

Licensing & Regulatory Committee

Tuesday 21 October 2014

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 21 October 2014 at 10.00am.

Membership:

Councillor Illingworth (Chairman)	
Councillor De-lara-Bond	Councillor Mrs Higgins
Councillor Doody	Councillor Mrs Knight
Councillor Mrs Gallagher	Councillor MacKay
Councillor Gill	Councillor Mrs Mellor
Councillor Mrs Goode	Councillor Pratt
Councillor Mrs Grainger	Councillor Wilkinson
Councillor Guest	Councillor Wreford-Bush

Emergency Procedure

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

Agenda

*1. Substitutes

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 meetings held on 6 August and 18 September 2014.

(Item 3/Page 1)

***4. Application for a review of the premises licence for the Falcon, Birmingham Road, Haseley, Warwick**

To consider a report from Health and Community Protection **(Item 4/Page 1)**

***5. Community Governance Review**

To consider a report from the Chief Executive **(To follow)**

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

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

You can e-mail the members of this Committee at committee@warwickdc.gov.uk

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THE AGENDA IS AVAILABLE IN LARGE PRINT ON REQUEST, PRIOR TO THE MEETING BY TELEPHONING (01926) 353362

Licensing & Regulatory Committee

Minutes of the meeting held on Wednesday 6 August 2014, at the Town Hall, Royal Leamington Spa at 2.30 pm.

Present: Councillor Illingworth (Chairman); Councillors Mrs Bunker, Mrs Gallagher, Gill, Mrs Goode, Guest, Mrs Higgins, Illingworth, Mrs Knight, MacKay, Mrs Mellor, Wilkinson and Wreford-Bush.

Apologies for absence were received from Councillors Ms De-Lara-Bond, Doody and Pratt.

10. **Substitutes**

There were no substitutes.

11. **Appointment of Vice Chairman**

The Committee

Resolved that Councillor Mrs Knight be appointed Vice Chair for the ensuing municipal year.

12. **Declarations of Interest**

There were no declarations of interest.

13. **Minutes**

The minutes of the Licensing and Regulatory Committee meeting held on 17 June 2014 were taken as read and signed by the Chairman as a correct record.

14. **Recordings of Meetings**

The Committee considered whether or not they should decide to record all Licensing and Regulatory Panels and Committees.

Historically, Regulatory Committees had been recorded up to the point where the Councillors entered into closed session to reach their decision and receive any relevant legal advice. These recordings had been used as a point of reference for officers and very occasionally for Legal Services following an appeal.

Conversely, Licensing Committees and Licensing Panels were not recorded but officers advised that they had received requests from members of the public for copies of DVD recordings of Licensing Panel hearings.

Councillor Mrs Mellor supported the proposal to record meetings and felt it would provide clarity on decisions. This was seconded by Councillor Mrs Gallagher and

Resolved that for the reasons of fairness and transparency, all future meetings would be recorded where practicable, with the exception of the deliberation of the decision.

15. **Convictions and Cautions Policy**

The Committee considered a report from Health and Community Protection which outlined a revised, draft version of the Convictions and Cautions Policy, relating to Hackney Carriage / Private Hire drivers.

It had come to the attention of Council officers that the Convictions and Cautions Policy, against which all new applicants and renewal applicants for a Hackney Carriage and Private Hire Driver's Licence were assessed, was set at a level below the requirements outlined by all of the neighbouring authorities' policies.

The existing policy had been discussed at the newly formed Taxi Drivers and Operators Forum in June 2014 and the draft policy was due to be discussed again at the next Forum meeting on the 18 August 2014.

All of the policies that applied to the assessment and operation of the Taxis trade with the District Council were under review. This was to address the concerns of the officers, general public and councillors. The review would ensure that the policies were robust and, as a minimum, in line with our neighbouring authorities.

The proposed new policy would require a minimum period free from conviction. In addition, it advised that should a driver have more than one conviction, the minimum period free from conviction would have to be assessed on a case by case basis, to see if it remained appropriate.

The existing policy was attached as Appendix 1 to the report and the amended policy was attached as Appendix 2 to the report.

Officers presented the report and explained that consultation on the policy was still ongoing and was due to end on 18 August 2014. In addition, a petition had been handed in but officers felt that it was premature to distribute this until the consultation period had ended.

Officers also advised that 525 drivers had been written to but at the present time, only 250 signatures had been added to the petition. Members sought clarity on various sections of the policy including the offences and cautions section, the wearing of identity badges and parking taxis in inappropriate locations.

A number of taxi drivers attended the meeting and were invited to address members. The report had raised a number of concerns regarding wearing an identity badge, the condition of vehicles and the sanctions for varying convictions or cautions. Clarification was also sought as to when the policy would apply; for example when an offence had been reported, when an individual had been arrested or when the caution or conviction was officially granted.

The Chairman thanked the officers for the report and for answering questions. He also encouraged all Members to feedback any further comments and suggestions to the officers.

Resolved that the report be noted and the proposal to consult was supported.

16. **Appointment of Sub-Committee**

The Committee considered the proposed membership of five, set sub-committees to consider any items brought before a Licensing and Regulatory Panel.

The Panels would comprise of three members each and officers had tried to ensure that the composition of each panel was fair in terms of political alliance and Ward allocation, specifically relating to town or rural locations.

Members were reminded that they should still arrange their own substitutions when they were unavailable for meetings and Committee Services should be advised in the usual manner. Officers also advised that if additional panels needed to be arranged, outside of the set timetable, Members would be contacted and asked for their availability as before.

Resolved that the future Licensing and Regulatory panel dates are noted and the panels agreed as follows:

Panel

- A Mrs Bunker, Gill and Pratt
- B Mrs Goode, Mrs Higgins and MacKay
- C Guest, Mrs Knight and Illingworth
- D Ms De-Lara-Bond, Doody and Wilkinson
- E Mrs Gallagher, Mrs Mellor and Wreford-Bush

(The meeting ended at 3.43 pm)

Licensing & Regulatory Committee

Minutes of the meeting held on Thursday 18 September 2014, at the Town Hall, Royal Leamington Spa at 3.30 pm.

Present: Councillor Illingworth (Chairman); Councillors Boad, Mrs Bunker, Doody, Mrs Gallagher, Gill, Mrs Goode, Guest, Mrs Higgins, Illingworth, Mrs Knight, MacKay, Wilkinson.

Apologies for absence were received from Councillors Mrs Mellor and Pratt.

17. Substitutes

Councillor Boad substituted for Councillor Wreford-Bush.

18. Declarations of Interest

Minute Number 19 – Agenda Item 3 – Community Governance Review

All Members of the Committee declared an interest because the Community Governance Review affected many Wards of the District.

19. Community Governance Review

The Committee considered a report from the Chief Executive which sought authority to make the formal orders that would conclude the Community Governance Review. The review had taken place in Warwick District over the last year.

The Council agreed to undertake a Community Governance Review (CGR) following the conclusion of the review of the District Warding arrangements in the first half of 2013. The terms of reference for the CGR (see Appendix 1) were agreed in July 2013 and submissions were invited by October 2013.

Additional and more specific consultations were undertaken in November 2013. Draft recommendations were agreed for consultation in late January 2014 with the consultation period concluding in April 2014. The results of that consultation were reported and parish and town councils affected by the proposals, especially those in contention, were invited to a series of informal meetings of this Committee in July 2014. The notes and conclusions of the informal meetings were attached as Appendix 2 to the report.

Prior to consideration of the report, the Chief Executive informed Members that the Council had received some advice from the Local Government Boundary Commission, advising that the Council would be unable to alter either District ward boundaries or put forward any of the proposals for parish warding arrangements prior to the election in May 2015. In addition, the County Council proposals recommended different parish warding arrangements for Kenilworth, Leamington and Warwick to those put forward for the District in 2013.

Officers had been informed that they could enter into informal discussions with the Boundary Commission but Members needed to treat the outcome of the meeting's discussions as draft recommendations at this stage.

The Chief Executive assured Members that he hoped to be meeting with the Boundary Commission as soon as possible.

Members were directed to Appendix 3 of the report which outlined the proposed changes under the Community Governance Review. These had been based on the Terms of Reference originally set out in July 2013 but had also evolved from the long and involved process of consultation and discussion.

The report also informed Members of the use of the Chief Executive's emergency powers under CE4 of the Council's Constitution to agree to the change to the northern boundary of Barford Parish/south east boundary of Warwick Town and western and part southern boundary of Bishop's Tachbrook parish. This had occurred because if the proposed changes had not been enacted, then Barford Parish Council in pursuance of its proposed Neighbourhood Plan, would have lost its government funding because it would not be able to formally designate its Neighbourhood Plan area, as this would be at odds with the proposals in the CGR.

Members discussed recommendations one to 20, as laid out in Appendix 3 to the report and voted on them individually.


Councillor MacKay raised concerns about the proposals affecting Whitnash and felt that the town could end up with no growth possibilities. He did not feel that Whitnash town should be considered on the same merits as Sydenham which was a Ward of Leamington. Councillor Brookes addressed Members in his capacity as Ward Councillor for Bishop's Tachbrook and outlined the Parish Council's objection to recommendation 20.

Having considered the report and having listened to all the representations, the Committee

Resolved that

- (1) the recommendations set out in Appendix 3 to the report, and maps at Appendix 4 to the report are agreed and that formal orders to this effect are made accordingly;
- (2) the use of the Chief Executive's emergency powers, in consultation with Group Leaders, under CE4 of the Council's Constitution to agree to the change to the northern boundary of Barford Parish/south east boundary of Warwick Town and western and part southern boundary of Bishop's Tachbrook parish, is noted; and
- (3) authority is delegated to the Chief Executive, in consultation with the Chairman of the Committee, to assess the recently advised County Council warding arrangements; to make any non-material alterations to the CGR proposals; and/or, to call an emergency meeting of this Committee to consider any material issues arising for the CGR proposals.

(The meeting ended at 5.10 pm)

 Licensing and Regulatory Committee 21 October 2014		Agenda Item No. 4
Title	Application for a review of the premises licence issued under the Licensing Act 2003 for Falcon, Birmingham Road, Haseley, Warwick.	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
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	N/A	
Background Papers	None	

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
N/A	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	7/10/2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	8/10/2014	Michael Coker
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. **Summary**

- 1.1 Under the provisions of the Licensing Act 2003 any person may apply for a review of a premises licence if they feel that the licensing objectives are not being met. In this case a local resident has made representations and called for a review.

2. **Recommendation**

- 2.1 Members are asked to consider the information contained in this report, and to determine what action, if any action, to take further to the representation and the premises licence holder's response to these.

3. **Reasons for the Recommendation**

- 3.1 On 8 November 2005 a premises licence was issued to English Country Inns PLC for the Falcon, Haseley, Warwick. Since the first issue of the licence, the premises licence holder has changed six times and the current premises licence holder is Mr Dean Tracey. The current Designated Premises Supervisor is also Mr Tracey.

The current premises licence permits:

Sale of Alcohol for Consumption On and Off the Premises

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

On weekdays, other than Christmas Day, Good Friday, or New Year's Eve, 10:00 to 23:00.

On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30

On Good Friday 12:00 to 22:30

On Christmas Day, 12:00 to to 15:00 and 19:00 to 22:30

On New Year's Eve, except on a Sunday, 10:00 to 23:00

On New Year's Eve on a Sunday, 12:00 to 22:30

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December).

The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours then consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of alcohol from the the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for the consumption as ancillary to the meals;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there; or

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

The opening hours of the premises

The premises will close at the end of the period for the consumption of alcohol referred to in (a) and (c) above

- 3.2 At first issue there were no conditions or operating schedule put forward to be included on the premises licence and this has remained unchanged.
- 3.3 On 3 September 2014 Warwick District Council Licensing Authority received an application for a review of the premises licence from Mr Waterhouse, a resident who lives in the vicinity of the premises. The application was made under the licensing objectives of the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm. A copy of the application form is attached as appendix 1 along with documents submitted by Mr Waterhouse to support the application.
- 3.4 Marston's PLC submitted a Notification of Interest for The Falcon, and therefore were notified of the review application by the Licensing Department. A copy of the review application was also sent to Marston's PLC. On 19 September 2014 the Licensing Department received a letter from the Solicitors acting on behalf of Marston's PLC notifying us of their representation in support of the premises licence holder, Mr Tracey, and their wish to speak at the Committee meeting. This letter is attached as appendix 2.
- 3.5 Warwick District Council Licensing Department has received complaints in relation to the premises. Environmental Health has also received a number of complaints in relation to the premises and an officer witnessed a breach of a Temporary Event Notice on 30 August 2014.
- 3.6 This application has been advertised at the Council offices and on the premises in accordance with the requirements under the Licensing Act 2003.
- 3.7 A map of the area is attached as appendix 3 and a map of the internal area of the premises will be made available at the meeting.

4. **Policy Framework**

- 4.1 When considering the application the panel must give appropriate weight to:-
 - a) The representations received.
 - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
 - c) The Council's Licensing Policy Statement (attached as appendix 4)
 - d) The Licensing Objectives, which are:-

- i) The Prevention of Crime and Disorder.
- ii) Public Safety.
- iii) The Prevention of Public Nuisance.
- iv) The Protection of Children from Harm.

However, it should only consider those licensing objectives which have been referred to in the representations received.

- 4.2 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.3 Details of the procedure adopted by the Licensing Committee for Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

5. Budgetary Framework

- 5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

6. Risks

- 6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 28 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.

7. Alternative Option(s) considered

- 7.1 No alternatives may be considered.

8. Background

- 8.1 None.



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I LEE WATERHOUSE

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>FALCON INN</u> <u>BIRMINGHAM ROAD</u> <u>HASELEY</u> <u>WARWICK</u>	
Post town <u>WARWICK</u>	Post code (if known) <u>CV35 7HA</u>
Name of premises licence holder or club holding club premises certificate (if known) <u>MR DEAN TRACEY</u>	
Number of premises licence or club premises certificate (if known) <u>WOC PREM0024</u>	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)



2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates (please complete (A) below)



(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

WATERHOUSE

First names

LEE JOHN

I am 18 years old or over

Please tick ✓ yes



Current postal
address if
different from
premises
address

Post town

WARWICK

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

MRS. LISA WATERHOUSE
Address as above.

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The prevention of crime and disorder

- During an event on Saturday 2nd August the volume of noise and live music coming from the terrace and garden area was so over-bearing that we called the police in an attempt to get it stopped. We were given the incident number 330.
- On Saturday 9th August the people on the terrace commenced personal taunts in our direction, chanting and shouting loudly "neighbours, everyone be quiet", then laughing. This went uncontrolled and unmitigated by the license holders.

