

Licensing & Regulatory Committee

Minutes of the meeting held on Tuesday 31 May 2016, at the Town Hall, Royal Leamington Spa at 4.00 pm.

Present: Councillors Ashford, Cain, Mrs Cain, Davies, Day, Edgington, Gifford, Illingworth, Mrs Knight, Mann, Quinney and Weed.

1. Apologies and Substitutes

- (a) Apologies for absence were received from Councillors Mrs Falp, Miss Grainger and Murphy; and
- (b) Councillor Edgington substituted for Councillor Redford, Councillor Day substituted for Councillor Stevens, Councillor Mrs Knight substituted for Councillor Gill and Councillor G Cain substituted for Councillor Gallagher.

2. Appointment of Chair

The Committee

Resolved that Councillor Illingworth be appointed Chairman for the ensuing municipal year.

3. Appointment of Vice Chairman

The Committee

Resolved that Councillor Mrs Falp be appointed Vice Chairman for the ensuing municipal year.

4. Declarations of Interest

Minute Number 9 - Policies for Hackney Carriage / Private Hire Drivers and Operators

During the course of the meeting, Councillor Edgington declared an interest because he had been present at the Warwick Town Council meeting when this report was discussed.

5. Minutes

The minutes of the meeting held on 11 April 2016 were agreed and signed by the Chairman as a correct record.

6. Appointment of Sub-Committees

The Committee considered the membership of the Licensing & Regulatory sub-committees and confirmation of meeting dates and

Resolved that the membership of the sub-committees be as follows:

| Panel A | Panel B | Panel C |
|--|---|--|
| Councillor Mrs Falp Councillor Redford Councillor Mann | Councillor Gifford Councillor Ashford Councillor Mrs Cain | Councillor Gill Councillor Davies Councillor Mrs Stevens |

| Panel D | Panel E |
|--------------------------|----------------------|
| Councillor Quinney | Councillor Weed |
| Councillor Illingworth | Councillor Gallagher |
| Councillor Miss Grainger | Councillor Murphy |

7. **Inquorate Parish Council, Local Government Act 1972 Section 91 – Weston-Under-Wetherley Parish Council**

The Committee received a report from Democratic Services which brought forward proposals to appoint three Parish Councillors to Weston-under-Wetherley Parish Council following the resignation of all of the existing Parish Councillors.

At the Annual Parish Meeting of Weston-under-Wetherley Parish Council on 11 May 2016, all five of the Weston-under-Wetherley Parish Councillors resigned, leaving the Council inquorate and unable to operate until new Councillors were appointed. The Council was normally made up of six Councillors with a quorum of three, but the Council had been carrying a vacancy. The Parish Clerk had also resigned.

Whilst this state of affairs was the responsibility of the Parish Council, there was statutory provision to cover such an eventuality. This provision entitled the District Council to appoint, on a temporary basis, a sufficient number of Parish Councillors to enable the work of the Parish Council to continue until elections could be held.

The Local Authority (Functions and Responsibilities) (England) Regulations 2000 defined this matter as a function relating to elections and stated that it could not be an Executive function. The Licensing & Regulatory Committee was delegated all powers for the Council in relation to Elections and Electoral Registration and it therefore needed to consider this matter.

The report therefore recommended that three persons be appointed to the Parish Council to ensure it was quorate. Two of those persons were the District Councillors representing the Cubbington and Stoneleigh Ward and the third was the existing Warwickshire County Councillor representing the Cubbington Division. These nominees were felt to have knowledge of the area and operation of the Council and would also be able to begin the recruitment process for the new clerk.

An alternative option was that the Council could consider not appointing to the vacant positions and could wait instead for the outcome of an election in due course. However, this approach would stop the Parish Council from operating for an unknown period and remove this important voice from the community.

Recommended that the Chief Executive uses his delegated powers to take an urgent decision and confirm the Order, as set out at Appendix 1 to this report, be made to appoint three Parish Councillors to Weston-under-Wetherley Parish Council to ensure that the Council is quorate, and that they be the two District Councillors for the Cubbington & Stoneleigh Ward (Councillors Harrington and Mrs Redford) and the Warwickshire County Councillor for the Cubbington Division (Councillor Wallace Redford).

