

Licensing & Regulatory Committee

Minutes of the meeting held on Tuesday 29 May 2018, at the Town Hall, Royal Leamington Spa at 4.00 pm.

Present: Councillors: Mrs Bunker, Cain, Mrs Cain, Davies, Gifford, Gill, H Grainger, Heath, Mrs Hill, Mrs Knight, Murphy, Quinney, Mrs Redford and Mrs Stevens.

1. Apologies and Substitutes

- (a) No apologies for absence were received; and
- (b) Councillor Mrs Bunker substituted for Councillor Gallagher and Councillor Cain substituted for Councillor Ashford.

2. Appointment of Chairman

It was proposed by Councillor Gifford, seconded by Councillor Davies and

Resolved that Councillor Illingworth be appointed as Chairman of the Committee for the 2018/19 municipal year.

3. Appointment of Vice-Chairman

It was proposed by Councillor Heath, duly seconded by Councillor Cain that Councillor Murphy be appointed as Vice-Chairman. It was also proposed by Councillor Mrs Knight and seconded by Councillor Mrs Hill that Councillor Davies be appointed as Vice-Chairman. On being put to the vote it was

Resolved that Councillor Murphy be appointed as Vice-Chairman of the Committee for the 2018/19 municipal year.

4. Declarations of Interest

Minute 9 – Review of Warwick District Council Ward Boundaries

Councillors H Grainger and Stevens informed the Committee that they had considered the matter in respect of Leamington at a meeting of Leamington Town Council. However, they did not feel they were predetermined on this matter because they had not considered the matter in respect of the whole District and wanted to listen to others views before voting on the matter.

5. Minutes

The minutes of the meetings held on 8 August 2016, 31 October 2016 and 16 April 2018, subject to an amendment to minute 37 of 16 April 2018 so that it included reference to the debate regarding the boundary between Leamington and Whitnash including when this could be reviewed in detail, were agreed and signed by the Chairman as a true record.

6. **Record of Licensing & Regulatory Panel Hearings**

The minutes of the Panel Hearings held on 15 January 2018 and 8 March 2018 were noted.

7. **Appointment of Sub-Committees**

The Chairman highlighted that on one of the proposed Panels, as set out on the agenda, the membership was all Conservative and on another there was only one Conservative. While it was agreed the Panels did not need to be politically proportionate, there was the ability to amend these to make them more representative of the Council. It was therefore proposed to move Councillor Quinney from Panel A to Panel E and Councillor Hill from Panel E to Panel A.

Resolved that the membership of Licensing & Regulatory sub-committees for the 2018/19 municipal year be as follows:

- (1) Panel A - Councillors Mrs Cain Gifford and Mrs Hill;
- (2) Panel B - Councillors Ashford, Gallagher and Gill
- (3) Panel C - Councillors Illingworth, Mrs Knight and Mrs Stevens;
- (4) Panel D – Councillors Davies, Heath and Mrs Redford; and
- (5) Panel E – Councillors H Grainger, Murphy and Heath.

The Democratic Services Manager & Deputy Monitoring Officer addressed the Committee with regard to additional Panels held during the year, the appointment of Chairmen for the Panels and the approval of the minutes of the Panels.

The Democratic Services Manager & Deputy Monitoring Officer proposed that when an additional Panel was required, this should be selected from Panel A-E rather than a request for members to form a Panel. This could be combined with appointing a Chairman of each Panel for the year who could then formally request the Panel meeting. In addition, this would also enable all minutes to be duly approved by the Panel that had considered them rather than the ad hoc panels which never met.

The Committee had concerns with this proposal as they were of the view that the current arrangements were satisfactory and robust. Therefore, they asked officers to look at the proposals in detail and bring forward suggestions if there were fundamental areas of weakness with the current approach.

8. **Statutory Review of the WDC Gambling Policy**

The Committee considered a report from Health & Community Protection that advised them of the statutory requirement to review the Gambling Policy and informed them of the proposed schedule for meeting legal requirements.

The Licensing Authority was required by the Gambling Act 2005 to review its Statement of Principles every three years.

The proposed changes to the policy were minimal and were designed to reflect the Authority's current approach to the Gambling Regime in terms of the unique character of the District and the application of generic legislation.

The report asked Members to support the proposal that a public consultation on the revised policy should be held and would start on 2 July 2018 and end on 19 August 2018.

The current Policy was attached at Appendix 1 and the reviewed Policy was attached at Appendix 2 to the report.

Resolved that the proposals to hold a public consultation on the revised policy document between 2 July 2018 and 19 August 2018 be supported.

9. **Review of Warwick District Council Ward Boundaries**

The Committee considered a report from Democratic Services that presented the Local Government Boundary Commission for England's draft recommendations on the proposed new electoral arrangements for Warwick District Council and sought confirmation of the Council's Response Submission to the Commission.

The Local Government Boundary Commission for England (LGBCE) had published the draft recommendations on the new electoral arrangements for Warwick District Council which were attached as Appendix 1 to the report. The recommendations were open to public consultation until 11 June 2018.

The report to the Committee in April 2018 explained that the proposals did not wholly follow the submission made by the Council, or any single submission by other parties to the Commission for the reasons set out in the report by the LGBCE.

It should be noted that the LGBCE had stated, within their report, that 11 of the 17 wards were either coterminous with a County Division or wholly within a County division, these being: Budbrooke; Bishop's Tachbrook, Cubbington & Leek Wootton; Kenilworth St Johns; Kenilworth Park Hill; Leamington Willes; Leamington North; Leamington Brunswick; Myton & Heathcote; Radford Semele; and Whitnash.