Public safety

- The terrace and the public house both seem to operate without capacity restrictions. At some points, the Falcon car park is so packed as a result of an event they are holding, that cars are forced to park on the grass verges outside of the perimeter of the pub. This makes it very difficult for people leaving the venue to get a safe view up the Birmingham Road before pulling out (it's a 50 mph road and a well known accident spot). If we had wanted to leave our property on these occasions, it would also have made it difficult for us to leave our drive and on to the Birmingham Road.
- On the terrace area, the license holders permit 'table BBQs' which in a canvas roof and timber framed construction seems very risky.
- The license holder also frequently use their substantial brick built BBQ which is located in very close proximity to the terrace structure. This presents the same fire hazard and also emits substantial volumes of smelly food smoke over to our garden. If our windows are open, it permeates into our house.

The prevention of public nuisance

- The current license does not in anyway reflect the existence of the (originally unlawfully constructed, later granted at appeal) terrace area. This massively increases the useable capacity of the pub and its existence has led to most of the issues we have experienced.
- The current license does not reflect the shift the pub had undertaken away from a country local to a gastro pub which has increasingly been used for private parties and wedding receptions. This substantial increase in intensity of use has led to significant noise and disturbance for us. The pub is advertised as a party venue on its website.
- The noise disturbance from the Falcon terrace area (and within the pub during events) is very well documented with the Environmental Health team.
- The management of the pub in recent times, with the noise and disturbance, has caused us significant stress and anxiety.
- The license holders have created such a disturbance this summer that we have felt unable to have guests around to our house all season.
- The existence of the terrace area materially extends the time that the outside area of the premises is in use, people tend to hang around in there, under the heaters, long after an outside area would have been vacated as the temperature drops. The result is that we never seem to get a rest bite from the noise of chatter, shouting and people leaving the premises.
- The extension of the outside operating hours means that more people leave the pub late, creating noise and disturbance as they go.
- All this means that with the recent management of the pub, we rarely get to enjoy our house and garden. This summer it has very seriously undermined the enjoyment of our property.
- The number of vehicles at the premises means that the bridleway that runs down the side of our property and through the Falcon car park is obstructed for people, horses and cyclists.

The protection of children from harm

- The noise from the terrace, the garden area and the sound of people leaving the premises has been so significant that it has woken our baby boy (he is now 14 months) on a multitude of occasions.
- During the summer months, in order to help him settle and protect him from noise, we have been forced to keep his bedroom window closed. This has resulted in his bedroom temperature soaring to levels (27 degrees) that as parents, causes us concern as the well documented safe temperature is 16-18 degrees. We have installed a fan to help but it's an imperfect solution.

Please provide as much information as possible to support the application (please read guidance note 3)

During the summer of 2011 the license holders at the time organised a number of events that caused a noise nuisance and resulted in us seeking help from the Environmental Health team. Chris Davis and Peter Lawson both witnessed a number of noise nuisance occurrences from the Falcon and actions were taken against the license holders, these will be on record with the team. These license holders vacated the premises in 2012 and the subsequent license holders had a much more considerate approach to managing the pub and intended to run the establishment as a country inn, inline with the premises that we purchased our property behind. We had no issues or complaints during this time.

This summer, under the stewardship of Mr Tracey, the enjoyment of our property has been severely diminished by the use of the pub and the outside area for parties and wedding receptions, some carried out under Temporary Events Notices (TENs), others without TEN's. The noise from the terrace in particular has been unbearable at times because of:

- birthday parties that last all day
- bouncy castles pitched by our boundary fence
- evening events with people outside shouting and singing until the early hours
- live music on the terrace that has been impossible to keep out of our house
- smelly and smokey BBQs
- generally poor and inconsiderate management of the outside area

Over the summer we have called the Environmental Health team to report noise nuisances on:

5th June

Environmental Health team called to report noise nuisance from the terrace. This was a massive party that had live music and incredible amounts of shouting, singing and disturbance. This woke our baby and was a real shock as this was the first issue like this we had experienced with the current license holders. No TEN was issued for this event.

21st June

Music clearly audible in the house and garden, windows had to be shut, our baby woke up, hot and distressed. We were drowned out of conversation in our garden by the noise from the pub. This exceeded any interpretation of regular pub noise; it was uncontrolled and highly intrusive. They pitched a bouncy castle very close to our perimeter fence which seems strange given the size of their garden. On a lovely summer evening they totally destroyed the enjoyment of our house and garden.

2nd July

Confirmation from Katherine Warren (Environmental Health team) that a letter had been sent to license holders which "reinforces the discussions that had been had with them and reiterates the advice already given in terms of noise control and avoiding causing a nuisance to neighbours".

7th July

Environmental Health emailed to inform of a noise disturbance. There was screaming and shouting from the terrace going on for several hours, uncontrolled. All our windows and doors were shut but we could still hear it over our TV. This was a Monday night and went on well past 23:00.

18th July

Email sent to the Environmental Health team at 00:05 on the 19th regarding an event that was taking place. The pub looked massively over capacity and the noise from the outside area was completely uncontrolled. This was a very hot evening but we had to have all our windows shut. Our baby was woken up by the noise. We have a photo of the car park which shows the patron's cars spilling out on to the verges by the side of the Birmingham Road. There must have been over 200 people in and around the terrace area.

19th July

Email to Environmental Health to report noise from a birthday party on the terrace. There was a BBQ which smoked us out in our garden and the smell found it's way into the house.

23rd July

Email to Environmental Health to make aware of shouting from the terrace at 23:20 which was clearly audible in our house even with the windows shut.

2nd August

Live amplified music on the terrace from 19:00 which was clearly audible in every room of our house and every area of our garden. A summer night totally ruined, baby massively disturbed. This stopped at 21:30 but the follow-on music in the pub was emitting bass that was constant and disturbing to us in our house. We called the police and got an incident number 330. We notified Cllr Susan Gallagher as the night noise team were not on duty when the nuisance started and wanted someone to witness what we were going through. The noise team arrived at 23:20 to witness the event, Katherine Warren went into the pub but only the noise from within the pub was addressed during this meeting as apparently Mr Tracey's attitude prevented a discussion of the events that had caused the disturbance earlier in the evening. The noise continued and a further call to the Environmental Health team was made at 00:20 but the noise continued until after 01:00 and we had to wear ear defenders to get to sleep.

3rd August

23:10 email to Environmental Health to report uncontrolled terrace noise and nuisance.

10th August

Email to Environmental Health to report a disturbance from an event on the 9th August. Terrace noise between 23:00 - 00:00 whereby patrons were shouting and singing, some of these were personal chants made directly at us, so it's evident that the license holders have made a joke of this and accept that their customers can make fun of what has become a very upsetting and anxious situation for us. Stuart from the Environmental Team only got to witness the groups waiting for taxis after midnight. The license holders seem to facilitate them hanging around in the car park rather than have them wait at the front of the pub away from our house. These issues were passed to the licensing team.

30th August

A marquee based event with 150 guests held under a TEN. The TEN required that the outside areas be cleared by 23:00. This did not happen, a fact witnessed by Cllr Susan Gallagher. We made a call to the Environmental Health team to reference the noise nuisance from the outside area, the officer on duty witnessed the outside areas in use at 23:30.

On the 12th August we have a discussion with Emma Dudgeon about the nature of the license currently in force at the Falcon. It is at the least, out of kilter with the planning conditions granting retrospective permission for the terrace. These state that it should be cleared by 23:00 and there be no music. Notwithstanding this, the current license conditions are archaic; representing a time when there was no terrace, therefore the pub had a naturally smaller capacity with less use of the outside space. At the time, it was also more of a 'locals country pub' and certainly not one that advertises proactively on it's website as a destination for parties and wedding receptions. Here is a quote from the Falcon website; "our fabulous grounds can cater for 200 people, ideal for BBQs and hog roasts..."

With respect, as well as considering how to align the license with the planning conditions, we believe that in order to mitigate future issues, the following would secure us enduring utility of our house and garden:

- De-license the terrace for alcohol consumption
- Capacity limits in the terrace at all times
- Terrace and gardens to be cleared by 21:00
- No outside cooking

These ongoing issues have caused us a great deal of stress and anxiety, leaving us with a feeling that we are being driven out of our home.

As a final word, Mr Tracey was well aware of the issues that had occurred during 2011 at the time of taking on the lease. This is a rural pub in green belt area that simply should not be allowed to disturb the peace in this or any way. The pub seems to change hands fairly regularly and we are appealing to you to find a completely enduring solution to the noise issues. This is important because otherwise we have to start from scratch every time a new tenant moves in and either inherits bookings made by the previous tenant, or manages the pub in an inconsiderate way, causing a nuisance.

Please help us.

Have you made an application for review relating to the premises before

Please tick ✓ yes
☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓
yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

1/9/14.

Capacity

APPLICANT FOR REVIEW.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Waterhouse, Lee

Subject: FW:



EXAMPLE OF BRIDLEWAY BLOSSOM

29/08/2014



TYPICAL BBQ SMOKE

30 AUGUST





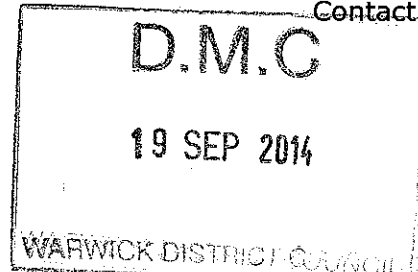
18 JULY

2 AUGUST LIVE SATNO OUTINGS



Our Ref: TAS/MPC-L/FAL22

Contact: Tim Shield



17 September 2014

Licensing Enforcement Officer
Health & Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Dear Sirs

Falcon, Birmingham Road, Haseley, Hatton, Warwickshire.CV35 7HA
Premises Licence Number: WDCPREM00121

We are instructed on behalf of Marston's Plc the owners of the above premises in relation to a Review of the Premises Licence which we understand has been issued pursuant to Section 51 of the Licensing Act 2003 by an interested party.

Marston's Plc are the owners of the premises and across the country own and operate a large number of licensed premises. These premises fall within the Leased and Tenanted operation and as such they do not hold the Premises Licence. Individual tenants run individual premises autonomously and in this instance the tenant at the time of issue of the Premises Licence Review and Premises Licence Holder is Mr. D. Tracy.

Marston's Plc took the decision following licensing reform to hold certain of their Premises Licences in their name. This was in an attempt to retain a link with Licensing Authorities and Responsible Authorities which could otherwise not be apparent from the Premises Licence itself. In this instance these premises fall within the tenanted division and as such the Premises Licence is not held by Marston's Plc.

Marston's Plc are not at the premises on a day to day basis but employ a number of Business Development Managers with responsibility for a number of different premises where they assist and work with Licensing Authorities and Responsible Authorities and Tenants in relation to the operation of their business. In this instance the Business Development Manager is Nick Morris.

Please take this letter as notice of a relevant representation pursuant to the Licensing Act 2003. Our clients (Marston's Plc) will seek to address the Committee regarding the licensing objectives and the steps that are undertaken to promote the licensing objectives and support the Premises Licence Holder/Tenant in the Review proceedings that have been issued.

We should be grateful if you could kindly acknowledge receipt of this correspondence as a valid representation. We have had a copy of the documentation filed by the interested party who has issued the Review

Partners:

John Gaunt (569711)

Katharine Redford (569712)

Tim Shield (569713)

Michelle Hazlewood (569714)

Associates:

Christopher Grunert

Jonathan Hyldon

Practice Manager:

Jonathan Pupius

Tel: 0114 266 8664

Helpline: 0114 266 3400

Fax: 0114 267 9613

Email: info@john-gaunt.co.uk

www.john-gaunt.co.uk

John Gaunt & Partners

Omega Court

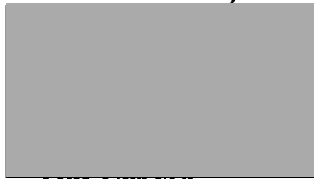
372 - 374 Cemetery Road

Sheffield

S11 8FT

Proceedings (Mr. Lee Waterhouse). If further documentation or representations are received we should be grateful if you could supply us with a copy in this matter.

Yours faithfully



Tim Sheld
John Gaunt & Partners
Email: tim@john-gaunt.co.uk





STATEMENT OF LICENSING POLICY

Reviewed 2009

(Changes to cumulative impact zone added)

9th July 2009

1. Introduction

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and guidelines on its content issued under Section 182 of the Act.
- 1.2 Warwick District Council is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population of 126,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.
- 1.3 The aim of this Policy is to:-
- promote the Licensing Objectives.
- 1.4 The following Licensing Objectives can be found in the Licensing Act 2003:-
- **prevention of crime and disorder;**
 - **public safety;**
 - **prevention of public nuisance; and**
 - **protection of children from harm.**
- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- **that residents within, and visitors to the District need a safe and healthy environment to live, work and visit; and**
 - **that safe and well run entertainment premises are important to the local economy and vibrancy of the District.**
- 1.6 This Statement provides guidance to the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Licensing Committee) will take when making licensing decisions.

The following, will guide that decision making process:-

- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
 - each licence application will be given individual consideration on its merits;
 - when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time; and
 - the Licensing Authority will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).
- 1.7 This Statement covers the period 7 January 2008 to 6 January 2011 and will be kept under review and revised/amended as required, following consultation.

- 1.8 The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.
- 1.9 The Licensing Authority will observe the principle of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

2. Delegation of Functions for Regulatory Matters

- 2.1 In the interests of speed, efficiency and cost effectiveness the Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

3. General Statement of Guiding Principles

- 3.1 The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Council when it carries out its licensing functions:-

- 3.2 **Principle 1 -** The Licensing Authority will not normally fix pre-determined licensing 'quotas' in any given area but see paragraphs 7 and 8.

- 3.3 The purpose behind this Principle is to:

- promote the prevention of crime and disorder.

- 3.4 If there are problems in a particular area with nuisance, crime or disorder and those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will normally use licence conditions to address those problems, but may impose 'quotas.' (see paragraphs 7 and 8)

- 3.5 **Principle 2 -** The Licensing Authority generally supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However, there is no presumption in favour of longer hours and the Licensing Authority will take into account any evidence which shows that longer opening hours in any particular case undermines the licensing objectives.

- 3.6 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance; and
- address the issue of closing hours.

