

# Richard Davies

Chairman of the Council

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## Council meeting: Wednesday, 14 May 2014

Notice is hereby given that the Annual meeting of Warwick District Council will be held at the Town Hall, Royal Leamington Spa on Wednesday, 14 May 2014 at **6.30pm.**

### Emergency Procedure

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

### Agenda

1. **Election of Chairman of the Council**

To elect the Chairman of the Council for the ensuing Municipal Year.

2. **Election of Vice Chairman of the Council**

To appoint the Vice Chairman of the Council for the ensuing Municipal Year.

3. **Appointment of the Chairman of the Council's Chaplain**

The Chairman to announce the appointment of their Chaplain.

4. **Vote of Thanks for the retiring Chairman**

5. **Apologies for Absence**

6. **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.

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.

7. **Minutes**

To confirm the minutes of the Council meeting held on 23 April 2013. **(Page 1)**

8. **Merger of the Licensing & Regulatory Committees**

To consider the report from Democratic Services and Health & Community Protection. **(Page 11)**

9. **Appointments**

- (1) To note the membership of the Executive, as appointed by the Leader; and approve the nominations for membership of Council's Committees and substitute members **(Page 18)**,
- (2) To agree the delegation of appointments to Working Parties and Outside Bodies (including cessation of an appointment) to the Deputy Chief Executive and Monitoring Officer in consultation with Group Leaders.



Chief Executive  
Published 6 May 2014

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

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Enquiries about specific reports: Please contact the officers named in the reports.

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

**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) 353362 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 353362.**

# Warwick District Council

Minutes of the meeting held on Wednesday 23 April 2014, at the Town Hall, Royal Leamington Spa at 7.25pm.

**PRESENT:** Councillors; Barrott, Mrs Blacklock, Boad, Mrs Bromley, Brookes, Mrs Bunker, Caborn, Coker, Copping, Cross, Ms De-Lara-Bond, Ms Dean, Dhillon, Doody, Edwards, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Hammon, Heath, Mrs Higgins, Illingworth, Kirton, MacKay, Mrs Mellor, Mobbs, Rhead, Mrs Sawdon, Shilton, Mrs Syson, Vincett, Weber, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Davies, Mrs Falp, Guest, Kinson, Mrs Knight, Pittarello, Pratt and Weed.

In the absence of Councillor Davies (Chairman of the Council), Councillor Mrs Sawdon (Vice-Chairman of the Council), chaired the meeting.

## 117. **Declarations of Interest**

### Minute 122 – Local Plan Submission

Councillors Caborn, Gifford, Kirton and Shilton declared that they had a Disclosable Pecuniary Interest in this item because they were Warwickshire County Councillors. However, they had been granted dispensation by the Standards Committee to participate and vote on this matter.

Councillor Boad declared that he had a Disclosable Pecuniary Interest in this item because his wife was a Warwickshire County Councillor. However, he had been granted dispensation by the Standards Committee to participate and vote on this matter.

Councillor Caborn declared a personal interest because the owner of the land identified as Kingswood in the local plan was known to him.

Councillor Caborn declared a personal interest because he was a trustee for the Thomas Oken Charity and Lapworth Charity which were land owners affected by the Local Plan, but he had not participated in discussions on this with them or attended a meeting of their trust for 18 months.

Councillors Brookes, Mrs Bunker, Coker, Copping, Cross, Dhillon, Gifford, Gill, Mrs Grainger, Hammon, Illingworth, Mrs Mellor, Mobbs, Shilton, Vincett and Wilkinson declared personal interests because they were either a Parish or Town Councillor within Warwick District.

## 118. **Minutes**

The minutes of the meeting of the Council held on 26 March 2014 were approved as a correct record and signed by the Chairman.

**119. Communications and Announcements**

The Chairman recorded the best wishes of the Council to Councillor Davies following his recent heart attack.

The Chairman recorded the best wishes of the Council to Councillor Mrs Knight following her recent operation.

The Chairman recorded the best wishes of the Council to Councillor Pratt following his operation earlier that day.

The Chairman congratulated Councillor Heath on his golden wedding anniversary and presented him with flowers on behalf of the Council.

The Chairman offered the thoughts of the Council to Councillor Mrs Goode following the passing of her husband.

The Chairman informed Council that there would be no business under items; 5, Public Interest Debate; 6, Petitions; 7, Notices of Motion; 8, Public Submissions; 9, Questions to Committee Chairmen; and 10, Questions to Portfolio Holders.

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

There were no statements made.

**121. Questions to the Leader**

There were no questions to the Leader.

**122. Local Plan Submission Draft**

The Council considered a report from Development Services that sought the approval of Council for the Local Plan Submission Draft and Policies Map and set in motion the publication process and period of representations leading to the submission of the Local Plan to the Secretary of State.

The report was a joint report that also sought approval for a number of associated recommendations to enable the progress of the Draft Local Plan and associated documents. However, these were to be considered by the Executive which were to meet at the conclusion of the Council meeting.

The Draft Local Plan, set out in Appendix 1 to the report, put forward proposals and policies to help support and shape the development that the District needed up to 2029. The Draft Local Plan was linked to the Policies Map, set out at Appendix 2 to the report, which showed how the Local Plan policies would be applied across different parts of the District.

