

Licensing and Regulatory Committee

Minutes of the meeting held at the Town Hall, Royal Leamington Spa on Monday 20 February 2023 at 4.30pm.

Present: Councillors Jacques (Chairman), Barton, Cullinan, C Gifford, Illingworth, Leigh-Hunt, Luckhurst, Syson and Wright.

14. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillor King; and
- (b) Councillor R Dickson substituted for Councillor Boad.

15. **Declarations of Interest**

There were no declarations of interest.

16. **Minutes**

- (a) The minutes of the meeting held on 17 October 2022 were taken as read and signed by the Chairman as a correct record.
- (b) The minutes of the 21 March 2022 meeting were corrected so that Minute 24 referred to the 'Licensing and Regulatory Committee' rather than 'Panels', and that the title Minute 25 now read 'Minutes of the Licensing & Regulatory Panels'.

17. **Minutes of Licensing & Regulatory Panels**

The minutes of the Licensing and Regulatory Panels held on 9 November 2022, 24 November 2022, and 29 November 2022 were taken as read and signed by the Chairman as a correct record.

18. **Extension of current Public Space Protection Orders**

The Committee considered a report from Safer Communities, Leisure, and Environment regarding the District's Public Space Protection Orders (PSPOs), which were due to expire in October 2023. Before introducing, extending, varying, or discharging a PSPO, there were requirements under the ASB, Crime and Policing Act 2014 regarding consultation, publicity, and notification.

Due to the May Elections, there would be insufficient time to carry out the full review process, and necessary consultations, and have the renewed Orders in place by October 2023.

Where PSPOs were varied, extended, or discharged, there were statutory requirements regarding publishing or publicising this and Councils were required to undertake a consultation process.

For the extending or discharge of orders, the guidance stated that any such proposals must be publicised only. In other words, there was not the requirement for the same extensive consultation as would be required for

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any new or varied Orders.

Local authorities were required to consult with key stakeholders; the local Chief Officer of Police, the Police and Crime Commissioner, owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any County Councils (where the Order was being made by a District), Parish or community Councils that were in the proposed area covered by the PSPO also needed to be notified. 'Community representatives' were defined broadly in the Act as 'any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area'.

Over the last three years there had been, and continued to be, significant changes in terms of physical developments and change of land use across the District. Some areas were currently covered by PSPOs and there were plans in progress which potentially would bring new areas under the scope of the current orders or might require the introduction of specific ones according to the nature and usage of the space.

As a result of these major developments, the review of the PSPOs necessitated a full, detailed, and widespread public consultation, allowing appropriate consideration of all the issues, supported by a robust evidence base.

Due to the elections in May, the Committee would be unable to meet before early summer to approve a public consultation for any proposals on extension, variation, or discharge of the Orders. The public consultation was required to take at least six weeks, after which the outcomes would be evaluated for the drafting of final proposals, to be brought back to the Committee in early Autumn for consideration. At which point there was a risk that agreement might not be reached.

The PSPO Guidance stated '*There are no statutory requirements about the length of the consultation process. However, it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order, taking into account for instance any holiday periods that may affect response rates – this may take several weeks or even months. Some issues may require time to fully explore and understand – councils should not be reluctant to extend the initial consultation period if it is clear that this would be beneficial in the longer-term.*'

The PSPO Officer Working Group (that was established for the last review in 2020) re-convened in October 2022. In drawing up the project plan and communications plan, they concluded that there would be insufficient time to carry out the full review process to meet the October 2023 deadline. They also concluded that further evidence gathering was required, in particular from the Council and the Police, to inform subsequent reviews and consultations on PSPOs. In addition to the identification of timeline issues, deferring the review to 2024 would allow time for gathering accurate data and developing a more robust evidence base to allow consultees a more informed choice.

Allowing the current PSPOs to lapse without extending them could result in a recurrence of the activities that were detrimental to the quality of life of

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people who lived, visited or worked in the District.

The PSPOs currently in place (renewed October 2020) were:

- **Intoxicating Substances (including alcohol)** – this was a District-wide order, making it an offence for a person 'without reasonable excuse' to breach the PSPO in terms of ingestion, inhalation, injection, smoking or otherwise use of an intoxicating substance.
- **Dogs** – Warwick District Council already had four dog-related (PSPO) orders in place, which were summarised as follows:
 1. The Fouling of Land by Dogs (Warwick District Council) Order 2020:
A person in charge of a dog must ensure they remove faeces deposited by their dog from any land to which the public have access and which is open to the air (including land which is covered but open to the air on at least one side).
 2. The Dogs on Leads (Warwick District Council) Order 2020:
A person in charge of a dog must always keep a dog on a lead in the following areas:
 - Jephson Gardens, Royal Leamington Spa.
 - Leamington Cemetery.
 - Milverton Cemetery.
 - Warwick Cemetery.
 - Kenilworth Cemetery.
 - The length of the public footpath (L9a) as it crosses Newbold Comyn Golf Course, Royal Leamington Spa.
 - All other sport grounds, fields, and pitches not subject to the Dogs Exclusion (Warwick District Council) Order 2011, when in use for authorised sporting facilities.
 3. The Dogs on Leads by Direction (Warwick District Council) Order 2020:

