

A meeting of the above Committee will be held remotely on Wednesday 5 May 2021, at 7.00pm, or the conclusion of Annual Council whichever is the later, and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership, subject to the approval of Council on 5 May 2021:

Councillor A Boad
Councillor G Cullinan
Councillor A Evans
Councillor C Gifford
Councillor T Heath
Councillor G Illingworth
Councillor V Leigh-Hunt

Councillor M Luckhurst
Councillor M Mangat
Councillor M Noone
Councillor D Norris
Councillor P Redford
Councillor S Syson
Councillor T Wright
(A Vacancy for the Green Group)

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. Appointment of Chairman

To appoint the Chairman of the Committee for the municipal year 2021/22.

3. Appointment of Vice-Chairman

To appoint the Vice-Chairman of the Committee for the municipal year 2021/22.

4. 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 disclosed 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.

5. Minutes

To confirm the minutes of the meeting held on 13 April 2021 **(Pages 1 to 4)**

6. Appointment to Licensing & Regulatory Panels

- (a) To appoint the membership of the Licensing & Regulatory Panels for the municipal year 2021/21.

The proposal below is provided by officers based upon a mix of experience, party and ward/town representation.

	Councillor	Councillor	Councillor
Panel A	Heath (Whitnash)	Leigh-Hunt (Rural)	C Gifford (Leamington)
Panel B	Illingworth (Kenilworth & Rural)	Evans (Leamington)	Noone (Warwick)
Panel C	Wright (Rural)	A Dearing (Kenilworth)	Boad (Leamington)
Panel D	Syson (Leamington)	Norris (Rural)	Cullinan (Leamington)
Panel E	Redford (Rural)	Luckhurst (Leamington)	Mangat (Leamington)

- (b) To appoint all members of the Committee as substitutes for the above Panels.
- (c) To note that by virtue of the Licensing Act 2003 the Panels do not have to be politically proportionate to the Council and confirm the departure from political proportionality for the Panels not considering matters made under the Licensing Act 2003.

7. Minor amendment to procedure for Licensing & Regulatory Panels

To consider a report from Democratic Services **(Pages 1 to 3)**

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For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at LandRCommittee@warwickdc.gov.uk

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The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

Licensing and Regulatory Committee

Minutes of the remote meeting held on Tuesday 13 April 2021 at 4.30pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Heath (Chairman); Councillors Boad, Cullinan, A Dearing, C Gifford, Grey, Illingworth, Leigh-Hunt, Luckhurst, Mangat, Murphy, Norris, Syson, Wright.

43. **Apologies and Substitutes**

- (a) an apology for absence was received from Councillor Evans; and
- (b) Councillor Wright substituted for Councillor Redford.

44. **Declarations of Interest**

Councillor Illingworth declared an interest because he was Chairman of the Royal British Legion in Kenilworth, and therefore heavily involved in the Poppy Appeal.

45. **Minutes**

The minutes of the Committee meeting held on 8 February 2021 were taken as read and signed by the Chairman as a correct record.

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

The minutes of the Licensing & Regulatory Panels held on 26 January 2021, 16 February 2021, and 4 March 2021 were taken as read and signed by the Chairman as a correct record.

47. **Proposed House to House Collections Policy – Request for public consultation**

The Committee considered a report from Health and Community Protection which presented a draft policy for House to House Collections, and requested it to be put forward for public consultation and then adopted by the Executive.

The Licensing Authority was required to authorise house to house collections under the House to House Collections Regulations 1947.

The purpose of the policy was to provide clear guidance for officers and Councillors on what matters should be taken into account when determining applications for house to house collections. It also set out the reasonable expectations of applicants for charitable collections within Warwick District.

In considering each application for the grant of a house to house collection, the guidance provided by the policy document would be applied in a consistent, fair and proportionate way.

Having a policy in place ensured that those who wished to donate to charity through house to house collections were able to do so in good faith,

LICENSING & REGULATORY COMMITTEE MINUTES (Continued)

knowing that a significant amount of the money they donated would directly benefit the charity.

A public consultation would ensure that the proposed policy was reasonable and fit for purpose.

