULATION BY LEICESTER CITY COUNCIL

The Director of Neighbourhood and Environmental Services submitted a report on public protection and regulation in Leicester's food sector.

The Head of Regulatory Services presented the report, explaining that:

- The city had approximately 3,000 food businesses at any time, approximately two-thirds of which were restaurants and caterers;
- There was a high degree of churn amongst food businesses, with approximately 500 new businesses at any time. This affected performance figures for compliance with food regulation requirements;
- Some locations had a high level of churn, often with buildings that were less well built and/or maintained. This also could affect the food safety

rating these businesses received, as it was more difficult to prevent issues such as rodent infestations;

- A key regulatory activity for officers was programmed inspections. This included advice visits, inspections and follow-up visits;
- 82% of establishments in the city were now compliant. However, the national average was over 90%. The city's figure reflected the high level of churn and that many businesses were located in old buildings that were difficult to maintain to the appropriate standards;
- Nationally, the number of complaints about food establishments was rising, but the number of inspections was down, reflecting that resources available to local authorities had reduced;
- The Food Safety Agency (FSA) was developing a Regulatory Strategy. To date, no proposals had arisen from this, but it provided useful discussion points;
- There currently was a lack of customer pressure to improve standards, possibly as customers did not see storage and preparation facilities at many food establishments; and
- The Council did not have the power to fine businesses for food safety contraventions, but if legal action was taken against a business, the court could impose a fine.

Councillor Waddington, (Assistant City Mayor – Jobs and Skills), explained that food establishments currently were not required by law to display their food hygiene ratings. The Council was campaigning for this to be changed and this campaign was supported by the FSA. Councillor Waddington had written to the Department for Health requesting this and had received the reply attached at the end of these minutes.

The Team Manager (Environmental Health) advised Members that all regulatory visits to food establishments were unannounced. Officers tried to visit these premises when they were busy preparing food, in order to get a better impression of arrangements. If officers were aware of a language difficulty, they would try and arrange for a translator to be present. In addition, the FSA produced some information in languages other than English.

The Food Safety Team Manager confirmed that cleanliness was one of the most important aspects of food safety. This applied to all food premises, irrespective of their size.

The Commission noted that information on a premises' food hygiene rating currently could be found on the Council's website. It also was noted that, although customers could ask a food establishment what its food hygiene rating was, the establishment did not have to tell the customer. Local media often ran stories about failings in food safety, which were very helpful in raising

awareness, but there was still a lack of knowledge of how the system worked. The Council therefore wanted to give people that knowledge to empower them to make choices about where they ate.

The Head of Regulatory Services explained that the FSA had done a periodic inspection of the food function in 2014 and had made some criticisms. As a result, the FSA had required a number of actions to be taken and these had been included in an Improvement Action Plan. This included more stable resourcing to reduce the backlog of inspections, documenting procedures and introducing clearer oversight at local manager and senior manager levels.

These all had been achieved, along with an increase in compliance from 70% to over 80%. The FSA therefore had signed off the Improvement Action Plan, commenting very positively on the work being done.

The FSA also commented that the service should not be comparing itself to those in Nottingham and Derby. Instead, due to the nature of the food businesses in the city, comparisons should be made to an area such as the London Borough of Camden.

Councillor Waddington welcomed FSA recognition of the good work being done on food regulation and safety in the city and thanked all concerned for this work.

AGREED:

- 1) That officers involved in the Council's food function be thanked for their work;
- 2) That the improvements made to the Council's food function be commended;
- 3) That a report be made to this Commission on progress with implementing the 2016-2017 Food Regulation Service Plan and including a report on the arrangements that were subject matter of the Food Improvement Action Plan; and
- 4) That this Commission expresses its concern at the reducing levels of resources being made available by the government to public protection and regulation in the food sector.

58. QUALITY ASSURANCE ARRANGEMENTS FOR THE COUNCIL'S FOOD PROCUREMENT

The Director of Finance presented a report setting out the processes and procedures undertaken by the Eastern Shires Purchasing Organisation (ESPO) and the Council as part of the evaluation of food tenders and, post-award, during contract management.

The Director explained that, although the Council no longer procured some items through ESPO, in order to be able to use more local suppliers, its food procurement was undertaken through a framework contract with ESPO. One reason for this was that the Council did not have expertise in establishing where food was sourced. In addition, ESPO undertook assurance work, such as product sampling. The Council did not have the resources to undertake this work itself.