- 3.7 It is recognised by the Licensing Authority, following Government recommendations that, longer licensing, hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

- 3.8 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.9 **Principle 3 -** The Licensing Authority will not fix pre-determined closing times for particular areas but will take into account any objections received when dealing with individual applications.
- 3.10 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
 - promote public safety; and
 - promote the prevention of public nuisance.
- 3.11 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.12 **Principle 4 -** As far as shops, stores and supermarkets are concerned, the Licensing Authority will normally permit the sale of alcohol during legal opening hours unless evidence is available that to do so would undermine the licensing objectives.
- 3.13 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
 - promote the prevention of public nuisance; and
 - address the issue of alcohol sales in shops, stores and supermarkets.
- 3.14 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.15 **Principle 5 -** The Licensing Authority will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.
- 3.16 The purpose behind this Principle is to:-
- promote the protection of children from harm; and
 - address the issue of children in licensed premises, including cinemas and other public entertainment.
- 3.17 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.18 **Principle 6 –** The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

3.19 The purpose behind this Principle is to:-

- ensure that all applications are dealt with on merit;
- ensure that conditions imposed further the licensing objectives; and
- ensure that conditions relate to the operating schedule or relevant representations which have been received.

4. Licensing Objectives

4.1 Prevention of Crime and Disorder

4.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent crime and disorder in the District.

4.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

4.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for disorder that this type of premises may cause to the night time environment.

4.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:-

- planning controls;
- enforcement of Environmental Protection legislation (e.g. on noise nuisance);
- positive measures to provide a safer and clean town centre;
- environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
- powers to designate parts of the District as places where alcohol may not be consumed publicly;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from adults and others in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
- the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

4.2 Public safety

- 4.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 4.2.2 The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

4.3 Prevention of public nuisance

- 4.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
 - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and
 - consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.
- 4.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.
- 4.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were being achieved.
- 4.3.4 In the event of a variation to remove this condition, and in the case of the necessity of a hearing, evidence would be expected to be submitted to the Licensing Panel that the change would not impact on the licensing objectives
- 4.3.5 It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

4.4 Prevention of Harm to Children

- 4.4.1 For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Assistant Head of Service, Planning and performance children, Young Children and Families Directorate, Saltisford Office Park, Ansell Way, Warwick. CV32 4UL

- 4.4.2 For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 – 18 years old.
- 4.4.3 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.
- 4.4.4 Areas that may give rise to particular concern in respect of children include premises:
- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);
 - With a known association with drug taking or dealing;
 - Where there is a strong element of gambling on the premises;
 - Where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 4.4.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:
- Limitations on the hours when children may be present;
 - Age limitations (below 18);
 - Limitations or exclusions when certain activities are taking place;
 - Restrictions or exclusions in respect of parts of premises;
 - Requirements for an accompanying adult;
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 4.4.6 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.
- 4.4.7 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

- 4.4.8 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

5. Other Considerations

5.1 Live Music, Dancing & Theatre

- 5.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance in neighbourhoods will always be carefully balanced with these wider benefits.

5.2 Integration of Strategies

- 5.2.1 The Licensing Authority shall secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
- Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.

- 5.2.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- the use of closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening; and
- membership of an appropriate Pub-Watch scheme.

- 5.2.3 Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

- 5.2.4 The Council's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

- 5.2.5 The Council's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 5.2.6 Unnecessary duplication or inefficiencies will be avoided by properly separating the planning and licensing regimes. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that Committee and will not cut across such decisions.
- 5.2.7 The Council's Licensing Committee shall provide and receive regular reports to and from the Planning Committee on the situation regarding licensed premises in the area.

6. Other regulatory regimes

- 6.1 This policy shall avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

6.2 Health and Safety

- 6.2.1 Premises will normally have been visited by the Council's Environmental Health inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives.

6.3 Fire Safety

- 6.3.1 Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should indicate the precautions that are taken to protect public safety.

6.4 Food Hygiene

- 6.4.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Licensing Authority and subject to risk-based food hygiene inspections at regular intervals.

6.5 Noise

- 6.5.1 Statutory and public nuisances are dealt with by the Council's Environmental Health Business Unit under the Environmental Protection Act 1990 and associated legislation.

6.6 Planning

- 6.6.1 Any premises that apply for a licence or a variation of a licence may also need planning permission.

6.7 Standard Conditions

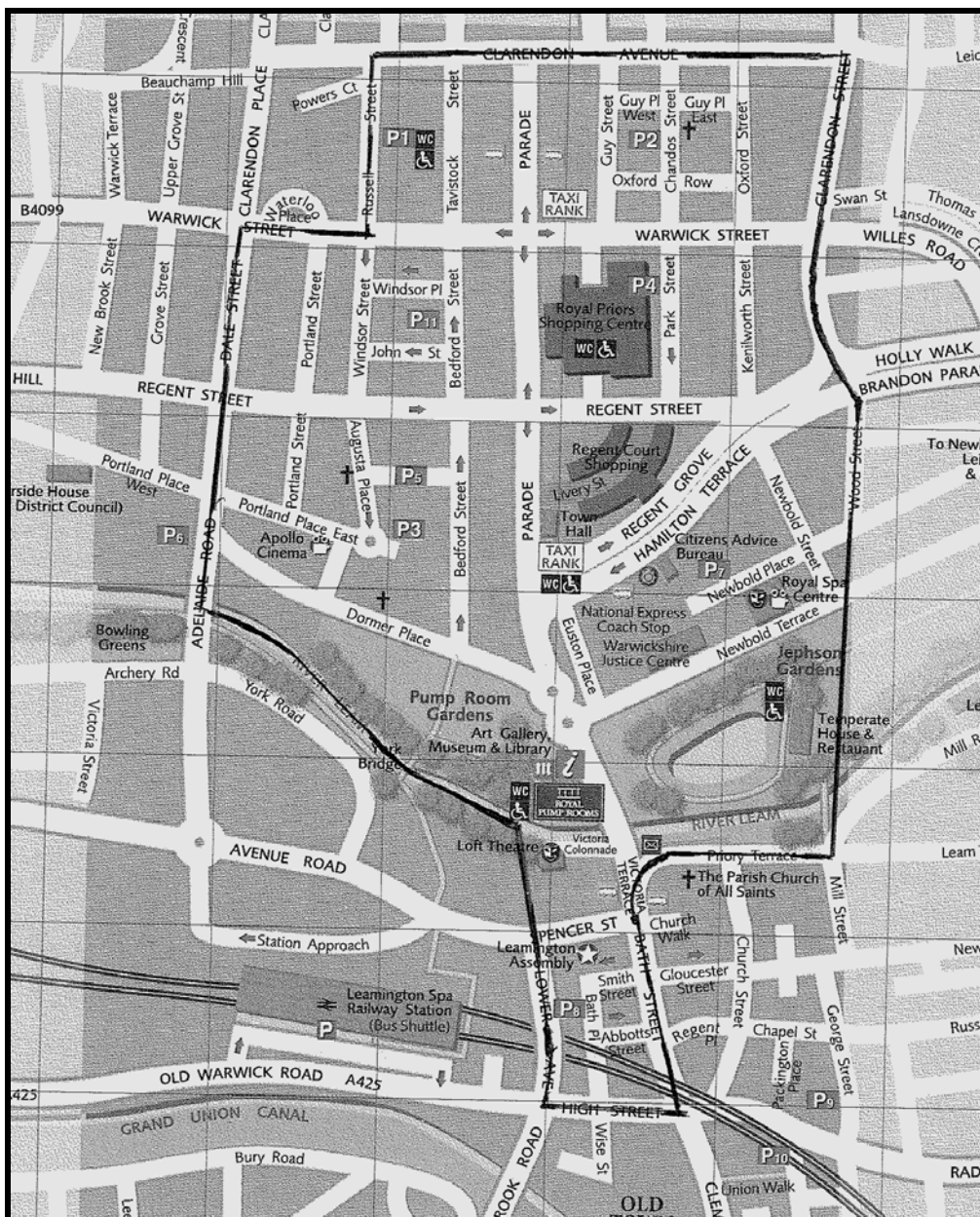
- 6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

6.8 Enforcement

- 6.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Council, together with Warwickshire Fire Service and Trading Standards. This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the Protocol is available on request.
- 6.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the Protocol. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Enforcement Group. Information about this group is available separately

7. Special Policy Regarding Cumulative Impact

- 7.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 7.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in paragraph 13.26 of the Licensing Act Guidance were made.
- 7.3 The Licensing Authority formed two saturation zones, based on information supplied to it in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 7.3 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone. (see plan below)




- 7.4 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.
- 7.5 The special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.
- 7.6 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined

in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.

- 7.7 The Licensing Authority will not operate a quota of any description including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 7.8 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.
- 7.9 If an application for a licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.
- 7.10 The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.
- 7.11 The policy will be subject to review.

8. Further Information

- 9.1 The Licensing Authority has produced guides for applicants.
- 9.2 The Council's Licensing Section can only offer advice on the process for, and, progress of, applications and as to whether particular activities fail to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises you should seek your own independent legal advice.
- 9.3 The grant of a licence under the Licensing Act 2003 does not obviate the need for permission or consent required under other legislation.
- 9.4 The Licensing Authority cannot impose conditions and restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in Section 5 above will apply, and should be considered by organisers. Further advice is available in the guide to temporary events.

 Licensing & Regulatory Committee 21 August 2014.		Agenda Item No. 5
Title	Warwick District Community Governance Review	
For further information about this report please contact	Chris Elliott, Chief Executive chris.elliott@warwick , 01926 456000	
Wards of the District directly affected	All	
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	Regulatory Committee on 15 th July 2013, 12 th November 2013, 28 th January 2014; 4 Informal Meetings of the Licensing and Regulatory Committee held in July 2014, Licensing & Regulatory Committee 18 September 2014	
Background Papers		

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	14.10.14	Chris Elliott
Head of Service	14.10.14	Graham Leach
CMT		
Section 151 Officer	14.10.14	Mike Snow
Monitoring Officer		
Finance	14.10.14	Mike Snow
Portfolio Holder(s)		N/A
Consultation & Community Engagement		
<p>The Community Governance Review report is the outcome of a series of consultation steps undertaken over a period of more than a year.</p> <p>The response to the LGBCE proposals for County Council Divisions is part of a consultation process.</p>		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report brings forward the final proposals following the Community Governance Review of the District for agreement and progression in liaison with the Local Government Boundary Commission for England (LGBCE) and also a draft submission in response to LGBCE review of Warwickshire County Council Divisions.

2. **Recommendation**

- 2.1 The Committee confirms its recommendations as set out at Appendix 1 and in Maps 1 to 12 and approves the Chief Executive to progress the necessary consents with the LGBCE.
- 2.2 The Committee is asked for its views on the proposal at Appendix 2 (along with Maps A & B) regarding Bishops Tachbrook/Myton and Heathcote; and Whitnash that have arisen from officer's discussion with the LGBCE and that the Chief Executive is then asked to take forward the resultant Committee's decision with the LGBCE.
- 2.3 The Committee confirms its principle view that the Local Government Boundaries should be coterminous and therefore it objects to the proposals for Warwickshire County Council Divisions and suggests and recommends that:
- (i) The LGBCE picks up the minor variation to ward and parish boundaries brought through as a result of the Community Governance Review by Warwick District Council; the University Parish Ward of Stoneleigh should be part of Kenilworth Abbey Division.
 - (ii) The LGBCE notes that the latest predicted growth for Bishops Tachbrook parish between 2014 and 2019 is 1740 electors;
 - (iii) The Commission reconsiders its proposal at Town Council level in the towns of Kenilworth, Warwick and Royal Leamington Spa to ensure co-terminosity of the Town Council wards with the District Council wards. and
 - (iv) the LGBCE reconsider the proposal of losing a County Councillor seat from each District/Borough area, as this is a change not made in proportion to the number of electors in each District/Borough.
- 2.4 The Committee delegates authority to the Chief Executive, in consultation with the Chairman of the Committee, to finalise the wording of the Council's representation to the LGBCE on the WCC Boundary Review.

3. **Reasons for the Recommendation**

Recommendation 2.1

- 3.1 At its meeting of 18 September 2014 the Committee agreed a set of proposals, as a result of its Community Governance Review, for the Chief Executive to discuss informally with the LGBCE.
- 3.2 At the meeting between the Chief Executive and the LGBCE, their representative explained that two processes need to be considered. Firstly, if, as part of a Community Governance Review (CGR), Warwick District Council wishes to alter the electoral arrangements for a parish whose existing electoral arrangements were put in place within the previous five years by an order made either by the Secretary of State, the Electoral Commission, or the LGBCE,

the consent of the LGBCE is required. This includes proposals to change the names of parish wards.

- 3.3 Therefore Warwick District Council must write to the LGBCE detailing its proposal and requesting consent. The LGBCE will consider the request and will seek to ensure that the proposals do not conflict with the original recommendations of the electoral review, and that they are fair and reasonable.
- 3.4 Where a request for consent is made to the LGBCE, it will expect to receive evidence that Warwick District Council has consulted with electors in the relevant parish(es) as part of the Community Governance Review and will wish to receive details of the outcome of that review.
- 3.5 For the changes to the number or boundaries of parish wards, Warwick District Council will also need to provide the LGBCE with an existing and five-year forecast of electors in the parish(es) affected. Five-year forecasts should be accurate from the day that the review began. Both existing and forecast figures should be provided for the existing parish (and parish wards where relevant) and the proposed parish (and parish wards where relevant).
- 3.6 If the LGBCE consents to the changes it will inform Warwick District Council which will then be able to implement the proposed changes by local order. No LGBCE order would be required. Conversely, if the LGBCE declines to give consent, no local order may be made by Warwick District Council until the five-year period has expired.
- 3.7 Secondly, with regard to any proposed changes to the Warwick District Council Ward boundaries that are protected through the order due to come into force in 2015 the Council would need to take the following steps. The District Council would need to seek consent for any associated Warwick District Council and Parish boundary changes. Once this is approved the Council will need to seek approval from the LGBCE for a late alteration order to be made to ensure the District boundary is amended. This would need to be completed by early January 2015.
- 3.8 At the meeting between the Chief Executive and the LGBE there was general but informal agreement on the proposed changes. However, there was concern relating to the area of Bishop's Tachbrook.

Recommendation 2.2

- 3.9 The representative from the LGBCE was concerned about the proposal in Map H and did want all the other changes to fall because of this proposal. This is because the proposed changes have been made complicated by the anticipated significant development in the Ward during the next five years. The estimated completed development of those recently granted planning applications would generate potentially 2000 new electors in the Bishop's Tachbrook ward and would; put the ward out of parity by 63%. This would be an unacceptable outcome in electoral parity terms. To try to reconcile electoral parity, officer's would suggest the changes as set out in Appendix 2 and do so knowing the outcome of the previous Committee's decision to retain the Woodside Farm area within Bishop's Tachbrook.
- 3.10 Members should understand that it is possible that "consent to vary a boundary in a protected order" of this scale would not be granted but the LGBCE may to review the District boundaries in this area earlier than five years. However, if it

is not accepted by the LGBCE then the smaller changes proposed in Appendix 1 relating to these areas should still be advocated.

