

Licensing & Regulatory Committee

Monday 26 November 2018

A special meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Monday 26 November 2018 at **4.30pm**.

Membership:

Councillor Illingworth (Chairman)	
Councillor Murphy (Vice-Chairman)	
Councillor Ashford	Councillor Heath
Councillor Mrs Cain	Councillor Mrs Hill
Councillor Davies	Councillor Mrs Knight
Councillor Gallagher	Councillor Quinney
Councillor Gifford	Councillor Mrs Redford
Councillor Gill	Councillor Mrs Stevens
Councillor H Grainger	

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

1. Apologies & Substitutes

- (a) To receive apologies for absence from any Councillor who is unable to attend; and
- (b) To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting

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 held on 1 August, 6 August and 8 October 2018
(Pages 1 -)

4. **Minutes of Licensing & Regulatory Panels Noted at Previous Meetings**

To confirm the minutes of the Licensing & Regulatory Panels, previously noted on 25 September 2017, as set out below:

1 February 2017
25 April 2017
22 August 2017

To confirm the minutes of the Licensing & Regulatory Panels, previously noted on 16 April 2018, as set out below:

12 September 2017
29 September 2017
22 December 2017

To confirm the minutes of the Licensing & Regulatory Panels, previously noted on 29 May 2018, as set out below:

15 January 2018
8 March 2018

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

To confirm the minutes of the Licensing & Regulatory Panels, as set out below:

6 June 2018 **(Pages 1 – 7)**
12 June 2018 **(Pages 8 -10)**

6. **Community Governance Reviews**

To consider a report from Democratic Services. **(Pages 1 - X)**

7. **Kathleen Rose report**

To consider a report from Health & Community Protection. **(Pages 1 - X)**

8. **Public and 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 No.	Reason
9 - 11	1	Information relating to any individual
9 - 11	2	Information which is likely to reveal

the identity of an individual

8. **Minutes**

To confirm the confidential minutes of the meeting held on 1 August 2018
(Pages 1 - 9)

9. **Minutes of Licensing & Regulatory Panels Noted at Previous Meetings**

To confirm the confidential minutes of the Licensing & Regulatory Panel Hearings, previously noted on 25 September 2017, as set out below:

14 December 2016 – 2pm
24 January 2017
21 February 2017
13 June 2017
11 July 2017
27 July 2017

To confirm the confidential minutes of the Licensing & Regulatory Panel Hearings, previously noted on 16 April 2018, as set out below:

2 November 2017
23 January 2018
20 February 2018

To confirm the confidential minutes of the Licensing & Regulatory Panel Hearings, previously noted on 29 May 2018, as set out below:

2 May 2017
27 June 2017
20 March 2018
5 April 2018
1 May 2018

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

To confirm the minutes of the Licensing & Regulatory Panels, as set out below:

12 June 2018	(Pages 1 - 5)
10 July 2018	(Pages 6 – 13)
26 July 2018	(Pages 14 – 17)
21 August 2018	(Pages 18 – 26)
5 September 2018	(Pages 27 – 32)
18 September 2018	(Pages 33 – 36)
16 October 2018	(Pages 37 – 41)

Published Friday 16 November 2018

**General Enquiries: Please contact Warwick District Council, Riverside House,
Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk**

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

**You can e-mail the members of this Committee at
landrcommittee@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.**

Licensing & Regulatory Committee

Minutes of the meeting held on Wednesday 1 August 2018, at the Town Hall, Royal Leamington Spa at 10.00am.

Present: Councillors Illingworth (Chairman); Councillors Cain, Mrs Cain, Davies, Mrs Gallagher, Gifford, Gill, Mrs Hill, Murphy, Naimo, Quinney and Mrs Redford.

12. Apologies and Substitutes

- (a) Apologies for absence were received from Councillors H Grainger and Mrs Stevens; and
- (b) Councillor Cain substituted for Councillor Ashford and Councillor Naimo substituted for Councillor Mrs Knight.

13. Declarations of Interest

There were no declarations of interest.