The Head of Regulatory Services explained that, although food regulatory services did not have a formal working relationship with ESPO, when products had been found in food that should not have been there, the service was involved in detaining food, testing it and establishing its source.

In reply to a question from Members, the Head of Regulatory Services confirmed that, although many suppliers and/or producers self-certified their compliance with the requirements of the food procurement contract, ESPO did test these assurances. The City Council's food regulatory services currently were not aware of any concerns about procured food.

It was noted that schools worked with a number of organisations on food procurement, including the Halal Food Monitoring Committee. The Director of Finance undertook to establish whether schools also bought non-halal meat and to advise Members.

AGREED:

- 1) That the Commission supports the informal training programme being undertaken to ensure that ESPO is able to interpret risk analysis data applicable to the Council's procurement process;
- 2) That actions being taken in relation to food products identified as not compliant be endorsed;
- 3) That the procedures and arrangements followed by Education Catering in addition to external procurement controls be noted;
- 4) That the Director of Finance be asked to establish whether any schools obtaining food through the framework contract with ESPO purchase non-halal meat and advise Members accordingly; and
- 5) That all concerned be thanked for the work being done in relation to the procurement of food.

59. TASK GROUP REVIEW OF THE IMPACT OF GAMBLING ON VULNERABLE COMMUNITIES

The Commission received the report of the Task Group review of "The impact of gambling on vulnerable communities". The Financial, Legal and Equality

Implications for inclusion in the report were tabled at the meeting and are attached at the end of these minutes for information.

Councillor Gugnani, Chair of the Task Group, introduced the report, drawing attention to the following points:-

- From an early stage, the review had attracted the attention of the Association of British Bookmakers (ABB), who represented powerful stakeholders in the gambling industry. A complete session of evidence was received from the ABB's top representatives;
- Guidance and advice was received from the Local Government Association and the Gambling Commission, which both had followed the review with interest;
- The Task Group had drawn on a wide range of expert evidence, including important research for Westminster and Manchester councils on the risk of gambling causing damage within communities. Advice and guidance also had been received from Heather Wardle, the author of the research for Westminster and Manchester;
- Departments across the Council had been very willing to provide information and work on projects within this review, which had been an important aspect of the review. These included:
 - a) STAR (Supporting Tenants and Residents), which had interviewed people to establish if they had gambling problems; and
 - b) The Revenues and Benefits service had collated mapping information, identifying the location of betting shops in a range of social and economic contexts;
- The mapping referred to above already had been used by the Council's Planning service;
- This review had identified that the government was not undertaking a scheduled review of stake limits on fixed-odds betting terminals;
- One underlying issue identified was that it was assumed that many people were ashamed to talk about problems with gambling, so data was not being collected;
- A wide range of recommendations had been made as a result of the review. These included a proposed framework for measuring the risk of gambling within a particular area, which currently was not being done in most areas of the country; and
- It was recognised that there were risks associated with this review. For example, in other parts of the country, the gambling industry had put pressure on councils that wanted to take action through gambling licensing.

The Service Improvement Manager (Revenues and Customer Support) addressed the Commission, explaining that:

- Modelling had been undertaken to predict the impact of the recommendations made in the Task Group's report. From this, it was apparent that the report provided a very good evidence base, with indicators that would be valuable in the future. Members therefore were asked to endorse the recommendations made;
- The work by Heather Wardle referred to above identified various things, such as mental health or substance abuse, which could have causal or tangential links to gambling. These also had been mapped;
- There had been concern nationally that gambling institutions had moved from "back streets" to city centres. When mapped, it showed that these locations related very closely to areas of multiple deprivation and often were close to other indicators of gambling harm, such as money loan businesses and food banks. These were all issues that could be considered when deciding on applications for licenses for gambling establishments; and
- Although information had been provided on crime in the vicinity of gambling establishments, information was needed on the types of crime these were, (for example, whether there was a high incidence of acquisitive crime), both before and after the gambling establishments were in the area.

The Service Manager (Estate Management and Tenancy Support) tabled summary of the results of the survey of gambling by people using the STAR service. A copy of this is attached at the end of these minutes for information.

