

A meeting of the above Committee will be held remotely on Wednesday 8 July 2020, at 6.00pm, and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership:

Councillor T Heath (Chairman)

Councillor A Boad

Councillor G Cullinan

Councillor A Dearing

Councillor A Evans

Councillor C Gifford

Councillor J Grey

Councillor G Illingworth

Councillor V Leigh-Hunt

Councillor M Luckhurst

Councillor M Mangat

Councillor N Murphy

Councillor D Norris

Councillor P Redford

Councillor S Syson

**Agenda**

**1. Apologies & Substitutes**

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

**2. Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

**3. Minutes**

To confirm the minutes of the meeting held on 1 June 2020

**(Pages 1 to 3)**

4. **Consultation on the revision and renewal of the district's Public Space Protection Orders – Restricted Drinking Zones & Dog Control Orders**

To consider a report from Health & Community Protection

**(Pages 1 to 9)**

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For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at [LandRCommittee@warwickdc.gov.uk](mailto:LandRCommittee@warwickdc.gov.uk)

Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)

The agenda is available in large print on request,  
prior to the meeting, by telephoning (01926)  
456114

# Licensing and Regulatory Committee

Minutes of the remote meeting held on Monday 1 June 2020 at 5.00pm, which was broadcast live via the Council's YouTube Channel.

**Present:** Councillors Boad, A Dearing, Evans, C Gifford, Grey, Heath, Illingworth, Leigh-Hunt, Mangat, Murphy and Redford.

## 1. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillor Cullinan and Councillor Syson; and
- (b) there were no substitutes for the meeting.

## 2. **Appointment of Chairman of the Committee**

It was proposed by Councillor Illingworth, duly seconded and

**Resolved** that Councillor Heath be appointed Chairman of the Committee for the 2020/2021 municipal year.

## 3. **Appointment of Vice-Chairman of the Committee**

It was proposed by Councillor Illingworth, duly seconded and

**Resolved** that Councillor Murphy be appointed Vice-Chairman of the Committee for the 2020/2021 municipal year.

## 4. **Declarations of Interest**

There were no declarations of interests made.

## 5. **Minutes**

The minutes of the Committee meeting held on 26 February 2020 were approved as a correct record.

## 6. **Appointment to Licensing and Regulatory Panels**

The Committee considered the proposals for membership of the Panels and

**Resolved** that

- (1) the membership of the Licensing & Regulatory Panels for the municipal year 2020/21, be

Panel	Councillor	Councillor	Councillor
A	Heath	Leigh-Hunt	C Gifford

<b>B</b>	Illingworth	Evans	Grey
<b>C</b>	Murphy	A Dearing	Boad
<b>D</b>	Syson	Norris	Cullinan
<b>E</b>	Redford	Luckhurst	Mangat

- (2) all members of the Committee be appointed as substitutes for the above Panels;
- (3) by virtue of the Licensing Act 2003, the Panels not be politically proportionate to the Council and the departure from political proportionality for the Panels not considering matters made under the Licensing Act 2003, be approved; and
- (4) the membership of the Licensing Panel scheduled for 2 June 2020 be Councillors Luckhurst, Murphy and Redford.

## 7. **Minor amendment to procedure for Licensing and Regulatory Panels**

The Committee considered a report from the Democratic Services which brought forward a minor amendment to the process for Licensing & Regulatory Panels in association with holding the meetings remotely.

At the time when determining an item, the Licensing & Regulatory Panels retired to deliberate a decision with only the Committee Services Officer and Legal Services Officer present to record the decision. Once the decision was agreed, all interested parties (and if a public meeting, the public as well) were invited back into the meeting and informed of the decision.

With the advent of remote meetings, this provided a technical challenge in terms of stopping the live broadcast (for an undefined period of time), then starting it again for a matter of moments while the decision was announced. There was also a need to hold a separate remote meeting with only the Panel and relevant officers attending to ensure interested parties could not re-join to hear the deliberation. This second part was not technically possible to hold while still live broadcasting the original meeting (even if it was paused).

As an interim, it was proposed that the broadcast of the meeting would end when the Panel went into deliberation, followed by the Panel moving to a new meeting to undertake a deliberation, which would not be recorded. Once a decision was reached, a summary of the decision would be published online and sent to all interested parties via email with, as at present, the full decision notice following within seven days.