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

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

15. Application for a review of the premises licence issued under the Licensing Act 2003 for The Best Western Falstaff Hotel, 16-20 Warwick New Road, Royal Leamington Spa

The committee received a report from Health and Community Protection which advised that, under the provisions of the Licensing Act 2003, a responsible authority could apply for a review of a premises licence if they felt that the licensing objectives were not being met.

In this case, Warwickshire Police had made representations and called for a review of the premises licence for The Best Western Falstaff Hotel, 16-20 Warwick New Road, Royal Leamington Spa. In addition, a further representation from Warwickshire Fire and Rescue had been received.

Members were asked to consider the information contained in the report, and to determine what action, if any, to take further to Warwickshire Police and Warwickshire Fire and Rescue representations and the premises licence holder's response to these.

Having heard representations from the interested parties, witnesses and the licence holder, the Committee

Resolved that

- (1) the licence shall be suspended for a period of three months;
- (2) the Designated Premises Supervisor shall be removed;
- (3) and a number of conditions shall be imposed as per the confidential minutes.

(The meeting ended at 4.51 pm)

CHAIRMAN

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Wednesday 6 June 2018, at the Town Hall, Royal Leamington Spa at 10.00am.

Present: Councillors H Grainger, Mrs Hill and Murphy.

Also Present: Mr Howarth (Council's Solicitor), Mrs Dury (Principal Committee Services Officer) and Ms Russell (Licensing Enforcement Officer).

Mrs Rose (Licensing Team Leader) and Ms Munir and Ms Wells (Warwickshire County Council Solicitors) were present, but observing only.

1. **Substitutes**

Councillor Mrs Hill substituted for Councillor Quinney. The Committee Services Officer explained that a change in Panel membership had occurred at a Licensing & Regulatory Committee meeting that had been held after the agenda for the current Panel hearing had been published. Councillor Quinney had been appointed to this Panel but had given apologies for this hearing, so Councillor Mrs Hill had been appointed to substitute for him.

2. **Appointment of Chairman**

Resolved that Councillor Murphy be appointed as Chairman for the hearing.

3. **Declarations of Interest**

There were no declarations of interest.

(A problem with the microphones meant that the meeting was adjourned at 10.04 am for six minutes, whilst the issue was rectified.)

4. **Application for a variation of a premises licence issued under the Licensing Act 2003 for Royal News, 42 Bedford Street, Royal Leamington Spa**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a variation of a premises licence for Royal News, 42 Bedford Street, Royal Leamington Spa.

The Chairman asked the members of the Panel and the officers present to introduce themselves. The other parties then introduced themselves as:

- Mr Uniss Ali Mohamed – the applicant, Royal News;
- Mr Heath Thomas – the applicant's solicitor; and
- Sergeant Alison Wiggins – Warwickshire Police Safe Neighbourhood Team.

There were no interested parties present.

The Council's Solicitor explained the procedure for the hearing.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, in order to determine if the variation application for a premises licence should be granted and, if so, whether the licence should be subject to any conditions.

Mr Mohamed had applied for a variation of the premises licence for Royal News on 25 April 2018. The premises operated as a newsagent and off licence. The application was for the extension of the hours the premises could sell alcohol for consumption off the premises to fall in line with the current opening hours. A copy of the current premises licence was attached as appendix 1 to the report and details of the variation were set out as below:

	Current hours: Sale of Alcohol for consumption off the premises	Hours applied for under variation: Sale of Alcohol for consumption off the premises
Monday to Sunday	06:00 to 22:00	06:00 to 00:00

An operating schedule had been supplied by the applicant and would form part of any licence issued and was detailed in the report at paragraph 3.2.

The Licensing Department had received a representation from Warwickshire Police which was attached as appendix 2 to the report. No other representations had been received.

The premise was located within the Council's Cumulative Impact Zone and a map of the area was attached as appendix 3 with photographs of the area attached at appendix 4 to the report.

