

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 17 December 2012, at the Town Hall, Royal Leamington Spa at 2.30 pm.

PRESENT: Councillor Pratt (Chairman); Councillors Mrs Bunker, Coker, Davies, Mrs Gallagher, Gifford, Mrs Knight, MacKay, Weed and Wreford-Bush.

SUBSTITUTES

Councillor Mrs Bunker substituted for Councillor Mrs Higgins, Councillor Coker substituted for Councillor Illingworth, Councillor Davies substituted for Councillor Shilton, Councillor Gifford substituted for Councillor Ms Goode and Councillor Mrs Knight substituted for Councillor Gill.

25. **DECLARATIONS OF INTEREST**

Minute Number 34 - Inquorate Parish Council Local Government Act 1972 Section 91 - Weston Under Wetherley Parish Council

Councillor Pratt declared a personal and pecuniary interest because he was one of the nominees being put forward for the inquorate parish council at Weston-under-Wetherley. He left the room whilst the item was discussed.

26. **MINUTES**

The minutes of the previous meeting were not available so were unable to be signed.

27. **PUBLIC AND PRESS**

RESOLVED that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following two items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below:

Minute No.	Para Nos.	Reason
28 & 29	1	Information relating to any individual
28 & 29	2	Information which is likely to reveal the identity of an individual

The full minutes of Minutes 28 and 29 would be contained within a confidential minute which would be considered for publication following the implementation of the relevant decisions. However, a summary of the decisions was as follows:

28. **A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE HOLDER WITH UNDECLARED CONVICTIONS**

The Committee considered a report from Community Protection which advised that a hackney carriage / private hire driver licensed by the Council had written to the Licensing Services Manager advising that a fixed penalty notice had been received.

RESOLVED that the driver was a fit and proper person to hold a hackney carriage / private hire driver's licence and no further action be taken at this time.

29. **A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE HOLDER WITH CONVICTIONS**

The Committee considered a report from Community Protection advising that a renewal application had been received from a hackney carriage / private hire driver currently licensed by the Council, where convictions were not disclosed.

RESOLVED to suspend the licence for a period of two months.

30. **RESPONSE TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND'S RECOMMENDATIONS FOR THE ELECTORAL ARRANGEMENTS FOR WARWICK DISTRICT**

The Committee considered a report from the Chief Executive which set out the Boundary Commission's draft recommendations concerning the electoral arrangements it was proposing for Warwick District. The report sought approval for a response to these and to instigate a community governance review of parish and town council boundaries after May 2013, once the Boundary Commission had concluded its process.

The Local Government Boundary Commission for England (Boundary Commission) was an independent body which conducted electoral reviews of local authority areas. The broad purpose of these reviews was to decide the number of councillors, and the names, numbers and boundaries of wards for a specific local authority. However, the main aim of a review was to ensure "electoral equality" meaning that each councillor represented approximately the same number of electors. The Boundary Commission had decided to conduct a review of Warwick District Council's electoral arrangements because 35% of the existing wards had 10% or more or fewer electors per councillor than the district average (based on December 2010 data).

The Boundary Commission conducted its review and had published its report and recommendations for consultation and these were attached at Appendix 1 to the report. In the process of devising its report the Council had the opportunity of offering its views which were steered by Group Leaders and aided by the Chief Executive. The Council's submission was attached as Appendix 2 to the report.

The Chief Executive introduced the report and advised that maps showing the proposed ward boundaries as recommended by the Boundary Commission had been displayed for Councillors' scrutiny.

The Council's submission sought to retain the existing number of Councillors but advised that a number of changes needed to be made to wards, in order that they better reflected communities and in this respect more but smaller wards would assist greatly. Therefore, a proposal had been devised to try to reach 23

wards each with 2 members. Whilst looking at boundaries, recognition had been given to the emerging Local Plan and development proposals and how they might alter communities, but the proposals were not dependent upon them.

Group Leaders had concluded that seven individual remarks should be made as this Council's response and these were stated in detail in section 3.4

With regard to alternative options, the process was being conducted by an outside body in this case the Boundary Commission so the only option the Council had was the manner of its response, if it wished to make one. Therefore, it was for Members to identify any other options than the ones recommended.

Members clarified a number of issues with the Chief Executive, including when the Community Governance Review would be undertaken and the proposals for Warwick Gates and its associated boundaries.

Councillor Coker raised some concerns regarding Kenilworth and felt that adding the University into Abbey Ward would leave Park Hill Ward as a three member ward, and St Johns ward could then be reassessed for a percentage. He did not feel that this proposal would affect anyone else and meant that all three wards could remain as three member wards.

The Chief Executive reminded Members that they could submit their comments and observations but ultimately the consultation was the Boundary Commission's and not the District Council's. Mr Elliot did suggest that if an agreement could not be made, then the Council could put both options forward and let the Boundary Commission decide.

Councillor Gifford stated that he was happy to accept the recommendations as written with no change because to make amendments now, could make the Council's submission look foolish.

It was therefore proposed, and duly seconded, that the recommendations be agreed as written, with some minor amendments to the wording of observation 3 in paragraph 3.4. This would read 'The Boundary Commission consider that as it has made Abbey ward in Kenilworth....'. The vote was taken and tied four votes to four. The Chairman used his casting vote and the motion was carried.

RESOLVED that

- (1) the consultation as set out in paragraph 3.4 of this report be agreed, subject to some minor amendments to the wording of observation 3 in paragraph 3.4. This would read 'The Boundary Commission consider that as it has made Abbey ward in Kenilworth....'; and
- (2) a community governance review of all parish and town council boundaries within the District be undertaken after May 2013, once the Boundary Commission has concluded its process for the District electoral arrangements.

