



Leicester
City Council

Minutes of the Meeting of the
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: THURSDAY, 11 SEPTEMBER 2014 at 5:30 pm

P R E S E N T :

Councillor Clarke (Chair)
Councillor Dr Barton (ViceChair)
Councillor Byrne (Vice Chair)

Councillor Riyait

Councillor Shelton

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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Westley.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they might have in the business on the agenda. No such declarations were made.

3. MINUTES OF PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting held on 9 April 2014 be approved as a correct record.

4. MEMBERSHIP OF THE COMMITTEE

NOTED: that following the Annual Meeting of Council on 29 May 2014, the membership of the Committee is as follows:-

Chair – Councillor Clarke
Vice-Chair – Councillor Dr Barton
Vice-Chair Councillor Byrne
Councillors Potter, Riyait, Sangster, Shelton and Westley.
There are currently 2 Labour Group vacancies.

5. DATES OF COMMITTEE MEETINGS

NOTED: that meetings of the Committee will be held on the dates below at 5.30pm:-

Thursday 6 November 2014
Monday 5 January 2015
Monday 2 March 2015

6. PETITIONS

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

7. 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.

8. CONSIDERATION OF THE FORD VOYAGER TOURNEO CUSTOM FOR LICENSING AS A HACKNEY CARRIAGE

The Director of Environmental and Enforcement Services submitted a report seeking approval for the Ford Voyager Tourneo Custom to be licensed as a hackney carriage. The manufacturers, Voyager MPV Ltd, had submitted the application for the vehicle to be licensed.

The Committee were recommended to approve the Ford Voyager Tourneo Custom provided that Members accepted that the benefits of licensing outweighed the disadvantages outlined in paragraph 5 of the report. Although the vehicle was not fully compliant with the conditions of fitness, it could be licensed as a hackney carriage at Members' discretion.

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) that the overall width of vehicle was 141mm wider than the maximum width in the conditions of fitness of 1.845 metres.
- b) that the clear height of the doorway was stated as 65mm less than the minimum height of 1.195 metres in the conditions of fitness.

The Chair then invited Mr N Stuart, Voyager MPV Ltd, to outline the reasons for

the company's application. He stated that:-

- The company were asking all councils to approve the vehicle for use as a hackney carriage.
- The company were responding to requests from hackney carriage operators and drivers that they wanted a vehicle that could be serviced locally and supported by a national supplier.
- The vehicle incorporated a number of environmentally friendly features, including automatic stop/start technology when stationary at traffic lights/junctions etc. The vehicle was considered to be the 'greenest' vehicle currently available for use as a hackney carriage.
- The vehicle offered increased levels of driver comfort.
- The vehicle had a 5 star European NCAP rating.
- 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 Licensing Team Manager confirmed that the Council had seen the EC Whole Vehicle Type Approval certificate. Attention was also drawn to Appendix 2 of the report which showed the equipment specification of the two vehicle models.

Following questions from Members it was noted that:-

- The conditions of fitness had originally been based upon those for London Hackney Carriage Vehicles.
- Some of the original conditions had subsequently been reviewed and certain requirements had been relaxed in 2005 to form the current conditions.
- The variations of the vehicle's width and clear height of the doorway from the current requirements may make the vehicle less able to manoeuvre in narrow streets and some wheelchair users or people who had difficulty in bending may find it difficult to enter the vehicle.

In addition, Mr Stuart gave details of some Councils that had already approved the vehicle. No authorities had refused the application, but two authorities had deferred consideration of the application as the company had not been able to present a vehicle for inspection at the time the applications were considered. These were in the process of being reconsidered now that the vehicle was

available. This was similar to the situation whereby the Committee had deferred consideration of the application at its last meeting.

At 5.45 pm the Chair adjourned the meeting to enable Members to inspect the vehicle, which was parked outside of the Town Hall.

Members inspected the vehicle and experienced entering and leaving the vehicle and seating arrangements.

At 5.55 pm the meeting was reconvened with all Members present who were present when the meeting was adjourned. Councillor Barton also joined the meeting at this time and indicated that she would not take part in the subsequent discussion or decision on the application.

Following the inspection of the vehicle, Members asked questions of Mr Stuart and the following responses were received:-

- The vehicle had high visibility stripes incorporated into the seating material and high visibility handles to assist passengers with disabilities.
- The ramp for wheelchair access to the vehicle was an integral part of the design of the vehicle and this had been incorporated to save storage space.
- There was a four point wheelchair securing system with a 3 point wheelchair passenger belt. When secured in place the wheelchair was forward facing.
- Additional lighting had been installed in the vehicle to illuminate the steps for access and egress to the vehicle.
- The vehicle had a large bulkhead and screen to give the driver high levels of protection.
- There was a door locking system operated by the driver.
- An intercom system allowed the driver and passengers to converse and both the driver and the passengers could turn the intercom off.

