



Leicester  
City Council

## **MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE**

**DATE: TUESDAY, 24 OCTOBER 2017**

**TIME: 5:30 pm**

**PLACE: Meeting Room G.02, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

### **Members of the Committee**

Councillor Thomas – Chair

Councillor Hunter – Vice Chair

Councillor Singh Johal – Vice Chair

Councillors Dr Barton, Byrne, Cank, Fonseca, Shelton and Unsworth.

1 unallocated Non-Grouped Place

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

**Officer contact : Angie Smith**  
*Democratic Support*  
*Leicester City Council*  
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- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

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If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, **Democratic Support on (0116) 454 6354 or email [angie.smith@leicester.gov.uk](mailto:angie.smith@leicester.gov.uk)** or call in at City Hall, 115 Charles Street, Leicester, LE1 1FZ.

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## **PUBLIC SESSION**

### **AGENDA**

#### **FIRE/EMERGENCY EVACUATION**

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#### **1. APOLOGIES FOR ABSENCE**

#### **2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business on the agenda.

#### **3. MINUTES OF PREVIOUS MEETING**

**Appendix A  
(Pages 1 - 8)**

The minutes of the meeting held on 13 July 2017 are attached and the Committee will be asked to confirm them as a correct record.

#### **4. PETITIONS**

The Monitoring Officer to report on the receipt of any petitions submitted in accordance with the Council's procedures.

#### **5. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE**

The Monitoring Officer to report on the receipt of any questions, representations and statements of case submitted in accordance with the Council's procedures.

#### **6. TAXI DRIVERS - CODE OF CONDUCT AND PENALTY POINTS SCHEME**

**Appendix B  
(Pages 9 - 12)**

The Director of Neighbourhood and Environmental Services submits a report which informs the Committee of the City Mayor's decision regarding the code of conduct and penalty points scheme for taxi drivers.

The Committee is recommended to note the decision.

**7. TEMPORARY RELAXATION OF TAXI AGE POLICY  
FOR HACKNEY CARRIAGES**

**Appendix C  
(Pages 13 - 16)**

The Director of Neighbourhood and Environmental Services submits a report which informs the Committee of the City Mayor's decision regarding the temporary relaxation of the Taxi Age Policy for hackney carriages.

The Committee is recommended to note the decision.

**8. ANY OTHER URGENT BUSINESS**



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# Appendix A

Minutes of the Meeting of the  
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: THURSDAY, 13 JULY 2017 at 5:30 pm

P R E S E N T :

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

Councillor Dr Barton  
Councillor Cank

Councillor Fonseca  
Councillor Unsworth

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**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Byrne and Shelton.

**2. DECLARATIONS OF INTEREST**

Councillor Thomas declared an Other Disclosable Interest in Minute No 9 as he used hackney carriage vehicles with wheelchair access.

Councillor Unsworth declared an Other Disclosable Interest in Minute No 10 as a relative was employed on designing ULEVs.

In accordance with the Council's Code of Conduct the interests were not considered so significant that they it were likely to prejudice Councillor Thomas' or Councillor Unsworth's judgement of the public interest. Neither Councillor was therefore required to withdraw from the meeting during consideration and discussion on the items involved.

**3. MEMBERSHIP OF THE COMMITTEE**

Members noted the membership of the Committee for the municipal year 2017/18 as approved at the Council meeting on 11 May 2017.

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

Councillor Barton  
Councillor Byrne  
Councillor Cank  
Councillor Fonseca  
Councillor Shelton  
Councillor Unsworth

#### **4. TERMS OF REFERENCE**

Members noted the Terms of Reference of the Committee that were approved by the Annual Council Meeting on 11 May 2017.

#### **5. DATES OF MEETINGS**

The dates for Committee meetings for the municipal year 2017/18 approved by the Annual Council meeting on 11 May 2017 were noted as:-

Tuesday 15 August 2017 - This meeting had now been cancelled and brought forward to 13 July 2017.

Tuesday 24 October 2017

Tuesday 24 April 2018

#### **6. MINUTES OF PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting held on 25 October 2016 be approved as a correct record.