Recommendation 2.3 to 2.4

- 3.11 The Council has previously committed to the principal that local authority boundaries should be coterminous to provide clarity for electors. Consequently, in respect of the proposals for the County Council Divisions it is suggested that the LGBCE should be asked to amend boundaries that are agreed as part of this Community Governance Review and especially in the case of the University Ward of Stoneleigh Parish which the CGR proposes to move into Burton Green Parish and which is already part of the proposals at District level to be part of Kenilworth Abbey Ward.
- 3.12 The Committee will be mindful that the LGBCE have suggested further changes to Town Council wards within the proposals for revised Warwickshire County Council Divisions. This is believed to be because the LGBCE does not want part of a Town Ward split between County Council divisions. However, the Local Democracy, Economic Development and Construction Act 2009 states "where a Parish is to be divided between Divisions or wards, it must also be divided into Parish Wards, so that each Parish ward lies wholly within a single County division **or** District Ward." Based on this assertion the District wards should take precedent because the elections for Warwick District and Town Council's take place at the same time.
- 3.13 Officers feel it is important to delegate the wording of the final response to the Chief Executive to enable it to be amplified to include details of how the number of electors would change for each Division following the proposals suggested by Warwick District Council to both its boundaries and the County Council Divisions.
- 3.14 The proposals from the LGBCE for Warwickshire can be found at <http://www.lgbce.org.uk/current-reviews/west-midlands/warwickshire/warwickshire-county-council> .

4. Policy Framework

- 4.1 **Policy Framework** – The report does not affect the Policy Framework for the Council.
- 4.2 **Fit for the Future** – The CGR proposals will help the Council in its vision to make Warwick District a great place to live, work and visit as set out in the Sustainable Community Strategy because it will establish a better and clearer governance relationship between the growth and change in the District and communities.
- 4.3 The CGR proposals will help the Council in respect of the Service theme of FFF by clarifying the geographical extent of communities; it will help in respect of the People theme by providing clarity to staff of what community is governed by what council; it will help on the money theme as it will lead to appropriate distribution of the parish precept to the appropriate community – though to be clear this is not the purpose of the CGR.

5. Budgetary Framework

- 5.1 The report does not impact on either the Budgetary Framework for the Council or the budget of this Council. However, there are potential risks associated with this which are set out within section 6 of the report.

6. Risks

- 6.1 The timescales for implementing the changes are now extremely tight and are reliant on officer and member commitment to moving this forward as swiftly as possible. The failure to ensure this is completed by early January will mean the boundaries are not in place for the elections in May 2015. This will cause significant dissatisfaction in the Local Community. Therefore, this has been given priority by the Chief Executive and colleagues to ensure that it is completed in good time.
- 6.2 Members will be aware that the Committee decision in September 2014 would significantly impact on the financial viability of two Parish Councils (Cublington and Old Milverton & Blackdown Joint Parish Council). Representation has previously been received from both of these Councils about the impact a change to their boundary would have a detrimental effect on the residents who remain within the Parish if the boundaries are changed. This is because the budgets of the Councils would be so significantly reduced they would be unable to continue to provide services to the same standard. This could be considered to go against the Community Governance Review regulations and therefore there was a risk of challenge to the decision. For this reason the Council has taken its own legal advice of which Members will be advised by the time of the Committee meeting.
- 6.3 The revisions to the boundaries will impact on the production of neighbourhood plans because most Parish/Towns have applied for them to be coterminous with their Parish/Town Boundary. Any changes to boundaries could impact on proposals within Neighbourhood Plans and if the area of the Parish was increased and the Parish wanted the Neighbourhood Plan to represent the full Parish, it would be necessary for the Parish to apply for a new neighbourhood plan area to be designated and this would be subject to a further 6 week period of consultation. However, if the area of the Parish reduced in size it would not require a further round of consultation but could impact on the viability of some Neighbourhood Plans. That said, these are not material considerations which should be taken into account when determining boundaries.
- 6.4 If the Local Government Boundary Commission for England refused to accept the application for consents, the Council and the Parish/Town Councils would have to accept the original proposals from the LGBCE. This would, in the view of officers lead to boundaries which would not represent local communities and would impact on the good reputation of the Council following the work to reassure local communities on providing appropriate arrangements.
- 6.5 At present all local authorities are working towards setting their budgets for 2015/16. Due to the fact these arrangements will not be confirmed until January 2015 and the tax base needs to be agreed in November 2014. The Tax base is going to be calculated on the current arrangements which will be used for the 2015/16 budgets/precepts. The new arrangements will be put in place for 2016/17.
- 6.6 There is a requirement to undertake a Mini Canvass for the Electoral Register in early 2015, in the form of a letter being sent to each residential property in the District. The intention is to include in this letter details of the names of the

electors registered to vote at the property and the agreed changes to District Ward/ Parish/Town Council boundary changes. This may not now be possible due to timings and therefore there is a potential small cost of sending a separate letter or communication about the boundary changes.

- 6.6 Combined with these there is the risk from the proposed Warwickshire County Council Divisional boundaries. This is because the LGBCE could determine that it would be inappropriate to revise any boundaries in this area at this time and they should be considered as a complete package.

7. Alternative Option(s) considered

- 7.1 The Committee could choose not to progress with the review at this stage or make changes to its previous intentions. These have been discounted because the LGBCE has accepted the principle of the changes and to step back from this now could cause more challenges. In addition to this, not to progress the changes at this stage would lead to dissatisfaction from local parties especially at Town Council level because of the need to work on the original proposed boundaries which for the Town Wards were considered unacceptable. This could also move away from the overarching principle of coterminous boundaries.
- 7.2 The Committee wish to make provision for changes to the proposals for WCC Divisional boundaries but these would need to be justified with sound reasoning especially if they moved away from a coterminous nature.

Proposals for revised Parish/Towns and Warwick District Warding arrangements following Warwick District Community Governance Review.

Warwick District Community Governance Review 2013/14

ROYAL LEAMINGTON SPA	
1	<p>To seek consent from the Local Government Boundary Commission for England to align the Town Council ward boundaries with the Local Government Boundary Commission for England District wards of Brunswick, Clarendon, Crown, Leam, and Newbold in the town of Royal Leamington Spa. There are separate proposals (see below) which affect the proposed boundaries of Milverton, Manor and Sydenham wards.</p> <p>This is because the Town Council and Warwick District Council did not feel it was appropriate to sub divide the suggested Warwick District wards as it would not reflect the local communities that the District wards represent.</p> <p>Therefore, this would remove the proposed Town Council wards of Lime, Northumberland, Victoria Park, Brunswick South, Brunswick North, and Arlington.</p> <p>The justification for this proposal is based on co-terminosity, as the Town Council and District Council elections are held on the same day every 4 years. It will avoid confusion for the electorate and provide clarity of community leadership by having the same ward boundaries.</p>
2	<p>To seek consent from the Local Government Boundary Commission for England to place an order that the Town Council Wards of Royal Leamington Spa should all return two Councillors.</p>
3	<p>To seek consent from the Local Government Boundary Commission for England to include the land of the former North Leamington School site and the site of the new school building currently within the parish of Old Milverton into the Leamington Manor Town ward and to leave the open fields within the parish of Old Milverton. (map reference 1)</p> <p>This proposal would affect the boundary between Milverton and Manor District wards as well as the boundary between Old Milverton Parish Council and Royal Leamington Spa Town Council and therefore a subsequent late variation consent order would need to be sought in due course.</p> <p>This would place a further 32 electors into the Leamington Manor ward and would be a minor alteration but not a significant impact on the variance of the average number of electors per Councillor, however, it would help to reduce the variance within Leamington Milverton Ward which is currently predicted to be 7% over by 2019.</p> <p>The justification for this proposal is that as additional houses have now been built on the old school site and form part of the community of Leamington Manor ward, they should be represented by the same elected representatives. This proposal is supported by both the Old Milverton & Blackdown Parish Council and Royal Leamington Spa Town Council.</p>

4	<p>To seek consent from the Local Government Boundary Commission for England to align the Leamington Milverton Town ward with the LGBCE Milverton District ward and include the properties in Range Meadow Close, Hopton Crofts and Guy's Cliffe Avenue currently within the parish of Old Milverton in to the Leamington Milverton Town ward. (map reference 2).</p> <p>This affects 133 residents but does not impact on the Ward arrangements for the District Council because they would remain within the same District Ward of Milverton.</p> <p>The justification for this proposal is based on co-terminosity, as the Town Council and District Council elections are held on the same day every 4 years. It will avoid confusion for the electorate and provide clarity of community leadership by having the same ward boundaries.</p> <p>It should be noted that the Old Milverton & Blackdown Parish Council do not support this proposal because it believes it will impact on its financial viability. However no residents have commented on this proposal.</p>
5	<p>To seek consent from the Local Government Boundary Commission for England to align the Leamington Manor Town ward with the LGBCE Manor District ward and include the New Cubbington area currently in Cubbington Parish Council North ward to be within the Leamington Manor Town ward. (map reference 3).</p> <p>This affects circa 1221 residents. It does not impact on the Ward arrangements for the District Council because they would remain the same as the District ward.</p> <p>The justification for this proposal is based on co-terminosity, as the Town Council and District Council elections are held on the same day every 4 years. It will avoid confusion for the electorate and provide clarity of community leadership by having the same ward boundaries.</p> <p>It should be noted that Cubbington Parish Council does not support this proposal because it believes it will impact on its financial viability.</p>
6	<p>To seek consent from the Local Government Boundary Commission for England to align the Leamington Sydenham Town ward with the Local Government Boundary Commission for England Sydenham District ward and include the Whitnash Town Council East ward in to the Sydenham Town ward. (map reference 4)</p> <p>This would mean that the Whitnash East Town Council ward would become part of the Sydenham District and Leamington Sydenham Town ward. Currently there are no electors but it is anticipated there will be over 400 electors within 5 years.</p> <p>The justification for this proposal is based on co-terminosity, as the Town Council and District Council elections are held on the same day every 4 years. It will avoid confusion for the electorate and provide clarity of community leadership by having the same ward boundaries. It is the view of the District Council that due to the nature of the railway line and limited access routes to this area of land, when it is developed, the community would have a closer relationship with Royal Leamington Spa and in particular with the Sydenham area rather than with Whitnash.</p>

OLD MILVERTON & BLACKDOWN joint PARISH COUNCIL											
7	To Ward the Old Milverton and Blackdown joint Parish Council, each parish area being a separate parish ward.										
	<table><tr><th>Parish Area</th><th>Ward Name</th><th>No. of Councillors</th></tr><tr><td>Old Milverton</td><td>Old Milverton</td><td>3</td></tr><tr><td>Blackdown</td><td>Blackdown</td><td>2</td></tr></table>	Parish Area	Ward Name	No. of Councillors	Old Milverton	Old Milverton	3	Blackdown	Blackdown	2	
Parish Area	Ward Name	No. of Councillors									
Old Milverton	Old Milverton	3									
Blackdown	Blackdown	2									
	<p>This is required due to the two Parishes being split between two electoral Wards at District level.</p> <p>No approval from the Boundary Commission for England is required for this change, but it cannot be confirmed until the changes to the Parish boundaries have been confirmed.</p>										
KENILWORTH TOWN COUNCIL											
8	<p>To seek consent from the Local Government Boundary Commission for England to align the Kenilworth St. John’s Town ward with the LGBCE St. John’s District ward and include the LGBCE Kenilworth Town Queen’s ward in to Kenilworth St. John’s Town ward and adjust the level of representation accordingly. (map reference 5)</p> <p>This would therefore remove the need for the proposed Town Council Ward of Queen’s, which, as set out, is not associated with any clear community and indeed splits some areas of established community in half i.e. Waverley Road and Station Road.</p> <p>The justification for this proposal is based on co-terminosity, as the Town Council and District Council elections are held on the same day every 4 years. It will avoid confusion for the electorate and provide clarity of community leadership by having the same ward boundaries.</p>										
9	<p>To seek consent from the Local Government Boundary Commission for England to align the south eastern boundary of Kenilworth St John’s Town ward and the northern boundary of the parish of Leek Wootton and Guys Cliffe. (map reference 6)</p> <p>The justification for this amendment is that the current boundary separates a number of houses from their gardens. The proposed boundaries follow more logical and long standing features on the ground.</p> <p>Only 12 electors are affected and the boundary change does not impact significantly on the ward arrangements for the District but would affect, marginally, the boundaries of the Arden and Kenilworth St John’s District ward boundaries.</p> <p>This would require a subsequent application to the Local Government Boundary Commission for England for a late alteration order to amend the proposed District Council ward boundaries.</p>										

10	<p>To seek consent from the Local Government Boundary Commission for England to align the northern boundary of the Kenilworth Abbey Town ward and northern boundary of the Kenilworth Park Hill Town ward and the southern boundary of parish of Burton Green. (map reference 7)</p> <p>The justification for this proposal is to tidy up an original boundary so aiding clarity of community leadership.</p> <p>This affects two electors and would require a subsequent application to the Local Government Boundary Commission for England for a late alteration order to amend the proposed District Council ward boundaries.</p>
BURTON GREEN PARISH COUNCIL	
11	<p>To seek consent from the Local Government Boundary Commission for England to move the University ward from Ashow and Stoneleigh joint Parish Council to become a ward of Burton Green Parish Council. (map reference 8)</p> <p>This enables the Parish to remain within a single Warwick District Ward. This affects 1705 electors.</p> <p>The justification for this proposal is based on co-terminosity, as the Parish Council and District Council elections are held on the same day every 4 years. It will avoid confusion for the electorate and provide clarity of community leadership by having the same ward boundaries.</p>
WARWICK TOWN COUNCIL	
12	<p>To seek consent from the Local Government Boundary Commission for England to align the Town Council ward boundaries with the Local Government Boundary Commission for England District wards of Aylesford, Emscote, Myton & Heathcote, Saltisford and Woodloes in the town of Warwick. This would result in each ward being allocated 3 Councillors.</p> <p>This would remove the proposal for Town Council wards of Bridge End, Saltisford Common, Cliffe, Heathcote, St Nicholas and Woodloes Park.</p> <p>The justification for this proposal is based on co-terminosity, as the Town Council and District Council elections are held on the same day every 4 years. It will avoid confusion for the electorate and provide clarity of community leadership by having the same wards.</p>

