

Stephen Cross
Chairman of the Council

Council meeting: Wednesday, 8 August 2018

Notice is hereby given that an ordinary meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 8 August 2018 at **6.05pm**.

Emergency Procedure

At the commencement of the meeting, the Chairman will announce the emergency procedure for the Town Hall.

Agenda

1. **Apologies for Absence**
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 entered on the form to be circulated with the attendance sheet and declared 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 of the Council held on 20 June 2018.

(Pages 1 to 9)

4. **Communications and Announcements**
5. **Petitions**

6. **Notices of Motion**

To consider a notice of motion by Councillor Parkins under Council Procedure rule 16 “**Rescission of Preceding Resolution**” supported by Councillors: Ashford, Barrott, Bromley, Mrs Bunker, Cain, Mrs Cain, D’Arcy, Davison, Mrs Evetts, Mrs Falp, Mrs Gallagher, Gifford, Gill, Hill, Mrs Knight, Murphy, Naimo, Noone, Quinney, Mrs Redford, Mrs Stevens, Weed and Wright, as follows:

The former Royal Navy Club premises in Adelaide Road, Leamington Spa, a Warwick District Council asset, is to be leased out to local community groups and associations. This action is welcomed by all. However, in order to secure a long-term base and security for these groups and associations, the following Notice of Motion seeks members agreement:

"That Warwick District Council protect the premises in Adelaide Road, Leamington Spa, for local community use only and offer security with a minimum 10-year lease and a report is brought to the Executive for them to consider on this matter.

That the resolutions approved under Item 13 of the Executive meeting of 5 April 2018 be duly amended to reflect this motion:

Resolution clause 3 final words "including the royal Naval Club site, as a priority" be deleted

Resolution clause 5 opening words 'the offer of a short term let' be replaced with" the offer of a minimum 10 year let with no 3 month break clause"

7. **Public Submissions**

8. **Leader’s and Portfolio Holders’ Statements**

9. **Questions to the Leader of the Council & Portfolio Holders**

10. **Executive Report**

To consider the report of the Executive meetings on:

- (a) 31 May 2018 (Excluding minutes 3 to 4 that were considered by Council on 20 June 2018) **(Page 1 to 35)**
- (b) 27 June 2018 **(Page 1 to 8)**

11. **Employment Committee**

To consider the report of Employment Committee of 13 June 2018 **(Page 1 to 13)**

12. **Revision of Statement of Licensing Policy**

To consider a report from Health & Community Protection **(Page 1 to 37)**

13. **Amendments to the Council Procedure Rules**

That Council considers amending Council Procedure Rule 33 to record that Overview & Scrutiny Committee and Finance & Audit Scrutiny Committee have all agreed that any of their meetings held in the Council Chamber at the Town Hall, Royal Leamington Spa, will be both audio & visually recorded including where the public and press have been excluded.

14. **Public & Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item 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.

Item Nos.	Para Nos.	Reason
15	1	Information relating to an Individual
15	2	Information which is likely to reveal the identity of an individual
15	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

15. **Confidential Executive Report**

To consider the confidential report of the Executive meetings on:

(a) 27 June 2018

(b) Excerpt of 25 July 2018

(To follow)

(Page 1 to 7)

16. **Common Seal**

To authorise the affixing of the Common Seal of the Council to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.



Chief Executive

Published Tuesday 31 July 2018

For enquiries about this meeting please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 20 June 2018, at the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Cross (Chairman); Councillors Ashford, Boad, , Mrs Bunker, Cain, Mrs Cain, Coker, Cooke, Davison, Day, Edgington, Mrs Evetts, Gifford, Gill, H Grainger, Mrs Grainger, Mrs Hill, Howe, Illingworth, Mrs Knight, Morris, Murphy, Naimo, Noone, Parkins, Phillips, Quinney, Mrs Redford, Shilton, Mrs Stevens, Thompson, Weed, Whiting and Wright.

9. **Apologies for Absence**

Apologies for absence were received from Councillors Barrott, Bromley, D'Arcy, Davies, Doody, Gallagher, Heath, Margrave, Mobbs and Rhead.

10. **Declarations of Interest**

There were no declarations of interest.

12. **Minutes**

The minutes of the meeting of the Council held on 9 May 2018 were taken as read and duly signed by the Chairman as a correct record.

13. **Communications & Announcements**

The Chairman informed Council that:

- he would be expecting Councillors to stand to address the meeting in line with Council Procedure Rules;
- former Councillor Margaret Walker, Joyce Watson from the Crematorium and Marianne Sharpe from the Visitor Information Centre had all passed away since the last Council meeting;
- former Councillor Gerry Guest had been awarded an MBE in the Birthday Honours list and Councillor Coker had now collected his MBE from the Palace;
- he had attended the Kenilworth show, Women's tour, Aethelfled lady of Mercian 1100 anniversary celebration at Tamworth and a wreath laying ceremony at the Czech memorial fountain in Jephson Gardens;
- there was no business to be conducted under Item 5 Petitions and Item 7 Public Submissions.

The Vice-Chairman informed Council that he had attended a few events on behalf of the Chairman since May.

14. **Personal Statement – Councillor Boad**

The Chairman informed Council that he had agreed for Councillor Boad to make a personal statement to Council.

Councillor Boad informed Council that:

"It was brought to my attention that the Warwick and Leamington Constituency Labour Party had posted a tweet that I was named in yesterday afternoon from an un-attributable source.

I quote "it is essential that we hold Warwick District Council to account for their plans to build themselves new offices. Labour Councillors were the only ones to vote against the plans in January. The Conservatives and Liberal Democrat Alan Boad voted for the new offices." The meaning is clear implying that the vote at the Planning Committee was predetermined and taken on Party political lines, and not, as it is required to be by regulation, on the weighing up of all of the evidence presented to committee members, both in advance, and at the actual Planning Committee meeting.

By actually naming me they have cast doubts in the public mind about me which is personally damaging to both my reputation and my integrity and to raise doubts about my ability to act with impartiality and with competence.

I wish to put on the public record that there is absolutely no truth that I have ever acted in any such political way that may be implied by the tweet from the Warwick and Leamington Labour Party"

15. **Notice of Motion**

(a) Councillor Mrs Falp proposed and it was duly seconded that:

That Warwick District Council approves:

- (1) with immediate effect all meetings of Council, the Executive, Committees and sub-committees be recorded (either audio or audio and visual wherever possible), with the exceptions of (2) below;
- (2) any matter where the press and public are excluded should be recorded but not broadcast and any private deliberation by a Committee/or Sub Committee (for example the deliberations of a Licensing & Regulatory Panel) should not be recorded;
- (3) officers investigate the potential for making these meetings available on line either live or as recordings and report back their findings to Council in September 2018; and
- (4) as a minimum this Council commits to all meetings of Council, Executive, Committees and sub-committees being broadcast live (either audio or audio and visual) and recorded as soon as it relocates to its new headquarters and the associated costs of this are built into the budget for the relocation of the Council.

Councillor Coker proposed, it was duly seconded, that the motion be amended to read:

That Warwick District Council instructs officers to bring a report Executive by no later than November 2018 that details the feasibility and impact of:

- (1) with immediate effect all meetings of Council, the Executive, Committees and sub-committees be recorded (either audio or audio and visual wherever possible), with the exceptions of (2) below;
- (2) any matter where the press and public are excluded should be recorded but not broadcast and any private deliberation by a Committee/or Sub Committee (for example the deliberations of a Licensing & Regulatory Panel) should not be recorded;
- (3) officers investigate the potential for making these meetings available on line either live or as recordings; and

- (4) all meetings of Council, Executive, Committees and sub-committees being broadcast live (either audio or audio and visual) and recorded as soon as it relocates to its new headquarters and the associated costs of this are built into the budget for the relocation of the Council.

On being put to the vote it was

Resolved officers to bring a report Executive by no later than November 2018 that details the feasibility and impact of:

- (1) with immediate effect all meetings of Council, the Executive, Committees and sub-committees be recorded (either audio or audio and visual wherever possible), with the exceptions of (2) below;
- (2) any matter where the press and public are excluded should be recorded but not broadcast and any private deliberation by a Committee/or Sub Committee (for example the deliberations of a Licensing & Regulatory Panel) should not be recorded;
- (3) officers investigate the potential for making these meetings available on line either live or as recordings; and
- (4) all meetings of Council, Executive, Committees and sub-committees being broadcast live (either audio or audio and visual) and recorded as soon as it relocates to its new headquarters and the associated costs of this are built into the budget for the relocation of the Council.

- (b) Councillor Naimo proposed and it was duly seconded that:

Warwick District Council has always championed the fact that they are fully open and transparent with all the business it conducts. Recent events around making Planning Viability Assessments available to all Councillors and members of the public has highlighted that this is not always the case. Taking these recent events into account, the following Notice of Motion seeks members agreement that:

That Warwick District Council asks the Executive to:

- set out clear viability criteria based on market value compared with land value and construction costs;
- require viability assessments for developments of more than 10 units where less than 40% of the development is affordable housing as part of the planning process and for these to be made public; and
- require all information submitted for the viability assessment (including any which the Council agrees is commercially sensitive) to be made available to members of the planning committee and other Councillors on request, well in advance of determination of the planning decision.

and a report is brought to the Executive for them to consider on this matter.

Councillor Coker proposed an amendment, that was accepted by the proposer of the original motion and their seconder and it was

Resolved that Council asks the Executive to:

- set out clear viability criteria based on market value compared with land value and construction costs;
- require viability assessments for developments of more than 10 units where less than 40% of the development is affordable housing as part of the planning process and for these to be made public; and
- require all information submitted for the viability assessment (including any which the Council agrees is commercially sensitive) to be made available to members of the planning committee and other Councillors on request, well in advance of determination of the planning decision.

subject to a report brought to the Executive for them to consider on this matter so that Members are fully informed in respect of the Government's latest National Planning Policy Framework and the Planning Practice Guidance and the implications of this for Warwick District Council and the delivery of the Local Plan.

(c) The motion set out on the agenda was withdrawn.

16. **Leader's and Portfolio Holders' Statements**

Councillor Coker informed Council, on behalf of the Leader that:

- the exhibition on the plans in Royal Priors had been a useful exercise which had enabled an informed discussion and allowed for clarification of misunderstandings on the project. There had been support as well as challenge to the project with 60 written response received which would be published on the Council's website in due course;
- there had been a meeting with businesses in Covent Garden area to work on how the Council could help promote the area of Leamington;
- while the bid for a Channel 4 hub had not been successful they had recognised it was a strong bid that they would take into consideration as part of their review of their regional operations. There would also be an opportunity with ITN moving to the region with a view to the leading area of work within Leamington; and
- The District had successfully hosted the stage end of the Women's Cycle Tour.

Councillor Grainger, Portfolio Holder for Neighbourhood Services, informed Council that work had now started on the removal of the bandstand in the Pump Room Gardens, with a view to the refurbishment being completed and it being reinstalled by early October. This was part of the wider £1.2 million scheme which would see the ground works starting in July 2018, which would take place around events within the Gardens. In addition, the Community Engagement Officer for this project was now in post.

Councillor Thompson, Portfolio Holder for Health & Community Protection, informed Council that:

- the 21 June 2018 was Clean Air Day
- Overview & Scrutiny Committee would be receiving an update on sustainability;

- there were a number of projects being operated with Warwick University to students in July regarding fuel poverty and air quality;
- there was work with Warwickshire County Council (WCC) to procure a community bike hire scheme across the District;
- work was underway with WCC to help promote active travel in reducing and removing green travel barriers;
- proposals were being developed to submit a bid to the Government for an electric bus scheme within the District;
- the Joint Strategic Needs Assessment to identify future health and wellbeing needs through data analysis which would inform the commission of services;
- he was grateful for the question from Councillor Quinney regarding the resources in the Community Safety Team, it was possible to confirm that the number of full time staff had increased but they undertook other work including the Major Emergency Plan and CCTV; and
- he continued to receive regular reports on the Council's CCTV team and the work they undertook in identifying and resolving issues within the community; and he expressed his gratitude for the continued excellent work.

Councillor Coker, as the Portfolio Holder for Culture, informed Council that:

- the Project Officers for the Commonwealth Games and Community Stadium had been appointed;
- the leisure centre phase 2 design management team had been appointed and the all party member working group would be arranged shortly to be briefed on the project;
- St Nicholas Park Leisure Centre was now fully operational;
- Newbold Comyn Leisure Centre was due to be fully open mid-August 2018;
- In the first quarter, there had been 16,000 hours of gym usage compared with 29,000 hours in the previous full year administered by the Council;
- the review of the future of Newbold Comyn Golf Course had been started and would be led by the team who put together the bid for Channel4;
- his Service Area made a number of small grant awards to enable people to be engaged in sports as well as supported events like Art in the Park and Kenilworth Arts Festival; and
- discussions had started with the proposed new contractors in the Pump Rooms and Restaurant in the Park.

Councillor Coker, informed Council, on behalf of Councillor Butler as Portfolio Holder for Business, that it was recognised Town Centres were under pressure but the Council would be doing everything it could to support its Town Centres. As an example of this, information showed that one concern from traders was bills not being paid on time but evidence confirmed that this Council nearly always paid its invoices by the due date.

Councillor Phillips, as Portfolio Holder for Housing, informed Council that it had received the full grant of £271,000 from the Minister for Homes, Communities and Local Government for the tackling homelessness within the District.

17. **Questions to the Leader of the Council & Portfolio Holders**

Councillor Boad asked the Deputy Leader if, in the spirit of openness and transparency, he would look into a register for Planning Committee so that each vote was recorded at each meeting?

In response, Councillor Coker explained that he appreciated the question and reason for this and he was equally annoyed on behalf of his colleagues on Planning Committee because it implied a whip had been placed which would never be the case, and therefore hoped it didn't imply planning applications would be safe in Labour hands because they had a whip to vote against applications. He confirmed he would take advice on the recording of votes.

Councillor Boad asked the Portfolio Holder for Health & Community Protection, when the proposed electric buses would be introduced?

In response, Councillor Thompson explained that the application would be made on 16 July and Council would be updated on progress.

Councillor Boad asked the Portfolio Holder for Health & Community Protection, if there were any steps that could be taken to reduce the number of buses and those with idling engines at the top of the Parade in Leamington?

In response, Councillor Thompson explained that this had been raised with officers but he was aware that due to age of the bus some were better left on than starting and stopping them. The fleet overall had improved by cascading the quality of bus down the routes and therefore the new electric bus would have a benefit overall.

Councillor Boad asked the Portfolio Holder for Neighbourhood Services, why the play equipment at the Holt had still not been completed and the redundant equipment removed?

In response, Councillor Grainger explained that she was not aware of this and would investigate and report back to Councillors. She was, however, aware that the additional play equipment in lieu of the delays had been delivered to the site.

Councillor Weed asked the Portfolio Holder for Neighbourhood Services, if she could thank officers for the work they had undertaken with students and in response to fly tipping where enforcement action had been taken as this was beginning to make a difference.

In response, Councillor Grainger thanked Councillor Weed and agreed to pass on her thanks.

Councillor Parkins asked the Portfolio Holder for Health & Community Protection if the Council had talked with Warwick University about potential investment in the electric bus scheme?

In response, Councillor Thompson explained that discussions had taken place about either funding or research involvement.

Councillor Parkins asked the Portfolio Holder for Health & Community Protection, if the Council could invest in signage in its car parks directing people to Samaritans?

In response, Councillor Thompson asked for contact details for the signage so he could pass these on to officers to investigate.

Councillor Gifford asked the Deputy Leader on the progress in appointing consultants for the Leamington car park displacement strategy?

In response, Councillor Coker explained that the contract was currently out to tender.

Councillor Davison asked the Portfolio Holder for Neighbourhood Services if they were aware that some recyclable waste from flats were not being checked by contractors and simply put in grey waste collection, without officers being informed?

In response, Councillor Grainger explained that she would appreciate the details in writing so that she could discuss this with officers and it could be raised with contractors.

Councillor Davison asked the Portfolio Holder for Health & Community Protection if the proposed community cycle scheme would include electric bikes and would it include a safe access way through Europa Way?

In response, Councillor Thompson explained that eleven routes were being considered and he would enquire about the potential for electric bikes.

Councillor Gill asked the Portfolio Holder for Neighbourhood Services if they could investigate the overgrown trees on the Sydenham estate and get them maintained?

In response, Councillor Grainger explained that she would appreciate details in writing of this matter because this Council was only responsible for maintaining the trees on its land.

Councillor Shilton asked the Portfolio Holder for Health & Community Protection if he welcomed the news that West Midlands Trains had applied for increased services from Kenilworth Railway Station including Sundays and direct trains to Nuneaton?

Councillor Thompson confirmed he did welcome the application.

Councillor Davison asked the Deputy Leader if this Council could write to the relevant Minister with our support for Alfie Dingley to enable him to receive the medication he needed?

In response, Councillor Coker, noted those affected by this case and those similar too and welcomed the recent progress that had been made.

18. **Executive Report**

The reports of the Executive meetings held on 7 March 2018 and 5 April 2018, excluding the Part 1 items which had been determined by Council in April 2018, were proposed duly seconded and

Resolved that the reports be approved.

The report Excerpt of 31 May 2018 was proposed and duly seconded with a minor amendment to minute 4, Minor Amendments to the Members' Allowances Scheme for Warwick District, so that this back dated 1 April 2018.

Councillor Naimo proposed the following amendment Minute 3 in the Housing Strategy aims (additions in **bold**):

Amendment to second bullet point -

'.....sustainable locations **close to the Universities & College**, thereby encouraging students to move from HMO style accommodation **and minimising travel times, congestion and pollution**'

Add fourth bullet point -

To avoid over-concentration of student housing to ensure mixed and balanced communities, in accordance with the Council's Article 4 policy.

This was duly seconded.

Councillors Phillips, Davison, Quinney and Naimo spoke on this item.

On being put to the vote the amendment from Councillor Naimo was lost.

The substantive motion from Councillor Coker was then put to the vote and

Resolved that the report be approved.

19. **Standards Committee**

It was proposed by Councillor Coker, duly seconded and

Resolved that Mr R Meacham and Mr R Tomkinson be appointed as Independent Persons to the Council for a further five years, in line with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

20. **Public & 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 item 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 Nos.	Para Nos.	Reason
21	1	Information relating to an Individual
21	2	Information which is likely to reveal the identity of an individual
21	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

21. **Confidential Executive Report**

The confidential reports of the Executive meetings held on 4 January 2018, 7 February 2018, 7 March 2018, 5 April 2018 and 31 May 2018 were proposed duly seconded and

Resolved that the reports be approved.

22. **Common Seal**

It was

Resolved that the Common Seal of Warwick District Council be affixed to such documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 7.58 pm)

Chairman
8 August 2018

Executive

Minutes of the meeting held on Thursday 31 May 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillor Mobbs (Leader); Councillors Butler, Phillips, Thompson and Whiting.

Also present: Councillors; Mrs Falp (Chairman of Overview & Scrutiny Committee); Naimo (Labour Group Observer) and Quinney (Chair of Finance & Audit Scrutiny Committee).

Apologies for absence were received from Councillors Coker, Grainger and Rhead, along with Liberal Democrat Observer Councillor Boad.