#### **7. PETITIONS**

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

#### **8. 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.

#### **9. CONSIDERATION OF THE FORD PROCAB FOR LICENSING AS A HACKNEY CARRIAGE**

The Director of Neighbourhood and Environmental Services submitted a report seeking approval for the Ford Procab to be licensed as a hackney carriage.

The Committee was recommended to approve the Ford Procab, which was not fully compliant with the conditions of fitness, to be licensed as a hackney carriage provided that they accepted that the benefits of licensing the vehicle outweighed the disadvantages outlined in paragraph 5 of the report.

The Licensing Team Manager presented the report and drew attention to the two areas where the vehicle was not compliant with the existing conditions of fitness. These were :-

- a) The overall width of the vehicle is 1986mm, which exceeds the maximum width of 1845mm specified in Appendix 1.
- b) The top of the tread for any entrance is shown to be 0.56m, although Appendix 1 specifies a maximum of 0.53 metres above ground level when the vehicle is unladen. However, the manufacturers comments that the vehicle is fitted with a side step with a height of 0.22m.
- c) The manufacturers had been asked to address these deviations from the conditions of fitness and their response would be reported verbally at the meeting.

The vehicle had been checked by Licensing Enforcement Officers on 13 July 2017 and it was reported that the details provided by Allied Vehicles on the vehicle compliance form were correct. The Enforcement Officers had made two observations that the location of the wheelchair anchorage was different to other vehicles and that the intermediate step which automatically extended from underneath the vehicle when the side door opened would stop automatically if it hit an obstruction. The step could be manual overridden by the driver if necessary.

In addition a certificate of European Whole Vehicle type approval had been provided for the vehicle.

The Chair then invited Simon Guillatt and Lucy Bradley from Allied Vehicles to outline the reasons for the company's application. It was stated that:-

- The company were asking all councils to approve the vehicle for use as a hackney carriage.
- The vehicle offered 6, 7 or 8 seat variations for a standard price of £34,000 for the manual transmission. An automatic transmission option was available for an additional £1,500
- The vehicle had a full EC Whole Vehicle Type Approval certificate.
- A number of Councils had already approved the vehicle for use as a hackney carriage.
- The vehicle met the Euro 6 emissions standards.

At 5.46 pm the Chair adjourned the meeting to enable Members to inspect the vehicle, which was parked outside of the City Hall.

Members inspected the vehicle and experienced entering and leaving the vehicle and seating arrangements. Members also observed the operation of the automatic step and wheelchair ramp and observed the wheelchair loading procedure and anchorage points.

At 6.07 pm the meeting was reconvened with all Members present who were present when the meeting was adjourned.

Following the inspection of the vehicle, Members asked questions of the representatives of Allied Vehicles and the following responses were received:-

- Although the top of the tread was 0.03m above the Council's specification, the intermediate step height was 0.25m from the ground and the height to the top of the tread was then 0.31m. The intermediate steps had LED lights at the edge for passengers' safety.
- The ramp for wheelchair access to the vehicle was an integral part of the design of the vehicle and was longer than most vehicle ramps because of the extra width of the vehicle. The integral ramp had been incorporated to save storage space. As the ramp was longer it reduced the gradient of the ramp for loading a wheelchair.
- There was a four point wheelchair securing system with a 3 point wheelchair passenger belt. When secured in place the wheelchair was backward facing.
- The additional width of the vehicle meant that there was extra space between each of three bucket seats behind the driver's bulkhead.
- Although the width of the vehicle exceeded the Council's maximum width by 141mm, the vehicle was no wider than the commercial Ford Tourneo Transit van on which it was based.

The solicitor to the Committee provided legal advice on the application. Members were informed that they could depart from the current requirements provided they felt that the benefits of licensing the vehicle outweighed the disadvantages outlined in paragraph 5 of the report, and that they gave justifiable reasons for doing so.

Members discussed the merits of application and,

RESOLVED:

That the application for the Ford Procab to be approved for licensing as a hackney carriage vehicle be approved.

The reasons for the Members making their decision were that the two areas



where the vehicle was not compliant with the Council's Conditions of Fitness for Hackney Carriage were considered to be minimal differences. The vehicle met the needs of passengers and drivers and had some extra features which were beneficial. It was felt that there should be a range of vehicles operating in the City as hackney carriages to cater for the differing needs of both drivers and passengers.