The Service Manager (Estate Management and Tenancy Support) explained that:

- The service mainly worked with Council tenants who, for a variety of reasons, were vulnerable people experiencing barriers to maintaining their tenancy;
- Data on gambling had not previously been gathered, so it was decided to aim to interview 50 service users, using a basic anonymous questionnaire;
- In total, 46 people were interviewed, approximately half of whom said they had issues relating to gambling. Many of those using gambling as a pass-time had high levels of debt and were not spending money on things such as paying bills or providing food for their family; and
- Officers working with STAR currently were not trained in dealing with gambling issues, but it was hoped that in the future routine data collection on gambling issues could be embedded in the service. This would help

officers support service users and identify the proportion of their income being used on gambling.

In response to questions from Members, the Licensing Team Manager confirmed that the number of fixed-odds betting terminals that could be installed in a gambling establishment was regulated and the Task Group Chair confirmed that the report contained a recommendation that betting establishments should not be located near children's play areas.

Councillor Sood, (Assistant City Mayor – Communities and Equalities), welcomed the Local Impact Assessment contained in the report. However, she expressed concern that:

- There was a need to talk to people with gambling problems and hear what those problems were, as they could vary widely;
- If people did not have a job, they could socialise by spending more time at gambling establishments;
- Hearing of other people's successes could encourage people to gamble more, so consideration should be given to not including comments from successful gamblers in the report;
- An increasing number of gambling establishments were opening near places of worship;
- The presence of gambling establishments had a negative impact on property values, as people did not want to live near the establishments; and
- Some people had been assaulted at gambling establishments, although many of these incidents were not reported.

Councillor Waddington, (Assistant City Mayor – Jobs and Skills), also welcomed the report and the detailed evidence contained in it. She advised the Commission that she would commend the report's recommendations to the Executive, stressing the need for action to be taken immediately. She also suggested that a representative from the Task Group should present the report to the Executive.

In summary, Councillor Gugnani thanked all Members and officers who had participated in the review for their input, with particular thanks being extended to the Scrutiny Policy Officer. Councillor Gugnani stressed that, as the report was gathering evidence, it was important to record that received on both the positive and negative aspects of gambling. He therefore asked the Commission to endorse the recommendations contained in the report.

AGREED:

- 1) That the report of the Task Group review of “The impact of gambling on vulnerable communities” be welcomed and the recommendations contained within it endorsed;
- 2) That the Chair of the Overview Select Committee be asked to endorse the report of the Task Group review of “The impact of gambling on vulnerable communities” for onward submission to the Executive for consideration, this process having been agreed by the Overview Select Committee, (minute 99, “Scrutiny Commissions’ Work Programmes”, 24 March 2016 refers);
- 3) That an update on progress with implementing the recommendations contained in the Task Group report on “The impact of gambling on vulnerable communities” be considered by this Commission in six months’ time; and
- 4) That, subject to approval of the recommendations contained in the report referred to above, the Scrutiny Policy Officer be asked to liaise with the Association of British Bookmakers and other stakeholders to establish a local forum with the aim of reducing the risk of the impact of gambling on vulnerable individuals and communities, this to be progressed as soon as possible.

60. WORK PROGRAMME

The Commission received and noted its current work programme.

61. CLOSE OF MEETING

The meeting closed at 6.58 pm

Minute Item 57



Department
of Health

MC1340/FSAPO01020775

From Jane Ellison MP
Parliamentary Under Secretary of State for Public Health

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Tel: 020 7210 4850

Councillor Sue Waddington
Assistant City Mayor
Leicester City Council
City Hall
115 Charles Street
Leicester LE1 1FZ

22 MAR 2016

Sue Cllr Waddington

Thank you for your letters of 17 February to Liz Truss and 22 February to me about Leicester City Council's support for mandatory display of food hygiene ratings at food outlets in England. The Food Standards Agency (FSA) has responsibility for the Food Hygiene Rating Scheme (FHRS), and reports to Parliament through me.

Protecting public health and improving food safety are at the core of what the FSA does and the FHRS is a key element of this work. The transparency that the FHRS provides is an important commercial driver for businesses and FSA research findings provide evidence that it is working and driving up food hygiene standards. The success of the scheme to date is in no small part due to the commitment and support of local authorities, including Leicester City Council, to improve hygiene standards in food businesses.

The FSA is monitoring the impact of mandatory display in Wales, with a view to presenting a case to extend this approach in England. The Government will consider this evidence carefully, once it is available.