The Town and Country Planning Regulations 2012 required the Local Plan and Policies Map to proceed through a number of key stages. This report brought to an end the "preparation" stage as set out in regulation 18 of the 2012 Regulations and commenced the "publication" stage of the Local Plan as set out in Regulation 19.

Following approval for publication, Regulation 20 of the Town and Country Planning Regulations required that the Draft Local Plan, Policies Map and Sustainability Appraisal would be open to representations for a period of six weeks.

The Regulations required that the following documents were published alongside the Draft Local Plan and Policies Map:

- the Sustainability Appraisal report of the Local Plan (this was available on the Council's website),
- a statement setting out—
  - (i) which bodies and persons were invited to make representations under regulation 18,
  - (ii) how those bodies and persons were invited to make such representations,
  - (iii) a summary of the main issues raised by those representations, and
  - (iv) how those main issues had been addressed in the Development Policy Document, and such supporting documents as in the opinion of the local planning authority were relevant to the preparation of the Local Plan; and
- a "statement of the representations procedure" specifying—
  - (a) the title of the Local Plan which the local planning authority proposed to submit to the Secretary of State;
  - (b) the subject matter of, and the area covered by, the Local Plan;
  - (c) the date by which representations about the Local Plan must be received by the local planning authority, which must be not less than 6 weeks from the day on which the statement was published;
  - (d) the address to which representations about the Local Plan must be made;
  - (e) that representations could be made in writing or by way of electronic communications; and
  - (f) that representations could be accompanied by a request to be notified at a specified address of any of the following—
    - (i) the submission of the local plan for independent examination under section 20 of the Act,
    - (ii) the publication of the recommendations of the person appointed to carry out an independent examination of the local plan under section 20 of the Act, and
    - (iii) the adoption of the Local Plan.

It was proposed to commence the period during which the Draft Local Plan, Policies Map and Sustainability Appraisal would be open to representations during the week commencing Monday 12 May 2014. This would allow sufficient time to prepare the publication documents. The six week period would end during the week commencing 23 June 2014.

With regard to the preparation of the publication documents, the proposal was as follows:

Draft Local Plan: to be published as shown in Appendix 1 subject to amendments agreed by Council and the addition of a Glossary of Terms.

Policies Map: to be published as shown in Appendix 2 subject to amendments agreed by Council.

Sustainability Appraisal Report: the sustainability appraisal process had informed the preparation of the Draft Local Plan. A report on this was published on the Council's website on 11 April 2014. It was proposed that this report be published for the period of representations.

Report of Public Consultation: the statement required to report on public consultations undertaken during the Regulation 18 preparation stage of the Local Plan would comprise of:

- the Report of Public Consultation shown in Appendix 3 of the report to Council,
- Part 1 of the Preferred Options Report of Public Consultation (Appendix 5 of the report considered by the Executive (and Council) on 4 June 2013)
- the "Helping to Shape the District" Report of Public Consultation published in December 2011.

A Statement of Representations Procedure must be prepared prior to the commencement of the period during which the publication documents were open to representations. It was proposed that the authority to finalise and approve this statement be delegated to the Chief Executive, in consultation with the Deputy Leader of the Council.

The preparation stage of the Local Plan must ensure that the Local Plan was consistent with the National Planning Policy Framework (NPPF) and should take account of up to date evidence and any representations made during the consultations. These matters should, therefore, be taken in to account by Council in considering the Draft Local Plan and the Policies Map.

The Report of Public Consultations, at Appendix 3 to the report, set out the material points raised during the following consultations:

- The Preferred Options Consultation 2012 - Part 2 (note that part 1 was reported to Executive (and Council) on 4<sup>th</sup> June 2013)
- The Revised Development Strategy Consultation 2013
- The consultation on the Preliminary Draft Charging Schedule for the Community Infrastructure Levy 2013.
- The Village Sites and Settlement Boundaries consultation during 2013/2014.

As set out in recommendation 2.2 of the report, the period during which the Draft Local Plan would be open for representations would begin the week commencing 12 May 2014 and would end during the week commencing 23 June 2014. The representations received during this period would be carefully analysed and, where these indicated that modifications to the plan could be justified, a table of proposed modifications would be submitted alongside the Local Plan.

It was proposed that if such modifications were required, that the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, would be authorised to submit a table of the proposed modifications to the Secretary of State. The Secretary of State would then make the necessary arrangements for an Independent Examination, as they would have been invited to amend the Draft Local Plan and/or the Policies Map

In the event that no modifications were proposed or that any appropriate modifications were of a minor nature (for example, if further useful detail could

be added to policies as a result of the representations received, slight updates made to policies from a revised evidence base, or factual errors needed to be corrected), then it was recommended that authority was again delegated to the Chief Executive, in consultation with the Group Leaders and the Deputy Leader of the Council, for the Draft Local Plan and Policies Map to be submitted to the Secretary of State as set out in this report (or with any minor amendments).

Recommendations 2.5 and 2.6 would enable the submission date to be brought forward, the exact submission date would be dependent on the number of representations received, whether any modifications were required and, if so, the number of such modifications. However, it was estimated that submission could take place in late summer 2014.

It was proposed that delegated authority be granted to the Head of Development Services, in conjunction with the Deputy Leader of the Council, to make minor non-material amendments to the Local Plan before the commencement of the consultation. The purpose of this recommendation was to ensure that any minor issues identified, such as typographical errors in the document, could be amended before the consultation stage for the Submission Draft.