While most Hackney Carriage/Private Hire Driver hearings were in confidential session, a similar principle applied to ensure that no unauthorised person could attend/record the meeting.

Officers checked the legislative requirement, as well as practice from other Councils, and there was no requirement for the formal announcement of the decision to the interested parties and not all Councils provided this.

This proposal also removed the need for interested parties to wait for the decision (which they often felt obliged to do) which could take anywhere from a few minutes to a number of hours.

Councillors may have had similar questions about other Council meetings where confidential business was discussed. However, in all cases (less Council) this was at the end of the meeting so the live stream could be stopped and for the majority of these meetings, there would not be interested parties (i.e. the public) making submissions. Equally, there would also be at least two officers on duty, monitoring who had entered the meeting. This was with the exception of Council where confidential items came before the Common Seal. In this instance, it was intended to have more officers available to support Council and monitor who was present.

Alternative options were considered and tested for running a single continuous meeting and having interested parties leave. However, depending on their invite to the meeting and if they had already been in the meeting, they could re-join without needing approval (in both WebEx and MS Teams). Therefore, officers considered this was the best technical solution to minimising the risks for Licensing Panels.

The Democratic Services Manager outlined the report and explained to Members that the proposal was designed to make the deliberation process easier for members of the public who were attending. By sending the decision out to the applicants, this negated the need for them to sit around waiting for a decision whilst the deliberation was going on. Clarification was also provided that this process had been undertaken by other Councils.

Members also noted that the proposal was a temporary measure until 28 September 2020 and would be reviewed again by the Committee at this time, based on the position in which the Council was with regards to remote meetings.

The Committee therefore

**Resolved** that the requirement for all parties to be invited back into the meeting once the decision is taken, to notify them of the decision, be suspended until the Committee meets on 28 September 2020.

(The meeting ended at 6.15pm)

CHAIRMAN  
8 July 2020

 <b>Licensing &amp; Regulatory Committee</b> <b>8 July 2020</b>		<b>Agenda Item No. 4</b>
<b>Title</b>	<b>Consultation on the revision and renewal of the district’s Public Space Protection Orders – Restricted Drinking Zones &amp; Dog Control Orders</b>	
<b>For further information about this report please contact</b>	Liz Young Community Safety & Partnerships Manager <a href="mailto:liz.young@warwickdc.gov.uk">liz.young@warwickdc.gov.uk</a> 01926 456019	
<b>Wards of the District directly affected</b>	ALL	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	14 January 2014 Executive	
<b>Background Papers</b>	Anti-Social Behaviour, Crime and Policing Act (2014) Dog Control Orders (Executive 30/07/2014) Ranger Service (Executive 03/09/2014)	
<b>Contrary to the policy framework:</b>	No	
<b>Contrary to the budgetary framework:</b>	No	
<b>Key Decision?</b>	Yes	
<b>Included within the Forward Plan? (If yes include reference number)</b>	No	
<b>Equality Impact Assessment Undertaken</b>	No	
A full EIA will be carried out based on the outcomes of the consultation		

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Andrew Jones
Regulatory Manager	30/06/2020	Lorna Hudson
CMT		
Section 151 Officer		
Deputy Monitoring Officer	30/06/2020	Graham Leach
Finance		Mike Snow
Portfolio Holder(s)		Judith Falp
Consultation & Community Engagement		
As detailed in the Background section of this report		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## 1. **Summary**

- 1.1 The district's Public Space Protection Orders (PSPOs) expire on 21 October 2020. (See Appendix 2)
- 1.2 Before introducing, extending, varying or discharging a PSPO, there are requirements under the Anti-Social Behaviour, Crime and Policing Act 2014 Act regarding consultation, publicity and notification.
- 1.3 Approval is being sought to consult residents, businesses, partners and relevant stakeholders on the extension and variation of these orders.

## 2. **Recommendations**

- 2.1 The Licensing & Regulatory Committee authorise a statutory consultation, for 4 weeks on the proposals outlined below.
- 2.2 The Licensing & Regulatory Committee note that following the consultation a further report will be submitted to this committee for a decision on extending and varying the PSPOs.