The Chairman asked the applicant or his solicitor to introduce the application. Mr Thomas informed the Panel that he had acted on behalf of the applicant since 2015 when he had first applied for a licence. The applicant lived above the premises and had appeared before a Panel several times when he needed to vary a licence. The previous owner had only wanted to operate until 7pm but the applicant had wanted to extend these hours and so a trial period had been agreed in 2016 in liaison with the Police for opening until 10pm on the basis that, if successful, the applicant would apply to vary the licence. Now the applicant wished to operate until midnight and had again liaised with the Police but this time the Police had informed him that they would object to this extension. The application had therefore come before the Panel for a decision.

Mr Thomas informed the Panel that in the course of reviewing the evidence supplied by the Police, he had spoken to his client and it had been agreed to moderate the application so that the terminal hour would be 23:00 hours. His client was very aware of issues of anti-social behaviour in the town centre which occurred from midnight onwards. He had therefore taken on-board the comments raised by the Police and felt that a variation to extend up to 23:00 would not cause problems. Mr Thomas then informed the Panel that they formally wished to amend the variation of the licence to 23:00 hours.

Mr Thomas drew the Panel's attention to the report which listed the licensing conditions which were comprehensive. He pointed out that in the time the applicant had run the shop, there had not been any evidence that he sold to

people already intoxicated or to underage people. He also stated that there was no evidence from the Police that his application would contravene the licensing objectives and pointed out that the licence holder was only responsible for trouble caused from customers to his shop in the immediate vicinity of it. There was no evidence to show any breach of the Licensing Objectives, nor evidence to suggest a negative impact on the Cumulative Impact Zone. He also felt that there would not be any issue with the reduction to 23:00 hours.

Mr Thomas suggested that the Police representation should be scrutinised and that the Panel should take a balanced view. Page 9 of the documents provided by the Police talked about car parking issues but this was not a matter for the Panel to consider because it was a highways issue, so the Panel should not take this into consideration. The Police had not provided any CCTV, statistical or any other evidence of any sort against his client. Evidence provided with street marshal confiscation of alcohol was not specific as to location. Mr Thomas would have expected more information. He pointed out that the street marshal initiative had been established to deal with anti-social behaviour at taxi ranks, and it was not designed for the purposes of monitoring anti-social behaviour at shops selling alcohol. The University had requested the street marshal scheme and it had been agreed that the starting time for street marshals would be 23:00 hours which indicated that hours prior to 23:00 should not cause issues at the premises. The evidence provided by the Police in respect of seizure of alcohol was from midnight onwards and this evidence had been collected by people who only started work at 23:00.

His client had a refusal policy and was strict on refusing to sell alcohol to clients who were clearly intoxicated. Alcohol sold was put in carrier bags so that it could be drunk at home. Mr Mohammed had offered to label all bottles to show that they had been sold at Royal News. If there was real concern about litter, then any littering of products sold at Royal News would then be traceable back to the shop.

Mr Thomas had examined the Council's Licensing Policy and found that it was based on crime figures ten years old. Mr Thomas had therefore found more recent crime figures for Warwickshire on the Web and these showed a reduction by one-third for crimes attributable to alcohol; these being borne out by a corresponding drop in violent crime by 32%.

Mr Thomas contended that a grant of a variation of licence to 23:00 hours would not give rise to an increase in anti-social behaviour. There was no evidence provided that showed there would be a breach and the evidence submitted from street marshals was for incidents after 23:00. The amended hours would therefore be unlikely to affect the Cumulative Impact Zone. It was pointed out that Royal Leamington Spa Town Council had made representations at the previous variation of hours submitted in 2016; this time the Council had not submitted a representation. He assured the Panel that if it granted the extension to 23:00, there would be no further application for later hours than that.

In response to questions from the Panel, Mr Thomas replied that:

- The evidence showed that problems occurred from midnight onwards. People had been refused alcohol sales. His client lived above the premises so that was one reason why he refused to sell alcohol to those intoxicated. A Refusals book was maintained.

- Only two staff worked in the shop at all times. It would be too crowded to have more staff working at any time.