At its meeting on 4 June 2013, Executive agreed to consult on a Preliminary Draft Charging Schedule for the Community Infrastructure Levy (CIL). The key points arising from this consultation were summarised in the Report of Public Consultations, set out at Appendix 3 to the report.

The Local Development Scheme approved by Executive in February 2014 set out the intention to put forward a Draft Charging Schedule for approval as part of this report and for the period for representations to run in parallel with the Draft Local Plan. However, before this could be done, the CIL viability work needed to be revisited to ensure the points raised through the consultation were properly addressed and to ensure that the CIL was set at a level which maximised the contributions to infrastructure without undermining the viability of development. This was particularly relevant in light of the recent upturn in the economy and housing market which meant the previous viability work now needed to be updated.

For this reason it was now proposed that the Draft Charging Schedule be considered by Council at its meeting on 25 June 2014 and that the Local Development Scheme was amended accordingly.

The revised timetable for finalisation of the Community Infrastructure Levy (CIL) Charging Schedule would therefore be:

25 June 2014: Draft Charging Schedule considered by Council

4 July to 1 August 2014: 4 week period during which the Draft Charging Schedule was open for representations

29 August 2014: Approximate date for submission of the Draft Charging Schedule to the secretary of State

It was hoped that this timetable would enable the Council to adopt a CIL scheme to commence alongside in the Local Plan in the spring of 2015.

An addendum to the report was circulated at the meeting that set out the following amendments:

**Recommendation 2.5, of the report,** be amended to read as follows: "That Council delegates authority to the Chief Executive, following the six week consultation period, acting in consultation with Group Leaders and the Deputy Leader, to submit the Draft Local Plan and Policies Map for independent examination, together with a table of any proposed modifications, provided that only minor, non-material modifications are to be proposed."

**Recommendation 2.6, of the report,** be amended to read as follows: "That Council delegates authority to the Executive to approve the submission of the Draft Local Plan for independent examination, together with a table of proposed modifications including material modifications, provided that such modifications do not require further statutory consultation"

**Appendix 1, Publication Draft Local Plan, be amended as follows**

- Amendment 1: Policy SC0 (page 104), point (i) be amended to read as follows; "have a focus on healthy lifestyles, including measures to encourage walking and cycling, to provide access to open space, play areas, playing fields and sports facilities and to encourage healthy diets".
- Amendment 2: Policy HS1 (page 123) point (f) be amended to read as follows: "seek to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play and, where possible, healthy diets;
- Amendment 3: Policy H4 (page 89) point 1(a) be amended to read as follows: "physical constraints, such as those associated with small sites of less than 5 houses and conversion schemes, where opportunities for a range of different house types are limited (unless criterion e) applies"
- Amendment 4: Policy H6 (page 93) be amended to add two additional criteria as follows: (a) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMO's; and (b) the proposal does not lead to a continuous frontage of 3 or more HMOs;  
Paragraph 4.64 amended to read as follows:  
The purpose of this policy is to control the location of new HMOs in order to prevent these uses from either exacerbating existing concentrations or leading to new concentrations. Additional HMOs can impact on local amenity where they lead to concentrations at either the neighbourhood level or in very localised situations. The policy aims to prevent concentrations at both levels by ensuring that within a 100 metre radius of the proposal not more than 10% of dwellings are HMOs and also, at a more localised level, by preventing the "sandwiching" of a non-HMO between 2 HMOs or a continuous frontage of 3 or more HMOs.
- Amendment 5: Policy PC0 (page 39) be amended to remove reference to 10,200 jobs so that it reads as follows: " The Council will promote sustainable economic development to support a vibrant and thriving economy to deliver the jobs the District needs during the plan period in line with following principles..."
- Amendment 6: Policy NE6 (page 161) be amended to read as follows: "The Council will seek to minimise the impact of HS2 on the natural environment, businesses and residents on the District"
- Amendment 7: Policy DS15 (page 30) be amended so that the paragraph immediately above the table reads as follows:
- "...should provide for the delivery of infrastructure and services which as a minimum should include the following..."