1. **Declarations of Interest**

Minute 3 – Student Housing Strategy

Councillor Thompson explained, for the sake of clarity, that in the report it mentioned the HMO Task and Finish Group, which he was a part of; and it also mentioned the University of Warwick, which until recently he had worked for. However, while there was no requirement to declare this under the Code of Conduct it was appropriate to make the Executive aware of this and that before voting on this matter he wished to consider the views of others at the meeting.

Minute 7 – Funding for Kenilworth School's Relocation to South Crest Farm

Councillor Whiting left the room for this item because his wife was a Governor of Kenilworth School.

Part 1

(Items on which a decision by Council was required)

2. **Student Housing Strategy**

The Executive considered a report from Housing that outlined the work undertaken so far and the suggested forward strategy.

Following concerns in 2016 and 2017 about the impact of student numbers and the transient nature of the population in concentrated areas, particularly in South Leamington, the Executive resolved to develop a strategy to assess and respond to these issues and set out a longer term vision for the District in respect of student housing.

The first phase of the work was to carry out an in-depth analysis of the data about student numbers within the District, in particular Kenilworth, North Leamington, South Leamington and Whitnash. This would provide a fact-based grounding for formulating the student housing strategy.

Housing market analysis was a specialist area of work and the Council did not have the resources in-house to undertake this type of work so a bid was made for external funding from the Local Government Association (LGA) Housing Advisers' Programme, which was successful in securing initial funding. The LGA then procured and paid for an independent external housing market analyst to carry out this task.

The analysis required gathering data from a wide range of sources and included investigating the influence of Coventry University and student housing trends in Coventry, as well as Warwick District.

Phase one had involved gathering data from diverse and sometimes conflicting sources and had taken longer than was desirable, and on one level it could be perceived as "nothing new". However, it was essential that the policy was evidence-based and could withstand scrutiny, particularly where planning policies were involved which were subject to inspection, intensive scrutiny and always open to the potential for challenge at appeal. For this reason, officers had taken the view that time should be invested to ensure that the report was guided by the empirical evidence as to the next steps, and in consequence had resisted laying out further plans prior to the conclusion of this phase.

The analyst and their analysis were completely independent of the Council and the universities. They were commissioned by and paid for by the LGA and had used data from a whole range of sources, including data obtained by local residents through Freedom of Information requests.

The findings of this research were attached as appendix one to this report. The most important points were as follows:

- Student households did not represent the majority of private rented households even in those wards with high numbers of students in them.
- Warwick District contained high concentrations of students in specific local areas (Leamington Brunswick, Clarendon, Milverton and Willes). While students' contribution to the local community and economy was welcome, there were other implications for these areas, particularly those with large numbers of HMOs. Forecasts provided by the University of Warwick indicated they were seeking to grow their student numbers in future years. This would increase demand for student housing in the District, putting further pressure on existing housing and communities.
- Warwick District was not a self-contained student housing market. It was closely linked with Coventry. Any changes to student numbers at Coventry University and student housing supply in Coventry would impact on student housing demand in Warwick District.
- Published forecasts suggested Coventry University was looking to continue their recent robust growth in student numbers. These increases were being met by the substantial development of

purpose-built student housing in the City. Therefore, despite the increase in student numbers, the demand for beds in the private rented sector was falling and this looked set to continue. It was likely that this “surplus” private rented housing would be occupied by other non-student private renters or sold to home-owners.

- Warwick District remained an attractive place to live for many students and the Council should seek to benefit from any increase in student numbers. Based on recent trends in areas where University of Warwick students lived, available forecasts for student numbers, and estimates of student housing supply, there was the need for available student housing in Warwick District to increase by 120 beds per year over the next three years (360 beds in total).
- Meeting this increased student housing demand in the private rented sector via HMOs, risked increasing the pressure on everyone in the community, including students. Alternative approaches should instead be actively promoted and include:
 - Encouraging the University of Warwick to increase housing provision directly on campus; and
 - Supporting the provision of purpose-built student accommodation to cater for the additional student housing demand and to reduce the extent of the use of HMOs for student accommodation. Relying on the purpose-built sector was not without risk but it could help accommodate more students and reduce the pressures if planned for appropriately.

The analysis was broadly in line with the anecdotal comments about student numbers. Had the data been more equivocal, or had it shown that the reality was in fact different to the perception, the next stage would have been an option appraisal to consider what the Council’s policy should be and how the District in the wider sense should respond to the new evidence. However, given the findings, this was no longer considered necessary.

The findings demonstrated that an option appraisal was not necessary and phase two of the development of the strategy could now be proposed with clarity. There were two aspects to this: influencing the future provision of student accommodation and assisting community integration. These could proceed simultaneously and the next steps would be:

- Preparing a Student Housing Supplementary Planning Document (SPD) setting out our planning policies towards the design and location of purpose-built student accommodation; and
- Working with the University of Warwick to promote further on-campus provision and a more dispersed distribution of the student population across Warwick District to enable the District to positively integrate the student and settled populations.

The Planning Policy team had undertaken some preparatory work on the SPD and could utilise the findings of the research from phase one, which

would help this piece of work move forward efficiently. Once a draft SPD had been prepared it would be brought to Executive for approval to then go out for public consultation.

With long lead times in Planning Policy approvals, influencing the housing market in the manner required would inevitably take time to have an effect so the Council needed to support all local people, including students, in the meantime. It was proposed to consult with people in areas with high student numbers about the support services that all sections of the community needed, to help maintain a cohesive community.

A successful bid for additional LGA funding had been made to continue with the Student Housing Strategy project and this would be used to procure external communications specialists to design and undertake the consultation process. As with the data analysis work in phase one, the use of independent experts should give residents and students confidence that their views would be reflected and taken into account.

Expressions of interest would be invited shortly with a view to having the findings available and producing a responsive action plan in the autumn.

The Executive had previously resolved to take forward work on a Student Housing Strategy. The data had shown that action was required so a "do nothing" option was not appropriate.

An option appraisal exercise was considered but rejected because it would take time and would delay actions when the data was unequivocal and pointed in the direction of the strategy proposed.

The Overview & Scrutiny Committee welcomed and supported the Policy in general and welcomed that some of the recommendations from the HMO Task & Finish Group were included within the document.

The Overview & Scrutiny Committee expressed concerns that the aims did not specifically address the concerns about over-concentration of students in some areas through a dispersal strategy.

The Executive thanked the Scrutiny Committee for the debate and consideration of this matter and reminded them that, as set out within the report, one of the next steps would be to work with the University of Warwick to promote further on-campus provision and a more dispersed distribution of the student population across Warwick District to enable the district to positively integrate the students and settled populations.

Recommended to Council that it adopts the following policy statement and aims:

Background: The student population is diverse with, for example, Warwickshire College students, University of Warwick students who move to the area for a limited three or four years and local part-

time students who are long-term residents in the area.

Policy statement: Warwick District Council welcomes all students to our District and recognises the important social and economic benefits that they bring. The Council also understands that having a large student population can place stress on the settled community and has an impact upon housing demand. Our goal is to support local people while positively integrating the student population among local communities, and encouraging students to remain in the area for employment after graduation as permanent long-term residents.

Our aims are:

- To attract students to live in the district, during and after their studies, throughout the academic year.
- To encourage the provision of purpose-built student accommodation of an appropriate type and quality in sustainable locations thereby encouraging students to move from HMO style accommodation.
- To ensure that the necessary support services are in place for the whole community to ensure community cohesion and integration across all the generations.

(The Portfolio Holders for this item was Councillor Phillips)

4. Minor Amendments to the Members' Allowances Scheme for Warwick District

The Executive considered a report from Democratic Services that brought forward two minor clarifications to the Members' Allowances Scheme and proposed provision for Councillors to reclaim the fee for registering as a Data Controller with the Information Commissioners Office.

While responding to a question on the allowances scheme, it was identified that, at present, Councillors were not entitled to claim for parking expenses incurred when attending an event outside Warwick District. This was considered unreasonable as the cost incurred would directly relate to their role as a Councillor.

It had also been identified that the subsistence rates did not provide clarification that Councillors were intended either as a maximum value or an indicative rate. After checking with the Council's IRP for Members' Allowances, they confirmed this should be a maximum level, in line with the subsistence rates for officers.

The proposed inclusion of the Data Controller registration fee with the Information Commissioners Office (ICO), allowed for only those who needed to register to claim for the fee rather than a set sum being provided to all Councillors.

The registration fee was a cost imposed by legislation/regulation and there would be no obligation for the individual who was a Councillor to register as a data controller unless they were a Councillor. Therefore, it was reasonable that they should be able to reclaim this expense.

The Councillor would, where they considered appropriate, need to register themselves with the ICO, because they would be individually accountable to the ICO and therefore had to make sure their registration was correct each year. Thus, it was more appropriate for them to make the payment, then claim it back.

The ICO had provided guidance that Councillors who were elected to more than a single authority would only need to register once. In addition, the Executive was mindful that potentially the need to pay a registration fee would cease from 25 May 2018 with the introduction of the General Data Protection Regulation, however, at this time this looked unlikely to happen.

In line with legislative requirements, the Council's Independent Review Panel for Members' Allowances had been consulted on the proposed changes and they were in agreement with all of them.

The Council could consider continuing with the current arrangement but this was considered not appropriate as it did not allow for reimbursement of costs incurred by Councillors in their role.

The Council could decide to vary the amounts allowed to be claimed but any proposals would need to be referred to the Council's Independent Review Panel (IRP) first. This was because the Council must be mindful of the IRP's view before altering the Members' Allowances Scheme.

The Council could pay for all Councillors in one go, but this was dismissed because the responsibility lay with the individual and not with the Council as a whole. In addition, it could be problematic when an individual had already paid the fee in line with their membership with another authority (e.g. WCC).

Recommended to Council that

- (1) the Members' Allowances Scheme for Warwick District is amended to enable Councillors to claim for car parking fees when attending events outside the District;
- (2) the Members' Allowances Scheme for Warwick District is amended to confirm that the

subsistence values within the scheme are the maximum amounts that can be claimed; and

- (3) the Members' Allowances Scheme for Warwick District is amended so that it reads "*That where a Member is deemed to be a data controller under either the Data Protection Act (or subsequent regulation/Act) and required to pay an annual fee, on submission of receipts they can reclaim this fee from Warwick District Council*".

(The Portfolio Holders for this item were Councillors Mobbs)

Part 2

(Items upon which the approval of the Council is not required)

5. A Creative Hub for Channel 4 in Leamington Spa

The Executive considered a report from Development Services that updated them on a bid by Warwick District Council to be the host for a "creative hub" for Channel 4 and ways of building upon the bid, if the District Council was unsuccessful in its bid.

Following publication of the agenda and prior to the meeting, Channel 4 had announced that the bid for a creative hub in Leamington Spa had been unsuccessful. Therefore, this part of the report was withdrawn from consideration by Councillors.

In the event that Leamington was not shortlisted, officers considered that there was an opportunity to use the work that had prepared the bid to support wider engagement with the creative sector and support other inward investment work. This included developing a website and publicity material to support inward investment and recruitment specifically directed at the creative sector and in supporting Silicon Spa and/or Tech Central as promotional brands. This was one of the key actions identified in the vision & strategy for Leamington town centre that was prepared by the Leamington Town Centre Forum and approved by Executive in March 2018.

To support this programme of work, an indicative budget of up to £15,000 was requested. As this work required further scoping, it was recommended that the use of this funding should be delegated to the Deputy Chief Executive (BH) and Head of Finance, in consultation with the Portfolio Holders for Finance and Business. This would be funded from the Service Transformation Reserve. It was made clear that this £15,000 was only requested if Leamington was not shortlisted by Channel 4.

Irrespective of the outcome of the Channel 4 bid, officers considered a complementary piece of work would be to fund the Interactive Futures event planned for January 2019. Since the event was originally conceived, the scope of the event had increased along with the national profile of

Leamington as a key creative cluster (as a consequence of the Channel 4 bid). Again, this would support one of the key actions identified in the vision & strategy for Leamington town centre, prepared by the Leamington Town Centre Forum and approved by Executive in March 2018.

The additional expenditure would ensure that an event befitting the quality of Leamington's creative economy could be delivered and would provide greater opportunity to attract new businesses into the District (to strengthen the business rates pool and local creative economy), encourage greater talent retention and relocation into the District (to tackle the increasing challenge of the talent pipeline shortage) and increase the level of financial investment in the local up and coming businesses (that would prompt further growth within local businesses).

The Finance & Audit Scrutiny Committee noted that Leamington had not been shortlisted for the Creative hub and therefore recommendations 2.1 to 2.3 were withdrawn.

The Committee were pleased to hear that feedback on the bid had been sought. The Committee also welcomed that officers would share more details of the business plan for using the money requested in the report in due course, including how the "Talent pipeline shortage" may be addressed.

The Executive thanked the Scrutiny Committee for its comments and agreed that the feedback on the bid would be shared with all Councillors. As a result of the bid being unsuccessful recommendations 2.2 and 2.3 were withdrawn from the report.

The Executive took the opportunity to formally congratulate the bid team from the West Midlands on their success and noted that as a result of this there would, most likely, be use of Leamington.

The Executive also took the opportunity to thank the officers from the Council who had produced such a strong bid, recognising that Leamington may have been just too small, but also that there were opportunities from this to help further build upon the creative quarter.

Resolved that

- (1) the work that been undertaken to date to submit an initial bid for Channel 4 to locate a "creative hub" in Leamington;
- (2) officers explore how the work undertaken to prepare the bid can be taken forward as an ongoing inward investment and talent recruitment tool and allocates up to £15,000 to support this work (as set out in paragraphs 3.12-13 below), with the use of this funding delegated to the Deputy Chief Executive (BH)

and Head of Finance, in consultation with the Portfolio Holders for Finance and Business; and

- (3) £20,000 be allocated to the Interactive Futures event scheduled in January 2019 to ensure that momentum is maintained in promoting Leamington as a world-class destination for the creative industries.

(The Portfolio Holder for this item was Councillor Butler)

6. **Heritage Lottery Bid: Warwick District Council Working in partnership with the Lord Leycester Hospital**

The Executive considered a report from the Chief Executive that sought; support for the bid to the Heritage Lottery Fund (HLF) that the Lord Leycester Hospital proposed to make; and the approval for a financial contribution to that bid, which would also address the Council's liabilities for repairs to the Warwick Town Wall. In the event that the bid to the HLF failed, the report proposed that the Council would make a financial contribution to essential repairs to the Warwick Wall in accordance with its responsibilities, as stated the agreement, to maintain it.

Warwick District Council entered into an agreement with the Governors of the Lord Leycester Hospital, and the Trustees of The Charity of Thomas Oken and Nicholas Eyffler, in September 1997, whereby the District Council accepted responsibility for a specified share (around 36.03%) of the on-going maintenance costs for the Warwick Town Wall. A survey had recently been undertaken and it was clear that there was a significant amount of work to be undertaken costing around £100,000.

The Lord Leycester Hospital had been at the centre of Warwick town's civic life for 700 years. However, its physical fabric, which included the remaining part of the Town Wall, was deteriorating significantly. It was vital that the Lord Leycester Hospital survived and that its designated heritage assets, which were of the highest significance, were appropriately maintained for the enjoyment and education of future generations. Without a significant financial investment there was a danger that The Lord Leycester Hospital, and the Warwick Town Wall, could soon be considered to be heritage 'at risk'.

The Lord Leycester Hospital was preparing a proposal that sought approximately £4.4m of investment with approximately £2.3m to come from the HLF. If the bid to the HLF was successful, then it presented an opportunity for the Lord Leycester to undertake necessary repair works to the Wall in a way that maximised on economies of scale and procurement, and minimised disruption to local residents.

The bid included provision for new disabled access, opening up areas not previously accessible to the public, and providing new visitor facilities to ensure the Lord Leycester Hospital served as a major heritage venue that

strengthened Warwick's overall economy and tourism offer and enhanced quality of life for Warwick's growing residential population.

It was therefore in the public interest for the Council to work in partnership with the Lord Leycester Hospital to:

- safeguard its existing heritage assets;
- provide new facilities that would enhance quality of life for Warwick's growing residential population, (which included over a hundred new town centre living dwellings and five thousand dwellings in the strategic urban extension); and,
- strengthen Warwick's economy and tourism offer.

The Heritage Lottery Fund normally expected a partnership approach between applicants and local authorities and matching contributions. Warwickshire County Council was planning to contribute approximately £300,000, specifically for the restoration of the medieval West Gate, which was also an integral part of the Lord Leycester Hospital. It was considered that, given its existing liability, a contribution of £100,000 from Warwick District Council would be reasonable and would enhance the chances of a successful Heritage Lottery Fund bid. If successful, the HLF bid would represent a major investment in the town.

It was suggested that the Charity of Thomas Oken and Nicholas Eyffler be requested to make a financial contribution toward the costs of repairing the Wall in line with the Agreement dated 1 September 1997.

In case the HLF was unsuccessful, the Council would need to make provision for its share of the repair work to the Town Wall. It was suggested therefore that up to £100,000 be made available from the Community Projects Reserve for this purpose, and payment/reimbursement from the other signatories to the 1997 Agreement would be sought.

It would be possible for the Council to undertake only the most urgent work required to the Warwick Town Wall, and to insist upon only paying one-third of the essential costs, but this could be a false economy because it could prejudice the bid to the Heritage Lottery Fund, could require a greater investment in the longer-term due to more severe decay of historic fabric, and may even increase the possibility of the Wall collapsing.

The Finance & Audit Scrutiny Committee noted that the project was now valued at £3million with a request for circa £2 million from the HLF. However, the contribution of £100k from WDC was still required because we were partly responsible for the maintenance of the wall.

The Executive were informed that following consideration and further investigatory work into the condition of the buildings the overall project had been revised down to be approximately £3million of investment and an approximate £2million HLF bid.

Resolved that

- (1) the responsibility of Warwick District Council to contribute towards the maintenance of the Warwick Town Wall as described in the legal Agreement dated 1997, and the likely repair costs of approximately £100,000, be noted;
- (2) the Lord Leycester Hospital proposes to seek approximately £3m of investment in its historic site, with an application to the Heritage Lottery Fund for approximately £2m;
- (3) the bid by the Lord Leycester Hospital to the Heritage Lottery Fund, be supported; and that funding of up to £100,000 in support of the bid from the Community Projects Reserve in 2019/20, with the Council's contribution specifically being targeted to the restoration of the Warwick Town Wall, to include appropriately designed disabled access from within the grounds of the Lord Leycester Hospital; and
- (4) in the event that the HLF is not successful that financial provision of up to £100,000 from the Community Projects Reserve for 2019/20 be used to repair the Town Wall and that financial contributions be sought from the other signatories as laid out in the 1997 Agreement.

(The Portfolio Holder for this item was Councillor Butler)
Forward Plan reference 933

7. Funding for Kenilworth School's Relocation to South Crest Farm

The Executive considered a report from the Deputy Chief Executive (AJ) that sought consideration of up-front funding and the in-principle purchase of land at Rouncil Lane and potentially Leyes Lane in Kenilworth, thereby helping to facilitate the relocation of Kenilworth School and Sixth Form and providing an opportunity for the Council to explore a house-building programme.

In September 2017, Warwick District Council adopted the Warwick District Local Plan 2011-2029. Local Plan policy DS12 addressed the allocation of land for education in Kenilworth.