Sergeant Wiggins confirmed that the Police still objected to the application to vary the licence even with the amendment to 23:00. She informed the Panel that there were no concerns on how the premises operated; the objection was purely on the grounds of the extension of hours. Currently the premises operated until 22:00, but the application was for an extension up to midnight. Sergeant Wiggins drew the Panel's attention to her experience dealing with the night-time economy and the premises were located at the heart of this. Pedestrian footfall after 22:00 was heavy and there would be issues with cars parking which would be a public safety issue.

Sergeant Wiggins reiterated that the Council had introduced the power to seize alcohol and the information from the street marshals was on the days when most alcohol was seized. If more alcohol was sold, then crime and disorder would increase. There was also the risk of people "pre-loading" before entering licensed premises. This was the third application from Royal News and if the extension to midnight was granted there would be a rise in anti-social behaviour, litter and the availability to use bottles as weapons. Sergeant Wiggins therefore requested that the Panel should refuse the application.

In response to questions from the Panel, Sergeant Wiggins responded that:

- The Police were objecting to an extension of hours from 22:00 hours. (The Chairman had pointed out that the applicant had revised the application from midnight to 23:00.)
- There were other premises operating until 23:00, but these closed at 22:00. It was not the responsibility of the Police to provide evidence that the extension would cause problems, just to provide evidence that the extension would add to the problems in the saturation zone.
- She could not comment on whether the previous extension in hours in 2015 and 2016 had resulted in problems at the individual premises because the evidence provided did not include this information.

Mr Thomas confirmed that he had no questions for the Police.

The Chairman asked Mr Thomas to sum up his case for his client. Mr Thomas stated that the concerns from the Police had been taken on board and had resulted in the moderated application. The Police had not provided any evidence of incidents at the premises or that a rise in hours would result in an increase in anti-social behaviour there. The marshal scheme started at 23:00 and this fact was not disputed by the Police, nor had the reason the scheme had been originally introduced been disputed. Nothing had been stated to support that a rise by one hour would have a negative impact. The issue raised by the Police about parking was not within the Panel's remit, and there was no evidence of any crimes connected to the premises.

Mr Thomas drew the Panel's attention to the "Thwaites" case where it was concluded that the decision had to be evidence based. What was before the Panel was perceived concern and not borne out under closer scrutiny. The Panel also had the power to use discretion in respect of the Cumulative Impact Zone.

Sergeant Wiggins informed the Panel that it was the duty of the Police to protect citizens from harm and not for the Police to prove harm. The Panel would have to decide.

The Council's Solicitor asked if the two County Council solicitors observing could remain in the room whilst the Panel was deliberating its decision; Mr Thomas was amenable.

At 11.03am, the Chairman asked all parties other than the Panel, the Council's Solicitor, Ms Munir and Ms Wells and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved that the application for a variation to the licence be **granted** subject to the amendment to the terminal hour of 23:00 hours.

The Panel has considered the report from Licensing and has heard the representations from the applicant and the Police. The Panel has also given due consideration to the statutory guidance published under Section 182 of the Licensing Act 2003 and the Council's statement of Licensing Policy.

The Panel note that the premises is situated within the Cumulative Impact Zone and therefore the onus is on the applicant to demonstrate that the grant of a licence will not impact on any of the four licensing objectives.

The Panel notes that the applicant has amended their application to change the terminal hour to 11pm.

The Panel heard from the applicant's representative that there is currently a licence until 10pm and that there are already a number of conditions attached to that licence which provide such matters as CCTV and staff training. The Panel also heard that there is no evidence of incidents of sales of alcohol to intoxicated individual or minors, nor is there any evidence that the sale of alcohol from these premises has resulted in problems of people drinking on the street.

The Panel heard from the applicant's representative that the Police have not provided any CCTV evidence or statistics or crime reports and that the only evidence provided by the Police to support their representation is a chart showing seizures made by Street Marshals over a 12 month period from January 2017 to January 2018.