- Amendment 8: Policy BE 2 (page 108/109) be amended to include an additional clause j) to read as follows:
- “community facilities, in accordance with policies HS1, HS6 and the IDP, including how they will be viably managed and maintained in the long term”
- Amendment 9: Campion Hills - it is now proposed that land at Campion Hills is not removed from the Green Belt and is not allocated for development. This is because at the present time we do not need the housing numbers that the site would bring forward (50 dwellings) and do not have the evidence base to justify the “exceptional circumstances” for removing the land from the Green Belt.
  - The consequent changes that need to be made to the Local Plan document (Publication Draft) are as follows:-
    - § Policy DS7 (Meeting the housing requirement): The total of “Sites allocated in this Plan” is reduced by 50 from 6,238 down to 6,188. The “Total” therefore also falls from 13,014 to 12,964.
    - § Policy DS10 (Broad location of allocated housing sites): The total of “Greenfield sites on the edge of Warwick, Leamington and Whitnash” is reduced by 50 from 3,295 down to 3,245. The “Total” therefore also falls from 6,238 to 6,188.
    - § Policy DS11 (Allocated housing sites): The site “Campion Hills” (50 dwellings) is removed from this policy.
  - Paragraph 2.50 is amended to read as follows: “Land at Red House Farm form an extension to Lillington, one of the most deprived neighbourhoods in Warwickshire.”
    - § Paragraph 2.76 (page 34) is amended to remove reference to Campion Hills to read as follows: “The Local Plan is seeking to support the regeneration of this area by allocating new development in the vicinity (Red House Farm) as a way of leveraging environmental improvements and improvements to housing conditions.”
    - § Paragraph 2.80 (first bullet point) is amended to remove reference to Campion Hills to read as follows:
    - § “Land has been removed from the Green Belt at: Red House Farm, Leamington Spa”
  - Remove any other references to Campion Hills
- Amendment 10: Paragraph 2.48 (second sentence) (page 27), be amended to read as follows: “The area will deliver up to 2,695 homes along with...”
- Amendment 11: Policy H2 (page 82/83), final paragraph, be amended to read as follows: “The Council will, in exceptional circumstances, accept contributions of equivalent value in lieu of on-site delivery. This should include financial contributions, land or off-site provision of affordable homes. In such cases, the developer will be required to demonstrate why on-site delivery is not practical.”
- Amendment 12: Paragraph 2.73 (page 33) be amended to remove the final sentence which reads: “It considers that exceptional reasons do exist for proposing that the land shown on the Policies Map is removed from the Green Belt.”
- Amendment 13: Policy CC3 (page 135) be amended to read as following:
  - “All new dwellings are required to achieve ....”
  - And that paragraph 5.114 be amended to read as follows:

- The Council will apply this policy to all new dwellings on developments of one dwelling or more and non-residential development of 500sqm or over...

**Appendix 2, Policies Map, be amended as follows:**

- Housing allocation H05 (Campion Hills) will be removed from the Policies Map. The land will be shown as being in the Green Belt.
- The WDLP – Urban Area Boundary will be amended to exclude the Campion Hills site from the urban area

It was proposed by Councillor Caborn that the recommendations in the report, as amended by the addendum circulated at the meeting be approved, and were duly seconded:

**Resolved that:**

- (1) the Local Plan, as set out in Appendix 1 and Policies Maps as set out in Appendix 2 subject to the amendments set out in the addendum circulated at the meeting, are approved for Publication under Regulation 19 of the Town and Country Planning Regulations 2012;
- (2) the Publication Draft Local Plan, Policies Maps and Sustainability Appraisal be open to representations for a period of six weeks, starting during week commencing 12th May 2014, in accordance with a Statement of Representations Procedure to be made available in accordance with regulation 19 of the Town and Country Planning Regulations 2012;
- (3) the approval of the Statement of Representations Procedure is delegated to the Chief Executive, in consultation with the Deputy Leader of the Council;
- (4) the Report of Public Consultations as set out in Appendix 3, be noted;
- (5) following the six week consultation period the Chief Executive, be authorised to, in consultation with Group Leaders and the Deputy Leader, submit the Draft Local Plan and Policies Map for independent examination, together with a table of any proposed modifications, provided that only minor, non-material modifications are to be proposed;
- (6) the Executive be authorised to approve the submission of the Draft Local Plan for independent examination, together with a table of proposed modifications including material modifications, provided that such modifications do not require further statutory consultation;

- (7) the Head of Development Services, be authorised, in consultation with the Deputy Leader of the Council, to add a glossary and make any necessary non-material amendments to the Local Plan before the commencement of the consultation; and
- (8) a report on the Community Infrastructure Levy Draft Charging Schedule is prepared for Council to consider at its meeting on 25 June 2014 and that the Local Development Scheme is amended accordingly.

Prior to the vote being taken, it was proposed by Councillor Boad and duly seconded by two Councillors that a recorded vote should be taken on this item. The votes were recorded as follows:

For: Councillors; Barrott, Mrs Blacklock, Boad, Mrs Bunker, Caborn, Coker, Copping, Cross, Ms De-Lara-Bond, Ms Dean, Doody, Edwards, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Hammon, Mobbs, Shilton, Mrs Syson, Vincett, Weber, Wilkinson and Wreford-Bush.

Against: Councillors; Mrs Bromley, Brookes, Dhillon, Heath, Kirton, MacKay, Mrs Mellor, Rhead, Mrs Sawdon, and Williams

Abstention: Councillor Illingworth.

#### 123. **Report of the Executive**

The reports of the Executive meetings of 12 and 26 March 2014, excluding minute 161 and 175 that were approved by Council on 26 March 2014, were proposed by Councillor Mobbs, duly seconded and

**Resolved** that the report be approved.

#### 124. **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 item by reason of the likely disclosure of exempt information within the relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

#### 125. **Report of the Executive**

The confidential reports of the Executive meetings of 12 January, 12 March and 26 March 2014, were proposed by Councillor Mobbs, duly seconded and

**Resolved** that the report be approved.


#### 126. **Common Seal**

It was

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

(The meeting ended at 10.46 pm)

CHAIRMAN  
14 May 2014

 <b>Council 14 May 2014</b>		<b>Agenda Item No. 8</b>
<b>Title</b>	Merger of the Licensing and Regulatory Committees	
<b>For further information about this report please contact</b>	Marianne Rolfe, Regulatory Manager Health and Community Protection Tel: 01926 456320 <a href="mailto:Marianne.rolfe@warwickdc.gov.uk">Marianne.rolfe@warwickdc.gov.uk</a>  Graham Leach, Democratic Services Manager & Deputy Monitoring Officer, Tel: 01926 456320 <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	An informal meeting of the licensing committee and regulatory committees on the 19 <sup>th</sup> February 2014 Unminuted.	
<b>Background Papers</b>		