13	<p>To seek consent from the Local Government Boundary Commission for England to align the northern boundary of the Warwick North Town ward (recommended Woodloes Town ward), the northern boundary of the parish of Budbrooke and the southern boundary of the parish of Leek Wootton and Guys Cliffe . (map reference 9)</p> <p>The justification for this proposal is to tidy up an original boundary so aiding clarity of community leadership.</p> <p>This boundary change affects 14 electors to be moved into the District Arden Ward and does not substantially alter the variance from average of either District Council Ward.</p> <p>This would require a subsequent application to the Local Government Boundary Commission for England for a late alteration order to amend the proposed District Council ward boundaries.</p>
14	<p>To seek consent from the Local Government Boundary Commission for England to realign the northern boundary of the parish of Barford, the north western boundary of the parish of Bishop’s Tachbrook and the current south eastern Warwick West Town boundary (recommended Aylesford Town ward) along the M40. (map reference 10)</p> <p>This affects the boundaries of the Ayelsford, Budbrooke and Bishop’s Tachbrook District wards but only 9 electors.</p> <p>This gives a defined boundary and places Warwick Castle Park into Warwick, just after the 1100 birthday of Warwick. The justification for this proposal is to tidy up an original boundary so aiding clarity of community leadership.</p> <p>While the Chief Executive has approved this variation to the Parish boundary under delegated authority for the sake of clarity and consistency, consent should be gained from the LGBCE for this. It will not impact upon the Neighbourhood Plan for the Parish of Barford because it has now received approval for its designated area in line with its request for a smaller area.</p> <p>This would require a subsequent application to the Local Government Boundary Commission for England for a late alteration order to amend the proposed District Council ward boundaries.</p>
15	<p>To seek consent from the Local Government Boundary Commission for England to recommend realigning the eastern boundary of the parish of Budbrooke and the current western and the current southern boundary of the Warwick West Town ward (recommended Aylesford Town ward) along the centre of the A46 and the M40. (map reference 11)</p> <p>No electors are affected by this proposal which is included to tidy up an original boundary so aiding clarity community leadership.</p> <p>This would require a subsequent application to the Local Government Boundary Commission for England for a late alteration order to amend the proposed District Council ward boundaries.</p>

MYTON & HEATHCOTE WARD	
16	<p>To seek consent from the Local Government Boundary Commission for England to realign the south eastern boundary of the Warwick South Town ward (recommended ward Myton & Heathcote) between the Whitnash West Town ward and the north eastern boundary of the parish of Bishop's Tachbrook, along the centre of Heathcote Lane and Othello Avenue. (map reference 12)</p> <p>This affects the boundaries of the Myton and Heathcote, Whitnash and Bishop's Tachbrook District wards.</p> <p>This proposal combined with changes outlined below in (18) would see the following small changes to electors within each Ward:</p> <p>Myton Heathcote loses 197 but gains 57 meaning an overall loss of 140 Bishops Tachbrook loses 57 but gains 41 meaning an overall loss of 16 Whitnash loses 35 but gains 191 meaning an overall gain of 156</p> <p>The justification for this proposal is to tidy up an original boundary so aiding clarity community leadership.</p> <p>This would require a subsequent application to the Local Government Boundary Commission for England for a late alteration order to amend the proposed District Council ward boundaries.</p>
17	<p>To seek consent from the Local Government Boundary Commission for England to realign the north western boundary of the parish of Bishop's Tachbrook and the eastern boundary of the Warwick South Town ward (recommended Myton & Heathcote Town ward) along the centre of Miranda Drive from a point where the boundary meets the original boundary at Bolingbroke Drive and in a southerly direction until the original western parish boundary of Bishop's Tachbrook is met at a point on Harbury Lane. (map reference 12)</p> <p>This affects the boundaries of the Myton and Heathcote, Whitnash and Bishop's Tachbrook District wards.</p> <p>This proposal combined with changes outlined above in (17) would see the following small changes to electors within each Ward:</p> <p>Myton Heathcote loses 197 and gains 57 overall loss of 140 Bishops Tachbrook loses 57 and gains 41 overall loss of 16 Whitnash loses 35 and gains 191 overall gain 156</p> <p>The justification for this proposal is to tidy up an original boundary so aiding clarity community leadership.</p> <p>This would require a subsequent application to the Local Government Boundary Commission for England for a late alteration order to amend the proposed District Council ward boundaries.</p>

Appendix 2

Proposed revisions to the Warwick District Council Ward Boundary between Bishops Tachbrook and Myton/Heathcote Ward and the associated Parish Council Boundaries.

To seek consent from the Local Government Boundary Commission for England to realign the north western boundary of the parish of Bishop's Tachbrook and southern boundary of the Warwick South Town ward (recommended Myton & Heathcote Town ward) along the centre of Harbury Lane and Europa Way. ([map reference H](#))

This affects the boundaries of the Myton and Heathcote and the Bishop's Tachbrook District wards. This would impact on 134 electors at present, who would move in to the Bishops Tachbrook Ward

The justification for this proposal is to tidy up an original boundary so aiding clarity of community leadership.

This would require a subsequent application to the Local Government Boundary Commission for England for a late alteration order to amend the proposed District Council ward boundaries.

The proposal is supported by both Warwick Town Council and Bishops Tachbrook Parish Council and no comments have been received from electors on this proposal.

Impact on the variance from average number of electors to Councillors ratio.

The proposal would bring Bishops Tachbrook Ward from -12% to - 4% variance for 2014. However, the predicted electorate for 5 years is affected by the significant number of new builds in the ward of Bishops Tachbrook. Based on approved developments this could result in up to 1740 new electors in the next five years and once completed a further 2560 new electors.

Based on this, in five years Bishops Tachbrook District ward would be 63% above variance of ratio of elector to Councillor.

In addition to these figures there are two applications totalling just over 1000 properties that are due to be determined by the Planning Inspector in this ward. While the District Council is confident that it will win these appeals if they are lost this could see a further 200 electors in the ward within five years.

Based on all of this increase it would see the Bishops Tachbrook District ward being 73% above the variance of ratio of elector to Councillor.

Revised Option Proposal

In order to rectify or at least alleviate this variation officers would like the Committee to consider the following proposals (illustrated in Maps A and B):

1. To transfer the area currently within Bishop's Tachbrook Parish and District Ward north of Harbury Lane to the east and west of its junction with Tachbrook Road into Whitnash Parish and District Ward.
2. To split the Whitnash District Ward into two wards of two District Councillors – Whitnash East and Whitnash West as shown on the map at ?;

3. To arrange the Whitnash Town Wards as shown on Map, each with 8 and 7 Town Councillors, as at present.

This would have the effect of making Bishop's Tachbrook only 21% over the average elector/Councillor ratio and on average the two Whitnash wards 12% under the average.

Alternative options

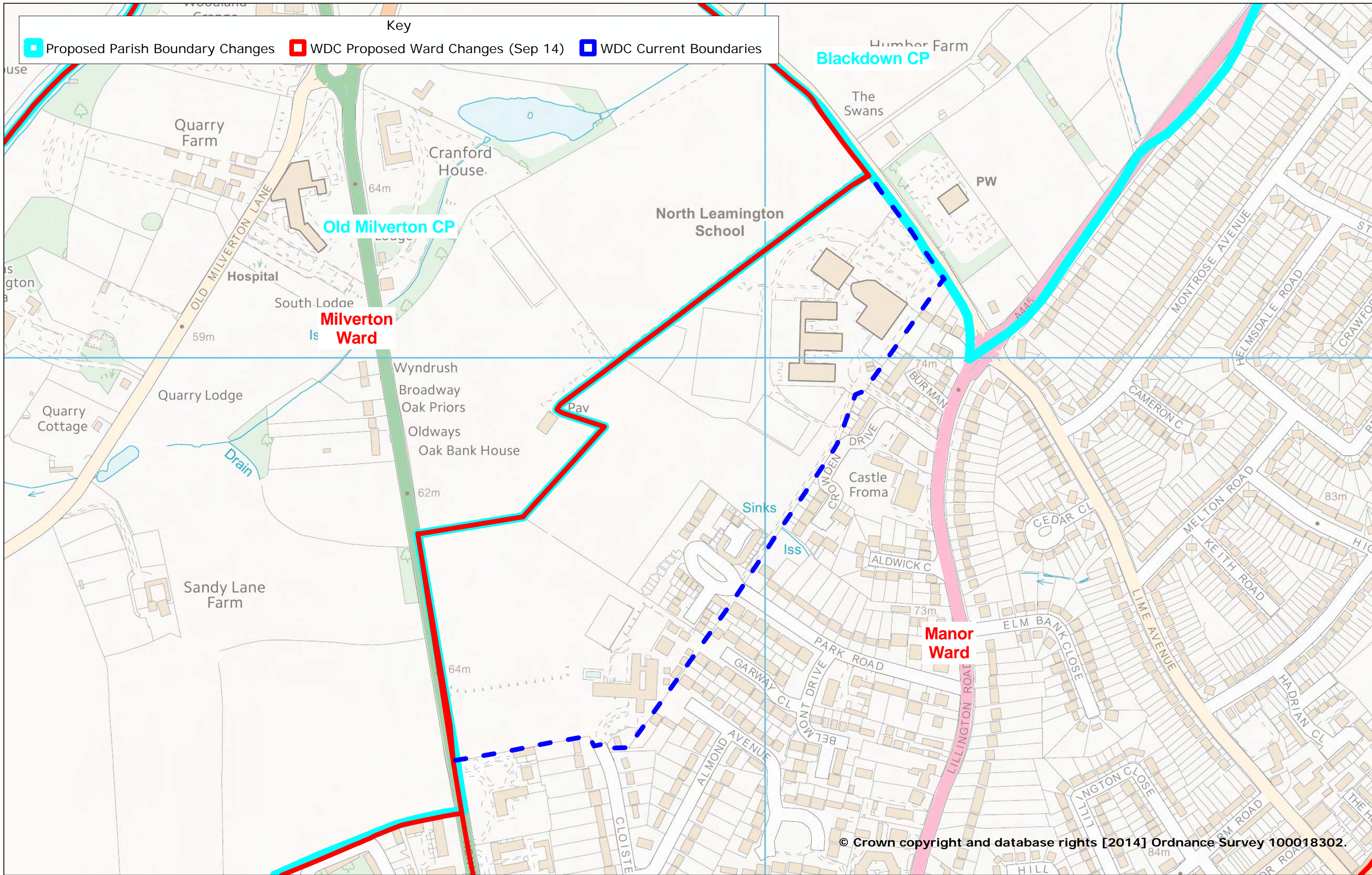
- (1) that the Council requests again that the LGBCE review the electoral arrangements at District level within 5 years; or
- (2) that the Council proposes retaining all the properties currently in Bishops Tachbrook plus moving all the properties south of Harbury Lane on Heathcote Park then in recognition of all the additional properties in this Ward propose that a second Councillor (47th for the District). This would see the ward being variance of -16% from the average.



Proposed Parish Boundary Changes



WDC Proposed Ward Changes (Sep 14)



WDC Current Boundaries

Key

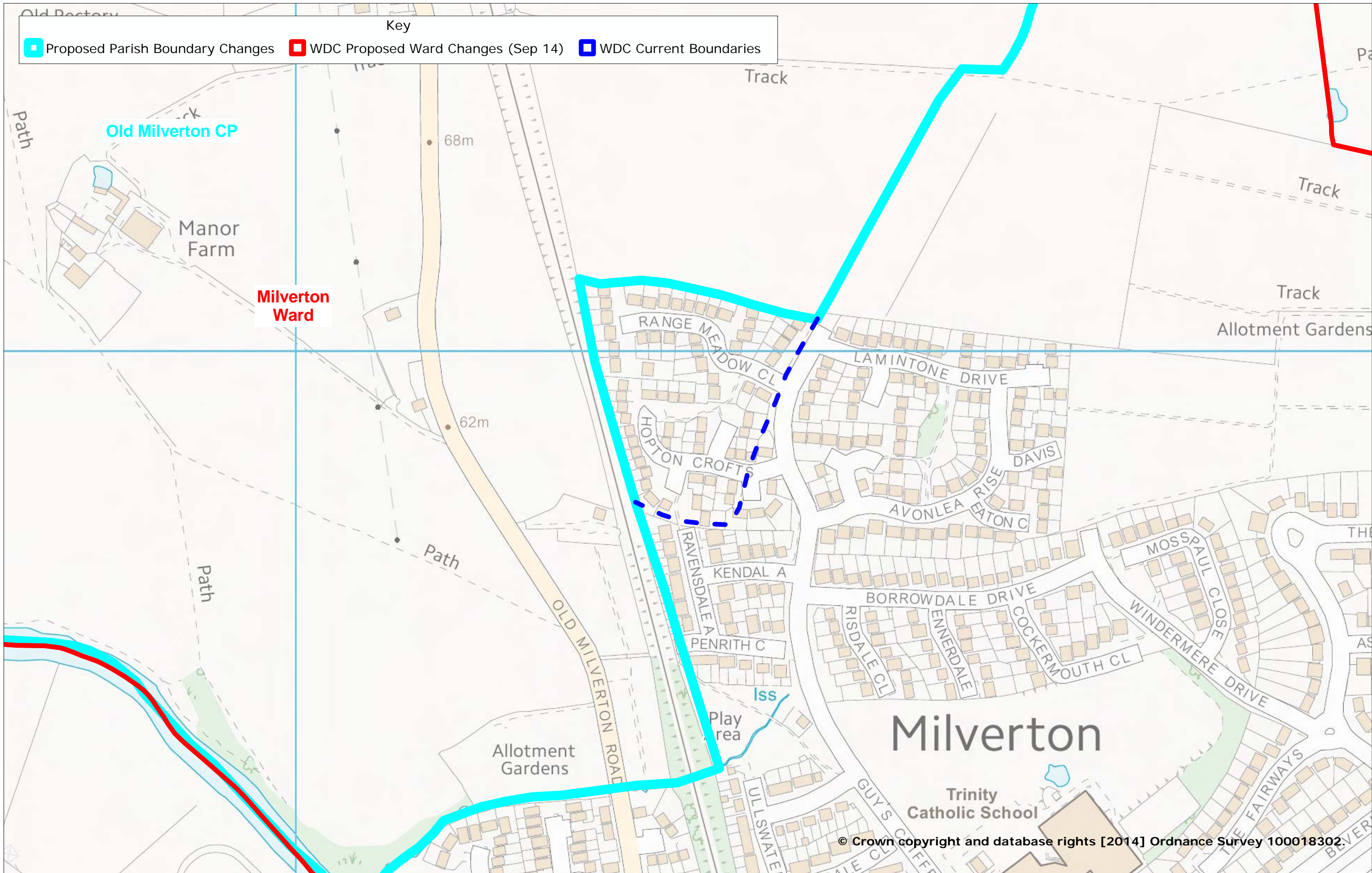




Proposed Parish Boundary Changes



WDC Proposed Ward Changes (Sep 14)



