

# REGULATORY COMMITTEE

Minutes of the meeting held on Monday 15<sup>th</sup> August 2011 at Town Hall, Royal Leamington Spa at 2.30pm.

**PRESENT:** Councillor Pratt (Chairman); Councillors Barrott, Cross, Mrs Falp, Mrs Gallagher, Gill, Guest, Illingworth and Wreford-Bush.

The Chairman explained to the Committee and the members of the public present that, in accordance with the Committees' decision on 6 May 2009, the meeting would be recorded.

## 20. **SUBSTITUTES**

Councillor Barrott substituted for Councillor Weed.

## 21. **DECLARATIONS OF INTEREST**

Minute Number 25 - Community Governance Review – Boundary between Barford and Wasperton Parishes

Councillor Barrott declared a personal interest because the review covered his Ward.

## 22. **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 paragraph 1 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

## 23. **URGENT ITEM – SHADES GENTLEMAN'S CLUB**

The Committee received a report from Legal Services which asked them to consider the approach to take with regard to the Judicial Review proceedings concerning the refusal of a Sex Establishment Licence for Shades Gentleman's Club.

The report requested that Members decide whether to contest the review or if they would prefer to reconsider the Committee's original decision.

The Council's Solicitor, John Gregory, outlined the circumstances surrounding the application for the Judicial Review and the implications of this for the Council. He advised that, having reviewed the original decision and having taken further advice, he felt that the decision previously made was a robust one and was in line with the Council's policy on Sex Establishment Licences.

Members received advice on the procedures that would be followed if either of the options open to them were pursued and on the meaning of 'irrationality' in public law terms.

Following consideration of the report, receipt of the verbal update from officers and having received guidance from the Council's Solicitor, the Committee agreed that the application for a Judicial Review should be contested and that authority should be delegated to the relevant officers.

**RESOLVED** that

- (1) the briefing from the Council's Solicitor be noted;
- (2) the application for a Judicial Review be contested; and
- (3) the Deputy Chief Executive (BH) be delegated authority, in consultation with the Chairman of the Regulatory Committee and Leader of the Council, to take all reasonable steps to defend the Council against the Judicial Review proceedings.

At the end of this item, all parties were invited back into the room to continue with the published agenda.

**24. THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND ELECTORAL REVIEW**

The Committee received a report from Electoral Services which provided details of the forthcoming Electoral Review with Warwick District and to be carried out during the next twelve months.

The Local Government Boundary Commission for England was established in April 2010 and their key roles were to conduct electoral and structural reviews of local government in England. Consideration was given to authorities with electoral variance in excess of 10% from the average for the District and 30% of the wards in Warwick District fell within this category.

In these circumstances, the Commission decided that an electoral review of Warwick District Council would commence in September 2011, with a preliminary period to give officers and members a chance to meet and prepare for the review. The report stated that the process should last no more than a year, providing sufficient time for new electoral arrangements to be made in advance of the election year in which they were to be implemented.

The report also requested that the Committee consider the establishment of a Working Party which would consider issues arising during the review and would draft the Council's submission for consideration by the Commission.

The Electoral Services Manager, Gillian Friar, introduced the report and answered questions on the four stages of the process and the relevant consultation periods. She also highlighted the budgetary implications of

the review and the request for additional costs to be made to the Executive.

Members were advised that the Group Leaders had requested that they represent Members' views on the Working Party and would therefore consist of Councillors Barrott, Boad, Doody and MacKay and the committee felt that recommendation 2.2 of the report should be amended to reflect this.

Having read the report and received further information from the Electoral Services Manager, the Committee were satisfied to approve the recommendations as amended.

**RESOLVED** that

- (1) the details of the review which are known so far be noted and that information should now be forwarded to all Town and Parish Councils in the District so that they can begin to consider their response; and
- (2) the establishment of a Working Party consisting Councillors Barrott, Boad, Doody and MacKay be agreed, to consider all issues arising during the review and draft the Council's submission for consideration by the Commission.

25. **COMMUNITY GOVERNANCE REVIEW – BOUNDARY BETWEEN BARFORD AND WASPERTON PARISHES**

The Committee received a report from Electoral Services which advised of the progress made so far, following the agreement to carry out a community governance review in June 2011. This report stated that following a consultation exercise, the closing date was 8 August 2011 and no comments had been received to date.

The request for a community governance review was made by Barford, Sherbourne and Wasperton Joint Parish Council for a change to the boundary between Barford and Wasperton Parishes. The first stage was to set the terms of reference for the review, followed by the consultation exercise.

Under the provisions of the Local Government and Public Involvement in Health Act 2007 the Council had the power to make Orders about matters such as the creation of parishes and their electoral arrangements including boundaries, provided it first carried out a community governance review.

It was accepted that there had been development over the existing boundary between Barford and Wasperton Parishes and an amendment to the boundary could therefore be justified. In the absence of any significant comments to the contrary and bearing in mind that the change was requested by the local Joint Parish Council, the proposed change of boundary was considered appropriate and reflected the identities and interests of the community in that area and was effective and convenient.

An alternative option was to not change the boundary, however, because of the various considerations set out in paragraphs 3.2 and 7.3 of the report this option was not being recommended.

Having read the report and received further information from the Electoral Services Manager, the Committee were satisfied to approve the recommendations as amended.

**RECOMMENDED** that

- (1) the parish boundary between Barford and Wasperton Parishes be amended to follow the line between points A and C on the plan attached as appendix, to the report;
- (2) In accordance with the 2007 Act
  - a) the recommendation be published; and
  - b) such steps as the officers consider sufficient be taken to secure that persons who may be interested in the review are informed of the recommendation; and
- (3) if no comments are received during a period of one month from the publication of the recommendation, the recommendation be adopted and the officers be authorised to make the necessary order and do everything necessary to introduce the change of boundary. If comments are received they be submitted to the Committee so it can decide on the action to be taken.

The full minutes of agenda items 7, 8 and 9 (Minute numbers 26, 27 and 28) were contained within a confidential minute which due to the sensitive nature of it's content, would not be made available to the public. However, a summary of the decision was as follows:

26. **APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS**

The Committee considered a report from Community Protection with regard to an application received for a hackney carriage/private hire driver's licence from a person with undeclared convictions.

**RESOLVED** that the application should not be allowed to proceed.

27. **APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS**

The Committee considered a report from Community Protection with regard to an application received for a hackney carriage/private hire driver's licence from a person with convictions.

**RESOLVED** that the application should not be allowed to proceed.

28. **APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE FROM A PERSON WITH CONVICTIONS**

The Committee considered a report from Community Protection with regard to an application received for a hackney carriage/private hire driver's licence from a person with a declared conviction.

**RESOLVED** that the application should be allowed to proceed.

(The meeting finished at 5.30 pm)