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

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	2/5/2014	Richard Hall
CMT	6/5/2014	
Section 151 Officer	2/5/2014	Mike Snow
Monitoring Officer		
Finance		
Portfolio Holder(s)	6/5/2014	Councillors Coker & Mobbs
<b>Consultation &amp; Community Engagement</b>		
Councillor Illingworth agreed the report on 2 May 2014.		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

**1. SUMMARY**

1.1 A proposal has been put forward by officers with the Chair of both the Licensing and Regulatory committees, to merge both committees into one. This report provides information as background to the recommendations to support the proposal.

**2. RECOMMENDATION**

2.1 That the responsibilities of the Licensing and Regulatory Committees are merged.

2.2 That the Committee be called 'Licensing and Regulatory Committee'.

2.3 That the committee be comprised of 15 councillors.

2.4 That the Members Allowances scheme special responsibilities be amended to remove the allowances for the Chairman of Regulatory Committee and Chairman of Licensing Committee.

2.5 That the Members Allowances scheme special responsibilities be amended to rename the allowance for Chairman of both the Licensing & Regulatory Committee to Chairman of the Regulatory & Licensing Committee

**3. REASONS FOR THE RECOMMENDATION**

3.1 There are two committees, Regulatory and Licensing. The committees have some overlapping functions and this has caused confusion in the past as to what matter should be brought before which committee. In addition, concerns have been raised as to the reasoning behind comparatively minor matters being brought in to a full committee whilst other more complex matters are brought in front of a panel.

3.2 There are currently 15 Councillors on the Licensing Committee and 10 on the Regulatory.

3.3 The current functions of the committee can be summarised into the following subject matters:

The Licensing Committee cover:	The Regulatory Committee cover:
<ul style="list-style-type: none"><li>• Premises licences for premises wishing to sell alcohol, open after 11pm, provide entertainment (issue/ variation/ reviews)</li><li>• Personal Licences (issue/review)</li><li>• Applications under the gambling Act 2005</li></ul>	<ul style="list-style-type: none"><li>• District Boundary Reviews</li><li>• Community Governance Reviews</li><li>• Street Trading Consents</li><li>• Busking</li><li>• Street Collection Permits</li><li>• Sexual Entertainment Venues</li><li>• Footpaths and bridleways</li><li>• Promoting/opposing local or personal bills</li><li>• Functions relating to the names/status of areas/individuals</li><li>• All powers of the council relating to the control of the consumption of alcohol in public places under the Criminal Justice</li></ul>

	<p>and Police Act 2001</p> <ul style="list-style-type: none"> <li>• Orders under the Criminal Justice and Police Act 2001</li> <li>• Taxi Driver/Private Hire Company Complaints</li> <li>• Taxi Driver/ Private Hire Company Renewal issue</li> <li>• Application to be a taxi driver/ Private Hire Company</li> <li>• Suspended Taxi Drivers/ Private Hire Company</li> </ul>
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- 3.4 On the 19<sup>th</sup> February 2014 the Licensing and Regulatory Committees met informally to discuss a proposal to merge the members of the two committees and supported this proposal.
- 3.5 The Licensing Act requires the Local Authority to establish a Licensing Committee. Therefore any name of a new committee should include 'Licensing' in the title. The councillors agreed that the new committee should be called the Licensing and Regulatory Committee.
- 3.6 All 20 Councillors cannot be retained on the merged committee as the Licensing Act requires a committee of between 10 and 15 people. The Councillors agreed that the committee should be reduced to 15 members.
- 3.7 The legislation governing the committee considering licensing conditions and related functions are not required to be politically balanced. However, committees dealing with other functions are required to be. Therefore, it would be advisable that the 'new' committee be politically balanced so that it could deal with all matters.
- 3.8 Recommendations 2.4 and 2.5 are minor changes to the Members Allowances Scheme and do not affect the level of allowance payment made to the Chairman. There is no need to review the value for the Chairman of the new Committee because the Independent remuneration Panel has previously anticipated the same Councillor being the Chairman of both the Regulatory & Licensing Committees and set an appropriate allowance.

#### 4. **POLICY FRAMEWORK**

- 4.1 The merging of the committees will assist in the efficient working of the council and contribute to the vision of making a Warwick District a great place to live.

#### 5. **BUDGETARY FRAMEWORK**

- 5.1 The report does not affect the Council's budgetary framework.
- 5.2 The report if approved would secure a recurring saving through reduced budget demand of the members allowances scheme.

#### 6. **RISKS**

- 6.1 The main risk of the report is the potential for increased officer and councillor time in meetings. Therefore, the first meeting of the new Committee will consider a number of operational aspects of its responsibility to improve efficiency.

## **7. ALTERNATIVE OPTION(S) CONSIDERED**

7.1 The alternative option is to remain as two separate committees .However this is not considered efficient because it causes confusion for the Council's customers.