## 3. **Reasons for the Recommendations**

- 3.1 Where PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a consultation process.
- 3.2 Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must also be notified. 'Community representatives' are defined broadly in the Act as 'any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area'.
- 3.3 It is proposed to discharge the Restricted Drinking Zone PSPO and replace it with an Intoxicating Substances PSPO, to include alcohol and making it an offence for a person 'without reasonable excuse' to breach the PSPO in terms of ingestion, inhalation, injection, smoking or otherwise use of an intoxicating substance. This approach has been informally discussed with Warwickshire Police who support this inclusion.
- 3.4 Since they were introduced in Warwick District, the various Dog Control Orders have proven to be successful, with accurate signage and dog owners generally adhering to the orders. The orders in place currently are:
  - Dog Fouling
  - Dogs on Lead
  - Dogs on Lead by Direction
  - Dog Exclusion

- 3.4.1 No changes to the Dog Fouling Order are proposed.
- 3.4.2 Dogs on Lead to be extended to include Warwick Racecourse (when crossing the track either way at the designated public access points).
- 3.4.3 No changes to the Dogs on Lead by Direction Order.
- 3.4.4 It is proposed to vary the Dog Exclusion with the addition of three new play areas that have been adopted since the Orders were last reviewed. These are:  
Abbey Fields Children's Play Area  
Guys Cliffe/Dragon Cottage  
Burgundy Gardens Play Area, Whitnash

Some areas are to be removed as indicated on Appendix 2.

It is also proposed to extend the Dog Exclusion to include Newbold Common Golf course (except when using the public footpath as it crosses the golf course, in which case a dog must be kept on a lead).

- 3.4.5 The introduction of a maximum number of dogs that can be walked at any one time is also being proposed the maximum number considered at this moment is to be no more than 4 dogs and cover the same areas as dogs on lead.
- 3.5 The consultation is to encourage open discussion as part of the consultation process to help to identify how best to balance the interests of different groups – both those affected by an anti-social behaviour and those who will be restricted by the terms of an Order – and a chance to explore whether there may be any unintended consequences from the proposals; in particular, any adverse impacts on vulnerable people.
- 3.6 The consultation will take place during July/August 2020 lasting for a 4 week period, after which a further report, including a summary of any representations received, will be submitted to this committee for a final decision.

#### 4. **Policy Framework**

##### 4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of one of the Council's Key projects."

Work in tackling anti-social behaviour is a significant part of the Council's vision for Safer Communities of:

*"Protecting our communities from harm with an emphasis on the prevention of incidents, whilst focusing on the most vulnerable to make them feel safer"*

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.



FFF Strands		
People	Services	Money
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District are as close to zero as possible by 2030 Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
Tackling ASB impacts significantly on the quality of life of residents and level of crime and disorder is cited as the top consideration when deciding on where to live	PSPOs enable a preventive and if necessary an enforcement approach resulting in reducing crime and disorder thus allowing communities to enjoy the district's public open spaces	PSPOs help police and the Council to safely manage the night time economy and ensure people keep coming to enjoy the vibrancy of the town centres thus helping to boost the local economy
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
The Ranger Service provides additional authorised officers supporting police officers, PCSOs and	No impact	No impact

- 4.2 **Supporting Strategies** – This report does not directly impact on any of the supporting strategies of Fit for the Future.
- 4.3 **Changes to Existing Policies** – The report does not bring forward any changes to any existing Council Policies.
- 4.4 **Impact Assessments** - Equality IA - the government guidance on PSPO states that the restrictions of a PSPO can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. The PSPOs will apply to all individuals committing anti-social behaviour within the designated areas, without discrimination. No particular group should be disadvantaged through publicity or enforcement of the PSPOs. A Equality Impact Assessment will be conducted after the consultation.
5. **Budgetary Framework**
- 5.1 There are no costs associated with this report but new signage would be required for any Public Space Protection Orders which would be funded from the appropriate Community Safety budget. This will be the subject of a further report following the consultation.
6. **Risks**
- 6.1 Not having valid PSPOs in place will have an impact on the Police and Council officers ability to enforce drinking and drug associated anti social behaviour and dog-related nuisance across the district. This may have a detrimental effect on the reputation of the Council by:
- People drinking alcohol and taking intoxicating substances and engaging in anti-social behaviour as a result
  - An increase in dog fouling
  - Dogs being walked off the lead for example on highways and in cemeteries
  - Any number of dogs being walked by one person
  - No way to control dogs causing nuisance, (i.e. requirement to place a dog on a lead)
  - Dogs entering children's play areas, sports areas and marked pitches
7. **Alternative Option(s) considered**
- 7.1 Not to consult or renew the PSPOs. This option is not recommended for the reasons highlighted in 6.1. Allowing the PSPOs to lapse without extending them will result in a recurrence of the activities that are detrimental to the quality of life of people who live, visit or work in the district.
8. **Background**
- 8.1 The Anti-Social Behaviour, Crime and Policing Act 2014 automatically converted RDZs to PSPOs for three years with effect from 2017, then giving a further three years before requiring review. The revised PSPOs need to be in place by 21 October 2020.