I hope this reply is helpful. However, if you have any further queries, you might wish to contact the FSA directly.

*With kind regards
Jane Ellison*

JANE ELLISON

3 Financial, Legal and Other Implications

3.1 Financial Implications

Not applicable

3.2 Legal Implications

As of 6th April 2016 those seeking to apply to the local authority for a new premises licence or a variation to a premises licence under the Gambling Act 2005 will be required to set out a Risk Assessment detailing how the operator intends to mitigate against specific risks (including where relevant the risk factors around vulnerable communities as addressed within this report); against the criteria set out in a Local Area Profile which Leicester City Council is seeking to develop and include within its Statement of Gambling Policy.

Nicki Agalamanyi
Solicitor-Advocate
Legal Services
0116 4541453

The Council's emerging Local Plan is still at a draft stage. Once finalised the Local Plan will need to be consulted upon, be subject to examination by an inspector.

The report makes recommendations in relation of planning policy and development of presumptions or reasons in favour of refusal for planning applications for betting establishments and payday loan premises. In relation to any reasons for planning refusal there must be a sound planning reason for refusal following an assessment of all the material considerations in relation to an application on a case specific basis. They will, where included in the Local Plan, be subject to scrutiny and approval of the Inspector. As such the proposed recommendations would, in the event they were able to be reflected in planning policy, need to be considered against all other material considerations and could not be an overriding consideration.

As identified in the report any development of planning policy or guidance must be properly supported and developed in light of a robust evidence base.

Emma Horton
Head of Law (Commercial, Property & Planning)
Legal Services
0116 4541426

3.3 Equality Implications

The aims of the PSED are to: eliminate unlawful discrimination; promote equality of opportunity, and foster good relations between different groups of people. The PSED requires us to give consideration to these protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The purpose of this review and recommended actions are focused on protecting vulnerable groups and communities in the city by better understanding the impact of gambling on them and their families, in particular fixed odds betting; and to better monitor the impacts of gambling on vulnerable groups and communities identified through data gathered and shared. The recommendation that the council work in partnership with both the ABB and partners in the city will help to develop a cohesive approach to sharing knowledge and determining interventions; help to foster good relations and develop a shared understanding and commitment to reducing negative impacts experienced by individuals and communities.

The Council's draft Statement of Gambling Policy support a series of outcomes for local residents that are similar in nature to one of the equality outcomes cited in the Equality and Human Rights Commission's equality measurement framework – that of safety.

It is suggested the following equality considerations from the draft statement of gambling policy should inform the proposed actions of the report:

Protection of vulnerable people:

- That the licensing objective of protecting children from harm will be promoted.
- Action will be taken to ensure the safety of vulnerable people in licensed premises.

Promotion of good relations:

- Need to clarify Support to be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to ensure that all applications, particularly those that affect disadvantaged groups, are dealt with fairly.

Access to information about licensing:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request to promote transparency/understanding for all stakeholders.

Sonya King Equalities Officer (Children's)
Internal: 374132 External: 0116 4544132

Supporting Tenants and Residents (STAR) Gambling Survey **snapshot 1-5 February 2016**

There were 46 surveys completed in total across the 5 STAR teams. The STAR teams are based in Braunstone, New Parks, Beaumont Leys, St Matthews, Saffron and work with predominantly Leicester City Council tenants living in the city of Leicester.

STAR works with vulnerable people have a history of homelessness or who are likely to become homeless without support. The definition of vulnerability in this context includes vulnerability due to mental health, physical disability, learning disability, ill health, leaving care, drug/ alcohol dependency, illiteracy, and poverty. The severity of the welfare reforms has disproportionately affected these groups leading to dramatically increased levels of food and fuel poverty. This means that much of STAR support, centres around the tasks of supporting vulnerable people to navigate the benefit system, to enable them to pay their rent and maintain a basic standard of living.

STAR does not collect data on gambling. So it was agreed STAR would aim to survey 50 service users with a basic anonymous questionnaire. The questionnaire had 5 questions. The data collected is presented below, along with some additional data collected since the survey was completed including tenure and case type.

In total we completed 46 people surveys which represents 10 % of the number of people we work with on a case work basis.