There were no alternative options, other than not introducing the policy.

In response from questions from Members, the Licensing Team Leader advised that:

- paragraph 2.8 of the report needed more clarity over what the term 'local' meant, and there would hopefully be some useful consultation comments to help clarify this;
- in relation to the paragraphs at 3.20 of the report, an agreed form of words would be found to clarify the meaning of the percentage of remuneration;
- part of the legislation was that collections could take place any day of the week, including public holidays, and there would most likely need to be very good reason to deviate from this;
- paragraph 2.20 would change to "Warwick District Council reserves the right to **deviate** from the policy where it was satisfied that there was sufficient cause for doing so";
- the Council had always allowed the poppy appeal to collect for four weeks, and this would give time to cover all the streets required;
- enforcement was undertaken by the Licensing Team at the Council, but offences and fines were part of the tariff structure and listed as part of the legislation. Although some fines seemed quite low, the Council could not set the levels of fines;
- the consultation would be sent to anyone who had a house to house collection with the Council, anyone who had previously had a house to house licence, Town and Parish Councils, District Councillors, Police, and the Charities Commission; and
- there would be details in the report and on the Council's website advising how to report suspicious or fraudulent collections.

The Democratic Services Manager & Deputy Monitoring Officer advised Members that the report recommended that the consultation took place between 16 April 2021 and 28 May 2021, but this could be changed to a set period of time, to take into account if something disrupted the plans to hold the consultation on these specific dates.

The Committee therefore

Resolved a public consultation on the draft House to House Collection Policy (attached as appendix 1 to the report) be authorised for a six-week period.

(Councillors Leigh-Hunt and Norris joined the meeting during this item)
(Councillor Boad left the meeting)

LICENSING & REGULATORY COMMITTEE MINUTES (Continued)

48. **Proposed Street Collections Policy – Request for public consultation**

The Committee considered a report from Health and Community Protection which presented a draft Policy for Street Collections and requested that it be put forward for public consultation, and then adopted by the Executive.

The purpose of the policy was to provide clear guidance for officers and Councillors on what matters should be taken into account when determining applications for street collections. It also set out the reasonable expectations of applicants for charitable collections within Warwick District.

In considering each application for the grant of a street collection, the guidance provided by the policy document would be applied in a consistent, fair and proportionate way.

Having a policy in place ensured that those who wished to donate to charity through street collections were able to do so in good faith, knowing that a significant amount of the money they donated would directly benefit the charity.

A public consultation would ensure that the proposed policy was reasonable and fit for purpose.

There were no other alternative options, other than not introducing the Policy.

In response to questions from Members, the Licensing Team Leader advised that:

- paragraphs 1.13 and 1.14 of the report would be amended to clarify when a permit would be required on private land;
- paragraph 2.14 would be amended to clarify that there would be no more than six people collecting monies per area;
- there would be no requirement to supply a Performing Animal Licence with the application form for assistance animals;
- paragraph 2.32 would be amended to read "District Council reserves the right to **deviate** from this policy where it is satisfied that there is sufficient cause for doing so";
- collectors who collect via direct debit were covered under paragraph 2.26 of the report and had to adhere to the Institute of Fundraising Face to Face Activity Code of Fundraising Practice on face-to-face fundraising and any interpretation of the code made by the PFRA (Public Fundraising Regulatory Association), however because they were not taking money face to face, they were not regulated in the same way. The Council had links to the PFRA whereby complaints of harassment could be reported, and since the links had been made there had been fewer complaints;
- there would be details in the report and on the Council's website advising how to report suspicious or fraudulent collections;
- paragraph 2.18 would be amended to change "person" to "persons"; and
- the Council was in contact with the Chartered Institute for Fundraising regarding complaints about the direct debit fundraisers. Once the Covid-19 pandemic eased, it was hoped that the number of

LICENSING & REGULATORY COMMITTEE MINUTES (Continued)

direct debit fundraisers would be about the same level as pre-pandemic, however many charities had lost a lot of fundraising since and would want to be out and about as soon as possible. The Health and Community Department were the lead on public spaces protection orders, which could be considered if the Council had an increase of complaints.