The Panel heard from the Panel's representative that the Street Marshals did not go on duty until 11pm and this suggested that there were no problems in relation to open bottles being carried onto the street prior to this time. The Panel notes that this has not been challenged by the police.

The Panel heard from the applicant's representative that the applicant operates a refusals book policy. Further that the applicant lives above his premises and therefore has a good knowledge regarding his customers.

The applicant's representative has informed the Panel that the applicant would agree to the imposition of a condition requiring him to label his bottles so that in the event there was a problem with littering or incidents where such bottles have been used as weapon, the bottles can be traced back to the premises.

The Panel heard from the Police that they had no concerns how the premises had been operated and that their concerns related to the problems which would be caused if the application was granted. The Panel heard from the Police that the premises are located in the heart of the night time economy and that the footfall in this area was heavy. The Police informed the Panel that their concerns related to the potential impact on public safety caused by customers to the premises parking on double yellow lines and the concern that bottles from the premises could be used as weapons and could become trip hazards if left on the street.

The starting point for this Panel in coming to its decision is the case of *Thwaites*, which is authority for the view that any decision by this Panel must be evidence based and must not be based purely on perceived concerns. The Panel notes that the Police have not provided any evidence of any incidents of crime and disorder which can be traced back to the licensed premises nor have the Police provided any statistics or crime reports. The only evidence provided by the Police relates to seizures by Street Marshals which have taken place after 11pm.

The Panel has not seen any evidence from the Police that customers of the premises will park on double yellow lines and that this will result in a public safety issue. In any event, such matters are outside the control of the premises licence holder and therefore should be considered a highways issue, not a licensing issue.

Having considered all of the evidence before the Panel today, the Panel is satisfied that there is no evidence that the grant of the licence will impact upon any of the licensing objectives.

The Panel has considered whether it is appropriate to impose conditions upon the licence relating to the minimum number of staff that should be on duty when the premises is open and also the labelling of bottles. The Panel does not however feel that the imposition of such conditions is appropriate. It is however open to the applicant to label

their bottles and that this could be considered to be good practice.

The Panel therefore grants the licence in accordance with the report subject to the amendment to the terminal hour of 11pm.

At 12.19pm, all parties were invited back into the room (Sergeant Wiggins had left) and the Chairman invited the Council's Solicitor to read out the Panel's decision. The Council's Solicitor informed all parties that they had a right to appeal against the decision to the Magistrates Court within 21 days from receipt of the Notice of Decision.

(The meeting ended at 12.24pm)

CHAIR
26 November 2018

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 12 June 2018, at the Town Hall, Royal Leamington Spa at 2.00pm,

Present: Councillors Gifford, H Grainger and Mrs Hill

Also Present: Ms Munir (Council's Solicitor), Mrs Barnes (Senior Committee Services Officer) and Ms Russell (Licensing Enforcement Officer).

Ms Wells (Warwickshire County Council Solicitor) was present, but observing only.

At the start of the meeting the Committee Services Officer advised those present that Agenda Item 4, Street Trading application, was not confidential and would be discussed in the public domain. This had been an error in the printing process.

1. **Substitutes**

Councillor H Grainger substituted for Councillor Mrs Cain.

2. **Appointment of Chairman**

Resolved that Councillor Gifford be appointed as Chairman for the hearing.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Street Trading application for trading between the hours of 11:00 and 21:00 and alteration of Condition 5**

The Panel considered a report from Health and Community Protection which sought a decision on a street trading application.

The Chairman asked the members of the Panel and the officers present to introduce themselves. The other parties then introduced themselves as:

- Mrs Heer – applicant; and
- Mr Heer – supporting the applicant.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, in order to determine if the application for a street trading consent for the sale of Indian Food from a mobile food unit between the hours of 11:00 and 21:00 across the District. Members were also asked to consider the removal or amendment of condition 5 which stated 'Touring consent holder shall not trade from the same location for more than 15 minutes (or until queuing customers have been served) at any one time. There is to be no return to any location within two hours of previous trading'.

The report advised Members that anyone who exposed goods for sale within the District needed a street trading consent issued by the Council.