WDC Current Boundaries

Key

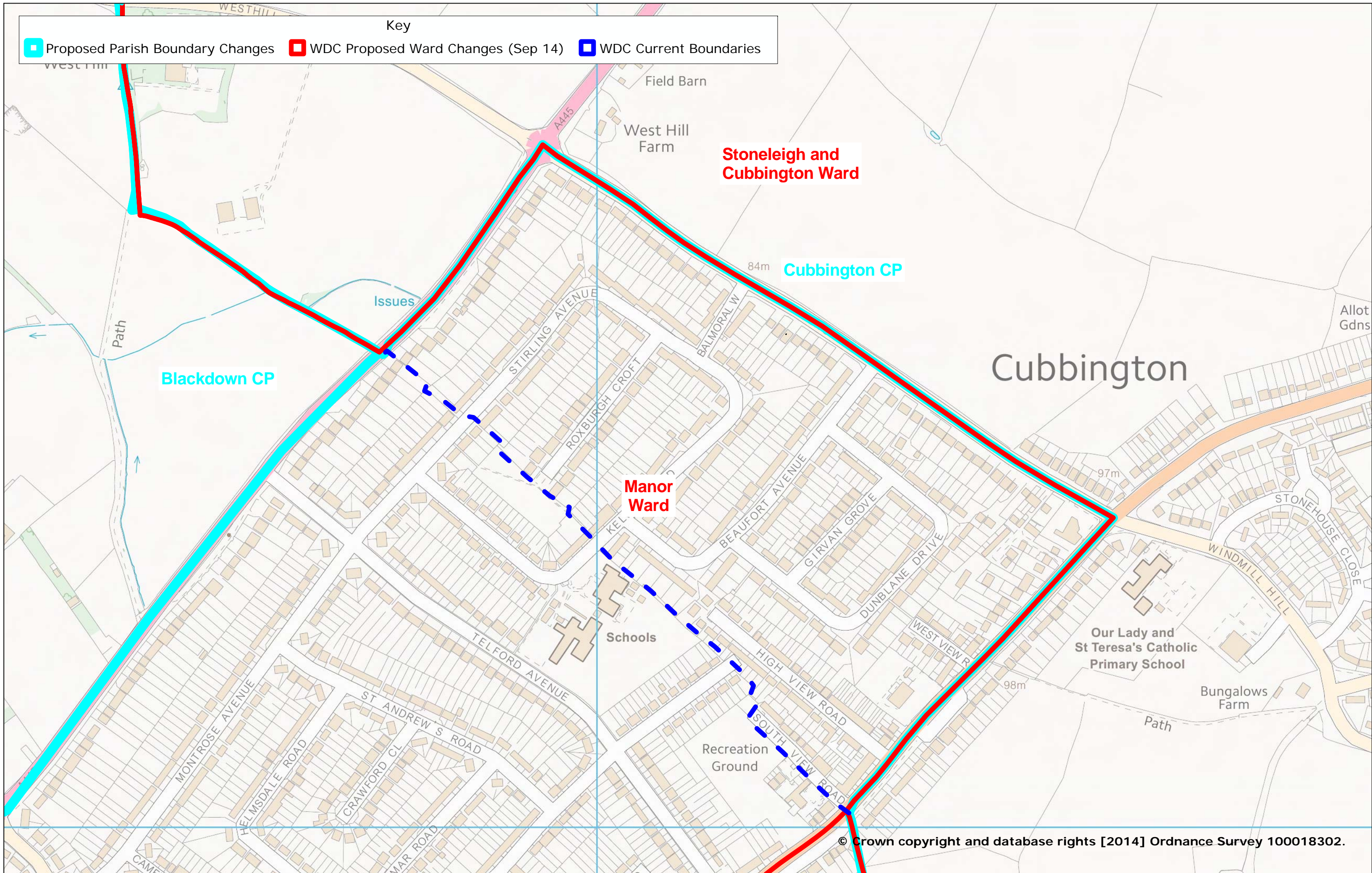


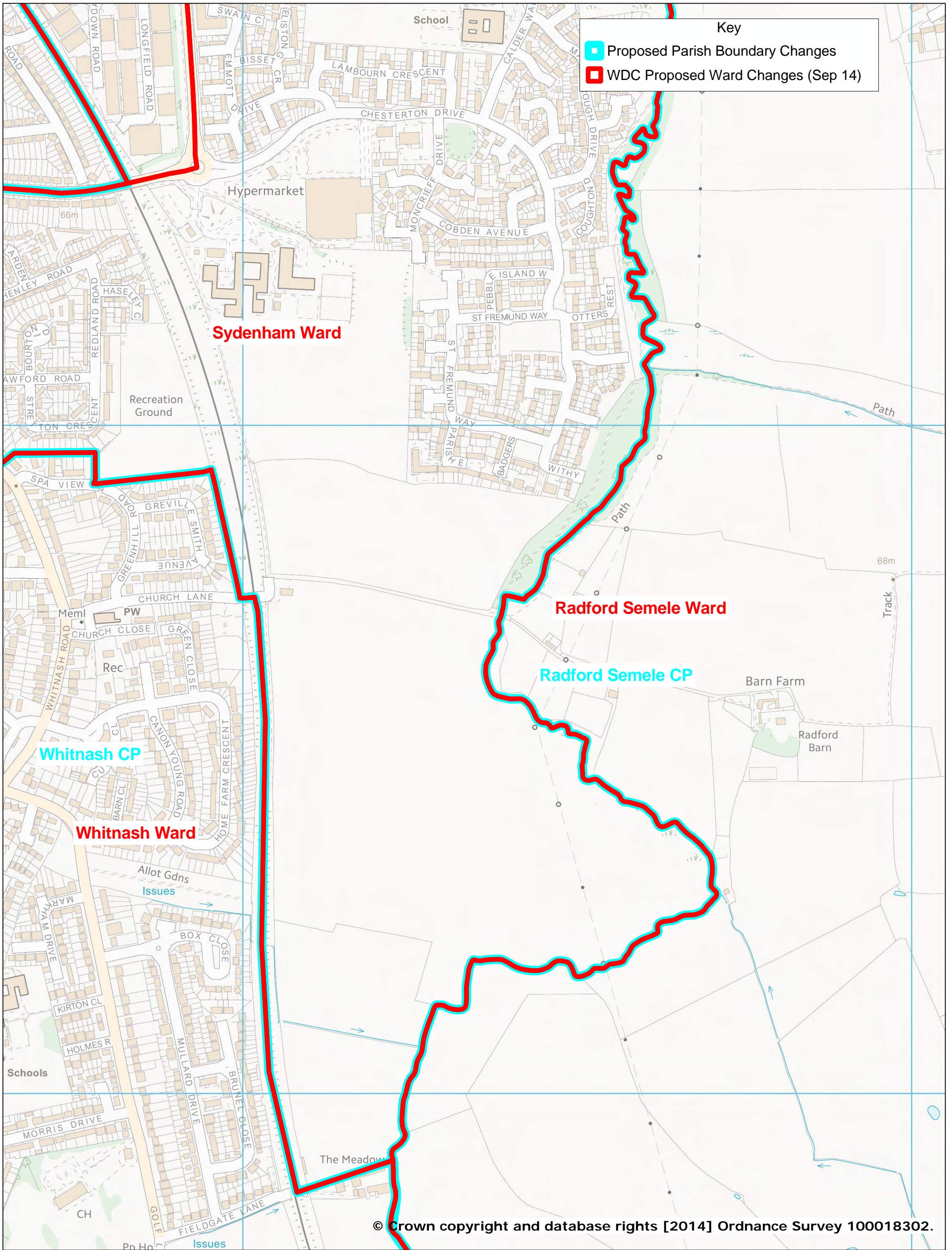

Proposed Parish Boundary Changes

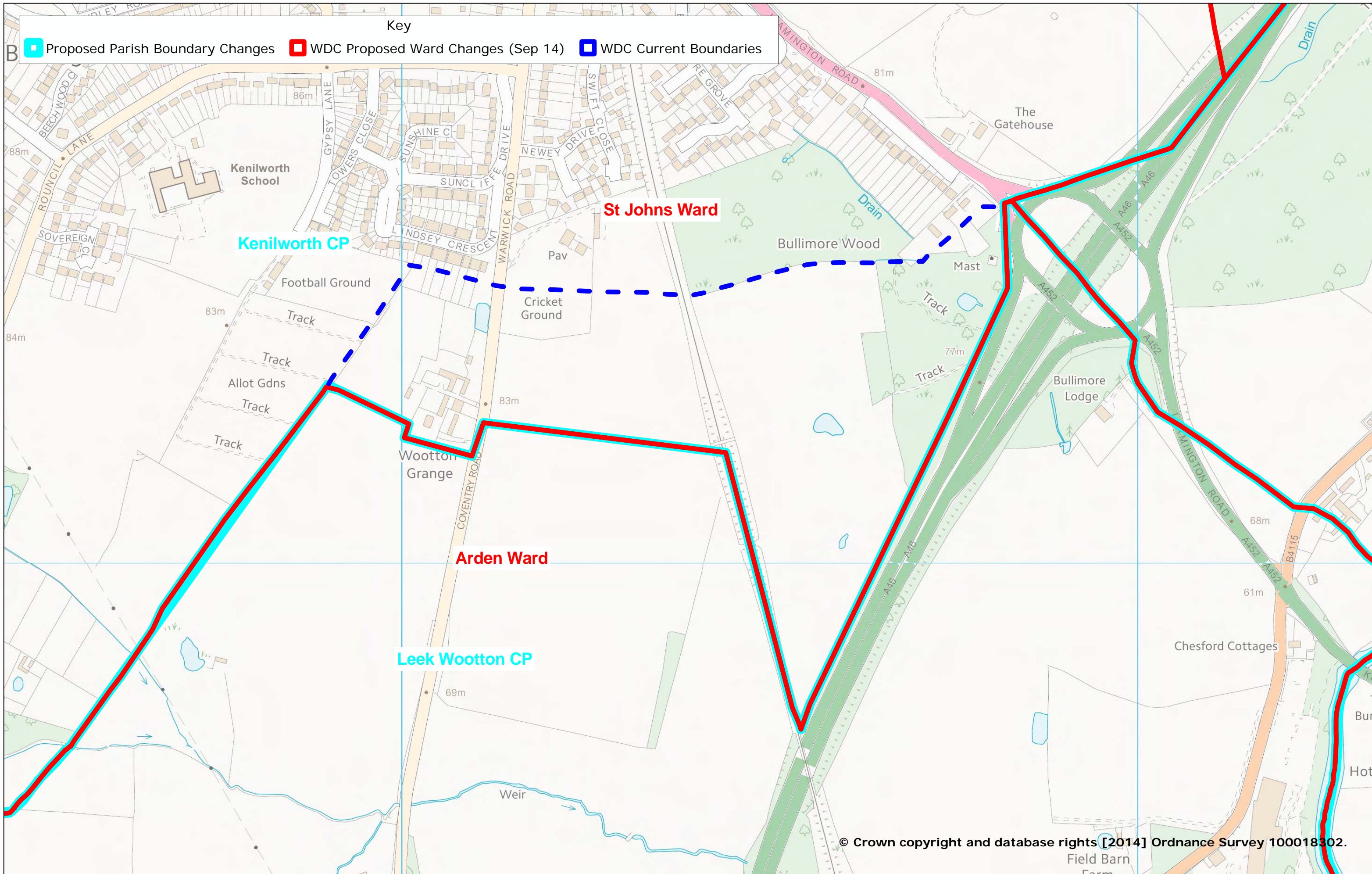

WDC Proposed Ward Changes (Sep 14)



WDC Current Boundaries


Key




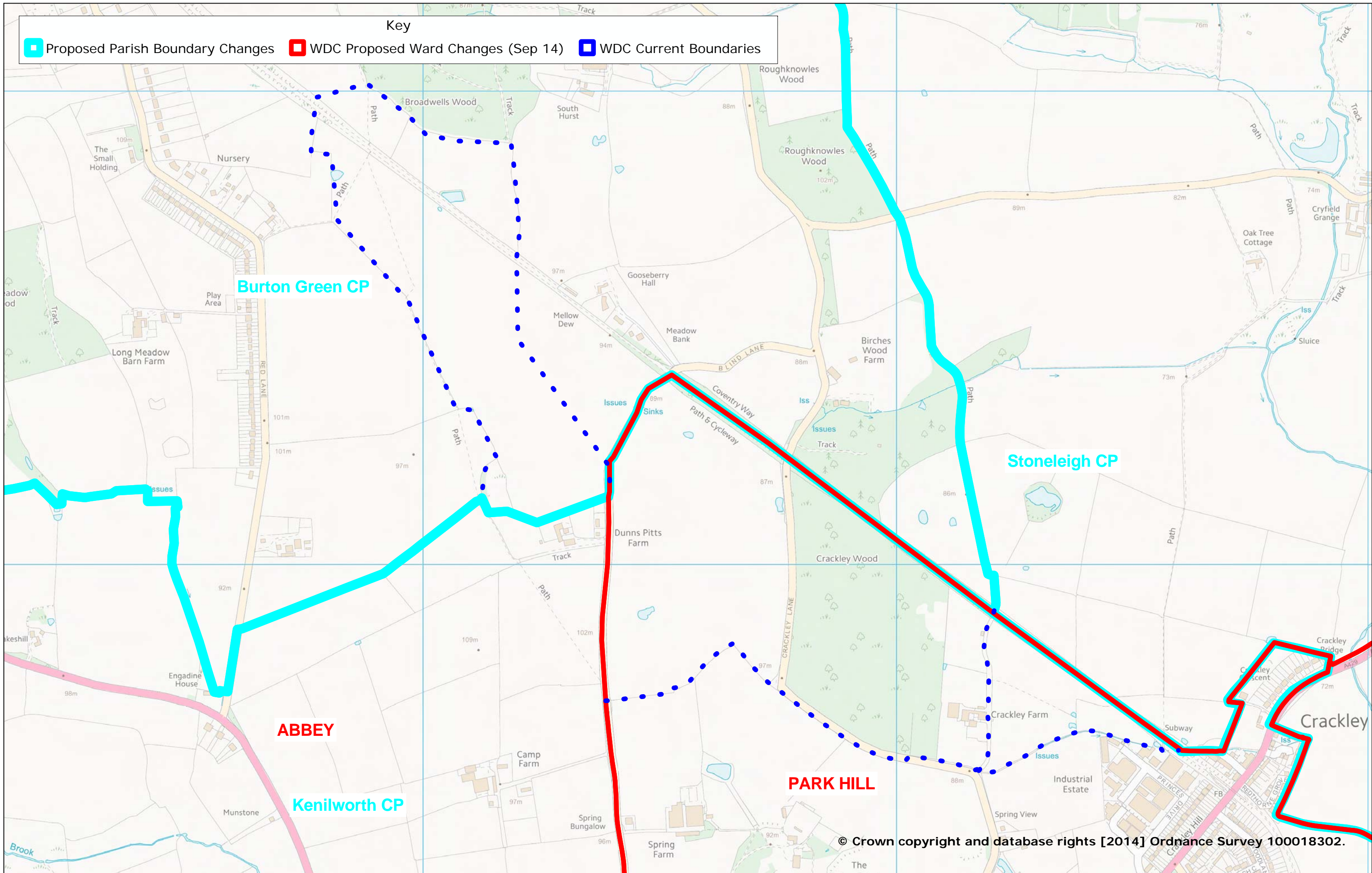







Proposed Parish Boundary Changes



WDC Proposed Ward Changes (Sep 14)