Prior to the Plan's adoption and for a period of approximately four years, the School's Trustees (Kenilworth School was a Trust School owning its land and buildings) had been working with Ove Arup & Partners Ltd (land and property specialists hereafter referred to as Arup) on an options appraisal for the relocation of the school. It was this work and that of the

Council's Planning Officers which resulted in the Local Plan land allocation at South Crest Farm for educational uses.

The land at South Crest Farm was in private ownership and negotiations continued between the parties for the sale of this land to the School.

The high-level cashflow, was set out at Appendix 1, and detailed how the relocation project was anticipated to be delivered. There were three main sources of funding for the project: Capital receipts from the sale of the School's current land at Rouncil Lane and Leyes Lane; Section 106 contributions from other Kenilworth and immediate-area sites allocated in the Local Plan; and Housing Infrastructure Fund (HIF) funding from Central Government.

Based on a number of assumptions, the analysis showed that the income coming into the scheme either exceeded or was in the region of the current scheme estimated expenditure of £46,917,000. Of all the various figures involved in the analysis there was only one figure that appeared certain and fully quantifiable; the HIF funding from Central Government (currently subject to final due diligence by Deloitte on behalf of Government). All other funding was subject to market forces or negotiated planning obligations. However, at this stage of the project a reasonable conclusion to reach was that the scheme was deliverable, this confidence being endorsed by Government's decision to award £9,591,000 of HIF funding.

Although prima facie income was either equal to or exceeded expenditure, there was a cashflow (timing) issue that needed to be addressed. The School hoped to be open on its new site for September 2021 and to achieve this it needed c£1m of funding to prepare for and secure planning permission by November 2018. The School's motivation for moving in this timescale was twofold: The funding it currently received was not sufficient to operate a two-site school despite significant efficiencies being made. Consequently, it ran a deficit of c£0.25m each year. Secondly, many of the School buildings were in urgent need of repair and there wasn't the funding available to address this issue. Consequently, whilst the School had an "Outstanding" Ofsted rating, there was real concern that these issues would impact on children's education.

From a housing delivery perspective, officers supported the School's programme for relocation. The Local Plan allocated c2,200 homes in the Kenilworth area over the next ten years and provision of appropriate secondary education was essential for community development and sustainability as well as the broader strategic need to keep housing delivery on-track.

Officers and Arup had explored various ways to address the School's cashflow issue and there appeared to be two ways WDC could assist the school, given the very clear position of Warwickshire County Council that it would not help with any funding. The Council could agree to make a loan of c£1m by June 2018 to enable the funding to be in place to deliver all the necessary studies, assessments and surveys required for a

planning application. The major issue with this approach was ensuring that the loan had sufficient security in place. As the School's only assets were its landholdings, securing the loan against the land could have a detrimental effect on the land value which was problematic when it came to realising the maximum capital receipt from the sites to fund the School's relocation.

The second option explored was for the Council to make a loan and to purchase the Rouncil Lane site which could then contribute to delivering the Council's house-building aspirations. Arup's model for the delivery of the new School presumed that a capital receipt of c£4.66m would be available by September 2018 following release for development of part of the Rouncil Lane site. However, the School had indicated that if the Council was able to meet its valuation of the site and make the necessary up-front funding available then it would do a private deal with the Council and not take the land forward for market sale. If the Council was to make up-front funding available, the financial cash-flow benefit should be reflected within the overall deal either in a reduction in the purchase price, and/ or interest payments to the Council.

Officers had instructed the Council's valuers Bruton Knowles to assess the Rouncil Lane and Leyes Lane sites and a value should have been available for the former at the date of the meeting. The valuation was based on the fact that the Council's Local Plan allocated Rouncil Land for housing. Officers therefore considered that if the School was to grant the Council an option agreement for this site, it would be in a position to put in place forward funding to assist with the School's cashflow with the necessary security in place. Because even if the School's plans fell-through and it was unable to relocate, it appeared possible to develop part of the Rouncil Lane site with the school still in situ (subject to further discussions with Sport England and due diligence with respect to land ownership and rights).

To give further surety to the delivery of the relocation scheme, officers had discussed the potential for the purchase of the School's other current site at Leyes Lane, again land allocated for housing in the Local Plan. As with the Rouncil Lane site, Arup had advised that if the Council was able to meet the market valuation of the site, the School would be prepared to enter into a private deal.

Should Executive agree to this approach, the Council's Section 151 Officer, Head of Housing and Monitoring Officer would work with the Leader, Deputy Leader, Portfolio Holder for Housing and Portfolio Holder for Development Services to agree in-principle terms with the School.

The approach recommended required significant funding from this Council if it was to progress. The release of the necessary funding would not be a matter for Executive but for Council and so, if mutually agreeable, terms could be concluded to advance a loan and/ or one or both of the land purchases should proceed then a report (s) would be submitted to Executive and Council (where necessary) to achieve the appropriate permissions and agree the release of funding.

To put the Council in a position to make an informed decision about the recommended approach, in the interests of speed and being able to respond to developing events, it was recommended that authority be delegated to the Head of Finance and DCX (AJ) to draw-down any necessary funding for professional services from the Local Plan Delivery Reserve.

The School hoped to be open on its new site for September 2021 but it needed c£1m of funding to prepare for and secure planning permission by November 2018. The recommendations in this report explained how this Council could assist with meeting this goal, however, timescales were very tight and to keep on-track there was a significant amount of work to undertake.

It was to be hoped that valuations would be received promptly, legal due diligence would run smoothly and negotiations proceed at pace. To stay on-track, Arup would need to commission surveys in a matter of weeks and it could be that negotiations were not concluded at the point surveys, studies etc. need to be commissioned. It was therefore recommended that if in the opinion of the Head of Finance, Head of Housing and Deputy Chief Executive & Monitoring Officer (DCX (AJ)), having consulted with the Council Leader, Council Deputy Leader, Portfolio Holder for Housing and Portfolio Holder for Development Services, progress appeared to be positive then authority was delegated to the Head of Finance to draw-down funding of up to £100,000 from the CPR to enable Arup to commission the necessary services.

The Localism Act enabled local authorities to enter into grant agreements. If the Executive could agree to this recommendation then such an agreement would be entered into with the School on the understanding that should there be a successful conclusion to negotiations the grant would be recoverable.

The only alternative option was not to intervene and let the School proceed alone. Whilst this was possible, it was likely that there would be an impact on the relocation timeline with the consequential implications on the School's finances and potentially on the education of the children.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

Resolved that

- (1) the Warwick District Local Plan position as it relates to Kenilworth School and Sixth Form, be noted;
- (2) the School's *Relocation Project - Project Budget & Cashflow Analysis* at Appendix 1 to the report and specifically the School's need to have funds in place of circa £1m by June 2018 to meet its

target opening date of September 2021, be noted;

- (3) officers enter into negotiations with the School's representatives for the in-principle purchase of the land allocated in the Local Plan for housing at Rouncil Lane (currently the School's Sixth Form site) and possibly Leyes Lane (currently the School's main site), with the potential for advancing a loan being fully explored, thereby helping to facilitate the relocation of the School onto a single site at South Crest Farm and that the terms of funding and security of that funding are developed by the Council's Head of Finance, Head of Housing and Deputy Chief Executive & Monitoring Officer (DCX (AJ)), in consultation with the Council Leader, Council Deputy Leader, Portfolio Holder for Housing and Portfolio Holder for Development Services, having taken appropriate advice from the Council's solicitors;
- (4) if it is considered appropriate that advancing a loan and/ or one or both of the aforementioned land purchases should proceed then a report (s) will be submitted to Executive and Council for the necessary permissions and release of funding, and that to enable the Council to procure any necessary services to develop its position then authority is delegated to the Head of Finance and DCX (AJ) to draw-down funding from the Local Plan Delivery Reserve; and
- (5) if in the opinion of the Head of Finance, Head of Housing and Deputy Chief Executive & Monitoring Officer (DCX (AJ)), having consulted with the Council Leader, Council Deputy Leader, Portfolio Holder for Housing and Portfolio Holder for Development Services, up-front grant funding not exceeding £100,000 is required to enable the project timescales to be kept on track, then prior to the conclusion of negotiations and under the powers granted by the Localism Act, officers are authorised to enter into a grant agreement with the School to fund necessary surveys, studies etc. on the understanding that should negotiations conclude successfully, this grant will be recoverable from the School. The funding will be sourced from the Community Projects Reserve (CPR).

(The Portfolio Holders for this item were Councillors Coker, Mobbs, Phillips and Rhead)

Forward plan reference number 869

8. Lillington Health Hub

The Executive considered a report from the Deputy Chief Executive (AJ) that updated them on an emerging proposal to create a health hub in Lillington and sought approval for the Council to be involved in undertaking further feasibility work with partners on this.

In March 2015, Executive supported some emerging work to consider regeneration opportunities in Lillington. This was a potentially ambitious programme of works which included the demolition and re-provision of up to 300 homes in Crown ward. Importantly, it included the potential re-provision of the library, Youth & Children's Centres and community centre and the provision of a new GP surgery to allow for the relocation and co-location of three existing GP practices in central/north Leamington.

This regeneration proposal, which never progressed beyond the feasibility stage, was predicated on the release of land from the Green Belt in the vicinity at Red House Farm. This was an allocation in the (then emerging) Local Plan. This land was required to support the decanting and re-provision of council housing stock. Subsequently, the Red House Farm allocation was not supported by the Inspector at the Examination into the Local Plan, and was not included in the adopted Local Plan.

In the light of this, it was not currently possible to give serious further consideration to the wider regeneration proposals that were developed at that time. Nevertheless, the rationale for considering how the Council could best support communities in Crown ward remained. This was included in the Executive report in March 2015.

Some particular challenges within Crown ward related to health provision. Part of the case for the original regeneration proposals was based upon a desire by three GP practices which currently operated in central and north Leamington to relocate from their existing premises and co-locate onto a single site. Crown Ward was seen as a good location to serve the patients using all three surgeries.

Since the original regeneration proposals were formulated, the South Warwickshire Clinical Commissioning Group (CCG) had found it difficult to identify a site that would be suitable for the three co-locating practices. Furthermore, there were benefits to maintaining a presence in Leamington town centre to meet the needs of the two existing town centre practises.

The Council had had discussions with the South Warwickshire NHS Foundation Trust (SWFT), which commissioned a range of other primary health services including those provided at the Crown Way Clinic. SWFT was keen to explore new ways of delivering improved patient care in Lillington. Taken together, the aspirations of the CCG and SWFT could involve the following:-

- Providing a new surgery in Lillington to replace the current surgery at Cubbington Road. This surgery was in a converted and extended house and was currently at capacity. (Note that the proposal was now only to replace this surgery. There were no proposals now for any co-location of other surgeries onto one site in Lillington.)
- Relocation of services currently provided at the Crown Way Clinic into more modern and suitable premises alongside the GP services.
- Exploring opportunities to provide space for delivering other health services, including those provided by Public Health Warwickshire.

In order to explore these ideas in more detail, SWFT and the CCG was keen to work with Warwick District Council and other partners to undertake a full feasibility assessment. This assessment would have the following broad scope.

1. To scope the size and type of facility that was required having regard to the range of services being provided there.
2. To consider the financial feasibility of the proposal including how NHS resources could be utilised and to identify the most advantageous financial mechanisms to fund the capital development and ongoing revenue costs.
3. To consider a delivery model for the facility. (Who would build, own and manage it?)
4. To explore a suitable location having regard to all relevant planning issues
5. To undertake appropriate levels of community, stakeholder and patient engagement.
6. To understand the key decision making procedures for each organisation and develop a critical decision making path for the project.
7. To commission external consultancy and other advice as needed.

In view of the important role that the Council was likely to play in the delivery of any project, the CCG and SWFT asked that the Council formally supported the principle of a new health hub in Lillington and the work that was currently being proposed to be undertaken. Furthermore, in supporting this, the Council would be committing officer resources to the work and committing to report back to councillors when any further recommendations were made as an outcome of the feasibility assessment. The officer input to this project would be led by the Deputy Chief Executive (AJ) supported by the Projects Officer within Development Services.

From a financial perspective, any funding package to build and run the hub would have to be agreed having regard to resources available through the NHS. There was no section 106 money available to support this development. In setting out its priorities for Community Infrastructure Levy (CIL) spending at its 5 April 2018 meeting, Executive agreed to allocate £2.8 million between 2018 and 2023 towards medical facilities in north Leamington. This money would be available to support the

development of a hub should this go ahead. It would not, however, be available to fund any part of the feasibility assessment proposed.

SWFT had indicated that it would engage the support of SWFT Clinical Services Limited which could provide financial modelling for the assessment and potential long term management of any facility.

From a planning perspective, any support for the principle of developing a hub in this area would not imply that planning permission would be given for a specific scheme in the future. It would be an important part of the feasibility assessment to review the overall space requirements of the hub and consider potential sites, having regard to all relevant planning considerations. Notwithstanding this, some work had been undertaken to review potential site options. It needed to be recognised that there did not appear (at the present time) to be many suitable sites, but one site which had emerged was the car park on Valley Road. This was owned by the Council and could be of a suitable size. Any consideration of this site needed to consider the impact on car parking in the local area (including by the church) and the possible impact on the adjacent Mason Avenue Recreation Ground. It should be made clear that all other potential sites would be fully explored as part of the feasibility assessment.

From a delivery perspective, different models would be explored but this could include the Council (or potentially our LLP partner) acting as developer and then leasing the building back to the NHS and other users. This could provide an attractive long term investment for the Council as well as being the best way of securing an investment to support the local community in this area. This was just one option that would be explored, and should this emerge as a preferred option, this would be brought back to Executive for further consideration.

Alternatively, the Executive could decide not to support the work on the feasibility assessment. Whilst this would not definitely mean that the project would not proceed, both the CCG and SWFT had indicated that without the support of the Council, it would be considerably more difficult to scope out a range of possible delivery models for the hub. Furthermore, it would be more difficult for the assessment to give full consideration to relevant planning issues without the active involvement of the Council. This option was therefore not supported.

Councillor Thompson took the opportunity to thank Councillor Boad for the email he had circulated to the Executive with potential further ideas and options which would be shared with officers for consideration as part of the feasibility assessment.

Resolved that

- (1) the desire of the South Warwickshire Clinical Commissioning Group (CCG) and the South Warwickshire NHS Foundation Trust (SWFT) to undertake a feasibility assessment into

developing a new health hub to provide improved primary care services in Lillington;

- (2) the principle of seeking to identify and develop a new health hub in Lillington, be supported; and that the Council will be a full partner in undertaking this feasibility assessment;
- (3) the possible financial, planning and delivery implications of the project as set out in the report and agrees that the car park on Valley Road can be actively considered as a location for the health hub alongside other options; and
- (4) a further report be brought back to Executive once this feasibility work is completed if, at that time, the CCG and SWFT wish to take this project forward.

(The Portfolio Holder for this item were Councillors Rhead Thompson)
Forward plan reference number 930

9. Catering & Events Concessions Contract – Royal Pump Rooms and Jephson Gardens Glasshouse

The Executive considered a report from Cultural and Development Services that detailed proposals to improve the catering and events offered at two of the Council's key town centre assets in Royal Leamington Spa, the Royal Pump Rooms and the Glasshouse in Jephson Gardens. It proposed investment at the Royal Pump Rooms to improve the café area and the public toilets that served both it, the Library and the Art Gallery & Museum.

Following an extended OJEU compliant procurement exercise, the Council entered into a Collaboration Agreement with Complex Development Projects Limited (CDP) in November 2017 to deliver the masterplan for a Creative Quarter in Royal Leamington Spa. That agreement made provision for CDP to deliver, or provide through a sub-contractor, a catering and events service at assets owned by the Council provided that those proposals were within the scope of the Creative Quarter project and directly linked to the masterplan that CDP were contracted to bring forward for Council approval.

The Council currently had a catering concessions agreement incorporating events in place with Crown Holdings Limited (operating as Kudos) at the Royal Pump Rooms and the Glasshouse in Jephson Gardens. The six year term contract was due to cease at the end of February 2018 but, in accordance with an option provision within the contract, had been extended by a further year until 28 February 2019.

At the request of officers, CDP had submitted a proposal to deliver a new catering and events operation at the Royal Pump Rooms and Glasshouse

once the Council's contract with Kudos ends. The provision of these catering and event services had been previously included within the procurement of the Creative Quarter development partner, to which CDP were successfully appointed. Therefore, although a variation to the agreement was required to allow CDP to deliver the catering provision sooner than previously anticipated, there was no potential risk to the Council or any legal barriers to the Council entering into a contract with CDP and (if applicable) its preferred provider to deliver the catering and events as part of that wider project, which were set out in confidential Appendix D to the report.

CDP had been working with their chosen provider, Just Inspire, to create a strong offer that would improve on that provided by Kudos and meet Council and community aspirations. Just Inspire had a national reputation for managing large scale venues, events and outdoor events in prestigious locations. In addition, they had a wide portfolio of operating corporate hospitality, weddings, private parties, festivals, product launches and trade shows, working with all budgets and requirements.

Steven Holland, the founder of Just Inspire, was raised in Royal Leamington Spa and had recently returned to the area to settle in the community with his family. CDP had chosen Just Inspire as their preferred catering and events for the Creative Quarter project as they believed they had a shared ethos on the importance of community engagement. CDP and Just Inspire were both committed to see the Royal Pump Rooms become better used by the local community on a daily basis and to promote the use of the Glasshouse. This was a significant contrast to Kudos' business model which was primarily concentrated on profitable but private functions and events, contributing to the widespread public view that both the Assembly Room at the Royal Pump Rooms and the Glasshouse were largely closed and inaccessible to them. Just Inspire had proposed increasing the amount of community events held in the Assembly Rooms and running the Glasshouse as a fully operational restaurant, which would result in increased access and use.

In particular, CDP had identified that the Royal Pump Rooms café offer required development, offering a place for the local community to use whilst 'emphasising good produce, sourced locally, prepared with care, served with pride and with quality and affordability very much at the forefront'. As seen in paragraphs 7.2 & 7.3 of the report, the performance of the café had declined in recent years, which officers believed was as a result of Kudos focussing increasingly on their events offering and CDP and Just Inspire were of the firm belief that the current catering operation was failing to meet its full potential.

The business proposal from CDP and Just Inspire was set out at Appendices A, B and confidential Appendix E to the report. This was based on their collective experience, observations from site visits, feedback from community consultation/soundings they had undertaken and high level indicative figures and information provided by the Council. The proposal was for a three year contract, which was a shorter duration than would normally be offered through a tendering process but one that recognised

that the Creative Quarter masterplan could include proposals which impacted on the Royal Pump Rooms and/or the Glasshouse and that maximum flexibility on the catering and events offer was desirable.

At this stage no financial or operational detail in relation to the current contract had been shared with either Just Inspire or CDP and this would not be done without approval of the recommendations in this report. As a result, some further negotiation could be required with CDP and Just Inspire as the details of the contract were discussed and agreed and it was, therefore proposed that the contract be finalised under delegated authority.

The proposed changes to the catering and events offer presented the Council with an opportunity to use the negotiation of the new contract to deliver investment in the Royal Pump Rooms and the Glasshouse in order to increase footfall and improve the overall offering and customer experience for residents and visitors to the district. This would begin to showcase the changes that the community could expect as the Creative Quarter developed and potentially maximise the financial return from the new catering concessions contract.