## **10. TEMPORARY EXTENSION OF AGE POLICY FOR HACKNEY CARRIAGES**

The Director of Neighbourhood and Environmental Services submitted a report that sought the Committee's views on a temporary relaxation of the Taxi Age Policy for hackney carriages, prior to a decision being made by the City Mayor.

The current policy on vehicle age provided that no vehicle would be licensed once it was over 11 years old. The current policy was approved by the City Mayor on 12 June 2012 and it permitted no exceptions to the policy.

The Leicester's Air Quality Action Plan (2016-2026) Healthier Air for Leicester set out a number of measures to accelerate improvements in air quality and deliver public health benefits. One such measure was to introduce a low emission zone focused initially on buses using the bus stations and to work towards an ultra-low emission zone (ULEZ) for all vehicles by 2026 or sooner. A further measure was to work with bus, freight, rail and taxi transport sectors to reduce their environmental impact.

Although there were no ULEV Hackney Carriages available for purchase and delivery, media releases from the manufacturers and other bodies such as Transport for London had indicated that vehicles would "start to be available" mid/late 2017.

A number of operators had asked to be allowed to use vehicles older than was permitted by the Age Policy to bridge the gap before they were able to acquire Ultra Low Emission Vehicles (ULEVs). Operators felt this would provide an opportunity to advance the Air Quality Plan by supporting owners of hackney carriages who want to replace their existing old hackney carriage with a new ULEV hackney carriage.

The report profiled the age of the current Hackney Carriage and Private Hire fleets operating in the City and identified those that would be reaching their end of life in the next 18 months.

The report set out three options for members to consider. These were:-

### Option A – Proof of Purchase

A temporary relaxation of the vehicle age policy granted solely to an owner of a licensed hackney carriage vehicle who had a bona-fide arrangement in place to replace their vehicle with a ULEV on or before 30 September 2018. On the 30 September 2018 the 11 year rule would be applied and the existing vehicle would be removed from service. 6

monthly vehicle tests would continue to apply during the temporary relaxation period.

#### Option B – Commitment Only Option

A temporary relaxation of the vehicle age policy granted solely to an owner of a licensed hackney carriage vehicle who had made a commitment to replacing their vehicle with a ULEV on or before 30 September 2018. On the 30 September 2018 the 11 year rule would be apply and the existing vehicle would be removed from service. 6 monthly vehicle tests would continue to apply during the temporary relaxation period.

#### Option C – Temporary General Moratorium

A temporary relaxation of the vehicle age policy for any vehicle having a last licensable date after the date of the decision to authorise a temporary relaxation to enable a vehicle to be relicensed for 12 months. A review of the termination date for the option would be considered in April 2018, taking into account the availability of approved ULEVs for delivery at that time. 6 monthly vehicle tests would continue to apply during the temporary relaxation period.

Studies carried out involving hackney and private hire vehicles licensed in Leicester, concluded that ULEVs were most suited to the hackney trade due to the type of work and distances travelled. Hybrid vehicles were already available and could currently be licensed as private hire vehicles. A minor change to the current policy (regarding fuel type) in LCC Guidance Notes was required to enable ULEVs to be licensed as private hire vehicles.

The Chair indicated that he had invited representatives of the RMT Union to the meeting to provide the Committee with specialist views on the proposals.

The RMT Union requested that the Council consider an amended version of Option C – Temporary General Moratorium and grant the relaxation of the age policy until 2020 as it was believed that there would be a wider range of vehicles and models from which to choose and it would give Hackney Carriage drivers more time to prepare for purchasing ULEVs. The RMT Union also suggested that the relaxation could be accompanied by an increase in the number of mandatory tests.

Members discussed the options following questions noted the following responses:-

- a) Option A would not be available to drivers until order books were opened by manufacturers and the date for this was not known at the present time.
- b) Option B could not be enhanced with an enforceable SLA as the granting of a licence was based upon statutory provisions and these did

make provision for a local authority to do this.