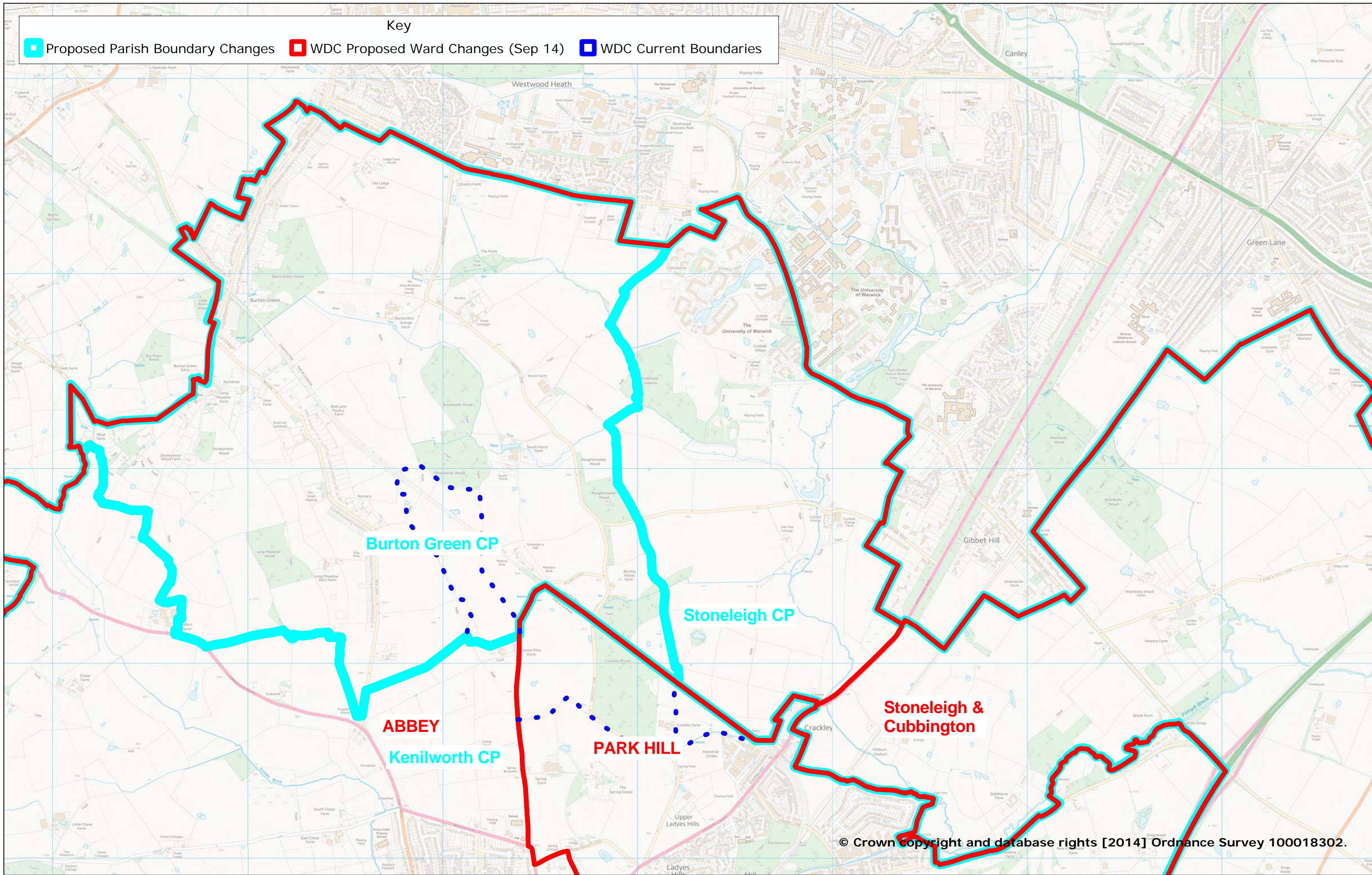

WDC Current Boundaries






Proposed Parish Boundary Changes



WDC Proposed Ward Changes (Sep 14)


WDC Current Boundaries

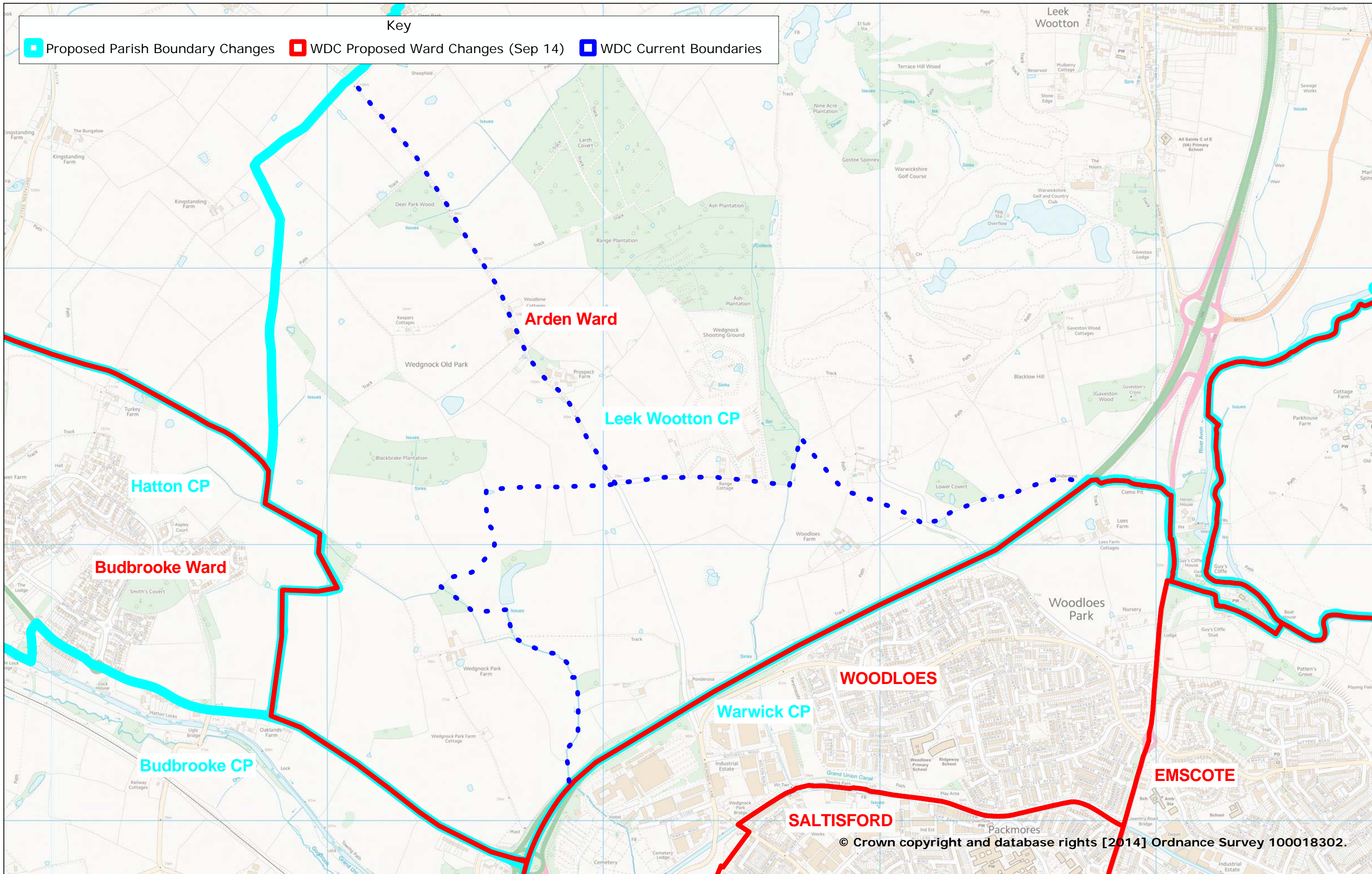


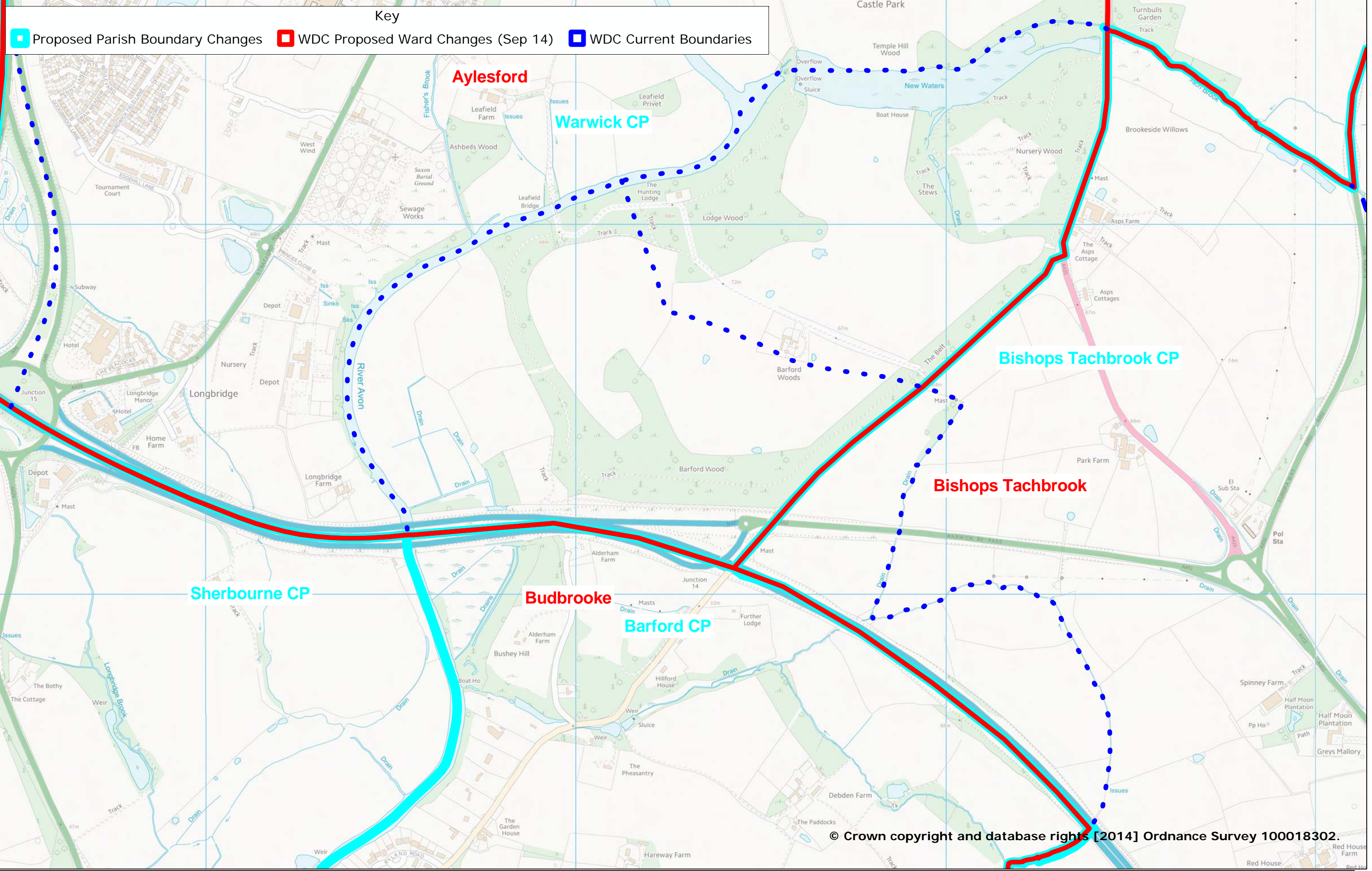

Proposed Parish Boundary Changes



WDC Proposed Ward Changes (Sep 14)