Currently, the catering and event areas within the Glasshouse and the Royal Pump Rooms were leased to Kudos on a 'maintain and repair' basis and no significant investment had been made by the Council into the fabric of the catering operation for a number of years. It was therefore proposed that an in-principle approval of a modest allocation of funding be approved from the Service Transformation Reserve, as set out in confidential Appendix H to the report, which could potentially be deployed when the outcomes of the negotiation process described above were known, if this would assist with ensuring that the final offer achieved through that process was optimised and/or the financial returns to the Council were maximised.

It was proposed that, separate from the changes to the catering and events offer that the Council invested in the re-modelling of the public toilets in the Royal Pump Rooms. Whilst, this would be of benefit to the café in this building, the main driver was to support the goal of the Council's Arts Team to increase footfall and use of the building and position it as a 'creative hub' for the town, an ambition consistent with the wider goal of creating the Creative Quarter. It was proposed that an allocation of up to £150,000 was made for these works. During this refurbishment officers would explore the possibility of creating a fully accessible 'Changing Places' facility for disabled adults and children. It might not be possible to accommodate this within the existing footprint of the public toilets but it was hoped that a suitable site would be found elsewhere within the building or in the vicinity as part of the wider Creative Quarter.

The actual spend required in relation to recommendations 2.4 and 2.5 was indicative at this stage and the proposed allocations from the respective Reserves were, therefore, maximum amounts with final requirements known when detailed surveys had been undertaken, a full inventory and condition survey had been carried out as part of the exit conditions for the

current contract and, in respect of the in-principle allocation referred to in recommendation 2.4 the negotiation process to finalise the terms of the new contract as described above, had been completed. It was, therefore proposed that the draw-down of the required funding was undertaken utilising delegated authority.

The option of further extending the current arrangement with Kudos (the contract provides for one further extension) had been discounted. Whilst Kudos had made it clear that they would welcome such an extension and would be open to the inclusion of a break clause during the extension period, there had been significant issues with the operation of the contract in addition to the public perception that the focus on private functions excluded key parts of the Royal Pump Rooms and the Glasshouse from public use.

The quality of the Royal Pump Rooms café offering was an area where there had been considerable dissatisfaction throughout the period of the current contract with the range of food (which had not been as originally tendered); cost of the offer and the standard of service all having been raised as issues. Over the life of the contract, officers had had many meetings with the management team from Kudos asking them to enhance this area of their service and whilst it had slightly improved it bore no relationship to the product tendered for in 2011, and it was not of the quality that the Council wished to offer in our prime town centre catering location.

Other concerns had revolved around shortfalls in the “management” of the contract that Kudos had seemed unable to address satisfactorily. These had included a lack of marketing, examples of poor customer service, and a lack of compliance with basic health & safety management in terms of how they managed the areas that they were responsible for. All of these issues had been logged in the notes of regular contract management meetings over a number of years.

Another option that had been discounted was to undertake a re-procurement exercise of the existing catering and events concession contract rather than extend the incumbent contractor. However, market intelligence indicated that there would be limited interest in a contract of less than five years with little or no interest in one of three years. This was because on a contract of this size it took two to three years to establish a business, build up regular trade and earn back any initial investment and/or pay back business loans.

Another option would be to let the new contract for a period longer or shorter than the proposed three years. This had been discounted for the reasons set out in paragraph 3.10 of the report. The Council was aware that Just Inspire was willing to commit to a three year period due to their wider partnership with CDP and the potential further opportunities that could be created as part of the Creative Quarter.

The Finance & Audit Scrutiny Committee noted the current estimates of return to the Council under the proposal were lower than actual and

budgeted, but accepted that this would be revisited during the next stage of detailed negotiations if the approach was approved. There was recognition that there could be risks with this contract that needed to be treated with caution. These risks included managing the quality of the provision, the challenges of a three way agreement, ensuring that the contract performed well for both the Council and the community in terms of being inclusive and welcoming for all as well as providing a financial return. It was recognised however that success in delivering such services depended on the character and experience of the business leader and that local teams often performed more strongly.

The Committee also noted that the proposed approach conformed with procurement policy, as it was specified in the recently awarded overarching contract.

The Overview & Scrutiny Committee welcomed and supported the report but would like to see robust monitoring of the contract from the outset.

The Overview & Scrutiny Committee reviewed recommendations 2.1 to 2.3 because they felt 2.4 onwards were recommendations Finance & Audit Scrutiny Committee should consider).

The Executive welcomed the concerns of Finance & Audit Scrutiny Committee and recognised these were points that would need to be picked up through proper robust contract management. They welcomed the proposed investment in the toilet facilities because they needed refurbishment and this would make them accessible to disabled people.

Resolved that

- (1) the Collaboration Agreement, entered into between the Council and Complex Development Projects Limited (CDP) in November 2017 to deliver the masterplan for a Creative Quarter in Royal Leamington Spa, included provision for CDP to deliver, or provide through a sub-contractor, catering and events services at assets owned by the Council, be noted;
- (2) a variation to the Collaboration Agreement with CDP to allow arrangements for the new catering and events offer to be put in place from 1st March 2019 in accordance with the guidance received from Warwickshire Legal Services to ensure that this is fully procurement compliant as set out in confidential Appendix D to the report, be noted;
- (3) the catering offering proposed by CDP and their preferred subcontractor, Just Inspire Hospitality & Event Management (Just Inspire), the details of which are attached as Appendices A and B

and confidential Appendix E, be noted, and the Arts Manager and Head of Cultural Services, be delegated authority, in consultation with the Portfolio Holder for Culture, to conclude negotiations with CDP to ensure a revised catering and events concessions contract is in place from 1 March 2019;

- (4) subject to the outcome of the negotiations with CDP, in-principle an allocation from the Service Transformation Reserve be approved, as set out in confidential Appendix H to the report, if investment in the café and events areas at the Royal Pump Rooms and the Glasshouse would maximise the Council's financial return from the new contract;
- (5) an allocation of up to £150,000 from the Corporate Assets Reserve to upgrade the public toilet facilities at the Royal Pump Rooms; and
- (6) the Arts Manager, Head of Cultural Services and Asset Manager, be authorised in consultation with the Portfolio Holder for Culture, to draw down the funding allocations as required.

(The Portfolio Holders for this item were Councillors Butler and Coker
Forward plan reference 932

10. Relocation of Kenilworth Wardens

The Executive considered a report from the Deputy Chief Executive (AJ) that sought consideration to entering into negotiations for the purchase of land currently occupied by Kenilworth Wardens at Thickthorn, Kenilworth and potential proactive steps to help facilitate the development of Castle Farm for sporting use.

In September 2017, Warwick District Council adopted the Warwick District Local Plan 2011-2029. Local Plan policy DS11 (Allocated Housing Sites) addresses the allocation of land for housing development and associated infrastructure. Site H06 - East of Kenilworth (Thickthorn) - was given an indicative allocation of 760 dwellings and included land occupied by Kenilworth Wardens under a 999 year long-leasehold from the freeholder Stoneleigh Estates.

As described in the Executive report of 2 June 2016, the Club wished to improve and expand facilities but this was not possible on its current footprint at Thickthorn. It therefore approached the Council to see whether an alternative site was available

Local Plan policy DS23 allocated land for outdoor sports and recreation in Kenilworth at Castle Farm (SP1). Appropriate facilities associated with the provision of outdoor sport would be permitted provided that "they preserved the openness of the green belt and did not conflict with the purposes of including land within it."

The Club considered that by relocating from their current site to site SP1, it could improve and expand its facilities. As made clear by Executive's resolution following its consideration of the 2 June report, the Council supported in-principle their desire to relocate to the Castle Farm site.

The Club were c30 years into the 999 year lease. Its plan was that in tandem with its landlord, their respective interests in the land were surrendered contemporaneously to a third-party in consideration of a capital sum. That capital sum was estimated to be considerable and based on the work that the club had already undertaken would enable new facilities to be developed at the Castle Farm site; an endowment put aside to ensure the long term future of the Club; and a payment made to Stoneleigh Estates. Discussions had been taking place between the Club and Stoneleigh Estates over a number of years and they were in agreement to this approach.

The capital sum to be paid to Stoneleigh Estates had still to be agreed between the parties, however, the Club had made clear that this sum must take account of the need to develop the Castle Farm site and provide the endowment. If these elements could not be agreed then the Club would be unable to move and given the length of tenure benefiting the Club, Stoneleigh Estates would receive no capital sum.

The Club and officers had worked over the last three years to arrive at the position where Local Plan policies were in place to facilitate the Clubs move; in-principle Executive approval had been given to the Clubs relocation; and the Club was working with Council officers to ensure its plans were aligned with the aspirations the Council has for the redevelopment of Castle Farm Recreation Centre. This trust relationship had led the Club to consider whether it would be advantageous for the Club to enter into a deal with the Council whereby the Council would take a freehold interest in the Clubs current site. The Club had therefore stated that if the Council was able to meet its valuation of the site then it would undertake a private deal with the Council. Stoneleigh Estates was also agreeable to this approach.

Officers had instructed the Council's valuers Bruton Knowles to assess the Club site; however, the Clubs valuation of the land could be advised in private session. The valuation was based on the fact that the Council's Local Plan allocated this site for housing.

Executive had made it clear that it wished to take a more proactive role in the housing market but had been stymied by the Council's lack of land in its ownership available for development. This meant that any significant house-building programme would rely on the purchase of land at market

rate. The proposal put forward by the Club enabled officers to explore land purchase of a significant scale.

In summary, the outline to progress this proposal was by way of an 'Option' agreement between the three parties (Warwick District Council (WDC); the Club; and Stoneleigh Estates). The Option would set out the various pre-conditions that would need to be satisfied before the Council could exercise its option to call for a conveyance of the land. Various pre-conditions would be agreed by the parties e.g. a mechanism for fixing the value to be paid, the obtaining of planning permission, and various others. This approach was agreeable to both the Club and Stoneleigh Estates.

There was work to be done before officers would be in a position to recommend purchasing the land. It was therefore proposed that the necessary work was undertaken and authority was delegated to the Head of Finance, Head of Housing and Deputy Chief Executive & Monitoring Officer (DCX (AJ)), in consultation with the Portfolio Holders for Finance, Housing and Development Services to negotiate with the representatives of the Club and Stoneleigh Estates and if the outcome of those negotiations was considered satisfactory then reports were submitted to Executive and Council to secure the necessary permissions and release of funding.

To undertake the work necessary to progress the negotiations, officers could need to call on professional assistance. For example surveys, legal advice or market intelligence. It was recommended that authority was delegated to the Head of Finance and DCX (AJ) to draw-down funding from the Local Plan Delivery Reserve should this be considered necessary.

The opportunity to purchase the Clubs current site made possible the Council's long-held ambition of delivering an extensive house-building programme. However, this opportunity only occurred if the Council was prepared to put itself "in the shoes" of a developer.

The Club was a Community Sports Club and had limited funds. To take its plan forward the Club was relying on a developer providing up-front at-risk funding so that the Club could achieve the necessary planning consent to hopefully move to the Castle Farm site. The Club estimated that the current cost of this work was up to £400k. The developer's position would be that in return for providing this funding, it would secure an option on the Thickthorn land so that it would ultimately be the freeholder when the Club moved.

If the Council wanted to secure the land with the prospect of developing housing it needed to act in a commercial manner by providing the up-front funding. However, there was a way to do this and release the up-front funding to the Club without waiting for all the legal agreements for land purchase to be completed. Assuming that Executive did not wish to purchase the land, in the interim it could take a charge out on the Club's 999-year leasehold interest as security against the up-front funding. If the Council ultimately purchased the land, the charge would simply fall away but if negotiations between the three parties did not lead to a successful

conclusion for land purchase, the Council could add a charge to fall back on when the land was sold.

It was possible that should WDC provide up-front funding and planning permission was not achieved or the land values did not provide enough funding to enable the Club to move, then WDC would have a charge against land that could not be developed. This was a risk that Executive would need to consider.

If the Executive agreed to the approach then it was recommended that up to £400k be made available from the Community Projects Reserve to enable the Club to complete all the necessary steps to submit a planning application subject to appropriate security being put in place. The Council's Head of Finance and Deputy Chief Executive & Monitoring Officer (DCX (AJ)), in consultation with the Portfolio Holders for Finance and Development Services, would work with the Council's solicitors to ensure that the necessary security was achieved and that an appropriate commercial return as received.

The Club was anticipating a significant capital receipt that would enable it to move to Castle Farm. The work undertaken by the Club suggested that the cost of developing the Castle Farm site would be in the region of £6-7m. The initial plan, from the Club, was that this funding would be provided from the capital receipt from its current site when it surrendered its leasehold interest and Stoneleigh Estates surrendered its freehold interest contemporaneously to a developer. If the Executive wanted to pursue the strategic approach outlined in earlier recommendations, it could be advantageous for the Council to undertake the development of the Castle Farm site itself. Having discussed a number of possibilities with the Council's solicitors, officers were recommending that the following approach be taken:

- The Council purchase the land at Castle Farm that was currently in third-party ownership but which was required for relocation of the Club;
- WDC develop the Castle Farm land based on a specification provided by the Club;
- The Club be granted a long lease by WDC of the Castle Farm land and relocate there;
- The terms of the lease set the rent at a level that took account of the development and investment WDC had made but delayed rent payments until the Club has realised its value from the Thickthorn land development;
- WDC promotes and/or develops the Thickthorn land for housing;
- The development of the Thickthorn land results in the following:
 - A share for Stoneleigh Estates
 - A share for WDC/commission for promoting and/or developing the land
 - The Club share arising from its interest in the land
 - The Club would pay the outstanding rent through their receipt from the development of the Thickthorn Land

This approach would enable the Council to manage the development of the site in line with whatever aspirations it had for the land occupied by Castle Farm Recreation Centre and other facilities. It would mean that the Council could benefit financially by way of commission from the Club for providing the up-front funding.

If the Executive wanted to pursue this route then negotiations would continue with the Club so that a report(s) could be submitted to Executive and/or Council for the necessary permissions and release of funding.

The proposals in the report sought to provide the Council with a realistic opportunity to own land and be in the position to bring forward a house-building scheme. Whilst there were many ways that the Club could explore bringing forward its plans, the option for the Council to purchase the land was a binary choice.

There was no need for the Council to provide the funding for the sporting development at Castle Farm. However, not undertaking this role meant that the Council missed out on the opportunity for interest and commission and it had less influence in the scheme's development.

The Finance & Audit Scrutiny Committee supported the recommendations in report, especially the potential for investment in affordable housing.

Resolved that

- (1) the Warwick District Local Plan position in respect of to Kenilworth Wardens Cricket Club Limited, be noted;
- (2) the financial principles underpinning the Clubs plan to move to a new site;
- (3) officers enter into negotiations with the Club and Stoneleigh Estates' representatives for the in-principle purchase of the land allocated in the Local Plan for housing at site H06 occupied by the Club thereby helping to facilitate their relocation to Castle Farm and that the terms of funding for the land purchase are developed by the Council's Head of Finance, Head of Housing and Deputy Chief Executive & Monitoring Officer (DCX (AJ)), in consultation with the Portfolio Holders for Finance, Housing and Development Services, having taken appropriate advice from the Council's solicitors and that to enable the Council to procure any necessary services to develop its position authority is delegated to the Head of Finance and DCX (AJ) to draw-down funding from the Local Plan Delivery Reserve. Should negotiations lead to a satisfactory conclusion

then a report (s) will be submitted to Executive and/or Council for the necessary permissions and release of funding;

- (4) up to £400k be made available from the Community Projects Reserve to enable the Club to complete all the necessary steps to submit a planning application and achieve all the necessary consents for its relocation subject to appropriate security being put in place as agreed by the Council's Head of Finance and Deputy Chief Executive & Monitoring Officer (DCX (AJ)), in consultation with the Portfolio Holders for Finance and Development Services, having taken appropriate advice from the Council's solicitors; and
- (5) officers negotiate with the Club to provide the up-front funding to develop the Castle Farm site thereby helping facilitate the relocation of the Club and should negotiations lead to a satisfactory conclusion then a report(s) be brought to the Executive and/or Council for the necessary permissions and release of funding.

(The Portfolio Holders for this item were Councillors Phillips, Rhead and Whiting)

11. MHCLG Rough Sleepers Initiative 2018-20

The Executive considered a report from Housing that informed them of the government's Rough Sleepers Initiative 2018-2020, and the progress on submitting a bid for funding to put in place initiatives which were locally accepted as being gaps in service.

It provided details on each component of the bid and sought member support to enable the initiative to be taken forward.

It sought approval for worst case scenario funding to be approved, thereby assuring delivery of the proposals and the work to reduce rough sleeping.

On 30 March 2018, the government announced a new £30m fund to tackle rough sleeping across the 80 councils with the most significant numbers of people sleeping rough. Rough sleeping nationally had increased by 160% since 2010 although locally a 75% rise had been experienced. With a rough sleeping figure of 21 last autumn (the governments annual official figures), Warwick District Council were contacted by Ministry of Housing, Communities & Local Government's (MHCLG) on 11 April 2018 and invited to participate.

Whilst there were many clear gaps in the provision of services to rough sleepers across healthcare, housing related support and accommodation

provision, advisors from MHCLG together with statutory and voluntary sector partners confirmed five elements which together were considered to be key to tackle rough sleeping in Warwick District. The five key areas were: Rough sleepers co-ordinator; Housing First officer; Additional outreach worker; Shared Supported Housing; and Direct access hostel.

The rough sleepers co-ordinator would be a senior manager to co-ordinate the work of statutory and voluntary sector partners across the District in taking forward work and plans to tackle rough sleeping.

The Housing First officer was an intensive support worker to assist rough sleepers with complex needs to maintain accommodation whilst accessing and receiving treatment to combat addiction problems.

An additional outreach worker would provide dedicated time across Warwick District, making contact with people sleeping rough and forming bespoke person plans with a view to enabling the transition to accommodation, treatment and engagement with services.

The Council would provide five 3 bedroomed properties to a voluntary sector partner for the provision of medium term shared housing with support for people transitioning from the streets to residential settings.

There would be a provision of accommodation for up to 22 rough sleepers, where residents could stay all day and with the provision of some health and pastoral care on an outreach basis. Open 24 hours a day, the project demand was that a minimum of two members of staff were on duty at any one time over the entire 24 hour period. It was proposed to use William Walsgrove House on Lillington Road for the hostel, with current residents and Home group staff (who rented office space at the address) moving to the newly acquired Beauchamp House in Warwick. Beauchamp House was deemed to be too far from Leamington for rough sleepers to use.

A total of £1,233,300 was required to deliver the proposals to March 2020. A bid equalling the full costs of funding each element had been submitted to MHCLG apart from for the direct access hostel where the MHCLG bid was complemented with an associated request to WCC to match fund the WDC contribution. Whilst it was likely that WDC would receive funding from both parties, there were currently no guarantees that the full costs would be met and indeed, no guarantees that any funding at all would be provided. Furthermore, MHCLG would announce the funding awards at the end of June 2018. The announcement would also only include funding for 2018/19 with funding for 2019/20 being announced over the summer. This position created uncertainty for the partner organisations and would increase complexities for recruiting sufficiently experienced staff if contracts only ran until March 2019.