If a dog is out of control and causing a nuisance, a person in charge of a dog must put and keep a dog on a lead when told to do so by an authorised officer.
 4. The Dogs Exclusion (Warwick District Council) Order 2020:
A person in charge of a dog must not take a dog on or off a lead into any of the following areas:
 - Any clearly demarcated children's play areas (PDF), paddling pool, bowling green, multi-use game area, tennis court, or putting green signed as a "dog exclusion zone" (whether the sign uses those particular words and/or symbols having like effect).
 - The main racetrack surface at Warwick Racecourse except when directly crossing the track either way at the designated public access points*.
 - Mid-Warwickshire (Oakley Wood) Crematorium (excluding the car park areas when used to directly access Oakley Wood).

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The proposed revised timetable for carrying out the review was set out below:

Action	Date	Detail
Officer Group Meetings	January - February 2024	Continue review of existing orders – assessing impacts/effectiveness. Consider evidence and data available. Discuss any issues that have arisen. Consider any potential variations. Consider possibility of new areas coming under Orders. Draft proposals for extension, variation, or discharge to recommend to committee for consultation.
Development of Communications Plan	January 2024	Consultation planning Media management Risk mitigation.
Report to Licensing & Regulatory	March 2024	Seeking approval to consult stakeholders/public on draft proposals.
Carry out a six-week stakeholder and wider public consultation	April – May 2024	In accordance with Communications Plan – online survey, focus groups/meetings.
Officer Group Meetings	May - June 2024	Consider outcomes of consultation. Agreement on final proposals to go back to Committee.
Report to Licensing & Regulatory	L&R committee date TBC – July 2024	Seeking approval on the final proposals for the renewed PSPOs.
Implementation of Renewed PSPOs	August – October 2024	Notification to stakeholders/public in accordance with Communications Plan. Updated and/or new signage installed.

Subject to approval of the recommendations, a further report could be brought to the Committee in July detailing the outcomes of the key stakeholder consultation and a finalised timetable for the review in 2024.

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In response to questions from Members, the Community Safety Manager and the Environmental Health & Licensing Manager advised that:

- The significant developments at Newbold Comyn had to be taken into account when carrying out a review in relation to dog orders. The Council would need to wait until the work was completed and the facility was back up and running to observe how activities were undertaken within that space.
- The main reason for the conclusion regarding time scale was that there were other factors to consider. Change of use could give rise to new issues, and the proposed extension would allow for these to be assessed and solved properly. It was important for the Council to give the area a thorough analysis in relation to all of the different user groups so that everyone would be content with the end result.
- The current PSPO referred to Newbold Comyn Golf Course, but that no longer existed. This would be left as it was until a full review could be conducted.
- The cycle trails in Newbold Comyn were expected to be completed in March 2023. As a result, April 2023 until the proposed commencement of the review in January 2024 would be the time in which assessments could be made about how the space is utilised by the public.
- When the consultation was launched, there would be an online portal for members of the public and community groups to provide their views. The report would come back to Committee, and there would then be a more detailed communications plan.
- There were currently four dog-related PSPOs in place. The Fouling of the Land by Dogs Order 2020 and the Dogs on Leads by Direction Order 2020 were enforced on a District-wide basis. The other two were area specific orders.
- The dog-related PSPOs that were specific to certain areas would be updated in the full review.
- District-wide dog-related PSPOs applied to any area where the public had access, including Parish/Town Council land.

It was proposed by Councillor Illingworth, seconded by Councillor Redford and

Recommended to Council that approval be sought for consultation on extending the Orders, in their current form, unamended, for three years (in line with the legislation).

Resolved that the early start of the review of the renewed PSPOs in 2024, be agreed.

(Councillor Leigh-Hunt arrived during this item and therefore did not vote on this item.)

19. Urgent Item – Changes to the Membership of Licensing & Regulatory Panels

It was proposed by Councillor Syson, seconded by Councillor Redford and

Resolved that Councillor Murphy be appointed to Panel D, and as a substitute to all panels.

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20. 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 paragraphs 1 & 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

21. Minutes of Licensing & Regulatory Panels

- a) The minutes of the Licensing and Regulatory Panels held on 28 September 2022, and 15 December 2022 were taken as read and signed by the Chairman as a correct record; and
- b) The minutes of the 13 October 2022 meeting were corrected so that Councillor Wright was referred to as the Chairman of the Panel meeting instead of Councillor Boad. The amended minutes were then taken as read and signed by the Chairman as a correct record.

(The meeting ended at 5.15pm)

CHAIRMAN
20 March 2023