## **8. BACKGROUND**

- 8.1 If the committees are merged, the operating procedures will need to be discussed and agreed. The Licensing Committee can delegate its licensing functions to one or more subcommittees consisting of three members of the committee. These are called licensing panels. Currently, the Licensing Committee volunteer for Panels which consider the matters that are brought before them. They rarely sit as a full committee unless it is to agree minutes or discuss changes to a licensing policy or gambling policy.
- 8.2 Regulatory Committee sit as a full committee to consider all of the matters which are brought before them. It is possible under the legislation for the matters brought before this Committee to be heard by a subcommittee formed from members of the Committee. i.e. the construction of Regulatory panels
- 8.3 It is proposed that the two committees are brought into operational alignment, as far as is reasonably practicable under the current legislation, i.e. the use of panels.
- 8.4 Appendix 1 is a proposal of the matters which are currently brought before Regulatory Committee that could be considered by a subcommittee or panel.
- 8.5 Appendix 2 shows the current arrangements for delegation for the two committees and those options for alternative arrangements.
- 8.6 A review is being conducted by officers on the delegation to officers, content of the reports sent for consideration by the committee, that regular training of the members of the committee takes place to ensure familiarity with the requirements of the appropriate legislation and that there is clarification of the public speaking arrangements at the various committee activities. These will be reported to the first meeting of the new Committee which will also include a discussion on the availability of members for Licensing Panels and the challenges this brings.



## **Appendix 1: Proposed**

<b>Function</b>	<b>Current Committee</b>	<b>Frequency at committee since 05/11</b>	<b>Public/ Private Item</b>	<b>Proposed Full or Subcommittee</b>
District Boundary Reviews	Regulatory	2	Public	Full Committee
Community governance reviews	Regulatory	9	Public	Full Committee
All powers and duties of the council relating to the consumption of alcohol in public places	Regulatory			Full Committee
Orders under the CJaPA 2001	Regulatory			Full Committee
Sexual Entertainment Venues	Regulatory	7	Public (deliberation in private)	Full Committee
Considering the minutes of licensing committee activities	Licensing	5		Full Committee
Reviews of premises licenses	Licensing (Panel)	1		Full Committee
Appointment of Councillors to Inquorate Parish/Town Council	Regulatory	1	Public	Full Committee
Recommending/ introducing polices	Regulatory & Licensing			Full Committee
Recommending change to the licensing policy	Licensing		Public	Full Committee
Recommending changes to the gambling policy	Licensing		Public	Full Committee
Taxi Driver complaints	Regulatory	5	Private	Subcommittee/ panel
Application to be a taxi driver	Regulatory	42	Private	Subcommittee/ panel
Taxi driver renewal issue	Regulatory	3	Private	Subcommittee/ panel
Suspended taxi drivers	Regulatory	2	Private	Subcommittee/ panel
Complaint about a private hire company	Regulatory	1	Private	Subcommittee/ panel
Private hire company renewal	Regulatory	1	Public (deliberation in private)	Subcommittee/ panel
Determining applications under the licensing act (premises)	Licensing (Panel)	57	Public (deliberation in private)	Subcommittee/ panel
Determining applications under the licensing act (personal)	Licensing (panel)	2	Public (deliberation in private)	Subcommittee/ panel
Street trading Consent	Regulatory	1	Public	Subcommittee/ panel
Street Collection permits	Regulatory	1	Public	Subcommittee/ panel
Promoting/ opposing local or personal bills	Regulatory			
Functions relating to the names/ status of areas/ individuals	Regulatory			
Foot paths and bridleways	Regulatory	1	Public	

## **Appendix 2: Current delegation arrangements:**

### **Licensing Table: Delegation of Functions**

<b>Matters to be dealt with</b>	<b>Full committee</b>	<b>Sub committee</b>	<b>Officers</b>
Application for personal licence (No convictions).			All cases
Application for personal licence with unspent convictions		If a police objection	All other cases (and where responsible authority withdraws objection)
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made (and where responsible authority withdraws objection)
Application for provisional statement		If a relevant representation made	If no relevant representation made (and where responsible authority withdraws objection)
Application to vary premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made (and where responsible authority withdraws objection)
Application to vary designated premises supervisor		If a police objection	All other cases (and where responsible authority withdraws objection)
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases (and where responsible authority withdraws objection)
Applications for interim authorities		If a police objection	All other cases (and where responsible authority withdraws objection)
Application to review premises licence/ club premises certificate	<i>*All cases</i>	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			In all cases in consultation with chairperson
Determination of an objection to a temporary event notice		If a police objection received and not a late TEN	If no objection received (and where responsible authority withdraws objection)
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases (and where responsible authority withdraws objection)
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Expedient Review of premises/Personal license		All cases ( <i>Emergency activity</i> )	
Changes to licensing policy	All cases		
Changes to gambling policy	All cases		
Issue track betting permits (occasional use)			All cases
Issue amusement permits with prizes under the gambling act			All cases
Issue small lotteries licence			All cases
Issue club/ gaming machine permits		If objection received	Where no objections received
Determine applications/Approve gambling act licenses		If representation received	No representations
Vary gambling act licenses		If representation received	No representations
Transfer gambling act licenses		If representation received	No representations
Cancel gambling act licenses/permits			All cases

*\*Proposed arrangement if committee merges to be considered by the new Committee*