Approval of this funding provided the confidence that the delivery partners required to recruit suitable candidates and to deliver the schemes.

The level of funding sought had been calculated on a worst case scenario basis and was likely to be reduced considerably once the outcome of our

bid to MHCLG and request for match funding from WCC had been announced.

Alternatively, the Council could decide not to bid for funding from the governments Rough Sleepers Initiative or not to provide gap funding however this would do nothing to reduce the numbers of rough sleepers on the streets of our towns.

Careful consideration had been made of the need for a direct access hostel as this was the most expensive of the proposals. It was found that without the hostel, outreach workers would have no accommodation to offer to rough sleepers who were not ready to live independently when they transitioned from street living.

There were reputational risks for the Council in not proceeding with the proposals given the levels of public sympathy towards rough sleepers that has grown considerably in recent months. Furthermore, the Council's reputation with government departments and particularly MHCLG would be tarnished and could lead to being issued with a directive by the ministry.

The Finance & Audit Scrutiny Committee noted that the Council was lobbying Government for ongoing funding for this area of work to mitigate the risks of costs having to be met from the HRA, especially after 2020 where there was great uncertainty on funding. However, they fully supported the measures being proposed to be implemented by September. They also noted that by 2020 the situation could have changed, both because of the nature of the work and because of the Government's policy of giving additional responsibility and funding to WCC for sheltered and supported accommodation, in collaboration with WDC. The Committee welcomed the report with great enthusiasm.

The Overview & Scrutiny Committee welcomed the report but had questions on what happened in two years when the MHCLG funding ceased.

The Executive thanked the Scrutiny Committee for their enthusiasm and support for this project and confirmed the comments from Finance & Audit Scrutiny Committee in respect of what would happen after 2020.

Resolved that

- (1) the principle of a submission of a funding bid to the Ministry of Housing, Communities & Local Government's (MHCLG) Rough Sleepers Initiative, be approved, for:
 - A fixed term Rough Sleepers Co-Ordinator post to run to 31/3/20;
 - A fixed term Housing First worker post to run to 31/3/20;

- Two fixed term Outreach Worker posts (one for Warwick district and one for Stratford district) to run to 31/3/20;
 - The costs of operating a shared supported housing initiative in Leamington;
 - A contribution towards the costs of operating a direct access hostel in Leamington;
- (2) the Council seeks match funding of £100,000 in 2018/19 and 2019/20 from Warwickshire County Council towards the costs of the direct access hostel;
- (3) the inclusion of a proposal for an outreach worker to work within the Stratford District Council (SDC) area within any bid submitted, be noted and that discussions have been held with SDC officers who support the proposed approach;
- (4) the bids to be viable that financial provision needs to be made for both the remainder of the financial year 2018/19 and the full financial year 2019/20 but that the availability of MHCLG funding provision for the latter year will not be known until after the necessary recruitment processes have been completed and the arrangements for the housing provision put in place, therefore to allow any 18/19 MHCLG allocation to be drawn down, requiring the Council to make provision to fund the latter period for each of the proposed elements of the bid (excluding the SDC outreach worker) from its own resources as a risk mitigation, be noted;
- (5) subject to MHCLG agreeing to fund all five components, the use of funding of up to £79,100, be allocated, from unallocated balance of the Flexible Homeless Support Grant monies General Fund elements of the project and up to and up to £603,600 from the HRA Capital Investment Reserve (CIR) were the MHCLG 19/20 funding or the WCC funding contribution referred to in recommendation (2) not to be forthcoming;
- (6) if MHCLG decide not to support any component of the bid, a further report be brought which considers funding priorities for the Flexible Homeless Support Grant.

(The Portfolio Holder for this item was Councillor Phillips)

**12. Rural and Urban Capital Improvement Scheme (RUCIS)
Application (Pages 1 to 11)**

The Executive considered a report from Finance that sought consideration of two Rural/Urban Capital Improvement Scheme grant applications from, Budbrooke Community Association; and Brunswick Healthy Living Centre respectively.

The Council operated a scheme to award Capital Improvement Grants to organisations in rural and urban areas. The grants recommended were in accordance with the Council's agreed scheme and would provide funding to help the projects progress. All projects contributed to the Council's Fit for the Future Strategy.

The Budbrooke Community Association application was to renew the roof, interior suspended ceiling and replace the entrance and fire doors of the Budbrooke Community Centre main hall, which were at the end of their life span, and also install new LED lighting.

This project contributed to the Council's Fit for the Future Strategy because without the Budbrooke Community Centre there would be fewer opportunities for the community to enjoy and participate in physical, social and cultural activities which could potentially result in an increase in anti-social behaviour, an increase in obesity (including in children) and disengage and weaken the community. The project would renew the roof, interior suspended ceiling and replace the entrance and fire doors and provide new LED lighting which would remove current Health & Safety concerns and would ensure that the centre remained a viable facility for community use.

The Brunswick Healthy Living Centre application was to refurbish the community hall into an adapted, flexible space; provide new audio visual system, flooring, fire doors, lighting, seating, tables, acoustic panelling, storage space and re-decorating.

This project contributed to the Council's Fit for the Future Strategy; without the centre there would be fewer opportunities for the community to enjoy and participate in physical, social and cultural activities which could potentially result in an increase in anti-social behaviour, an increase in obesity (including in children) and disengage and weaken the community. The centre was located in the heart of a local neighbourhood in one of the most disadvantaged wards in Warwick District; the project would create a multi-function community hall that provided a facility where much needed community activities could run in a fit-for-purpose space. The existing community hall was inadequate to do this because it lacks facilities, has no storage and very poor lighting. Once the project to refurbish the community hall had been completed the centre aimed to;

- Increase the numbers of people accessing physical exercise by expanding and developing activities to promote health and wellbeing

- Recruit 10 new volunteers to run new parent/toddler sessions
- Provide weekend/evening social events at affordable prices such as live screen sports, film mantinee's and live local theatre

The Council only had a specific capital budget to provide grants of this nature and therefore there were no alternative sources of funding if the Council was to provide funding for Rural/Urban Capital Improvement Schemes. Therefore, the Executive could choose not to approve the grant funding, or to vary the amount awarded.

Resolved that

- (1) A Rural/Urban Capital Improvement Grant from the rural cost centre budget, be approved, for Budbrooke Community Association of 50% of the total project costs to renew the roof, interior suspended ceiling and replace the entrance and fire doors of the Budbrooke Community Centre main hall and also install new LED lighting, as detailed within paragraphs 1.1, 3.2 and 8.1, up to a maximum of £25,925 including vat, as supported by Appendix 1 to the report; and
- (2) A Rural/Urban Capital Improvement Grant from the urban cost centre budget be approved for Brunswick Healthy Living Centre of 50% of the total project costs to refurbish the community hall into an adapted, flexible space; new audio visual system, flooring, fire doors, lighting, seating, tables, acoustic panelling, storage space and re-decorating, as detailed within paragraphs 1.1, 3.2 and 8.2, up to a maximum of £26,256 including vat, subject to receipt of written confirmation from Asda Foundation (or an alternative grant provider) to approve a capital grant of £18,058, and as supported by appendix 2 to the report.

(The Portfolio Holder for this item was Councillor Whiting)
Forward Plan reference number 931

13. 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 three items by reason of the likely disclosure of exempt information within the paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

The Minute for the following item would be detailed in the confidential minutes of the meeting.

14. Europa Way - Update

The Executive considered a report that updated them on the progress on the Europa Way project for a community football stadium and enabling developments.

The Finance & Audit Scrutiny Committee noted the report and agreed to hold an extra meeting on 11 June for F&A to consider one aspect of this report.

The recommendations in the report were approved subject to the revised recommendation 2.2 as circulated at the meeting.

(The Portfolio Holder for this item was Councillor Phillips)

15. Confidential Appendix for Item 7 - Funding for Kenilworth School's Relocation to South Crest Farm

The Executive considered the confidential project budget for the proposed relocation for Kenilworth School.

Resolved that the Appendix be noted.

(The Portfolio Holders for this item were Councillors Coker, Mobbs, Phillips and Rhead)

16. Confidential Appendices to Item 9 – Appendices D to H

The Executive considered the confidential appendices in relation to Catering & Events Concessions Contract – Royal Pump Rooms and Jephson Gardens Glasshouse that included legal advice, proposed business plan, extract from the Cultural Quarter contract, and the financial performance of the current contractor.

Resolved that the Appendices be noted.

(The Portfolio Holders for this item were Councillors Coker and Butler)

17. Minutes

The confidential minutes of the meetings held on 7 February, 7 March & 5 April 2018 were not submitted for approval.

(The meeting ended at 6.40pm)

Executive

Minutes of the meeting held on Wednesday 27 June 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

Present: Councillors Coker (Deputy Leader), Butler, Phillips, Thompson and Whiting.

Also present: Councillors; Boad (Liberal Democrat Group Observer), Mrs Falp (Chairman of Overview & Scrutiny Committee); Naimo (Labour Group Observer) and Quinney (Chair of Finance & Audit Scrutiny Committee).

Apologies for absence were received from Councillors Grainger, Mobbs and Rhead.

18. **Declarations of Interest**

Minute 23 – Increased Litter Bin Provision

Councillor Mrs Falp declared an interest because a family member was working on the project concerned.

19. **Urgent Item – Audio and Visual Recordings of Meetings**

The Deputy Leader explained that after discussions with members of the Executive, I agreed to bring forward an urgent item seeking their approval to record its future meetings.

It was therefore proposed, duly seconded and

Resolved that from this point forward, any meetings of the Executive, held in the Council Chamber at the Town Hall, Royal Leamington Spa, will be both audio & visually recorded including where the public and press have been excluded; and

Recommended that Council be notified of this decision so that it can update Council Procedure Rules to reflect this.

20. **Minutes**

The minutes of the meetings held on 7 March, 5 April and 31 May 2018 were agreed and signed by the Chairman as a correct record.

Part 1

(Items on which a decision by Council was required)

None.

Part 2

(Items upon which the approval of the Council is not required)

21. Fit for the Future (FFF) Change Programme

The Executive considered a report from the Deputy Chief Executive (AJ) which provided an update of the Council's Fit For the Future Change Programme which had been developed to address the significant reduction in funding from central government, maintain or improve service provision, and support and invest in the Council's staff.

The Council's FFF Change Programme had been in place for eight years and had enabled the Council to continue to deliver a full range of services without large increases in council tax or charges. The Programme's progress had been reported annually to Executive throughout the eight-year period and at Table 2 in the report, the latest position was provided on each of the outstanding initiatives.

The report requested approval of the additions to the Fit for The Future Change Programme, note the latest position of the outstanding initiatives along with the major programmes that the Corporate Management Team were reviewing on a monthly basis.

The additions to the FFF Change Programmed were detailed in Table 1 at section 3.1.4 of the report and included suggestions for developing commercial services such as pest control, kennel service and car hire as well as charging for food hygiene rating schemes, increasing Lifeline income and commercial opportunities at St Mary's Lands.

The report also provided details of initiatives which were intended to improve services and onwards outlined the latest position on outstanding initiatives.

In addition, a headline summary of the major pieces of work being progressed was provided with the potential sources of finance to fund those projects.

There were a number of financial recommendations included which were detailed in full in section 5 of the report and paragraph 5.3 showed the updated savings profile. Members were asked to note the expenditure which was not funded as part of the Medium Term Financial Strategy (MTFS) and how additional funding would be required to meet these future liabilities. Section 5 also described the latest MTFS position in detail but Members noted that the Strategy did not reflect funding for potential projects such as the Europa Way development, Kenilworth Leisure Centre enhancements and Linen Street Multi-Storey Car Park (MSCP) re-provision. There were also emerging pressures such as the national salary review. It was proposed that as such matters came forward, they would need to be considered in the context of the Council's overall financial position.

No alternative options to the recommendations in this report had been considered as the FFF Change Programme had proved very successful in delivering the Council's Services whilst reducing its costs and increasing its income.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Deputy Leader reminded Members that the objective was to look at a variety of improvements, better services and initiatives to raise funds to improve services.

The Executive therefore,

Resolved that

- (1) the additions to the Fit For the Future (FFF) Change Programme set out in Table 1, are agreed;
- (2) the latest position of the outstanding initiatives of the previously agreed Change Programme set out in Table 2, is noted;
- (3) the major programmes that Corporate Management Team (CMT) will be reviewing on a monthly basis, are noted;
- (4) the headline summary of the major pieces of work currently being progressed, projects currently being investigated and potential sources of finance to fund the projects, are noted;
- (5) the updated savings profile as shown in paragraph 5.3 which will be updated to incorporate the new FFF projects in Table 3.1, are noted;
- (6) the expenditure that is not funded as part of the Medium Term Financial Strategy (MTFS), and how additional funding will be required to meet these future liabilities so as to ensure future service provision (paragraph 5.6), is noted;
- (7) it is agreed that £8,000 from 2019/20 is paid towards the cost of making the Admin Support Officer post permanent within Cultural Services, net of additional pitch hire income, June 2018 Employment Committee having agreed to the change to the establishment;

- (8) it is agreed that £3,300 from 2018/19 is paid towards the additional cost of increasing the establishment for ½ a permanent post so as to create a Full Time Administration Officer for the Revenues Visiting Team, June 2018
Employment Committee having agreed to the change to the establishment.

(The Portfolio Holders for this item were Councillors Coker and Mobbs)
Forward Plan Reference 935

22. Residential Design Guide – Supplementary Planning Document (SPD) and Parking Standards SPD Supplementary Planning Document

The Executive considered a report from Development Services that sought approval of a Residential Design Guide and Parking Standards as Supplementary Planning Documents (SPD)

The Warwick District Local Plan 2011 – 2029, adopted in September 2017, committed the Council to reviewing the Residential Design Guide under Policy DS1 paragraph 5.10, which stated “The Council will review its Residential Design Guide to provide updated guidance consistent with the National Planning Policy Framework (NPPF), this policy (DS1) and the Garden Towns, Suburbs and Villages Prospectus.” The review had taken place and, following Executive approval on 7 March for a public consultation to be held, the document had been the subject of consultation between 19 March and 08 May 2018.

Paragraphs 5.57-5.59 of the Warwick District Local Plan 2011-2029 identified that the Council was seeking to review its Parking Standards SPD so that it was consistent with national planning policy and the most recent census data regarding local car ownership. The consultation draft was also subject to consultation between 19 March and 08 May.

The report asked Members to note the statement of community consultation which was attached as appendix 1 to the report and the subsequent changes to the document. The Residential Design Guide was attached as Appendix 2 and the Parking Standards SPD was attached at Appendix 3 to the report. The recommendation was that these documents be formally adopted and thereafter be used to assist in the determination of planning applications.

An alternative options was that Members could decide not adopt the design guidance, but this would have a detrimental affect overall on the quality of development and the health and wellbeing of residents by depriving officers of the support required to ensure that developments were designed with care and taking local aspects into account.

In addition, the Executive could decide not to adopt the Parking Standards SPD, but this would have a detrimental effect overall on the

quality of development and the health and wellbeing of residents by depriving officers of the support required to ensure that developments were designed with care.

Councillor Quinney made a personal statement to the meeting and expressed his disappointment that the guide did not align with the National Planning Policy Framework, nor did it refer to a mix of sizes or internal space sizes.

In the absence of the Portfolio Holder, the Deputy Leader reminded Members that many of the answers they were looking for were set out in the report and the matter had been discussed at length. He therefore, proposed the recommendation as laid out.

Resolved that the statement of community consultation (Appendix 1) and the subsequent changes to the documents are noted and both the Residential Design Guide (Appendix 2) and the Parking Standards SPD (Appendix 3) be formally adopted.

(The Portfolio Holder for this item was Councillor Rhead)
Forward Plan reference 936

23. Increased Litter Bin Provision

The Executive considered a report from Neighbourhood Services which sort approval for the replacement of litter bins, an increase in collections and provision of bins and approval to fund an additional member of staff to join the parks team.

The report advised that Litter, litter bin emptying and the general condition of the street scene was under constant scrutiny by the public and media. In recent months Neighbourhood Services had received a number of complaints and queries from Councillors and residents regarding the number of litter bins in situ and their emptying frequency. These issues ranged from overflowing litter bins to damaged or removed bins.

In addition, the District's population had increased in size since the tendered contract was awarded in 2013 and, with that increase forecast to continue, the contract had no scope to increase emptying frequencies without more investment into the service.

The report highlighted that Warwick District Council's parks and gardens were of high quality and received large numbers of visitors each year. To maintain the cleanliness of the areas during the peak visitor season it was felt that additional resources were required. The provision of a second Parks team and seasonal barrowmen provided the best value solution to maintaining the cleansing standard.

Within the existing Street Cleansing or Contract Services budgets there were no available funds to pay for this additional service improvement. Officers proposed for the cost of these additional activities being included in the current year Budget and Medium Term Financial Strategy (MTFS).

The revenue cost to supply a team of two operatives working seven days per week including the lease hire of the vehicle, was £98k per annum. The revenue cost of emptying circa 50 additional capacity bins per day was £10k per annum. These costs had been included within Budget and MTFS up to March 2021 and were proposed to be funded from the Business Rate Retention Volatility Reserve.

The revenue cost for a seasonal mobile cleansing team to work in the parks seven days per week for five months from May, including the lease hire of the vehicle, was £47k. Two seasonal cleansing operatives working on-site for seven days a week for a twelve week period during the summer, was £19k per annum. These costs had been included within Budget and MTFS on a recurring basis. In the short/medium term, these were again proposed to be funded from the Business Rate Retention Volatility Reserve, but in the long term this increased the savings level still to be found by the Council.

The report requested approval to replace 60 damaged or removed litter bins along with the installation of 75 additional bins to increase capacity. This would be at a capital cost of £16.5k and £21k respectively. The total cost of £37.5k could be included within the Capital Budget, funded from the Capital Investment Reserve (unallocated balance of circa £1m).

The alternative options were to not proceed with recommendations or to only recommend selected items.

The Finance & Audit Scrutiny Committee fully supported the recommendations in the report.

The Overview & Scrutiny Committee welcomed and supported the recommendations in the report.

Ideas were raised about using new technology where possible and providing different types of refuse bins in different areas, based on demand and use, e.g. Parade in Leamington Spa might have different requirements to quieter streets, such as Milverton Hill in Leamington Spa.

The Committee was pleased that the proposals would cover the District.

The Liberal Democrat Observer addressed Members and asked officers to look at initiatives such as Bournemouth had introduced which utilised solar power technology on compactors. He also suggested that street litter should not be collected for a week to show the public how large the problem is.

The Labour Group observer reiterated the group's support and agreed that the frequency of collections should be increased in parks.

The Portfolio Holder for Finance reminded Members that it was wrong to see the provision of bins in isolation and the budget in its entirety had to be looked at overall.

The Portfolio Holder for Health & Community Protection felt this was a positive report which he was pleased to see. Combined with campaigns, he hoped to see a reduction in litter across the District which would have a positive impact on a variety of areas including health and safety.

In the absence of the Portfolio Holder, the Deputy Leader welcomed the improvement in service and proposed the recommendations as laid out.