Out of the 46 people surveyed 38 were council tenants, 1 person was a Housing Association tenant and 7 people did not provide this information. 38 of the people surveyed were receiving open cases to STAR with an allocated support worker, 3 were receiving support through a one off booked appointment. 5 people did not provide data about the support they were giving.

Question 1

Do you think you or a family member may have a gambling problem?

Out of the 46 people interviewed 20 said that they or a family member might have a gambling problem.

Question 2

Why do you think this is: (in general terms how much is spent on gambling, and the impact of the spend on the client or family members...indicators might be going without meals/food etc)

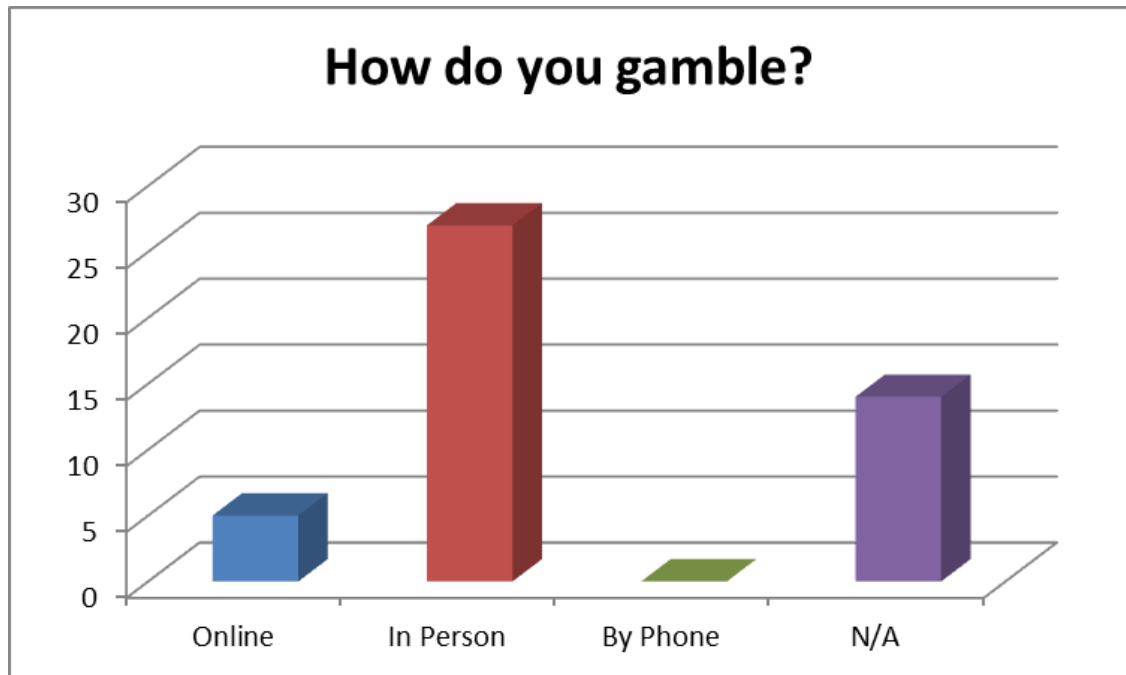
When asked why they thought this was and how this impacted their lives, these were some of the findings:

- ✚ People are spending between a few pounds and a few hundred pounds a week on gambling.
- ✚ In the majority of cases this has affected their ability to pay bills and often afford food.
- ✚ In even worse cases some admitted to borrowing and stealing to fund their addiction.
- ✚ Many stated that they did not have a problem and that the few pounds they spent a week, often on scratch cards or the lottery had no impact on themselves or others.

Question 3

How do you gamble – betting shop/scratch cards/online?