8. **Review of Street Trading Policy**

The Committee received a report from Health and Community Protection which presented a draft reviewed Street Trading Policy.

The report advised that over the last two years, officers had been undertaking a review of the policy associated with the licensing of Street Trading. Officers had considered local and national examples of best practice in establishing where improvements in the policy could be made.

The current policy was used for the assessment of every new and renewing application for street trading consents and the review aimed to address the concerns of officers, the general public and Councillors.

Members noted that it was only currently possible to apply for a full, annual street trading permit within Warwick District. Officers felt that this restricted some traders who may wish to trade for a limited period only. In addition, the proposed policy would require all traders and staff to provide photographic identification with their application and included the introduction of DBS checks. A copy of the draft policy was attached at Appendix 1 to the report.

It was hoped that the proposed policy would aid officers with monitoring and ease compliance checks throughout the duration of the permit.

For ease, a summary of the changes was attached as Appendix 2 to the report and outlined the additional conditions which would be attached to the licence, revised measures to assess the suitability of the applicant and explained the extension of permitted trading hours by two hours.

Members were asked to agree to a public consultation being undertaken on the policy, to commence 8 July 2016, with a view to concluding on 19 August 2016. The policy would be made available on the Council's website and existing permit holders and stakeholders would be written to, advising them of the consultation.

Once consultation responses had been received, the policy would be revisited and revised if necessary, and submitted to the Executive for approval towards the end of October 2016.

Members agreed that many events in towns and villages throughout the District, such as Food Festivals, were important to the local economy and suggested including positive wording to encourage future participation.

Officers clarified the methods of consultation and listed the various parties who would be written to requesting their input, including current licence holders and organisers of events and Disability Awareness Groups.

Members thanked officers for the report and

Resolved that a public consultation on the proposed Street Trading Policy, attached as Appendix 1 to the report, be undertaken.

9. **Policies for Hackney Carriage / Private Hire Drivers and Operators**

The Committee received a report from Health and Community Protection which presented the reviewed policies relating to drivers, vehicle owners and operators of hackney carriages and private hire vehicles.

Officers had reviewed all policies and standards associated with the licensing of hackney carriages and private hire activities, in line with the request made by the Executive during their meeting on the 1 October 2014.

The draft policy had been consulted upon and the comments received were reviewed against the proposed policy. The resulting policy was attached as Appendix 1 to the report.

The proposed policy was a consolidation of the existing policies which had been amended, updated and reviewed. Many of the standards laid down in the revised policy were the same or similar to the current policy. Officers had reviewed the policies, procedures and guidance documents for the licensing regime of hackney carriage and private hire, compared them to neighbouring authorities and sought input from relevant stakeholders throughout the process. This had included the Drivers and Operators Forum, Medical Professionals and Persons with Disability representatives.

The policy was sent out for public consultation which closed on 13 May 2015 and the comments received were detailed in Appendix 2 to the report.

For ease of comparison, a summary of the changes was supplied at Appendix 3 and the subsequent amendments made to the policy following the consultation were detailed in Appendix 4 to the report.

The report advised that the existing policies were available on the Council's website and could be provided as a hardcopy at the committee meeting.

The Executive was due to review the proposed policy at their meeting on 2 June 2016. The Committee was asked to comment on the proposed policy and any comments made would be supplied to the Executive prior to their meeting.

Councillor Illingworth highlighted a number of typing errors on various pages throughout the policy which were noted by the officers.

The issue of vehicles being used for advertising was discussed and officers clarified the difference between external vehicle advertising and notices being placed inside the vehicle. The Head of Health and Community Protection reminded Members that any additional pictures could obscure the licence plate, making it more difficult for customers to identify the correct markings. Some members felt that external advertising would detract enormously from the markings that should distinguish taxis from other road users.