The Executive, therefore,

Resolved that

- (1) an additional team of two operatives working seven days per week including the lease hire of the vehicle at £98k per annum is agreed and the existing emptying frequency is increased by circa 50 bins per day at £10k per annum. Both will be implemented as soon as possible, until 31 March 2021, with these costs funded from the Business Rate Retention Volatility Reserve;
- (2) the revenue cost for a seasonal mobile cleansing team to work in the parks 7 days per week for 5 months from May, is agreed, including the lease hire of the vehicle at £47k and two seasonal cleansing operatives working on-site for 7 days a week for 12 week period during the summer at £19k per annum. With these costs included in the Budget/Medium Term Financial Strategy, initially funded from the BRRVR, and increased savings to be found by the Council in future years; and
- (3) 60 damaged or removed litter bins will be replaced at a cost of £16.5k and 75 additional litter bins will be purchased and installed to increase litter bin capacity at a cost of £21k, with these costs included within the Capital Budget, funded from the Capital Investment Reserve.

(The Portfolio Holder for this item was Councillor Grainger)
Forward Plan reference 943

24. **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 paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

The Minutes for the following items would be detailed in the confidential minutes of the meeting.

25. **Urgent Decision made under Delegation CE(16)i & CE (4)**

The Executive considered a report which informed them of an urgent decision taken by the Chief Executive under delegated authority CE94) following a decision made by him under delegation CE(16)i.

The recommendations in the report were approved.

(The Portfolio Holder for this item was Councillor Mobbs)

26. **Europa Way Update**

The Executive considered a report which updated Members on the Council's position in relation to the ongoing negotiations surrounding the project at Europa Way, Warwick.

The Finance & Audit Scrutiny Committee supported the recommendations in the support.

The recommendations in the report were approved.

(The Portfolio Holder for this item was Councillor Phillips)

27. **Minutes**

The confidential minutes of the meetings held on 4 January, 7 February, 7 March, 5 April and 31 May 2018 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 6.28pm)

Employment Committee

Excerpt of the minutes of the meeting held on Wednesday 13 June 2018 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors Barrott, Mrs Bunker, Cain, Day, Mrs Evetts, Mrs Falp, Gallagher, Mobbs and Parkins.

1. **Apologies and Substitutes**

- (a) No apologies for absence were received.
- (b) Councillor Cain substituted for Councillor Doody.

2. **Appointment of Chairman**

It was proposed by Councillor Gallagher, seconded by Councillor Day and

Resolved that Councillor Mrs Bunker, be appointed as Chairman of the Committee for the 2018/19 municipal year.

3. **Declarations of Interest**

There were no declarations of interest.

9. **Disciplinary Procedure for Statutory Officers**

The Committee considered a report from Democratic Services that brought forward proposals for amendments to the Constitution in respect of the disciplinary procedures for statutory officers at Warwick District Council following legislative changes; and consideration of the need to appoint a Sub-Committee for specific matters.

The report followed the discussions by this Committee on 13 September 2017 when it considered the appointment of a Sub-Committee, as currently set out within its Constitutional remit *"that contains at least one member of each of the registered political groups to deal with employment related matters that fall within the jurisdiction of elected members."*

During consideration of the item, members were concerned because one of the registered political groups, namely the Whitnash Residents' Association (WRA), only had one Member on the Committee and Liberal Democrat Group had no members on the Committee. This would mean that in the event that WRA Member could not attend a sub-committee meeting, there was no alternative Member of that political group to act as a substitute. Therefore the Committee deferred a decision until the next meeting, pending a written report to provide clarification on the duties the sub-committee would perform and on the situation regarding membership. This report provides that detail that was requested by the Committee.

The role of the required Sub-Committee was understood to relate to three specific areas of work set out within Officer Employment Procedure Rules:

EMPLOYMENT COMMITTEE MINUTES (Continued)

- (1) the recruitment of Chief Officers (defined within Article 12 of the Constitution as Heads of Service, Deputy Chief Executives and Chief Executive);
- (2) disciplinary and potential dismissal of Chief Officers; and
- (3) to consider right of appeal to members in respect of disciplinary action and dismissal.

In respect of the recruitment of Chief Officers; at present the interviews were undertaken by the Employment Committee as a whole. Normally a maximum of five Councillors from the Committee tended to attend these meetings. This was to ensure the number of people present was not disproportionately large. Technically all members of the Committee were entitled to attend and non-attendance was recorded as part of the annual report to Council.

It should be noted that the final decision to appoint to the role of Chief Executive (as Head of Paid Service), Deputy Chief Executive & Monitoring Officer (As the Monitoring Officer) or Head of Finance as (Chief Finance Officer) (who were statutory officers) had to be made by Council on recommendation from Employment Committee (or a Sub-Committee of Employment Committee).

The same principles applied for the disciplinary and potential dismissal of Chief Officers. However following legislative updates, regarding statutory officers there was a need for a further stage of consideration within the Council's Constitution; dismissal of a Statutory Officer might not be given by the Council until the recommendation of the Employment Committee (or a Sub-Committee of it) had been considered by an Independent Panel of at least two Independent Persons. Independent Persons were persons appointed under section 28(7) Localism Act 2011 for the purposes of the Code of Conduct for Members.

It was recommended that the recruitment, disciplinary and potential dismissal of any Chief Officers should be undertaken by a Sub-Committee of Employment Committee of no less than four and no more than six Councillors. This was to enable the effective management of arranging such a hearing, ensuring the process did not become onerous for the parties involved. This was particularly important for consistency in approach and questioning during each process, and to digest and consider potentially complicated matters in relation to disciplinary and potential dismissal of Chief Officers.

Any Sub-Committee appointed would need to be politically proportionate to the size of each political group on the Council, at that time.

The need for a Sub-committee did not specifically need to be set out within the terms of reference for the Committee because any Committee was entitled by law to appoint a sub-committee (made up of members of the Committee) and delegate work to it that it felt appropriate. However due to the nature of the matters being considered and to ensure clarity it was felt that the Constitution (née Council) should direct the Committee to appointment a Sub-Committee for such matters and detail what those specific matters would be.

EMPLOYMENT COMMITTEE MINUTES (Continued)

Statutory officers had certain protections in law against dismissal due to the nature of their roles within the local authority. These statutory protections were changed due to the by regulations in 2015 and minor modifications were made at the time to the Council's Constitution to reflect this. The Joint National Council for Local Authority Chief Executives had since updated the Chief Executives' Handbook to reflect changes to the statutory provisions for dealing with matters of discipline. The handbook included a model disciplinary procedure to be followed when an allegation was made relating to the conduct or capability of a Head of Paid Service or there was some other substantial issue that required investigation, except where parties locally had agreed to vary it.

The main changes were:

- a) the period for which a Statutory Officer may be suspended was not limited but that it shall be reviewed every two months;
- b) the Head of Paid Service or the Monitoring Officer could suspend another Statutory Officer in an emergency;
- c) provisions relating to the dismissal of the Head of Paid Service applied equally to the Monitoring Officer and Chief Finance Officer;
- d) no notice of dismissal of a Statutory Officer could be given by the Council before the recommendation of the Disciplinary Sub-Committee to dismiss had been considered by an Independent Panel of at least two Independent Persons; and
- e) where a Disciplinary Sub-Committee was considering the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer it must include at least one member of the Executive.

The requirement for the involvement of the Independent Persons, appointed under section 28(7) Localism Act 2011 for the purposes of the Code of Conduct for Members, was included following the initial regulation publication. However following a further review it was considered appropriate that further changes were made, in the light of the model procedure suggested in the Chief Executives' handbook.

As part of considering the Sub-Committee issue, officers had taken the opportunity to reflect on the current remit of Employment Committee. This highlighted a number of small administrative functions that were within the remit of the Committee which should be amended or removed.

Currently the Committee was required "To make arrangements for Councillors to determine appeals of employees where the relevant policy allows an appeal to elected Members". It was considered that this should be removed as the normal practice was for officers to make these arrangements to enable the appropriate meetings to take place.

The Committee was required "To organise a disciplinary hearing to receive the evidence of such a person and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules". It was considered that the organisation of such hearings was the role of officers. A small revision was therefore proposed as set out at Appendix 1 to the report.

EMPLOYMENT COMMITTEE MINUTES (Continued)

Recommended to Council that it amends the Constitution as set out at Appendix 1 to the minutes.

Resolved that the disciplinary procedure for statutory officers as set out at Appendix 2 to the minutes, be approved.

(The meeting ended at 7.09 pm)

CHAIRMAN
12 September 2018

**Warwick District Constitution
Part 3
Responsibility for Functions
Section 2 Council Functions**

- F. **EMPLOYMENT COMMITTEE** (11 Members One of whom will be the Leader as a representative of their political group)

To exercise delegated powers as follows (note i to iii, v and vi not included as not relevant to this matter):

- iv. ~~To make arrangements for Councillors to determine appeals of employees where the relevant policy allows an appeal to elected Members~~
- vii. To appoint an *Independent Investigator* ~~person~~ in relation to disciplinary investigations (including capability) involving the Head of Paid Service and Statutory Officers.
- viii. To appoint a sub-committee, at an appropriate time that will
 - (a) ~~viii organise a~~ undertake disciplinary hearings to receive the evidence of ~~such a person~~ *Independent Investigator* and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules;
 - (b) ~~ix~~ appoint or dismiss chief officers (*excluding statutory officers*) in accordance with the Officer Employment Procedure Rules;
 - (c) ~~xii The Committee (or sub-committee if acting on behalf of the Committee)~~ To recommend to Council the appointment or dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer in line with the Officer Employment Procedure Rules;
 - (d) *determine the suspension of a statutory officer and if the suspension continues, to review this decision (or the urgent decision to suspend by the Head of Paid Service or Monitoring Officer) at least every two months.*
- xi ~~to appoint a sub-committee that contains at least one member of each of the registered political groups to deal with employment related matters that fall within the jurisdiction of elected members.~~

NB1: Where the committee (or a sub-committee of it) is involved in the appointment, discipline or dismissal of Statutory Officers, it must include a member of the Executive, *that will normally be the Leader.*

NB2: Where it is proposed that a statutory officer is dismissed prior to Council determining the decision it must be considered by a Panel of at least two Independent Persons as defined under the Localism Act 2011.

Section 4 Scheme of Delegation

An additional delegation to the Chief Executive and Monitoring Officer (individually) to enable them to suspend the statutory officers within the Council, where they consider it is an emergency to do.

Part 4 Rules of Procedure Officer Employment Procedure Rules

6. Disciplinary Action

(a) Head of Paid Service, Chief Finance Officer and Monitoring Officer

Statutory Officers can be suspended on full pay whilst an investigation into alleged misconduct takes place, such suspension to be reviewed after two months and every month thereafter.

In an emergency, the Head of Paid Service or the Monitoring Officer may suspend a Statutory Officer. In other cases, only the Employment Committee may suspend a Statutory Officer, or extend the suspension.

No disciplinary action may be taken in respect of a Statutory Officer except in accordance with a recommendation in a report made by a designated independent investigator.

~~A politically balanced Sub-Committee group of no fewer than three four members and no greater than six (along with two Independent Persons) will be appointed by the Employment Committee to consider any allegations of discipline. The Head of Paid Service may be suspended on full pay by the Employment Committee whilst an investigation takes place. The Statutory Officers may be suspended by the Head of Paid Service. In all cases the suspension will last no longer than two months.~~

(b) Chief Officers

Preliminary investigations into any disciplinary matters will be conducted by the Head of Paid Service. Where the preliminary investigation determines there is a potential case to answer, a Sub Committee of no fewer than *four* ~~three~~ elected members will be established by the Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

(c) Other Officers

Councillors will not be involved in disciplinary action against any Officer below a Chief Officer.

EMPLOYMENT COMMITTEE MINUTES (Continued)

7. Dismissal

(a) Head of Paid Service, Monitoring Officer & Chief Finance Officer

The dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer must be recommended by Employment Committee and ratified by Council.

Where a Sub-Committee is considering the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer it must include at least a member of the Executive.

When a recommendation to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer is made by a Sub-Committee, the Head of Paid Service or the Monitoring Officer will convene a panel of at least two independent persons appointed under section 28(7) Localism Act 2011 to consider the proposed recommendation of the Sub-Committee prior to any recommendation for dismissal being made to Council. ~~Where a committee or sub-committee of the council is to consider the possible dismissal of the head of paid service, the monitoring officer or the chief finance officer it must include~~

- ~~• At least two independent members appointed in accordance with section 28(7) Localism Act 2011 and~~
- ~~• The Leader.~~

The committee or sub-committee must be appointed at least 20 working days in advance of the scheduled hearing.

~~If the committee or sub-committee is of the view that dismissal is appropriate the committee or sub-committee may only make a report to Council with its recommendation for dismissal. The committee or sub-committee is not empowered to give any notice of dismissal.~~

In cases where dismissal is recommended the final decision will be taken by council, who must consider any advice, views or recommendations from the committee or sub-committee, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

~~Notice of dismissal of the head of paid service, the monitoring officer, or chief finance officer shall only be given where the Leader of the Executive advises the proper officer appointed for the purpose that the Executive have a well founded and material objection to the appointment of that person.~~

Notice of dismissal of a Statutory Officer shall only be given where no well-founded objection has been received from any member of the Executive. This shall be provided by the Leader to the officer appointed for the purpose of this procedure.

EMPLOYMENT COMMITTEE MINUTES (Continued)

No notice of dismissal of a Statutory Officer may be given by the council before the proposal has been considered by an Independent Panel of at least two members appointed under section 28(7) Localism Act 2011.

No notice of dismissal may be given without the prior approval of the council.

(b) Chief Officers

The dismissal of Chief Officers will be made by a Sub Committee of the Employment Committee, as set out in the JNC Constitution conditions of service and salaries for Chief Officers.

- NB. Where a meeting of the Employment Committee is required under these terms the meeting will take place under Council Procedure rules with the press and public excluded as per the Access to Information procedure rules of the Constitution.

8. Appeals

The Council's disciplinary capability and related procedures, as adopted allow the right of appeal to a sub-committee in respect of disciplinary matters.

If the Sub-Committee takes action short of dismissal, the Statutory Officer may appeal to a Sub-Committee of the Employment Committee. The Sub-Committee (or no less than four Councillors who have not previously considered the case) will consider the report of the Independent Investigator and any other relevant information considered by the Disciplinary Sub-Committee, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The Statutory Officer will have the opportunity to appear at the Sub-Committee and make representations, although the appeal hearing will usually take the form of a review of the disciplinary decision rather than a re-hearing.

The Sub-Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

The decision of this Sub-Committee will be final.

DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS

In this procedure, 'Statutory Officer' means the Head of Paid Service (Chief Executive), the Monitoring Officer (Deputy Chief Executive & Monitoring Officer) and/or the Chief Finance Officer (Head of Finance & Section 151 Officer).

1. Issues requiring investigation

Where an allegation is made relating to the conduct or capability of a Statutory Officer or there is some other substantial issue that requires investigation, the matter will be considered by the Disciplinary Sub-Committee (DSC).

Other structures are necessary to manage the whole process, including an Independent Panel should there be a proposal for the dismissal of a Statutory Officer. This will be comprised of independent persons, appointed in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001 as amended.

2. Timescales

It is in the interests of all parties that proceedings be conducted expeditiously. It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

3. Suspension

Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

However, the DSC will need to consider whether it is appropriate to suspend the Statutory Officer. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the Statutory Officer might compromise the investigation or impair the efficient exercise of the Council's functions.

In any case, the Statutory Officer shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

The Head of Paid Service or the Monitoring Officer has the delegated power to suspend another Statutory Officer immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by that Statutory Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.

The continuance of a suspension should be reviewed after it has been in place for two months and every month thereafter.

EMPLOYMENT COMMITTEE MINUTES (Continued)

4. Right to be accompanied

Other than in circumstances where there is an urgent requirement to suspend a Statutory Officer, they will be entitled to be accompanied at all stages.

5. Considering the allegations or other issues under investigation

The DSC will, as soon as is practicable inform the Statutory Officer in writing of the allegations or other issues under investigation and provide them with any evidence that the DSC is to consider, and of their right to present oral evidence.

The Statutory Officer will be invited to put forward written representations and any evidence including written evidence from witnesses they wish the DSC to consider. The DSC will also provide the opportunity for the Statutory Officer to make oral representations. At this initial consideration of the need to investigate further, it is not anticipated that witnesses will be called. The discretion to call witnesses lies solely with the DSC.

The DSC will give careful consideration to the allegations or other issues, supporting evidence and the case put forward by the Statutory Officer before taking further action.

The DSC shall decide whether:

- the issue requires no further formal action under this procedure; or
- the issue should be referred to an Independent Investigator

The DSC shall inform the Statutory Officer of its decision without delay.

6. Appointment of an Independent Investigator

The DSC will be responsible for appointing an Independent Investigator, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.

The Independent Investigator should be selected from the list maintained by the National Joint Secretaries.

7. The Independent investigation

The ACAS Code of Practice on Discipline and Grievance requires there to be an investigation to establish the facts of the case before proceeding to the disciplinary hearing. For Statutory Officers, this should be carried out by an Independent Investigator operating on the basis of an independent investigation using their powers to access information and witnesses.

Once appointed it will be the responsibility of the Independent Investigator to investigate the issue / allegation and to prepare a report stating in their opinion whether (and, if so, the extent to which) the evidence they have obtained suggests that there is evidence to support further action under this procedure. While it is not the role of the Independent Investigator to decide what action may be taken under this procedure, they may, in cases concerning

EMPLOYMENT COMMITTEE MINUTES (Continued)

potential misconduct, give a view as to the seriousness of the matter and in any case, set out a range of actions which they consider to be available to the DSC.

8. Receipt and consideration of the Independent Investigator's report by the DSC

The DSC will consider the report of the Independent Investigator, and also give the Statutory Officer the opportunity to state their case and, to question witnesses, where relevant, before making a decision.

Having considered any other associated factors the DSC may:

- Take no further action
- Recommend informal resolution or other appropriate procedures
- Refer back to the Independent Investigator for further investigation and report
- Take disciplinary action against the Statutory Officer short of dismissal
- Propose dismissal of the Statutory Officer to the Council

9. Action short of dismissal

The DSC may agree to impose no sanction, or to take action short of dismissal, in which case the DSC will impose an appropriate penalty / take other appropriate action.

10. Where dismissal is proposed

Proposal to dismiss on the grounds of misconduct and for other reasons such as capability or some other substantial reason

The DSC will inform the Head of Paid Service that it is proposing to the council that the Statutory Officer be dismissed (unless it is the Head of Paid Service that the DSC is proposing to dismiss, in which case the DSC will inform the Monitoring Officer) and that the executive objections procedure should commence.

Executive objections procedure

The Head of Paid Service (or Monitoring Officer as the case may be) will notify all members of the executive of:

- The fact that the DSC is proposing to the council that it dismisses the Statutory Officer
- Any other particulars relevant to the dismissal
- The period by which any objection to the dismissal is to be made by the leader on behalf of the executive, to the Head of Paid Service (or Monitoring Officer as the case may be)

At the end of this period the Head of Paid Service (or Monitoring Officer as the case may be) will inform the DSC either:

- that the leader has notified them that neither they nor any member of the executive has any objection to the dismissal
- that no objections have been received from the leader in the period or
- that an objection or objections have been received and provide details of the objections

The DSC will consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, then the Committee

EMPLOYMENT COMMITTEE MINUTES (Continued)

will act accordingly, i.e. it will consider the impact of the executive objections on its proposal for dismissal, commission further investigation by the Independent Investigator and report if required, etc.