- 8.2 PSPOs are intended to deal with nuisance or problems in a particular area that is detrimental to the local community's quality of life, by imposing conditions to the use of that area, which apply to everyone.
- 8.3 The Intoxicating substance PSPO do not make it an offence to drink in the restricted areas, but it would be an offence if any person failed without reasonable excuse to comply with a Police Officer's, designated council officer's or Street Marshall's request, if the Officer or Marshall believed that the continuation of drinking would lead to that person carrying out anti-social behaviour. This includes:
- A request not to consume in that anything which is intoxicating liquor, if requested to do so by the Officer/Marshall
  - A request to surrender anything which the Officer/Marshall believes to be intoxicating liquor, if requested to do so by the Officer/Marshall
- 8.4 The district-wide Restricted Drinking Zone has proven effective, with Street Marshals in Leamington Spa able to confiscate alcohol from members of the public in the town centre and in doing so, reducing the possibility of public disorder. Below are the confiscation statistics for the last 12 months:
- |      |        |                        |
|------|--------|------------------------|
| 2019 | Spring | 938                    |
|      | Summer | 1259                   |
|      | Autumn | 1125                   |
| 2020 | Spring | 58 (as of 12/02/2020). |
- No arrests have been made as a result of any breaches and only one fine has ever been issued and that was pre 2017.
- 8.5 As a result of the Covid-19 pandemic, when licensed premises return to trading we have been advised that the majority of businesses will be utilising additional outdoor spaces for customers to consume alcohol. This is likely to have an impact on the levels of alcohol related incidents across the district for the foreseeable future, and it is for this reason that we are proposing to maintain the current district-wide order for the next three years.

## Appendix 1

### DOG CONTROL ORDER – EXCLUSION ZONES

#### Kenilworth

- [Abbey Fields Childrens Play Area \(new site\)](#)
- Glendale Avenue Children's Play Area
- [Red Lane Play Area \(Remove. No longer with WDC\)](#)
- St John's Children's Play Area

#### Leamington

- Austen Court Play Area, Cubbington
- [Campion Hills BMX Track \(Remove as it no longer fenced off\)](#)
- Eagle Recreation Ground Children's Play Area and MUGA, Eagle Street
- Elizabeth Road Children's Play Area
- Fallow Hill Children's Play Area, Sydenham Road
- [Guys Cliffe/Dragon Cottage \(new site\)](#)
- Kennedy Square Play Area
- Mason Avenue Play Area (within tarmac path and fenced area)
- Midland Oak Children's Play Area, Lillington Road
- Mill Gardens Children's Play Area, Mill Road
- Newbold Comyn Children's Play Area (at end of roadway and pub playground)
- Rushmore Street Children's Play Area
- [Saxon Meadows Children's Play Area \(Remove no longer there\)](#)
- Shrublands Children's Play Area, Bury Road
- The Holt Children's Play Area
- Victoria Park Toddler Play Area
- Victoria Park Paddling Pool
- Villiers Street Toddler Play Area
- Windmill Road Children's Play Area
- Wych Elm Drive Children's Play Area
- [Burgundy Gardens Play Area \(Whitnash\) New site](#)

#### Warwick

- [Pattens Road Play Area \(Remove no longer there\)](#)
- Priory Pools Toddler Play Area & Children's Play Area within tarmac circular path, Lyttleton Road
- Saltisford Common Children's Play Area, St Michaels Road
- St Nicholas Park Paddling Pool
- The Marish Children's Play Area, Chase Meadow
- Warwick Gates (East) Children's Play Area, Othello Avenue
- Warwick Gates (West) Toddler Play Area, Ophelia Drive