- c) Option C included a review of the temporary relaxation in April 2018 which would enable the Council to determine if there were a sufficient supply and choice of manufacturers of ULEVs at that time. This also provided an opportunity to extend the relaxation for a further period should the anticipated supply of vehicles and choice of manufacturers not materialise before then.
- d) The amended Option C suggested by the RMT Union would mean there would be 13 and 14 year old vehicles operating in the City by 2019.
- e) Officers were also pursuing a grant application which could provide a financial incentive for drivers to purchase ULEVs.
- e) The current Council policy did not mandate the use of ULEVs. Hackney Carriage drivers whose vehicles exceeded the 11 year age policy could still choose to buy a non-ULEV replacement vehicle and not take advantage of any temporary relaxation of the current policy. These replacement vehicles would, under current Council policy, be eligible to be used until they too reached the 11 year age limit.
- g) The current 11 year age policy was based primarily on ensuring public safety and applied to all vehicles. The safety considerations included steering, suspension and mechanical integrity of the vehicle etc. The risk to safety increased with age and usage. There were no grounds at this stage to apply a different age policy to ULEVs and the issue was not under consideration at this time

RESOLVED:

That the City Mayor be informed that the Committee recommends Option C be implemented as this gives further options to extend the temporary relaxation if the anticipated supply and choice of manufacturers of ULEVs does not materialise and still provides assurances for public safety during the extension period.

## **11. CLOSE OF MEETING**

The Chair declared the meeting closed at 7.44 pm.





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**WARDS AFFECTED**  
All

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
**Licensing and Public Safety Committee**

**24 October 2017**

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## **Taxi drivers – code of conduct and penalty points scheme**

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### **Report of the Director of Neighbourhood and Environmental Services**

#### **1. Purpose of Report**

- 1.1. To inform the Committee of the City Mayor's decision regarding the code of conduct and penalty points scheme for taxi drivers.

#### **2. Recommendations**

- 2.1. Members are asked to note the decision.

#### **3. Background**

- 3.1 Members received a report on 25 August 2015 regarding proposals for a penalty points scheme for taxi drivers. The committee was supportive of such a scheme, and made some comments regarding amendments to the details of the scheme.

#### **4. Introduction of the scheme and further consultation**

- 4.1 The Penalty Points Scheme was introduced in December 2015, with a commitment to review the operation of the scheme after 12 months.
- 4.2 A further consultation took place in December 2016 / January 2017. The consultation covered the penalty points scheme and the code of conduct. Responses from the public indicate continued concern about driver behaviour. Of 45 responses from members of the public, 31 directly concerned the manner of driving and 5 referred to the overall fitness of drivers for licensing.
- 4.3 There were 12 responses from the trade. They raised issues about stopping places, the use of bus lanes and the behaviour of both drivers and passengers, but no constructive comments on the existing penalty points scheme or any alternatives.
- 4.4 A majority of the public supported a penalty points scheme. The majority of taxi drivers did not think it was a good idea.

## 5. Confirmation of the scheme

5.1 On 6 September 2017 the City Mayor decided:

- a) That the Penalty Points Scheme is made a permanent arrangement for the Council's management of standards and conduct within the licenced taxi sector alongside the Code of Conduct.
- b) That the Director of Neighbourhood and Environmental Services have the authority to make, after consultation with the relevant Assistant Mayor and, as may be required by the Council Constitution, any other relevant Council committee, such alterations to the Scheme as are likely to facilitate improvement in driver conduct, reduce contraventions and/or improvements in its management and administration.

5.2 The City Mayor was of the opinion that the Penalty Points Scheme should be retained and further developed to allow Leicester City Council to apply regulatory and enforcement measures in a proportionate way reflecting the risk and harm caused by the misconduct and other contraventions.

## 6 Financial, Legal and Other Implications

### Financial Implications

6.1 There are no quantifiable financial implications arising as a result of this report, although there are additional demands upon staff time.

*Colin Sharpe, Head of Finance, ext. 37 4081*

### Legal Implications

6.2 Penalty points schemes are lawful - R. (on the application of Singh) v Cardiff City Council [2012] EWHC 1852 (Admin).