Having satisfied itself that there is no material and well-founded objections to the proposal to dismiss, the DSC will inform the Statutory Officer of the decision and put that proposal to the Independent Panel along with the Independent Investigator's report and any other necessary material.

The role of the Independent Panel

Where the DSC is proposing dismissal, the proposal needs to go before the Independent Panel. The Independent Panel must be appointed at least 20 days before the Council meeting which would consider the proposal to dismiss.

Both parties should be present or represented at the Panel meeting (the DSC might be represented by its Chair or other nominated person at the meeting). The Panel should receive any oral representations from the Statutory Officer, and should invite any response on behalf of the DSC to the points made, and may ask questions of either party.

The role of the Independent Panel is to offer any advice, views or recommendations it may have to the Council on the proposal to dismiss. The Independent Panel should review the decision and prepare a report for Council. This report should contain a clear rationale if the Panel disagrees with the recommendation to dismiss.

The role of the Council

The consideration by the Council will take the form of a review of the proposal that the Statutory Officer should be dismissed, and must take into account:

- Any advice, views or recommendations of the Independent Panel
- The conclusions of the investigations into the proposed dismissal
- Any representations from the Statutory Officer

The Statutory Officer will have the opportunity to appear before the Council and make representations to the Council before a decision is taken.

Redundancy, Permanent Ill-Health and the expiry of Fixed Term Contracts

Proposed dismissals on the grounds of redundancy, permanent ill-health and the expiry of a fixed term contract where there has been no commitment to renew it, do not require the involvement of an Independent Investigator or Independent Panel.

However, the authority should follow appropriate and fair procedures in these cases and have mechanisms in place, including appropriate delegated authorities, to manage such eventualities. In addition, dismissals for all reasons including those set out in this paragraph must be approved by the Council itself.

11. Appeals against dismissal


Where the DSC has made a proposal to dismiss; the review by the Council will also fulfil the appeal function.

12. Appeals against action short of dismissal

If the DSC takes action short of dismissal, the Statutory Officer may appeal to the Appeals Sub-Committee. The Appeals Sub-Committee will consider the report of the Independent Investigator and any other relevant information considered by the DSC, e.g. new information, executive objections (if relevant), outcome of any further investigation, etc. The Statutory Officer will have the opportunity to appear at the Appeals Sub-Committee and make representations, although the appeal hearing will usually take the form of a review of the disciplinary decision rather than a re-hearing.

The Appeals Sub-Committee will give careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.

The decision of the Appeals Sub-Committee will be final.

 Council Meeting 8th August 2018		Agenda Item No. 12
Title	Revision of Statement of Licensing Policy	
For further information about this report please contact	Kathleen Rose, Licensing Team Leader, Health and Community Protection 01926 456703 Kathleen.rose@warwickdc.gov.uk	
Wards of the District directly affected	All	
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?	No	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes
Equality Impact Assessment Undertaken	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive	26.07.18	Andy Jones
Head of Service	26.07.18	Marianne Rolfe
CMT		
Section 151 Officer	26.07.18	Mike Snow
Monitoring Officer	26.07.18	Andy Jones
Finance	26.07.18	Mike Snow
Portfolio Holder(s)	25.07.18	Cllr Andrew Thompson
Consultation & Community Engagement		
<p>The consultation was wide ranging and included the Responsible Authorities, holders of existing licences, representatives of the trade and businesses (local, regional and national), Councillors, Town and Parish Councils, local bodies representing vulnerable persons and members of the public.</p> <p>There was also a social media campaign drawing members of the public’s attention to the consultation and inviting opinions on the draft policy.</p>		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 To present the reviewed Statement of Licensing Policy which is applicable to all Licenced Premises.

2. **Recommendation**

- 2.1 That Council agrees the reviewed Statement of Licensing Policy at **Appendix 1** to this report.

3. **Reasons for the Recommendation**

- 3.1 The Licensing Authority is required by the Licensing Act 2003 to review its Statement of Licensing Policy every 5 years.
- 3.2 The changes to the policy reflect changes in legislation and government guidance and will bring Warwick District Council in line with Coventry City and the other Warwickshire District and Borough Councils to demonstrate a coordinated approach to applications, compliance monitoring and enforcement standards.
- 3.3 The amended policy has been consulted upon and is attached as **Appendix 1**.

4. **Policy Framework**

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

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
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<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> 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
Impacts of Proposal		
None	The licensing policy recognises that residents within, and visitors to the District, need a safe environment to live, work and visit; and that safe and well run	The licensing authority recognises that entertainment premises within the District are an important source local employment.

	entertainment premises are important to the wellbeing of any person within the District.	
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<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
Impacts of Proposal		
None	None	None

4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant one for this proposal is the Statement of Licensing Policy. Although the changes to the policy are wide ranging they are designed to reflect the Authority's current approach to the Licensing regime and support the application of generic legislation to the unique character of the district.

4.3 Impact Assessments

- 4.3.1 An Equality Impact Assessment has been carried out. It is consistent with the Council's duty under the Equality Act 2010.

5. Budgetary Framework

- 5.1 There are no budgetary implications arising from this Policy review.

6. Risks

- 6.1 It is a legal requirement to review the Statement of Licensing Policy every five years, not to carry out the review could lead to legal challenge.

7. Alternative Option(s) considered

- 7.1 No alternative to reviewing the policy is available as this is a legal requirement.

8. Background

- 8.1 A public consultation on the proposed Statement of Licensing Policy was launched on 27th May 2018.

- 8.2 A summary of the responses received is attached as **Appendix 2**.



DRAFT STATEMENT OF LICENSING POLICY

(Required by section 5 of the Licensing Act 2003)

2018 - 2021

IMPORTANT NOTE

In producing this Statement Of Licensing Policy the Licensing Authority is aware that the Government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future may not be incorporated into this policy document and readers of this document are advised to check the Home Office/Gov.uk website to ensure they have the latest information.

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STATEMENT OF LICENSING POLICY

1 INTRODUCTION

1.1 Warwick District Council ('the Council') has a duty under the terms of the Licensing Act 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 Warwick District Council (WDC) is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population exceeding 138,400 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.

1.4 This statement of licensing policy relates to all those licensing activities identified as falling within the provisions of the act, namely:

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an 'authorisation' means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context a Personal Licence.

1.5 The Licensing Authority recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work with the Responsible Authorities, the South Warwickshire Community Safety Partnership, local businesses and local people to promote the common objectives as outlined. In addition the Licensing Authority recognises its duty under s.17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder.

- 1.6 This policy statement has been prepared in accordance with the provisions of the Act and the guidance issued under s.182 of the Act. The policy statement is valid until 5th January 2021. This policy statement will be subject to review and further consultation prior to any substantial changes.
- 1.7 A list of contact details for the Responsible Authorities authorised under the act is attached to this policy statement as Appendix 2.
- 1.8 The Licensing Authority has recognised Warwickshire County Council as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purposes of s.13 of the Act.
- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the guidance issued under s.182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

Public Health as a Responsible Authority

- 1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.
- 1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

2 CONSULTATION

- 2.1 Before publishing this policy statement the Licensing Authority has consulted and given proper consideration to the views of the following in line with the statutory guidance.
 - The Responsible Authorities
 - Representatives of current licence and certificate holders
 - Representatives of local businesses
 - Representatives of local residents

3 FUNDAMENTAL RIGHTS

- 3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 3.2 Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to Warwickshire Magistrates' Court against the decisions of the Licensing Authority.

4 LICENSING CONDITIONS

- 4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. 'Premises' includes open spaces. Conditions attached to various authorisations will be focused on matters that are within the control of the individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other normal activities in the area concerned.
- 4.2 The Licensing Authority can impose conditions if it has received a relevant representation or if such conditions are consistent with the operating schedule.
- 4.3 When considering any conditions, the Licensing Authority acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night time economy. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.
- 4.4 The Licensing Authority will not impose standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Licensing Authority will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of any representations received.
- 4.5 The Licensing Authority has produced a set of model conditions, which is aimed at assisting and supporting applicants through the application process. The model conditions would also assist the Licensing Authority and Responsible Authorities in deciding which conditions would be appropriate to add to a licence. The model conditions may be found at the end of this policy as Appendix 1.

5 OPERATING HOURS

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document.
- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously thereby reducing the friction at late night fast food outlets, taxi ranks and other forms of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the District.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are relevant representations giving good reasons based on the licensing objectives for restricting those hours.

6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

- 6.1 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order are appropriate for the Licensing Authority's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

7 CUMULATIVE IMPACT ASSESSMENT

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Licensing Authority to consider in developing its licensing policy. This should not be confused with 'need' which concerns the commercial demand for another particular type of premises. The Government's guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.
- 7.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact.

- 7.3 In line with government guidance the cumulative impact zone is being reviewed in relation to crime and disorder, anti-social behaviour and noise complaints linked to licensed premises within Leamington Spa. The Licensing Authority also considers activities which take place within the town centre which could have an impact on public safety and the protection of children from harm as part of the review. A plan of the current zone may be found at the end of this policy as Appendix 2.
- 7.4 It is considered that the cumulative impact of further new licences within this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.
- 7.5 The special policy regarding cumulative impact will not be used to try to revoke an existing licence or certificate when representations are made about the way the premises are being operated. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.
- 7.6 The Licensing Authority will not operate a quota of any description including the special policy that would predetermine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 7.7 If an application for a premises licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule that there will be no disproportionate impact on any of the licensing objectives. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.**
- 7.8 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.
- 7.9 In line with current guidance the policy will be subject to review every 3 years.

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

- 8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.
- 8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local

residents and other businesses, where appropriate, to discuss issues of concern directly with individual businesses, or, to contact the Police or the Licensing Authority.

- 8.3 The Licensing Authority will, through its Community Safety Partnership devise and help deliver strategies to tackle the misuse of alcohol, which has been identified as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already drunk.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence/certificate holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to overcome established and potential problems. A combination of short and longer term strategies may need to be deployed by holders of authorisations to sustain and promote the prevention of crime and disorder.
- 8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practice in whatever area of operations they are engaged. The Licensing Authority will regard each responsible authority as the expert in their respective field and in some cases as the primary source of advice in relation to a particular licensing objective.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The Licensing Authority has specific duties under s.17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Licensing Authority will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The Licensing Authority is of the view that generally, in order to promote the licensing objectives, all licensed premises within the District are encouraged to be members of the relevant local Pubwatch Scheme, or any similar scheme, where one exists.
- 8.9 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises but recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.
- 8.10 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Licensing Authority will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the District.

- 8.11 In relation to premises seeking or holding a premises licence and where alcohol will be sold under the terms of that licence, the Licensing Authority expects that (a) any Designated Premises Supervisor (DPS) will have been given sufficient management authority and be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement action becomes necessary.

Promotion of Public Safety

- 8.12 Public safety is not defined within the act, but the Government guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.
- 8.13 Applicants and event organisers will be expected to assess not only the physical environment of the premises or site but also operational practices, in order to protect the safety of members of the public visiting the premises or site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.
- 8.14 Holders of premises licences and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.15 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.16 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

Prevention of Public Nuisance

- 8.17 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable

or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.

- 8.18 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.19 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should seek to pre-empt potential nuisance, especially if complaints have previously arisen at the same venue.
- 8.20 The Licensing Authority expects holders of authorisations to use their risk assessment and operating schedules to review and, if need be, to make necessary improvements to the premises or to operational practices, in order to prevent public or statutory nuisance.
- 8.21 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.
- 8.22 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

Protection of Children from Harm

- 8.23 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that holders of authorisations, including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.
- 8.24 The Act prohibits children under the age of 16 years old and unaccompanied by an adult, to be present in licensed premises (including premises operating under a TEN) being used primarily or exclusively for consumption of alcohol.
- 8.25 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures, should not normally be necessary. The Licensing Authority supports the view that children should enjoy

access to a range of licensed premises, but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.26 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised Age Verification Scheme. The Licensing Authority supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Licensing Authority recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 8.27 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.
- 8.28 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 8.29 The Licensing Authority regards Warwickshire County Council as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the County Council to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concerned about crime and disorder or the sexual exploitation of children.
- 8.30 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 8.31 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Licensing Authority may specify viewing restrictions which an authorisation holder will be expected to comply with.
- 8.32 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi- purpose premises,

sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.

- 8.33 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.34 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Licensing Authority may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

9 MANDATORY LICENSING CONDITIONS

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way certain licensable activities are conducted. The conditions apply to all appropriate premises.

10 OTHER CONSIDERATIONS

Relationship with Planning

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Council's Licensing and Regulatory Committee and Sub – Committees are not bound by decisions made by the Council's Planning Committee and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 10.3 There are also circumstances when as a condition of planning permission; operating hours are set for the use of the premises for commercial purposes. Where these hours are shorter than the licensing hours, the applicant must observe the planning restrictions. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.
- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives.

Applications

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to promote the licensing objectives.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing or in order to promote the licensing objectives and will only relate to matters within the control of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are in force (e.g. planning, health and safety at work, fire safety and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not impose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.10 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Deregulated Public Entertainment

- 10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 08:00 and 23:00 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing and Regulatory Sub-Committee determines that it is appropriate for such controls to be re-introduced.

Public Spaces Protection Order

- 10.12 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

11 BEST PRACTICE SCHEMES

- 11.1 The Licensing Authority supports best practice schemes for licensed premises. Premises in an area covered by a scheme are encouraged to become members of the scheme.

12 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 12.1 By consulting widely prior to this policy statement, the Licensing Authority has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Licensing Authority, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.
- 12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-
- The needs of the local tourist economy, to ensure that these are reflected in their considerations;
 - The employment situation and the need for new investment and employment where appropriate; and
 - The general impact of alcohol related crime and disorder.
 - The general impact of alcohol related harms to health.

Crime Prevention Strategies

- 12.3 Crime prevention and drug and alcohol misuse policies and the input of the South Warwickshire Community Safety Partnership (SWCSP) will be reflected in licence conditions as far as possible.
- 12.4 The SWCSP is committed to making South Warwickshire a safe place in which to live work and visit. It is the role of the SWCSP to strategically plan, commission and

oversee services that tackle crime and disorder and address drug and alcohol misuse.

Duplication

- 12.5 When considering any application the Licensing Authority will avoid duplication with other regulatory regimes as far as possible. Therefore the Licensing Authority will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

Promotion of Equality

- 12.5 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equalities Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

13 ENFORCEMENT

- 13.1 The Licensing Authority has an established working relationship with the Police and other responsible authorities on enforcement issues through the Multi Agency Licensing Enforcement Meeting. This provides a more efficient deployment of resources targeting high risk premises and activities.
- 13.2 This enforcement regime follows the Government's Regulators' Code in that it follows the basic principles of openness, helpfulness, proportionality and consistency. The Licensing Authority has a separate enforcement policy in respect of licensing.
- 13.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence or certificate is being complied with, to check compliance with other legislation and/or deal with complaints that have been received.
- 13.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) will visit premises. The officers will check the premises/activities relevant to their particular role.

13.5 There are several enforcement options that will be used as appropriate and in line with the Licensing Authority's licensing enforcement policy. These options include:

- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
- Written warning – this is a step-up from verbal advice and holders of authorisations are given a letter recording the warning given and containing the details of any necessary remedial action.
- Action planning – this plan will be written down and given to the holder of the authorisation and designated premises supervisor. It explains what actions are required, within a timescale, for compliance with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if compliance has been achieved it will be terminated. If areas of non-compliance remain a more formal enforcement option further up the scale may be selected in order to achieve compliance.
- Review – any person may call for a review of a licensed premises where there is evidence that the licensing objectives are not being promoted. The holder of the authorisation will have to attend a review hearing in front of the Licensing Sub Committee who may decide, based on the evidence submitted to them, to take no action, to remove the DPS, to revoke, suspend, or amend the licence or apply additional conditions.
- Prosecution – Under the Licensing Act 2003 certain offences can be prosecuted by the Licensing Authority/Director Of public Prosecutions/Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation.
- Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Authority also has powers to request closure through the Magistrates court for continuing unauthorised alcohol sales.

14 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

14.1 The majority of powers given to the Licensing Authority by the Act have been delegated by the Council to the Licensing and Regulatory Committee and Officers. The Licensing and Regulatory Committee has in turn established Sub-Committees to determine some matters under the Act.

14.2 The Council's Constitution defines those responsibilities and is available for inspection on the Council's website, but a summary of responsibility is set out in Table 1 below.

14.3 Table 1:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

14.4 However Council has retained the power to set the Council's Licensing Policy Statement, but it will seek the views of the Licensing & regulatory Committee before determining any amendments.

Application forms And Process

- 14.5 All application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 14.6 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 14.7 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.
- 14.8 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

15 COMMENTS ON THIS POLICY

- 15.1 The statement of licensing policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Warwick District Council, Licensing Team, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ

Email: licensing@warwickdc.gov.uk

APPENDIX 1 – Set of Model Conditions

Warwick District Council has produced this document to assist and support applicants and existing licence holders through the application process. It has also been designed for the consideration of responsible authorities and the Council's Licensing and Regulatory Committee.

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions which it considers are appropriate for the promotion of one or more of the licensing objectives.

Those applying for a premises licence, club certificate, variation of a premises licence or variation of a club certificate may also wish to consider those conditions which would promote the licensing objectives when completing the operating schedule.

In determining what conditions are appropriate, it will be necessary to consider the individual circumstances of the premises, including:-

- The nature and style of the venue,
- The activities being conducted there,
- The location, and,
- Anticipated clientele

Guidance for operating schedule

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

Licensing authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstance of an individual licensed premises and determined on a case-by-case basis.

Under no circumstances should licensing authorities regard pools of conditions as standard conditions to be automatically imposed in all cases.

Prevention of Crime and Disorder

1. There shall be no sales of alcohol for consumption off the premises after (time).
2. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
3. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
4. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above (insert percentage) will be sold or offered for sale.
5. Each self-serve pump must be covered, in full, by the CCTV system.
6. Only craft beer or ale is permitted to be dispensed from the self-service pumps and will only be available in measures of (measure).
7. Only wine is permitted to be dispensed from the self-service wine dispenser and will only be available in a maximum measure of (measure).
8. When a self-service dispenser is in use a notification system must be in place to alert a member of bar staff.
9. Regular meetings will take place between the Designated Premises Supervisor, Warwickshire Police and Licensing authority. The meetings will take place every (number) months.
10. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear (high visibility jackets or vests or armbands).
11. Door supervision must be provided on (specify days). Door supervisors must be on duty from (insert hours) and must remain on duty until the premises are closed and all the customers have left.
12. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
13. On/at (specify days/hours) at least (insert number) of SIA registered door supervisors must be on duty at the premises (may specify location at the premises or as shown on the plan).
14. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty. That register shall be available for inspection on reasonable request Authorised Officer of the Council, the Security Industry Authority or a Police Constable and shall contain the following details:-
 - the door supervisor's name, date of birth and home address;
 - his / her Security Industry Authority licence number;
 - the time and date he / she starts and finishes duty;
 - each entry shall be signed by the door supervisor.