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 Voyager Tourneo Custom to be approved for licensing as a hackney carriage vehicle be approved.

The reasons for the Members making their decision were that the two variations of the vehicle's specification were considered to be minimal differences. The vehicle meets the needs of passengers and drivers and had some extra features which are 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.

9. CHARITABLE HOUSE TO HOUSE COLLECTIONS

The Director of Environmental and Enforcement Services submitted a report on charitable house to house collections and asked if the Council's current policy should be amended in light of new guidance issued by the Cabinet Office. The Cabinet Office had now stated that appeals to the Minister will now be considered afresh on their merits based on the information provided to the local authority by the applicant and any additional information provided by either party. Previously, the Minister would simply review the decision as to whether it was one that the local authority could legitimately make. The Cabinet Office's latest position on appeals was included as an appendix to the report.

The Council's current policy stated that "approval to be given to a guideline figure of zero, for remuneration from the proceeds of any house to house collection." In view of the changes announced by the Cabinet Office, it was considered that any appeal against a refusal based on the current policy was likely to be successful. It was therefore, suggested that a guideline figure of 70% of the proceeds being used for charitable purposes should be considered as a starting point for discussion.

Members discussed the implications of the new Cabinet Office guidance and felt that the Council's policy should give confidence to the public in knowing that their donations were being used for charitable purposes. Members also commented upon the large number of plastic bags that were delivered door to door, a number of which were not from charitable organisations.

In response to Members' questions it was noted that:-

- There was no fee for submitting applications for charitable house to house collections.
- Other Council's currently had a wide range of guideline figures for the percentage of the proceeds that should be used for charitable purposes.
- Collection bags for clothes etc did not require licences unless they stated that the organisation concerned was a charitable organisation.

- There had been 9 applications and 9 approvals granted in the last 3 months for charitable door to door collections.
- Officers would investigate complaints where organisations purported to be a charitable organisation but were felt to be commercial operations.
- A successful challenge to a Council decision on a charitable door to door collection would incur costs in officer time defending an appeal and the possibility of costs being awarded against the Council if the appeal was successful.

Members discussed the merits of amending the current policy in light of the Cabinet Office's latest guidance. A view was expressed that more charities may apply to undertake door to door collections if they were able to recover administration costs in carrying out the collections.

RESOLVED:

- 1) That the Assistant City Mayor - Neighbourhood Services, be recommended to amend the Council's licensing policy for charitable door to door collections to consider each application on its merits and that a guideline figure of 75% of the proceeds being used for charitable purposes, as this was considered appropriate and proportionate in the circumstances.
- 2) That the Council's policies in relation to street collections and the use of animals for charitable collections be considered and reviewed at the next meeting of the Committee, with any proposed changes being recommended to the Assistant City Mayor - Neighbourhood Services.

Councillor Riyait left the meeting at this point.

10. LICENSING ACT 2003 - CHANGES TO LEGISLATION

The Director of Environmental and Enforcement Services submitted a report providing information on forthcoming changes to the Licensing Act 2003.

The report outlined the following changes to the Licensing Act 2003:-

- a) The amendments to the mandatory conditions of all licensed premises imposed by the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendments) Order 2014.
- b) The proposals in the Deregulation Bill currently progressing through Parliament and expected to come into force in April 2015.

- c) Amendments to entertainment licensing which have been laid before Parliament in the Legislative Reform Order.

Members discussed the changes and proposed changes and commented that in relation to the proposed entertainment licensing changes they had concerns that definition of a health care provider was wide and loosely defined. The Chair indicated that he would discuss this overall exemption for local authorities, health care providers and schools to provide entertainment without a licence with the Assistant City Mayor - Neighbourhood Services.

Members also expressed concern at the impact upon public safety if the Magistrates' Courts did not revoke a personal licence where a person was convicted of a relevant criminal offence under the Licensing Act 2003; as the Council would no longer have the opportunity to review a licence in these circumstances if the Deregulation Bill removed the need for personal licences to be renewed in the future. If the proposals were introduced only the Magistrates Courts would have the power to revoke or suspend a personal licence if the holder was convicted of an offence that was relevant under the Licensing Act. The Chair indicated that he would also discuss this concern with the Assistant City Mayor - Neighbourhood Services to arrange for these views to be submitted on the Council's behalf.

RESOLVED:

That the report be noted and that Chair discuss the Committee's concerns with the Assistant City Mayor - Neighbourhood Services.

11. CLOSE OF MEETING

The Chair declared the meeting closed at 7.00 pm.