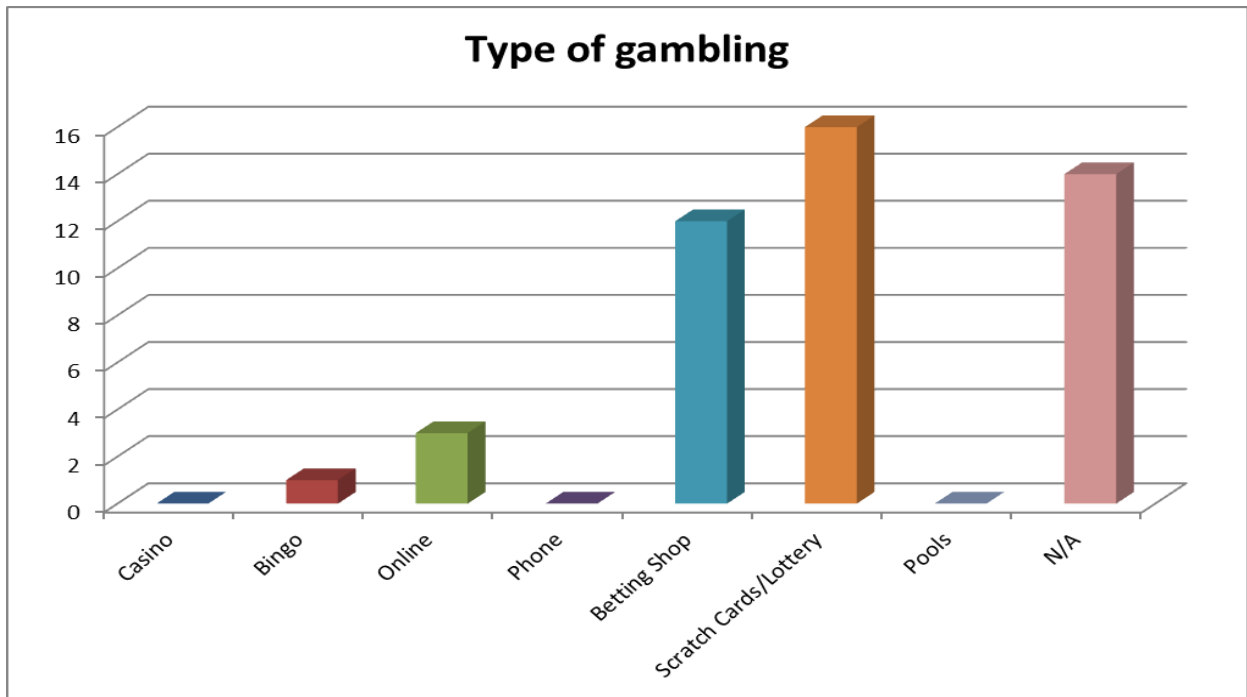
The chart below shows how those surveyed gamble. As we can see the majority does take place in person however there are some that use the internet.



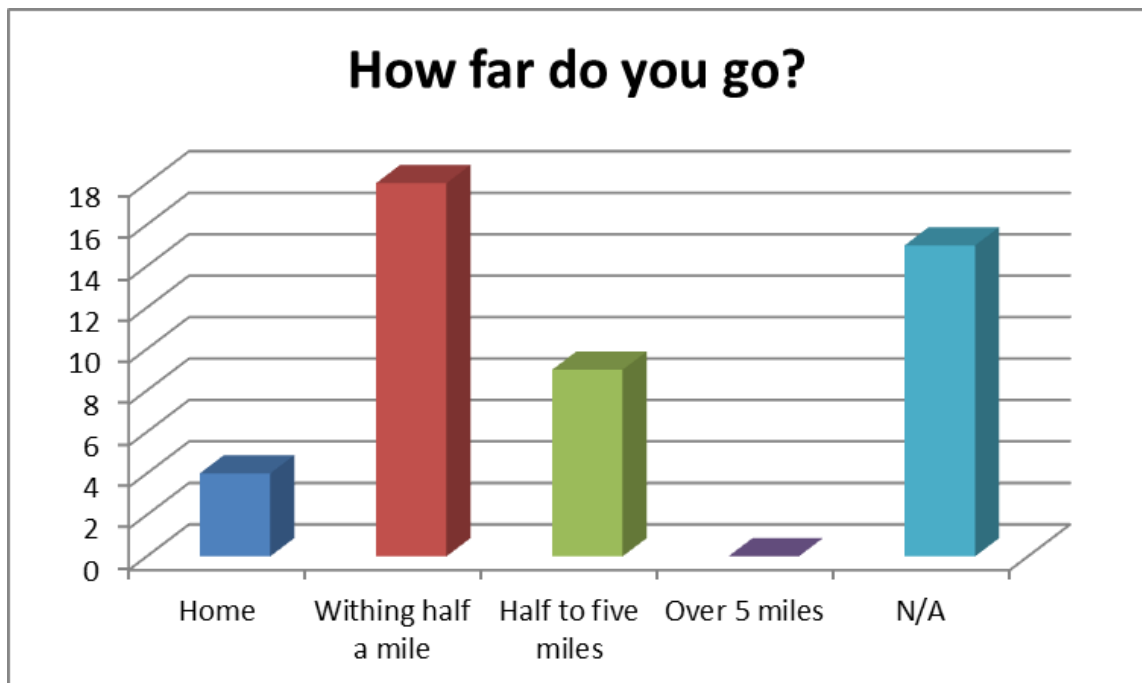
Question 4

Where you gamble (and how far is this from home?)