The Committee therefore

Resolved that a public consultation on the draft Street Collection Policy (attached as appendix 1 to the report) be authorised for a six-week period.

49. 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 7 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

50. Minutes of Licensing and Regulatory Panels

The confidential minutes of the Licensing & Regulatory Panel held on 20 January 2021 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 5.34pm)

CHAIRMAN
5 May 2021

Licensing & Regulatory Committee

5 May 2021

Title: Proposed changes to Licensing Panel procedures

Lead Officer: Graham Leach

Portfolio Holder: Andrew Day

Confidential report: No

Wards of the District directly affected: None

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: Yes

Included within the Forward Plan: Yes

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: None

Final Decision: No

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	21/4/2021	Andrew Jones
Head of Service	21/4/2021	Marianne Rolfe
CMT		
Section 151 Officer		Mike Snow
Monitoring Officer	21/4/2021	Andrew Jones
Finance		
Portfolio Holder(s)		Andrew Day

1. Summary

- 1.1. The report brings forward a minor amendment to the process for Licensing & Regulatory Panels in association with holding the meetings remotely.

2. Recommendations

- 2.1. The Licensing & Regulatory Committee agree to cease the need for all parties to be invited back into the meeting, once the decision is taken, to notify them of the decision.

3. Reasons for the Recommendation

- 3.1 Up to May 2020 when determining an item, the Licensing & Regulatory Panel would retire to deliberate a decision with only the Committee Services Officer and Legal Services Officer present to record the decision. Once the decision was agreed all interested parties (and if a public meeting the public as well) had been invited back into the meeting and informed of the decision.
- 3.2 With the advent of remote meetings a temporary measure was introduced, in June last year, so that there was no requirement to invite people back into the meeting to hear the decision. Once a decision is reached a summary of the decision will be published online and sent to all interested parties via email with, as at present, the full decision notice following within the next 7 days.
- 3.3 This was because inviting people back into the meeting provided a technical challenge in terms of pausing the live broadcast (for an undefined period of time) then starting it again for a few minutes while the decision is announced.
- 3.5 Officers have checked the legislative requirement, as well as practice from other Councils, and there is no requirement for the formal announcement of the decision to the interested parties and not all Councils provide this.
- 3.6 This proposal also removes the need for interested parties to wait for the decision (which they often feel obliged to do) which can take anywhere from a few minutes to a number of hours.
- 3.7 This has been operated over the last 12 months through 11 Panels with no adverse comments from parties who attended.

4. Policy Framework

4.1. Fit for the Future (FFF)

- 4.1.1. 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. To that end amongst other things the FFF Strategy contains several Key projects.
- 4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#)..

4.2. **FFF Strands**

4.2.1 **External impacts of proposal(s)**

People - Health, Homes, Communities – No direct impact.

Services - Green, Clean, Safe – No direct impact.

Money- Infrastructure, Enterprise, Employment - No direct impact.

4.2.2. **Internal impacts of the proposal(s)**

People - Effective Staff – This will reduce the demand/need for the officer formally broadcasting the meeting to wait for the decision to be taken to restart the broadcast therefore using less Council resources.

Services - Maintain or Improve Services – This proposal makes the process easier for the customer as they do not need to wait online for a, potentially significant, amount of time. They will be notified the decision electronically as soon as it is taken.

Money - Firm Financial Footing over the Longer Term – No direct impact.

4.3. **Supporting Strategies**

4.3.1. Each strand of the FFF Strategy has several supporting strategies, this does not directly relate to any of those.

4.4. **Changes to Existing Policies**

4.4.1. This report does not propose any changes to any of the Council's policies

4.5. **Impact Assessments**

4.5.1. This does not require an impact assessment as all parties will communicate the decision in writing which is required by law.

5. Budgetary Framework

5.1. The report does not impact on the budget of the Council.

6. Risks

6.1. The report brings forward proposals to mitigate risks associated with the process of remote Licensing & Regulatory Panels. The most significant risk to associated with the report is not to make the proposed changes.

7. Alternative Option(s) considered

7.1 No alternative options have been considered following the successful trial over the last 12 months.