WDC Current Boundaries


Key

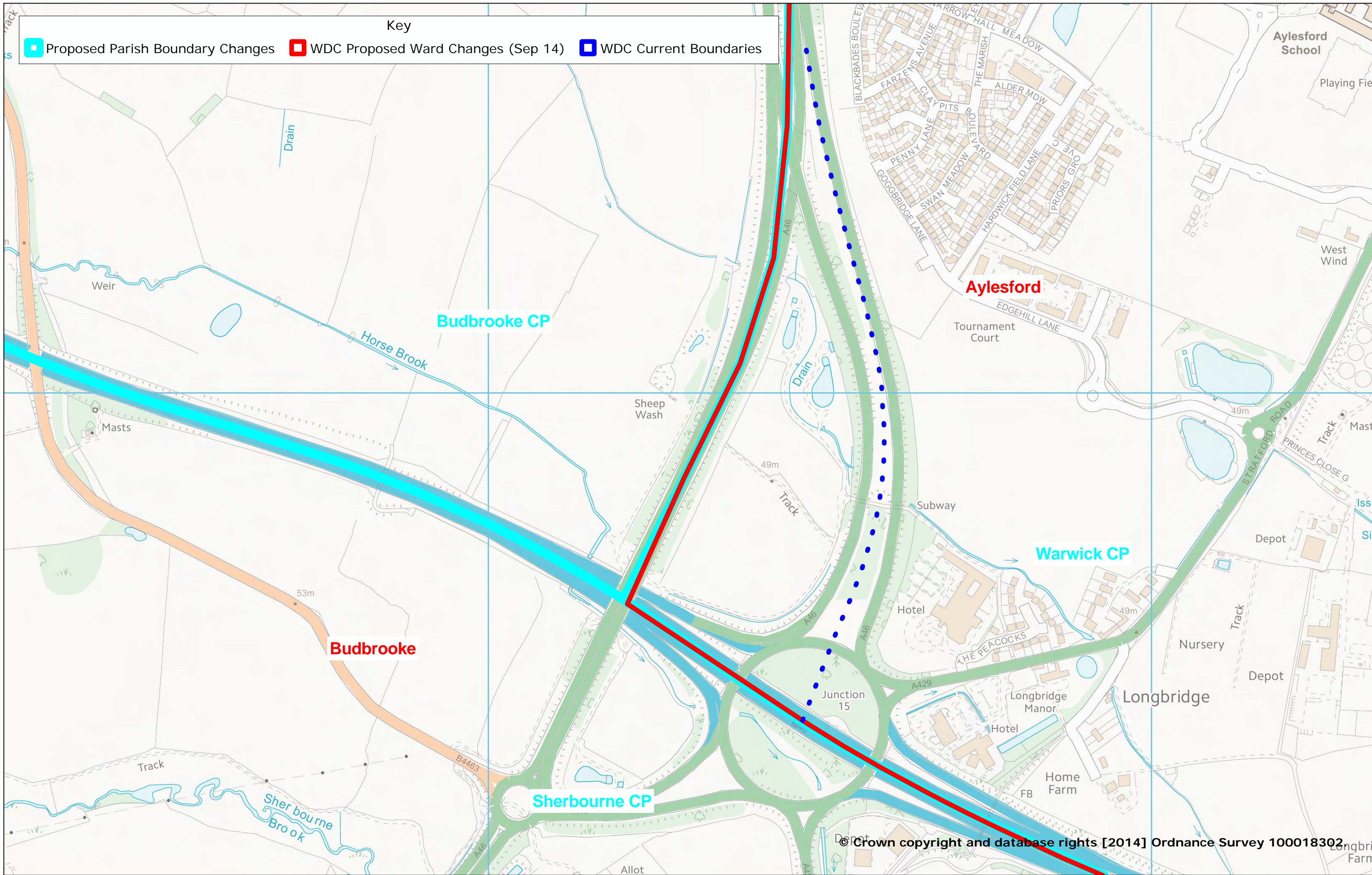







Proposed Parish Boundary Changes



WDC Proposed Ward Changes (Sep 14)


WDC Current Boundaries

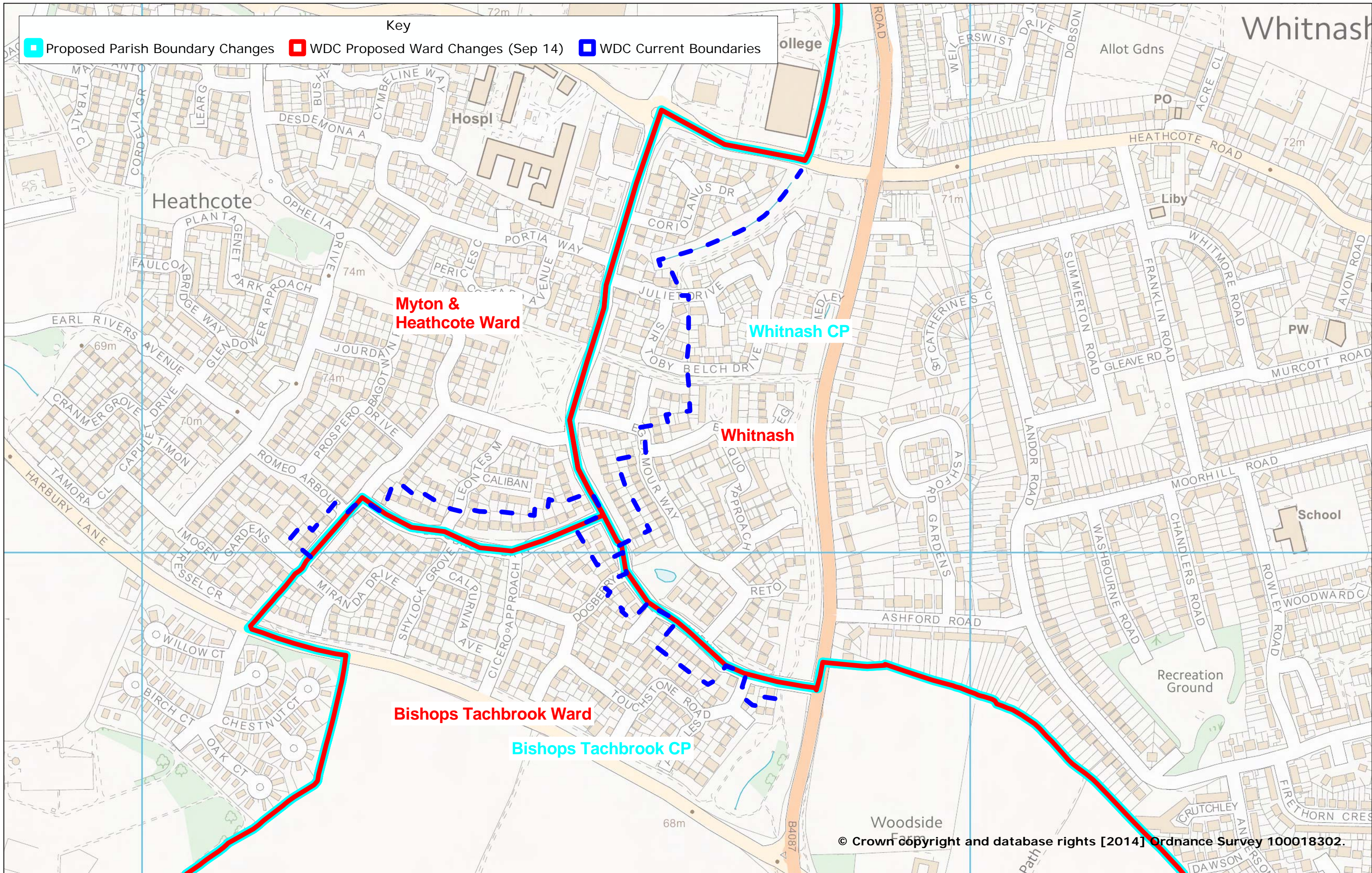


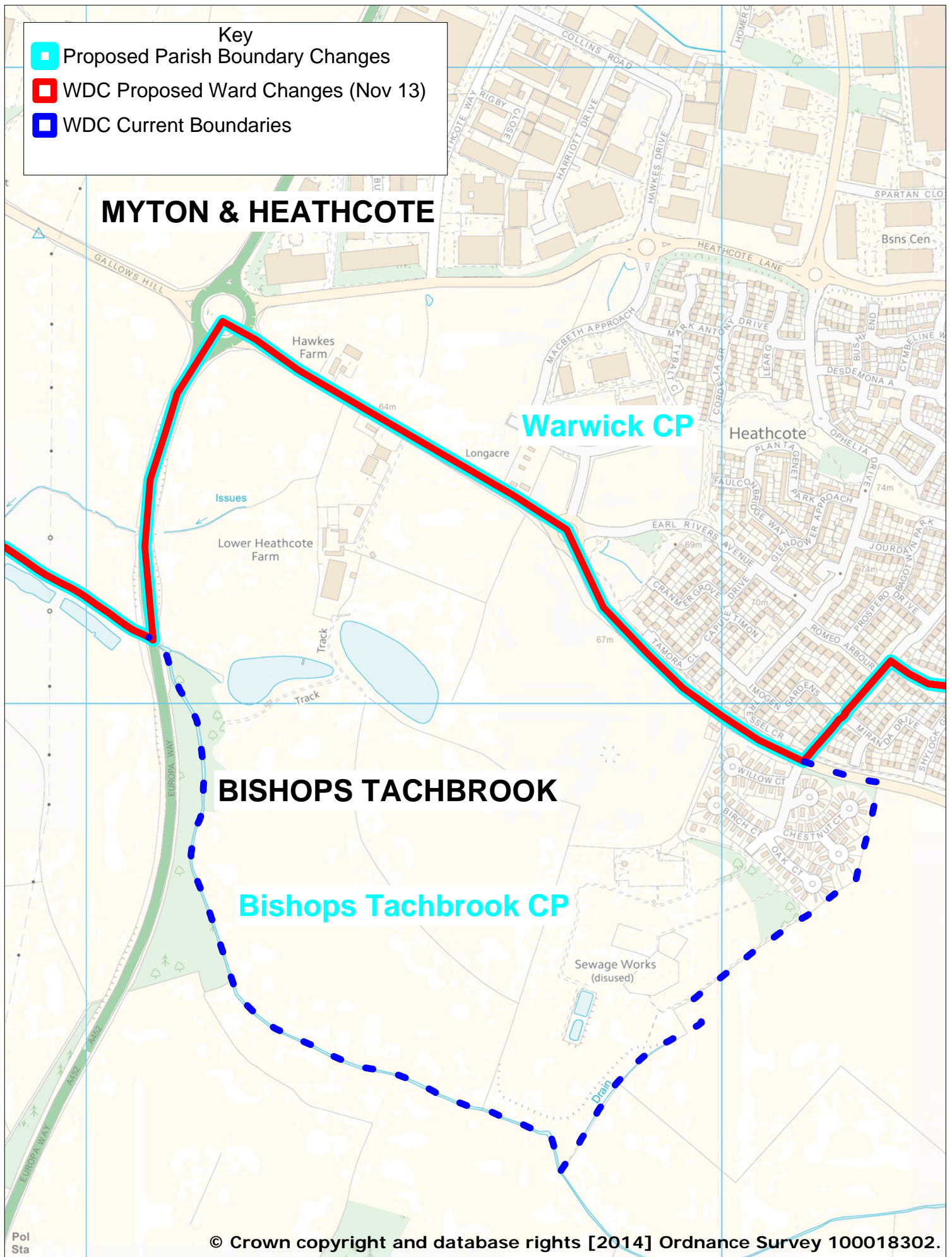

Proposed Parish Boundary Changes


WDC Proposed Ward Changes (Sep 14)


WDC Current Boundaries

Key





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Bishops Tachbrook - Map H

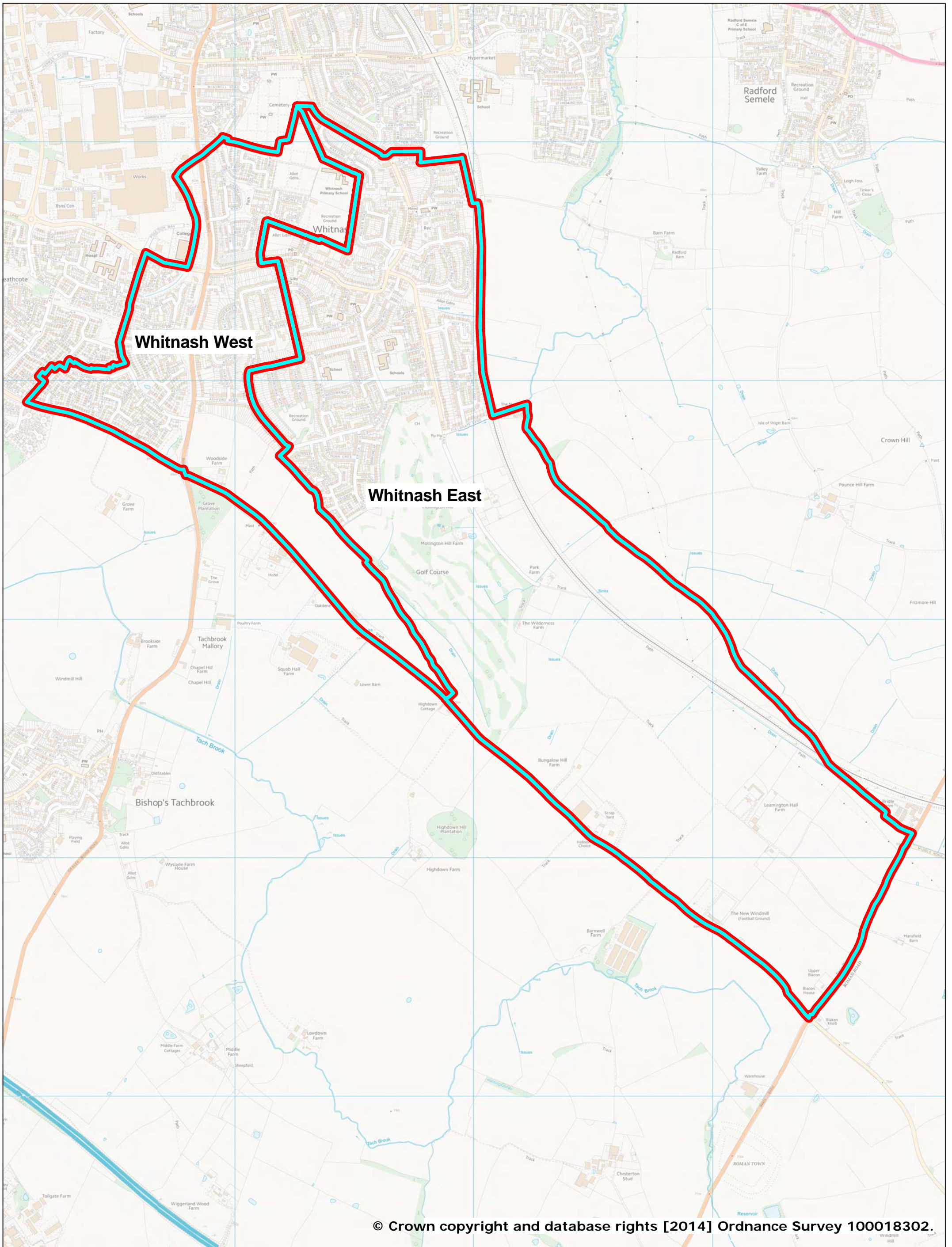
Scale: 1:7500 @A4 Drawn By: MB

Date: 20 January 2014

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Tel: 01926 410410





Whitnash Proposed Ward/Parish Boundary Changes - Map B

Scale
0 200 400 600 800 m

15 October 2014

1:14000 @ A3