*John Moss, Solicitor - Legal Services*

## 7 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	Yes	The report refers to the council's policy relating to taxi drivers
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

Corporate Parenting	No	
Health Inequalities Impact	No	

**8 Background Papers – Local Government Act 1972**  
Licensing & Public Safety Committee 13 September 2017

**9 Consultations**  
None

**10 Report Author**  
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**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
**Licensing and Public Safety Committee**

**24 October 2017**

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## **Temporary Relaxation of Taxi Age Policy for Hackney Carriages**

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### **Report of the Director of Neighbourhood and Environmental Services**

#### **1. Purpose of Report**

- 1.1. To inform the Committee of the decision regarding the temporary relaxation of the Taxi Age Policy for hackney carriages.

#### **2. Recommendations**

- 2.1. Members are asked to note the decision.

#### **3. Background**

- 3.1 Members received a report on 13 July 2017 setting out the proposals for a temporary relaxation of the council's age policy for hackney carriages.
- 3.2 The Committee resolved that the City Mayor be informed that the Committee recommends Option C be implemented as this gives further options to extend the temporary relaxation if the anticipated supply and choice of manufacturers of ULEVs does not materialise and still provides assurances for public safety during the extension period.
- 3.3 Option C was that:
- Any vehicle having a last licensable date after the date of the decision and some date to be fixed will be relicensed for a period up to 12 months.
  - The end date of this moratorium will be reviewed taking into account the availability of approved ULEVs for delivery.
  - The vehicles will continue to be subject to 6 monthly tests.

#### **4 Decision**

- 4.1 On 6 September 2017 the City Mayor decided to temporarily relax the age policy for hackney carriages as follows:

- (1) Where any HC vehicle has a last licensable date between the date of the decision and 30 June 2018 then, on request of the owner, it will be

relicensed to 30 June 2018 [the end of general moratorium date].

- (2) Where a HC vehicle has a last licensable date after the end of the general moratorium date then, on request of the owner and supply of evidence of a contract to purchase an approved ULEV, it will be relicensed for a period of 3 months [the delivery period] to accommodate delivery of the replacement vehicle.
- (3) That authority is delegated to the Director of Neighbourhood and Environmental Services to defer, after consultation with the relevant Assistant Mayor/s, the end of general moratorium date.
- (4) That authority is delegated to the Team Manager (Licensing Policy & Applications) and direct line managers to set, in exceptional circumstances, a different delivery period to facilitate replacement with an approved ULEV.
- (5) That the relaxation arrangements will not extend beyond 31 March 2019.

4.2 The reasons for the decision were:

- Leicester City Council has an 11 year age policy for licensing vehicles as taxis. ULEV hackney cabs are not yet available for purchase.
- Operators have asked to be allowed to use vehicles older than permitted by the Age Policy to bridge the gap before they are able to acquire ULEVS.
- The aims of the Air Quality Plan 2015-26 are to improve air quality by reducing emissions from vehicle serving the public.
- This is a temporary relaxation of the policy to advance the aims of Air Quality Plan 2015-26 by supporting owners of hackney carriages to replace their existing old hackney carriage with a new ULEV hackney carriage.
- Vehicles will continue to be subjected to 6 monthly checks.

## **10 Financial, Legal and Other Implications**

### **Financial Implications**

10.1 There are no significant financial implications arising directly from this report.

*Colin Sharpe, Head of Finance, ext. 37 4081*

### **Legal Implications**

10.2 It is for individual licensing authorities to reach their own decisions within their statutory powers on overall policies and individual licensing matters. It is therefore within the Authority's power to relax the Age Policy.

- 10.3 The power for the Council to license a Hackney Carriage/s is contained within Section 37 of the Town Police Clauses Act 1847 and the power to place conditions on the licensing of hackney carriages is contained in Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.
- 10.4 Any contractual agreement between the Local Authority and a Hackney Carriage driver, cannot override statutory requirements.
- 10.5 Due to the uncertainty of when the Ultra Low Emission Vehicles will become available and the number of vehicles that will become available to purchase, it is difficult to see how any meaningful contractual agreement could be entered into between the Local Authority and individual drivers at this stage. The position may change when the vehicle availability details become known.

*Katherine Jamieson, Solicitor – Legal Services*

## 11 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	Yes	The report refers to the council's age policy for hackney carriages
Sustainable and Environmental	Yes	4.2
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

## 12 Background Papers – Local Government Act 1972

Licensing & Public Safety Committee 13 September 2017

## 13 Consultations

None

## 14 Report Author

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