The current Warwick District Council policy permitted trading between the hours of 08:00 hours and 18:00 hours.

Mrs Heer had applied for consent in May 2018 which, if granted, would permit her to trade in all streets in the District. A copy of the application form was attached as appendix 1 to the report. In addition, Mrs Heer had advised that in certain circumstances she would need longer than the '15 minutes' permitted for a touring consent holder to trade from the same location. A list of conditions attached to any standard touring street trading consent issued was attached at appendix 2 to the report.

The Chairman invited the applicant, Mrs Heer, to outline her application. She explained that she had a corporate background in Human Resources, however, she had decided that she wanted a change of career. The extension of the hours would allow her to set up, heat and cook food, serve customers and clear away. She felt that this business proposal required different hours to the regular ice cream van and would be aiming to serve lunch and evening meals and would not be operating early in the morning. She felt this was an exciting venture which she hoped would benefit residents in villages which did not have takeaway facilities. In addition, she hoped this would assist with community cohesion and could support sporting fixtures and community events taking place at village halls and clubs. The aim was to have a roster timetable with the potential of utilising GPS services to allow residents to track their whereabouts.

In response to questions from the Panel, Mr and Mrs Heer advised that:

- Ideally, they would like to have an unlimited timeframe because 15 minutes was too short, however, they were open to suggestions.
- The proposal was not to be parked all day but to have lunchtime and evening slots, such as 19:00 until 21:00.
- The food would take approximately 30 to 40 minutes to heat up.
- Mrs Heer had provided catering for friends and it was part of her culture.
- To begin with, they would like to target rural areas that did not currently have takeaway facilities such as Stoneleigh, Ashow and Baginton.
- After serving, they would clean up and allow the equipment to cool down – they would have specific containers for water waste, disposable containers and all waste would be taken home.
- The energy would be supplied by a generator and gas bottles.

In summation, Mr Heer advised that they had made an investment in the catering van and had obtained the appropriate hygiene licenses. Initially, they would be looking to serve their own community and all the correct courses had been followed.

At 2.25pm, the Chairman asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved that, having listened carefully to the applicant and the details of the proposal, the Panel is happy to grant consent in accordance with the application. The standard conditions will apply to the consent with the removal of condition 5 and to allow the hours of trading between 11:00 hours and 21:00 hours.

At 2.32pm, all parties were invited back into the room and the Chairman invited the Council's Solicitor to read out the Panel's decision.

Mr and Mrs Heer left the meeting at 2.35pm.

5. **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 and 2 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

The full details of Minute Number 6 will be provided in the confidential minutes. A summary is provided as follows:

6. **Application for a Hackney Carriage Private Hire Driver's licence from a person previously licensed with WDC and with undeclared convictions**

The Panel considered a report from Health and Community Protection which asked it to determine an application from a person previously licensed with the Council.


In their application form, the person had failed to declare convictions.

Following consideration of the report and having heard from the individuals present, the Panel

Resolved that the individual is not a Fit and Proper Person to hold a Hackney Carriage/Private Hire Drivers' licence and the application should not be allowed to continue.

(The meeting ended at 4.34pm)

CHAIR
26 November 2018

 Licensing & Regulatory Committee 26 November 2018		Agenda Item No. 6
Title	Community Governance Review	
For further information about this report please contact	Graham Leach Democratic Services Manager & Deputy Monitoring Officer graham.leach@warwickdc.gov.uk 01926 456114	
Wards of the District directly affected	Budbrooke, Kenilworth St John's, Kenilworth Park Hill, Sydenham and Whitnash	
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	Licensing & Regulatory Committee 8 October 2018	
Background Papers	The Local Government and Public Involvement in Health Act 2007.	

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)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	19/11/2018	Andrew Jones
Head of Service		
CMT		
Section 151 Officer	19/11/2018	Mike Snow
Monitoring Officer	19/11/2018	Andrew Jones
Finance	19/11/2018	Mike Snow
Portfolio Holder(s)		Andrew Mobbs
Consultation & Community Engagement		
Electoral Services Manager – 19/11/2018		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
There will be further reports to come back to the Committee following the consultation.		