31. **CONFIRMATION OF FOOTPATH DIVERSION ORDER – FOOTPATH W4, LONG MEADOW, PACKWOOD LANE, LAPWORTH**

The Committee considered a report from Legal Services requesting that a Footpath Diversion Order be confirmed as an unopposed Order.

At its meeting on 8 December 2010, the Planning Committee approved the grant of planning permission for "Erection of new replacement garage to be used as a temporary dwelling during construction of main replacement dwelling and the erection of new stables" at Long Meadow, Packwood Lane, Lapworth.

During consultation of the planning application it had come to light that both the existing garage and the proposed replacement garage were across the approved line of Footpath W4 as shown on the definitive map, attached as an appendix to the report. The footpath on the ground had been diverted along the boundary of the property some time previously.

To regularise the position, it was necessary to make a Public Footpath Diversion Order so that the approved line as shown on the Definitive Map followed the line of the footpath on the ground. The Public Footpath W4 (Long Meadow, Packwood Lane, Lapworth) Diversion order 2012 was made on 16 August 2012 under powers in section 119 of the Highways Act 1980 and a copy of the Order was attached as an appendix to the report.

Notice of the making of the Order was given to neighbouring residents and local organisations, and advertised in the Press, in accordance with statutory requirements. Two objections were lodged, but were subsequently withdrawn following explanation that the line of the path on the ground was not being affected.

RESOLVED that the Public Footpath W4 (Long Meadow, Packwood Lane, Lapworth) Diversion Order 2012 be confirmed.

32. **BUSKING**

The report regarding busking was withdrawn from consideration.

33. **STREET COLLECTION PERMITS**

The Committee considered a report from Community Protection asking Members to examine the current number of Street Collection Permits issued and the methodology in doing so.

Charities that collect money in the street within this District required authority of a Street Collection Permit (SCP) issued by this Authority.

Warwick District Council issued 33 SCPs for Royal Leamington Spa, 30 SCPs for Kenilworth and 30 SCPs for Warwick to charities that had submitted a form requesting to carry out a street collection. There was no fee for the permit. No more than one collection was permitted in each area on the same day. Each charity was permitted one collection per year, per area. This only applied to cash collections and not direct debit collectors (Chuggers).

The legislation covering the application for and the issuing of SCPs was the Police, Factories etc (Miscellaneous Provisions) Act 1916 s.5, as amended by section 251 and Schedule 29 to the Local Government Act 1972. This legislation did not include the licensing of 'Chuggers'.

Historically, the Salvation Army, Warwick and District Round Table and the 4th Kenilworth Scout Group had been granted special dispensation to make a number of collections in December each year and no reasons for this were held by officers.

This year, the Salvation Army had collections on Saturdays the 8, 15 and 22 December in Royal Leamington Spa (counted as one permit), the Warwick and District Round Table had collections every day from the 1 to the 24 December in Warwick (counted as one permit) and the 4th Leamington Scout Group had collections on Saturdays the 8, 15 and 22 December (counted as one permit) in Kenilworth.

December was clearly a good month for charities to carry out collections, and as only one charity was permitted each day, it appeared that WDC was currently being a little biased towards certain charities.

RESOLVED that the Salvation Army, Warwick and District Round Table and the 4th Kenilworth Scout Group be permitted to continue to collect as at present in December and another charity also be permitted to collect in the same area on the same day during that month.

34. **INQUORATE PARISH COUNCIL, LOCAL GOVERNMENT ACT 1972 SECTION 91 – WESTON UNDER WETHERLEY PARISH COUNCIL**

The Committee considered a report from the Democratic Services Manager That brought forward proposals to appoint three Parish Councillors to Weston Under Wetherley Parish Council.

At the 5 December 2012 meeting of Weston Parish Council one of the three Councillors on the Council resigned and this left the Council inquorate. The Council was normally made up of six Councillors with a quorum of three. However the Council had been carrying three vacancies for several months and with the recent resignation it meant the Council was no longer quorate and could not operate until new Councillors were appointed.

Whilst this state of affairs was the responsibility of the Parish Council, the possibility of there being inquorate Councils had been envisaged by the legislature which had made statutory provision to cover such eventualities. This provision entitled the District Council to appoint, on a temporary basis, a sufficient number of Parish Councillors to enable the work of the Parish Council to continue until elections could be held.

The Local Authority (Functions and Responsibilities) (England) Regulations 2000 defined this matter as a function relating to elections and that it could not be an Executive function. The Regulatory Committee was delegated all powers for the Council relationship to Elections and Electoral Registration and therefore needed to consider this matter.

It was therefore recommended that the Committee approved the necessary Order under Section 91 of the Local Government Act 1972, appointing sufficient Members to constitute a quorum for the Weston Under Wetherley Parish Council. Those persons appointed would only act so long as necessary until an election could be held, which was anticipated to take place on 7 February 2013.

The proposed Order was attached as Appendix 1 to this report, and it was recommended that the Committee agree to three people being appointed to ensure the Parish Council was quorate. It was proposed that the Council nominated the two District Councillors representing the Ward and the existing Warwickshire County Councillor representing the Cubbington Division. It was considered appropriate to appoint these Councillors because their Ward/Division currently covered the administrative area of the Parish and therefore they had knowledge of the area and operation of the Parish Council.

RESOLVED that the order as set out at Appendix 1 to the report be approved to appoint the two District Councillors representing the Ward and the existing Warwickshire County Councillor representing the Cubbington Division.

(The Chairman had agreed to take this item as an urgent item to enable the Parish Council to continue to function and establish a precept/budget before the end of January 2013)

Councillor Mrs Gallagher, Vice Chairman of the Committee, Chaired this item because Councillor Pratt had declared an interest and left the room.

(The meeting ended at 5.10pm)