15. Any door staff register shall be available for inspection on demand by an Authorized Officer of the Council, the Security Industry Authority or a Police Constable and will be retained on the premises for a period of 12 months from the date of the last entry.
16. The Premises Licence holder / Designated Premises Supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The Premises Licence holder / Designated Premises Supervisor will ensure that staff receive training on the policy.
17. CCTV to be installed and the premises licence holder must ensure that :-
 - a. CCTV cameras are located within the premises to cover all public areas.
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
 - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - f. Downloads will be provided to the Police upon reasonable request in line with the DPA.
 - g. Signed off by Warwickshire Police Architectural Liaison officer
18. The Premises Licence holder / Designated Premises Supervisor is to provide the Police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the Premises Licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
19. The Premises Licence holder / Designated Premises Supervisor must notify the Licensing Office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
20. No open vessels to leave the premises at any time.
21. No open vessels to be taken outside the curtilage of the premises at any time.
22. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
23. Only plastic glasses / plastic bottles / toughened glass to be used in the outside areas of the premises.
24. Plastic or toughened polycarbonate (or similar) glasses / bottles will be used when requested by Warwickshire Police.
25. Drinks must only be served in polycarbonate/plastic containers.
26. No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.
27. SIA door staff will be required to remove all alcohol from customers who are queuing to enter the premise or entry to be refused. This alcohol must then be disposed of immediately in a bin provided at the premises.

28. A Personal Licence holder must be on the premises at all times when open to the public.
29. A Personal Licence holder must be on the premises on (state days) (time) between (time) hours and close of business.
30. The designated premises supervisor will ensure that he/she gives written authorisation to individuals whom they are authorising to sell alcohol in their absence. This should be maintained and made available for viewing by Authorised Officers.
31. Details of the names, addresses and up-to-date contact details for the Designated Premises Supervisor and all Personal Licence holders shall be maintained and kept on the premises.
32. Premises will participate in any Police or responsible authority awareness campaign or training that is relevant to the sale of alcohol, use of drugs or entertainment.
33. The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.
34. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Warwickshire Police.
35. There shall be displayed on the premises, information regarding drugs awareness. / Zero tolerance policy.
36. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
37. The premises will be a member of the locally approved radio scheme and abide by its policies and procedures.
38. The premises is to maintain an incident book to record details of the following:-
 - Any violence or disorder on or immediately outside the premises,
 - Any incident involving controlled drugs (supply / possession or influence on the premises,
 - Any other crime or criminal activity on the premises,
 - Any call for police assistance to the premises,
 - Any ejection from the premises,
 - Any first aid/other care given to a customer.
39. An incident book to made available for inspection by a responsible authority on reasonable request.
40. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (a) The police (and, where appropriate, the Ambulance Service) are called without delay;
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects

- pending the arrival of the police;
 - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
41. Any staff employed at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include (delete where applicable) ;-
 - Drunk awareness
 - Drugs awareness
 - Age verification training
 - Conflict management training
 - First aid
 42. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
 43. No entry / re-entry 1 hour before permitted hours.
 44. No entry / re-entry after (time) (days).
 45. Any queue (in a designated queuing area) to enter the premises must be supervised at all times by door supervisors.
 46. Any (designated) queuing area must be within suitable barriers.
 47. Any outside areas to be demarked by physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area.
 48. The premises must only operate as a restaurant:
 - in which customers are seated at a table
 - which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery
 - which do not provide any take away service of food or drink for immediate consumption, and
 - where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals
 49. The supply of alcohol to customers must be by waiter or waitress service only.
 50. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

Prevention of Public Nuisance

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided, except for access and egress and in the event of an emergency.
4. The beer garden / outside area is not to be used/occupied after (x) hours daily.
5. There will be no external loud speakers.
6. The Premises Licence holder / Designated Premises Supervisor will adopt a “cooling down” period where music volume is reduced (insert minutes) before the closing time of the premises.
7. At an appropriate time before closing time, announcements shall be made reminding customers to leave quietly.
8. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
9. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.
10. The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
11. Outside areas and activity must cease and be cleared at (time).
12. The beer garden / outside area(s) is not to be used/occupied after (time) hours daily.
13. With the exception of smokers, the outside area shall not be used by customers after (time).
14. Drinks shall not be permitted to be consumed in the outside area after (time).
15. In relation to the (specified function room) there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending a pre-booked function.
16. Licensable activities at events in the (specified function room) shall only be provided at

pre-booked ticketed events.

17. Customers shall not enter or leave the premises from / by (insert specific entrances or exits), except in the event of an emergency.
18. The licence holder (or his/her nominees) shall ensure that exits are manned at closing time to ensure that patrons leave the area quickly and as quietly as possible.
19. The licence holder (or his/her nominees) shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
20. There shall be no admittance or re-admittance to the premises after (time) except for patrons permitted to temporarily leave the premises to smoke.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (number) persons at any one time.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).
24. Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. All outside tables and chairs shall be prohibited from use after (time) each day.
26. All tables and chairs shall be removed from the outside area by (time) each day.
27. No external seating shall be provided at the premises.
28. All external doors and windows shall be kept closed after (time) hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.
29. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.
30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
31. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the local authority's Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the

Environmental Health Service. No additional sound generating equipment for the purposes of providing regulated entertainment shall be used on the premises without being routed through the sound limiter device.

33. A sound limiting device shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of Warwick District Council's Environmental Health service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior agreement with the Environmental Health Service.
34. No regulated entertainment shall take place in the outdoor areas at any time.
35. The provision of live music shall be limited to no more than two performers.
36. All outdoor entertainment shall be unamplified.
37. Suitable means of ventilation shall be provided and maintained at the premises to enable doors and windows to be closed whilst regulated entertainment is being provided.
38. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
39. The Premises Licence holder (or his/her nominees) will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
40. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (time) hours and (time) hours on the following day.
41. During the hours of operation of the premises, the licence holder (or his/her nominees) shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
42. No collections of waste or recycling materials (including bottles) from the premises shall take place between (time) and (time) on the following day.
43. No deliveries to the premises shall take place between (time) and (time) on the following day.

Public Safety

1. A designated room, space or location to be provided within the premises to create a safe environment which is monitored by a trained and DBS checked member of staff or volunteer.
2. All doors/gates through which persons may have to pass whilst making their way from the premises shall be readily and easily openable from within without the use of a key, code, card etc.
3. Once a licence has been granted a Fire Risk Assessment is to be kept on the premises and be available for inspection by an authorised officer.
4. The premises should be provided with a means for raising the alarm in the event of fire.
5. Staff should be aware of the siting of extinguishers, of their correct method of operation and know which equipment is appropriate for a particular fire. The equipment should be so placed as to be readily available for use. At least one appliance should be placed at or near to the exit from a floor and, where extinguishers are provided for special risks, as far as practical be sited close to the risk for immediate use.
6. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
7. At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present, their duties shall be clearly defined.
8. The premises licence holder shall develop and operate a procedure for dealing with unwell members of the public including those who appear to be affected by alcohol and drugs. Staff will be appropriately trained in such procedures.
9. The maximum number of persons allowed in the premises shall be (insert numbers, areas and occasions).
10. A person who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if required to do so, give that information to an authorised person.
11. At all times door supervisors on duty, numbers or persons inside the venue shall be recorded by way of a clicker system or similar, and shall if required to do so, give that information to an authorised person.
12. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
13. The Premises Licence holder / Designated Premises Supervision must develop and operate a policy which ensures the safe evacuation of disabled people in the event of an emergency. All staff shall be made aware of these arrangements.
14. Staff or attendants shall be readily identifiable to members of the public.

Protection of Children from Harm

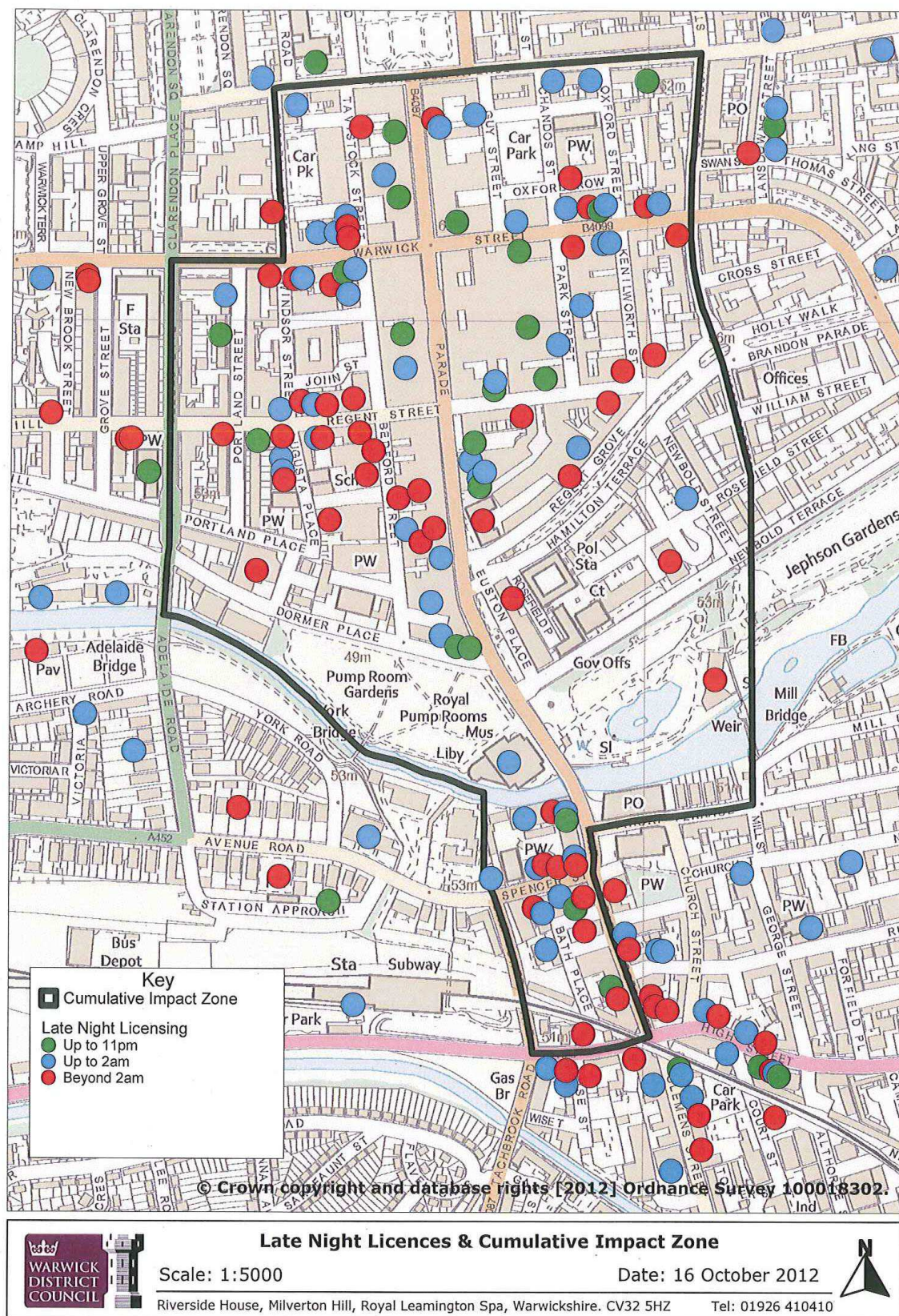
1. Signage to be displayed around the premises in prominent places informing both staff and customers of the 'Challenge 25' policy.
2. A notice(s) shall be displayed in and at the entrance to the premises where they can be clearly seen, indicating that there is a "Challenge 25" policy in place at the premises.
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge is to be made.
4. All deliveries of alcohol must be made by a person over the age of 18 years.
5. Delivery: ID checks by courier at the point of delivery in line with Challenge 25 age verification policy.
6. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
7. No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
8. Under 18's events will not take place without prior consultation with the Police and Licensing Authority.
9. Under 18's events will not take place at the premises.
10. No persons under the age of 18 years will be allowed on the premises after (time) unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority.
11. The premises will operate a "Challenge 25" proof of age policy.
12. The premises is to maintain a refusals book/record to record the details of incidents where a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the book make a record of these checks. The book must be made available to a Police Constable/Authorised Officers of the Licensing Authority on request.
13. Any person who is authorised to sell alcohol at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include information on how to prevent underage sales and any other relevant matters. A written record will be kept of all training provided and this record will be kept on the premises for inspection by any Responsible Authority.
14. No persons under the age of 18 years to operate the self-serve pumps at any time.

The above are generic conditions that applicants may wish to include within their application to speed up any discussions with the relevant responsible authorities. The use of these conditions does not guarantee the granting of a premises licence. Each application will be assessed on its own merits and in the context of its location and potential to impact on the licensing objectives. Additional conditions, or amendments to these model conditions, may be necessary in order to uphold the four licensing objectives. These model conditions are not exhaustive and do not prevent you from volunteering any alternative measures that you believe are more appropriate for your particular premises.

Applicants will also need to consider whether their premises falls with any designated cumulative impact zones (CIZ) as higher standards will be applied.

For premises licences relating to outdoor music events, festivals, etc. applicants are encouraged to read the guidance provided by Warwick District Council's Safety Advisory Group (SAG) for information on planning their events. This can be found at: www.warwickdc.gov.uk/safetyadvisorygroup

APPENDIX 2 – Cumulative Impact Zone



APPENDIX 3 - LIST OF RESPONSIBLE AUTHORITIES

POLICE: Chief Officer of Police
Warwickshire Police Licensing Team
Warwickshire Justice Centre Leamington Spa
Newbold Terrace
Leamington Spa
Warwickshire
CV32 4EL

Tel: 01926 484226
Email: southwarksliquorlicensing@warwickshire.pnn.police.uk

FIRE AUTHORITY: County Fire Officer
Warwickshire Fire & Rescue Service
Warwick Street
Leamington Spa
CV32 5LH

Tel: 01926 423231
Email: firesafety@warwickshire.gov.uk

ENFORCEMENT AGENCIES FOR HEALTH AND SAFETY:

Regulatory Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456707
Email: ehsafety@warwickdc.gov.uk

Health and Safety Executive – Birmingham Office
19 Ridgeway
9 Quinton Business Park
Quinton
Birmingham
B32 1AL

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:

Safer Communities Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456714
Email: ehpollution@warwickdc.gov.uk

THE LICENSING AUTHORITY:

Licensing Team
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456705
Email: Licensing@warwickdc.gov.uk

AUTHORITY RESPONSIBLE FOR PLANNING:

Manager, Development Services
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456541
Email: gary.fisher@warwickdc.gov.uk

BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:

Strategic Commissioning People Group
Building 2, Saltisford Office Park
Ansell Way
Warwick
CV34 4UL

Tel: 01926 410410
E-mail: licenseapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Divisional Trading Standards Officer
Warwickshire Trading Standards
Old Budbrooke Road
Warwick
CV35 7DP

Tel: 01926 414040
Email: tradingstandards@warwickshire.gov.uk

NATIONAL HEALTH SERVICE/PUBLIC HEALTH:

Public Health Department (Licensing)
NHS Warwickshire/Warwickshire County Council
PO Box 43 – Shire Hall
Warwick
CV34 4SX

Email: phadmin@warwickshire.gov.uk

Public Consultation comments received

Consultee	Remark	Comment
Responsible Authority	<p>Suggested change to the title of Section 7 to Cumulative Impact Assessment. (P. 6)</p> <p>Provision of a new contact number for responsible authority. (P. 32)</p>	<p>Title Changed.</p> <p>Contact details updated.</p>
Responsible Authority	Request for the inclusion of a specific statement on sexual entertainment (as premises can hold up to 11 sexual entertainment events in a calendar year).	Not accepted. All sexual entertainment is covered by the Sexual Entertainment Venues policy and legislation. The section 182 guidance is clear that where issues are covered by other legislation that will be applied.
Trade Representative	<p>Paragraph 1.10 – overreaching to include unconsciousness and alcohol poisoning.</p> <p>Paragraph 4.2 – factually incorrect, a licensing authority may add conditions without objections in certain circumstances.</p> <p>Paragraphs 4.4 and 4.5 – contradictory, to say that we will not implement standard conditions and then to include a list of model conditions as part of the policy.</p> <p>Paragraph 7.5 – questioning the inclusion of a statement re: the review of the CIZ and asking whether the review would be completed before the final policy document is agreed.</p> <p>Paragraph 7.9 – overreaching to require applicants to demonstrate that they are actively reducing incidents of crime and disorder through their operating schedule.</p> <p>Paragraph 8.1 – question raised about whether ‘large numbers of people’ should be included.</p> <p>Paragraph 8.2 – question asked about the applicant’s requirement to ‘promote’ the prevention of crime and disorder.</p>	<p>Paragraph altered to remove ‘unconsciousness and alcohol poisoning’.</p> <p>Paragraph altered to specify that conditions may also be added where they are consistent with the operating schedule.</p> <p>Paragraph 4.4 altered to state that the licensing authority will not impose standard conditions rather than implement. Paragraph 4.5 not altered.</p> <p>Paragraph altered to remove reference to review process. CIZ consultation process will be undertaken separately to Policy review.</p> <p>Paragraph altered to reflect that applicants are expected to demonstrate that their activities will not disproportionately impact on crime and disorder.</p> <p>Paragraph altered to remove ‘large numbers of people’.</p> <p>Paragraph altered to reflect that applicants are expected to demonstrate that their activities will not disproportionately impact on crime and disorder.</p>

Consultee	Remark	Comment
	<p>Paragraph 8.5 – suggested that this should be updated to match latest section 182 guidance.</p> <p>Paragraph 8.12 – overreaching in paragraph 1.4 would impact on this.</p> <p>Paragraph 8.18 – question asked about ‘Agent of Change’ principle in planning. Should/could this be included in this section.</p> <p>Paragraph 9.1 – should be expanded to include all premises not just alcohol licenced premises.</p> <p>Paragraph 10.6 – question asked about whether an incomplete application could be refused legally. Could lead to legal challenge.</p> <p>Paragraph 10.7 – same question as 4.2, factually incorrect.</p> <p>Paragraph 14.3 – question over wording re: agreeing to proceed without a hearing.</p>	<p>Paragraph updated to include all responsible authorities.</p> <p>No change to this paragraph as paragraph 1.4 has been altered.</p> <p>Not accepted. The section 182 guidance is clear that where issues are covered by other legislation that will be applied.</p> <p>Paragraph altered to include all appropriate licence types.</p> <p>Paragraph altered to remove statement.</p> <p>Paragraph altered to specify that conditions may also be added where they are consistent with the operating schedule.</p> <p>Paragraph altered.</p>
Public	<p>Paragraph 10.3 – question asked about the confusion caused by earlier opening hours also.</p> <p>Paragraphs 10.7 and 12.5 – question of duplication raised.</p> <p>Paragraphs 14.1 to 14.3 – request to re-write all three paragraphs to better reflect the constitution of Warwick District Council.</p>	<p>Paragraph altered to include ‘operating hours’ rather than ‘terminal hour’.</p> <p>No changes made. Both paragraphs are important in the specific context of application processing and integration with other policies and strategies.</p> <p>All paragraphs altered.</p>
Town Council.	Town Council have discussed the document and have no comment to make.	
Town Council	Town Council have discussed the document and have no comment to make.	
Town Council	The Council found the revised Statement to be a clear and logical approach and welcomed the inclusion of the model conditions which adds clarity to the Policy.	