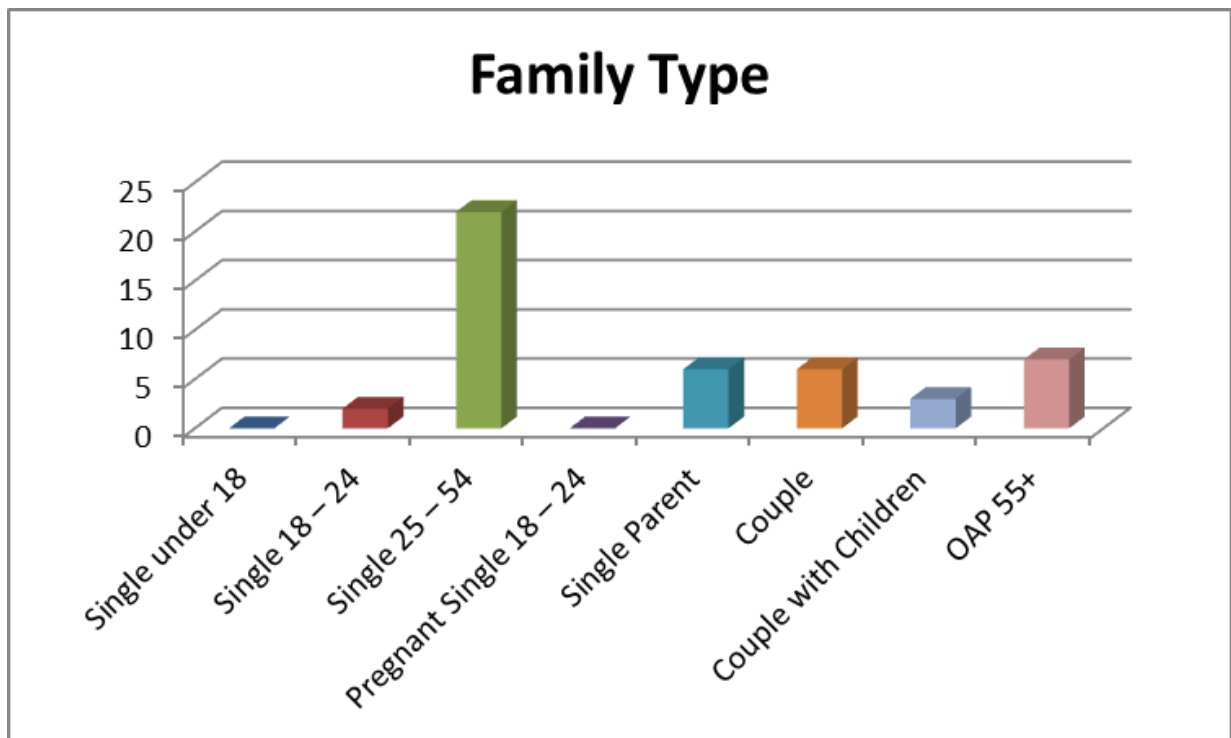
We next looked at types of gambling and found the majority surveyed gamble using scratch cards or by playing the lottery and also by using the local betting shops.



We also recorded how far people go from their home to gamble. The feedback suggests that when gambling online people tend to stay home. If it was scratch cards or the lottery they go to the local shop or the local betting shop. The trend being that the majority of people don't travel far from their homes.



Of all those surveyed 27 were male and 19 were female and the majority were single people as indicated in the chart below.



Conclusion

The data showed that just under 50% of people saw gambling as a problem and could describe how it was negatively impacting on their life. This suggests that gambling is a larger problem than previously assumed. In order to quantify this data STAR would need to collect further data and add appropriate questions about gambling on our assessments etc (provided by Heather Wardle) and support workers need harm minimisation training around gambling just as they have around drugs and alcohol.