However, Members noted that no comments had been received during the consultation relating to this issue. It was also noted that there were two contrary paragraphs in the policy; one on page 44 and the second in Item 13, detailed on page 103. It was agreed that a balance between the two statements needed to be made clear to avoid confusion.

The Committee congratulated the officers on providing a very thorough piece of work addressing such complex issues.

The Portfolio Holder for Health and Community Protection, Councillor Grainger, addressed Members and highlighted that the revised policy would be accessible via the Council's website and officers would work to continue to maintain the good relationship they had with the Drivers' Forum.

The Committee therefore

Resolved that the minor grammatical alterations suggested to officers be made prior to the policy being submitted to the Executive, including clarification of the statements made relating to advertising.

10. **Sex Establishment Policy – Consultation Feedback**

The Committee received a report from Health and Community Protection which presented the comments received on the Sex Establishment Policy, applicable to all sexual entertainment establishments within Warwick District.

The current Warwick District Council Sex Establishment Policy was used to outline the Council's approach to applications for the use of premises as sex shops, sex cinemas and sexual entertainment venues.

In 2014, a public consultation was undertaken to investigate the feelings of residents and businesses within Warwick District with regard to the location of sexual entertainment venues. The outcomes of this consultation were reported to the Executive in March 2015. The consultation focused on the four town centre locations within the District and these areas were highlighted within the proposed policy.

Counsel's advice was sought to assess the outcomes of the consultation and this advice was attached to the Executive report in March 2015. The advice recommended that a review of the policy should also include a review of the conditions applied to any licence.

Officers had therefore undertaken a full review of the policy and the proposed conditions that would be attached to any premises granted a licence under this legislation. In addition, legal opinion had been sought throughout the drafting of the policy to ensure that the proposed policy was robust, proportionate and transparent.

This report introduced the comments that had been received following the public consultation on the revised policy. No comments had been made by the Council to the responses, which were detailed in Appendix 4 to the report, and consisted of three positive responses and one comment regarding concerns.

The existing policy was attached as Appendix 1 and the proposed policy was outlined at Appendix 2 to the report. A summary of the main alterations had also been included at Appendix 3 to the report.

The Committee was asked to note the responses received and provide any additional comments to assist the Executive in making a determination.

The Head of Health and Community Protection outlined the report and addressed the significant changes to the policy. Members sought clarification on a number of sections, including the external notices at the premises, the maps attached to the policy and the numbering of paragraphs within the document.

Having considered the report and having heard from the officers present, the Committee

Resolved that

- (1) the comments received be noted; and
- (2) the proposed policy be recommended for approval by the Executive.

(The meeting ended at 5.15 pm)

This Order is made on the 1 day of June two thousand and sixteen by the WARWICK DISTRICT COUNCIL (HEREINAFTER CALLED "The Council").

- 1 WHEREAS following insufficient nominations to Weston Under Wetherley Parish Council, three councillors are required to ensure the Parish Council remains quorate.
- 2 Under Section 91 of the Local Government Act where there are so many vacancies in the Office of Parish Councillors that the Parish Council are unable to act, the District Council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected to take up office.

Now in pursuance of the Power confirmed upon it by Section 91 of the Local Government Act 1972 the Council hereby appoints the following persons to act as Members of Weston Under Wetherley Parish Council until an election has been held to fill such vacancies as shall constitute and re-establish a quorum in the respective Parish Council where upon such appointment shall cease.

**WESTON UNDER WETHERLEY
PARISH COUNCIL**

(insert three names)

THE COMMON SEAL of
WARWICK DISTRICT COUNCIL
was hereunto affixed this 1 day of
June)
two thousand and sixteen
in the presence of:

) District Councillor
) for the Stoneleigh Cubbington
) Ward
) Nicholas Harrington
) District Councillor
) for the Stoneleigh & Cubbington
) Ward
) Councillor Mrs Pam Redford, and
) Warwickshire County Councillor
) for the Cubbington Division
) Wallace Redford.

.....
Chief Executive