## Regulatory Table: Delegation of Functions

<b>Matters to be dealt with</b>	<b>Full committee</b>	<b>Sub committee</b>	<b>Officers</b>
Issue Street Trading Consents	If objection received	<i>*If objection received</i>	No objection received
Issue Street Collection Permits			All cases
Issue Street Collection Permits in excess of set numbers			In consultation with the regulatory committee spokesperson.
Sexual Entertainment Venues	All other cases	<i>*All other cases</i>	Where no objections received
All powers of the council relating to the control of the consumption of alcohol in public places under the Criminal Justice and Police Act 2001	All Cases to confirm decision.		Dispersal in consultation with CE and Ward Cllr (people)
Orders under the Criminal Justice and Police Act 2001	All cases		
Issue Closure Notices under section 19 of CIPA 2001			All cases & Police
Taxi Driver Complaints	Serious/repeat offender cases	<i>*Serious/repeat offender cases</i>	Depending on seriousness/ quantity
Private Hire Company Complaints	Serious/repeat offender cases	<i>*Serious/repeat offender cases</i>	Depending on seriousness/ quantity
Taxi Driver Renewal issue	Unacceptable matters highlighted	<i>*Unacceptable matters highlighted</i>	No issues
Private Hire Company Renewal issue	Unacceptable matters highlighted	<i>*Unacceptable matters highlighted</i>	No issues
Application to be a taxi driver	Unacceptable matters highlighted	<i>*Unacceptable matters highlighted</i>	No issues
Application to be Private Hire Company	Unacceptable matters highlighted	<i>*Unacceptable matters highlighted</i>	No issues
Suspended/Revoke Private Hire Company	Non-emergency cases (through complaints)	<i>*Non-emergency cases (through complaints)</i>	In consultation with legal & Chair emergency cases
Suspended/Revoke Taxi Drivers	Non-emergency cases (through complaints)	<i>*Non-emergency cases (through complaints)</i>	In consultation with legal& Chair emergency cases
Approve use of vehicle as taxi (wheelchair accessible)			All cases in consultation with Council for the Disabled.
Refuse application of drivers not passing the knowledge test			All cases
Refuse application for taxi and private hire driver licenses not attended disability awareness training			All cases
Notices under section 68 of the local gove misc pro act 1976			All cases
Policy changes to disability policy for vehicles	All cases where fundamental change		
Taxi Licensing Policy	All cases		
Busking code of conduct			All cases
Review of the busking code of conduct	All cases		
Consultation on taxi fees in order to make recommendation to Executive.	All Cases <i>Recommend that this is removed</i>		

*\*Proposed arrangement if committee merges to be considered by the new Committee.*



## Membership of the Executive and Committees 2014/15

### Executive (8)

Councillor Mobbs (Leader)  
Councillor Caborn (Deputy Leader)  
Councillor Coker  
Councillor Cross  
Councillor Mrs Gallagher  
Councillor Hammon  
Councillor Shilton  
Councillor Vincett

### Portfolio Holders & Deputy Leader of the Executive

Strategic Leadership	Councillor	Mobbs (Leader)
Strategic Leadership	Councillor	Caborn (Deputy Leader)
Cultural Services	Councillor	Mrs Gallagher
Development Services	Councillor	Hammon
Environment & Community Protection	Councillor	Coker
Finance	Councillor	Cross
Housing & Property Services	Councillor	Vincett
Neighbourhood Services	Councillor	Shilton

### Finance & Audit Scrutiny Committee (11)

Councillor Barrott  
Councillor Mrs Bunker  
Councillor Dhillon  
Councillor Mrs Knight  
Councillor MacKay  
Councillor Mrs Mellor  
Councillor Pittarello  
Councillor Pratt  
Councillor Rhead  
Councillor Mrs Syson  
Councillor Williams

### Overview & Scrutiny Committee (15)

Councillor Mrs Blacklock  
Councillor Boad  
Councillor Mrs Bromley  
Councillor Brookes  
Councillor Copping  
Councillor Ms Dean  
Councillor Edwards  
Councillor Mrs Falp  
Councillor Mrs Grainger  
Councillor Gifford  
Councillor Gill  
Councillor Guest  
Councillor Mrs Higgins  
Councillor Illingworth  
Councillor Kinson

**Employment Committee (11)**

Councillor Mrs Bunker  
 Councillor Mrs Bromley  
 Councillor Coker  
 Councillor Copping  
 Councillor Doody  
 Councillor Hammon  
 Councillor Kirton  
 Councillor Mrs Knight  
 Councillor Mobbs  
 Councillor Wilkinson  
 Councillor Wreford-Bush

**Housing Appeal Review Panel (12)**

Councillor Barrott  
 Councillor Mrs Blacklock  
 Councillor Mrs Bromley  
 Councillor Mrs Bunker  
 Councillor Ms De-Lara-Bond  
 Councillor Doody  
 Councillor Mrs Gallagher  
 Councillor Mrs Knight  
 Councillor Mrs Mellor  
 Councillor Mrs Sawdon  
 Councillor Shilton  
 Councillor Vincett

**Licensing & Regulatory Committee (15)**

Councillor Mrs Bunker  
 Councillor Ms De-Lara-Bond  
 Councillor Doody  
 Councillor Mrs Grainger  
 Councillor Guest  
 Councillor Gill  
 Councillor Mrs Goode  
 Councillor Illingworth  
 Councillor Mrs Knight  
 Councillor Pratt  
 Councillor Shilton  
 Councillor Wilkinson  
 Councillor Wreford-Bush  
 Councillor Independent vacancy  
 Councillor Independent vacancy

**Planning Committee (11)**

Councillor Boad  
 Councillor Brookes  
 Councillor Mrs Bunker  
 Councillor Ms De-Lara-Bond  
 Councillor Doody  
 Councillor Kirton  
 Councillor MacKay  
 Councillor Rhead  
 Councillor Weber  
 Councillor Wilkinson  
 Councillor Williams

There are two vacancies for the Independent Group to be confirmed at the meeting.