#### Rural

- Francis Road Children's Play Area, Baginton
- The Meadow Toddler Play Area, Austen Court, Bishops Tachbrook
- Hatton Park Toddler Play Area, Barcheston Road
- Norton Lindsay Village Hall Children's Play Area
- Weston Under Wetherley Toddler Play Area, Sabin Drive

## **Appendix 2**

Excel Spreadsheet – Overview of Existing PSPOs (June 2020) and Proposals

Overview of Existing PSPOs (June 2020) and Proposals							
PSPO	Restricted Drinking Zone (RDZ)	Removal of Dog Fouling from land	Dogs on a Lead - Dogs to be kept on a lead in certain areas or at certain times	Dogs on lead by Direction - Dogs must be placed on a lead when told by an authorised officer	Dog Exclusion - No dogs allowed	Intoxicating Substance. (Includes alcohol and what are commonly known as 'Legal Highs') substances with the capacity to stimulate or depress the central nervous system.	Maximum number of dogs walked at any one time
<b>Area covered (or to be covered) by the PSPO</b>	Entire District	Any land to which the public have access	Jephson Gardens, Leamington Cemetery, Milverton Cemetery, Warwick Cemetery, Kenilworth Cemetery Newbold Comyn Golf Course (length of the public footpath as it crosses The golf course), all sport grounds, fields and pitches when in use for authorised sporting facilities.	any land to which the public have access	Demarcated children's play areas, paddling pool, bowling green, multi use game area, tennis court, putting green signed as a "dog exclusion zone", The main racetrack surface at Warwick Racecourse except when directly crossing the track either way at the designated public access points, Oakley Wood Crematorium.	TBC	Limit number of dogs walked by one person. Proposal is to set this at 4 dogs
<b>Map/location</b>	Entire District	<a href="https://www.warwickdc.gov.uk/info/20113/animal_safety_and_welfare/129/dog_control_orders">https://www.warwickdc.gov.uk/info/20113/animal_safety_and_welfare/129/dog_control_orders</a>	<a href="https://www.warwickdc.gov.uk/info/20113/animal_safety_and_welfare/129/dog_control_orders">https://www.warwickdc.gov.uk/info/20113/animal_safety_and_welfare/129/dog_control_orders</a>	<a href="https://www.warwickdc.gov.uk/info/20113/animal_safety_and_welfare/129/dog_control_orders">https://www.warwickdc.gov.uk/info/20113/animal_safety_and_welfare/129/dog_control_orders</a>	<a href="https://www.warwickdc.gov.uk/info/20113/animal_safety_and_welfare/129/dog_control_orders">https://www.warwickdc.gov.uk/info/20113/animal_safety_and_welfare/129/dog_control_orders</a>	TBC	To cover the same areas as Dogs on Lead
<b>Existing PSPOs</b>	✓	✓	✓	✓	✓		
<b>To be Discharged</b>	✓						
<b>To be Retained</b>		✓	✓ (Except for below variations)	✓	✓ (Except for below variations)		
<b>To be Extended</b>			Warwick Racecourse (when crossing the track either way at the designated public access points).		Abbey Fields Children's Play Area Guys Cliffe/Dragon Cottage Burgundy Gardens Play Area, Whitnash, Newbold Common Golf Course (Except when using the public footpath as it crossed the golf course).		
<b>To be Varied</b>					Remove - Red Lane Play Area (no longer fenced off), Champion Hills BMX Track (no longer there), Saxon Meadows Children's Play Area (no longer there), Pattens Road Play Area (Remove no longer there)		
<b>New PSPO</b>						✓	✓

**Consultation on the revision and renewal of the district's Public Space Protection Orders – Restricted Drinking Zones & Dog Control Orders**

To be included in the 2020 public consultation for the extension of **Dogs On Leads proposal**.

1. All public roads, pavements and footways, the pedestrianised roads within the District of Warwick, which are adjacent to the carriageway or footway and is maintainable at public expense.
2. Carparks maintainable at public expense.
3. Abbey Fields Kenilworth (North side to encompass the carpark and children's play areas, sports courts and swimming pool). Dogs can be exercised off a lead at the south end (South of the Finham brook, Abbey Hill side) the brook can be used as the demarcation for dogs on/off a lead.