1. **Summary**

- 1.1 The report brings forward the recommendations for the Community Governance Reviews following initial consultation as requested by the Licensing & Regulatory Committee at its meeting on 8 October 2018.

2. **Recommendations**

- 2.1 The Licensing & Regulatory Committee, subject to agreement from the Local Government Boundary Commission for England (LGBCE), makes the following Community Governance Orders as follows:
- (i) That Norton Lindsey Parish Council be increased in size to seven Councillors;
 - (ii) That Kenilworth Town St. John's Ward and Kenilworth Town Park Hill Ward are sub divided as defined by Plans 1 to 3 of the report and comprised of St John's Ward (4 Councillors), Borrowell Ward (3 Councillors), Park Hill Ward (4 Councillors) and Dalehouse Ward (4 Councillors); and
 - (iii) That the boundary between Whitnash and Leamington Sydenham in the Campion School area, be as set out as in Plan 5 to this report.
- 2.2 Subject to approval of recommendation 2.1 in accordance with the Local Government and Public Involvement in Health Act 2007 the above Orders be published (on the District Council website, at Riverside House and in local newspapers). Notify Warwickshire County Council (WCC) the affected Town/ Parish Council's and District Ward Councillors, as well as other relevant agencies of the Orders.

3. **Reasons for the Recommendations**

- 3.1 The 8 October 2018 meeting of the Committee considered and approved the recommendations for the three Community Governance Reviews, under the Local Government and Public Involvement in Health Act 2007, for the following:
- (i) Amending the boundary of Whitnash and Royal Leamington Spa that runs through Campion School;
 - (ii) Subdividing the Kenilworth Town Council Wards of St John's and Park Hill; and
 - (iii) To increase the size of Norton Lindsey Parish Council from five to seven Councillors.
- 3.2 The recommendations were duly consulted on from 12 October to 16 November 2018 with the relevant Town/Parish Council, Ward Councillors and Warwickshire County Council being notified. In addition these were advertised on the District Council's website, published at Riverside House and in the Leamington & Warwick Couriers/Kenilworth Weekly News.
- 3.3 There were three responses to the consultation. These were from Warwick District Council Labour Group, Royal Leamington Spa Town Council and Whitnash Town Council. Warwick District Council Labour Group and Royal Leamington Town Council raised no objection to the proposals and Whitnash Town Council supported the proposal in respect of the boundary between themselves and Royal Leamington Spa. Therefore officers consider that the Orders should be made.
- 3.4 The Committee will be aware that the boundaries in respect of Kenilworth, Royal Leamington Spa & Whitnash have been amended within the last five

years and therefore approval for the Council to make the proposed Orders will be required from the LGBCE. Based on informal discussions with the LGBCE officers are confident these will be approved.

- 3.5 Recommendation 2.2 provides authority for Officers to notify the relevant parties once the Orders are made

4. **Policy Framework**

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

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit.

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		
The proposals within the Community Governance Reviews are intended to reflect the identities and interests of the community in that area; and are effective and convenient.	None	None

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		
<i>None</i>	<i>None</i>	<i>None</i>

4.2 **Supporting Strategies** - there are no specific supporting strategies in relationship to this piece of work.

4.3 **Changes to Existing Policies** - There are no proposed changes to existing policies.

4.3 **Impact Assessments** – No impact assessments have been undertaken because the proposals must fit within the established national the statutory criteria.

5. Budgetary Framework

5.1 The report does not have a direct budgetary impact and the costs of the making the Orders will be met from within existing budgets.

6. Risks

6.1 The only associated risk with this recommendation is the time taken to by the LGBCE to determine if the Council can make these Orders. If the decision approve the recommendations is delayed this will remove the ability to implement the reviews before the May 2019 elections.

7. Alternative Option(s) considered

7.1 No alternative options were considered for the recommendations in this report because the responses received to the consultation raised no objections and therefore it is considered appropriate to make the Orders.