**Standards Committee (10)**

Councillor Brookes  
 Councillor Mrs Bunker  
 Councillor Ms De-Lara-Bond  
 Councillor Mrs Falp  
 Councillor Mrs Higgins  
 Councillor Mrs Knight  
 Councillor Pratt  
 Councillor Mrs Syson  
 Councillor Ms Dean  
 Councillor Williams

**Parish/town Councillors (4)**

Councillor J Cooke  
 Councillor Mrs A Gordon  
 Councillor V Owen  
 Councillor B Smart

# Substitute Members 2014/15

## Employment Committee

### Conservatives

Councillor Brookes  
Councillor Caborn  
Councillor Cross  
Councillor Davies  
Councillor Mrs Grainger  
Councillor Mrs Gallagher  
Councillor Guest  
Councillor Mrs Higgins  
Councillor Illingworth  
Councillor Kinson  
Councillor Pratt  
Councillor Rhead  
Councillor Mrs Sawdon  
Councillor Shilton  
Councillor Vincett  
Councillor Williams

### Liberal Democrats

Councillor Mrs Blacklock  
Councillor Boad  
Councillor Ms De-Lara-Bond  
Councillor Gifford  
Councillor Mrs Goode  
Councillor Pittarello  
Councillor Mrs Syson

### Labour

Councillor Barrott  
Councillor Ms Dean  
Councillor Edwards  
Councillor Gill  
Councillor Weber  
Councillor Ms Weed

### Independents

Councillor Dagg  
Councillor Mrs Falp  
Councillor Heath  
Councillor MacKay  
Councillor Mrs Mellor

## Finance & Audit Scrutiny Committee

### Conservatives

Councillor Brookes  
Councillor Davies  
Councillor Doody  
Councillor Mrs Grainger  
Councillor Guest  
Councillor Mrs Higgins  
Councillor Illingworth  
Councillor Kinson

### Liberal Democrats

Councillor Mrs Blacklock  
Councillor Boad  
Councillor Copping  
Councillor Ms De-Lara-Bond  
Councillor Gifford  
Councillor Mrs Goode  
Councillor Wreford-Bush

### Labour

Councillor Ms Dean  
Councillor Edwards  
Councillor Gill  
Councillor Weber  
Councillor Ms Weed

### Independents

Councillor Mrs Bromley  
Councillor Dagg  
Councillor Mrs Falp  
Councillor Heath  
Councillor Kirton

## **Licensing & Regulatory Committee**

### **Conservatives**

Councillor Caborn  
Councillor Coker  
Councillor Cross  
Councillor Davies  
Councillor Mrs Gallagher  
Councillor Hammon  
Councillor Mrs Higgins  
Councillor Kinson  
Councillor Mobbs  
Councillor Rhead  
Councillor Sawdon  
Councillor Vincett  
Councillor Williams

### **Liberal Democrats**

Councillor Mrs Blacklock  
Councillor Boad  
Councillor Copping  
Councillor Gifford  
Councillor Pittarello  
Councillor Mrs Syson

### **Labour**

Councillor Barrott  
Councillor Dean  
Councillor Edwards  
Councillor Weber  
Councillor Ms Weed  
Councillor Wilkinson

### **Independents**

These will be confirmed at the meeting  
of Council

## **Housing Appeal Review Panel - None**

## **Overview & Scrutiny Committee**

### **Conservatives**

Councillor Mrs Bunker  
Councillor Davies  
Councillor Doody  
Councillor Pratt  
Councillor Rhead  
Councillor Williams

### **Labour**

Councillor Barrott  
Councillor Mrs Knight  
Councillor Weber  
Councillor Ms Weed

### **Liberal Democrats**

Councillor Ms De-Lara-Bond  
Councillor Mrs Goode  
Councillor Pittarello  
Councillor Mrs Syson  
Councillor Wreford-Bush

### **Independents**

Councillor Dagg  
Councillor Heath  
Councillor Kirton  
Councillor MacKay  
Councillor Mrs Mellor

## **Planning Committee**

### **Conservatives**

Councillor Davies  
Councillor Mrs Grainger  
Councillor Mrs Higgins  
Councillor Mobbs

### **Liberal Democrats**

Councillor Mrs Blacklock  
Councillor Copping  
Councillor Syson  
Councillor Wreford-Bush

### **Standards Committee**

Councillor Gifford or Wreford-Bush(Liberal Democrats)  
Councillor Weber  
Councillor Guest(Conservatives)  
Councillor Kirton (Independents)

### **Labour**

Councillor Barrott  
Councillor Ms Dean  
Councillor Edwards  
Councillor Gill  
Councillor Mrs Knight  
Councillor Ms Weed

### **Independents**

Councillor Dagg  
Councillor Mrs Bromley  
Councillor Mrs Falp  
Councillor Heath  
Councillor Mrs Mellor