In April the Committee had asked the Chief Executive and Democratic Services Manager to discuss the proposals with Group Leaders as set out above, develop recommendations and bring forward a further report to the 29 May 2018 meeting of this Committee for consideration. Specific consideration was requested on the following points:

1. Leamington Willes Area, as set out by the LGBCE in Para 51 and 52 of their report.
2. The proposals for the Aylesford & Saltisford wards as per paragraph 53 to 59 of the LGBCE report.
3. The inclusion of Shrewley Parish in Lapworth & West Kenilworth Division.
4. The electorate of the town wards of Leamington to see if they were proportionate to each other (specifically College and Victoria Park Wards)
5. Area north of River in Myton & Heathcote.
6. Electorate for the proposed town wards in Warwick, again to check if they were proportionate to the number of Councillors (specifically Wilmshurst ward).

Having met with Group Leaders, the proposals set out in recommendation 2.2 were agreed through consensus. However, there was a mutual understanding that

there was potential for further proposals to be brought to this meeting in respect of, the potential for all Leamington Wards to be coterminous with the WCC Divisions, Leamington Willes Ward and Warwick Myton & Heathcote Ward for consideration.

Any proposal that was brought forward needed to be mindful of the statutory criteria for the outcome of a review; which was summarised as follows:

- *Delivering electoral equality for local voters – this means ensuring that each councillor represents roughly the same number of voters so that the value of your vote is the same regardless of where you live in the local authority area.*
- *Interests and identities of local communities – this means establishing electoral arrangements which, as far as possible, avoid splitting local ties and where boundaries are easily identifiable.*
- *Effective and convenient local government – this means ensuring that the wards can be represented effectively by their elected representative(s) and that the new electoral arrangements as a whole, including both the council size decision and warding arrangements, allow the local authority to conduct its business effectively.*

The data set used to calculate the proposed Wards from the LGBCE had been provided, separately, to all Councillors for their reference, analysis and consideration in advance of any proposals they wished to make.

Recommendation 2.3 related to potential Community Governance Reviews.

As part of the Warwick District Ward review it had been identified that the boundary between Whitnash and Royal Leamington Spa ran through the Campion School site. It was therefore suggested that, subject to the agreement of the two relevant Town Councils, an amendment should be sought so that the Boundary followed the rear of the superstore, up to the roundabout on Chesterton Drive then met the boundary on the middle of the railway bridge, thus providing a clearly definable boundary. Only one house was affected and would move from Leamington to Whitnash.

As part of its submission, Kenilworth Town Council had highlighted concerns regarding the potential large Town Council wards (Park Hill and St John's) as set out in paragraph 40 of the LGBCE proposals. The responsibility to address this situation would fall to the Council through a Community Governance Review. Therefore, it was proposed that the Council review these boundaries and assist the Town of Kenilworth if these proposals were adopted by the LGBCE.

The final request from Norton Lindsey Parish Council did not directly relate to the Ward Boundary Review but had been requested and the LGBCE had confirmed their consent would not be required for this review.

The Democratic Services Manager & Deputy Monitoring Officer informed the meeting that Warwickshire County Council had made a submission to the LGBCE on the draft proposals and shared this with the Committee.

There was significant debate on recommendations 2.2 (i) to (v) within the report in relation to the initial proposals from the LGBCE.

It was proposed by Councillor Quinney to add back the area bound by the South side of Avenue Road and the West side of Bath Street to Brunswick. This was duly seconded and, on being put to the vote, the proposal was lost.

It was proposed by Councillor Quinney that the Wards within Leamington should be wholly coterminous with the current Warwickshire County Council Divisions. This was duly seconded and, on being put to the vote, the proposal was lost on the casting vote of the Chairman.

It was proposed by Councillor Gifford that the Leamington Milverton District Ward should be called Milverton & Lillington Village. This was duly seconded and, on being put to the vote, the proposal was lost.

It was proposed by Councillor Illingworth that the proposals for Leamington District Wards were accepted with regret as to the loss of coterminous boundaries with recently established WCC Electoral Divisions in Leamington. This was duly seconded and, on being put to the vote, the proposal was carried.

It was proposed by Councillor Cain that the proposed Ward name of Leamington North, which was coterminous with the County Council Division of the same name, should be amended to Manor & Crown, so long as the Warwickshire County Council division was amended at the same time. This was duly seconded and, on being put to the vote, the proposal was carried.

It was proposed by Councillor Illingworth that the proposed name for the area identified by the LGBCE as Lapworth and West Kenilworth should actually be Kenilworth Abbey & Arden. This was duly seconded and, on being put to the vote, the proposal was carried.

Councillor Illingworth proposed the rest of the recommendations from the Chair, which were duly seconded and on being put to the vote it was

Resolved that

- (1) the Local Government Boundary Commission for England (LGBCE) draft recommendations on the new electoral arrangements for Warwick District Council (Appendix 1 to the report, along with Plans 1 to 4 of the report), be noted;
- (2) the Committee approves the Council's Response Submission to the LGBCE, the final wording for which is delegated to the Democratic Services Manager in consultation with the Chairman of the Committee, based on the following points:
 - (i) the Council supports the proposed Wards for St John's, Park Hill, Cubbington & Leek Wootton, Budbrooke, Radford Semele, Whitnash, Bishop's Tachbrook, Warwick Aylesford and Warwick Saltisford;
 - (ii) the Council proposes the Ward of Warwick Woodloes should be changed to be called

Warwick All Saints & Woodloes to better reflect the area it covers;

- (iii) the proposed Ward of Lapworth & West Kenilworth, should be called Kenilworth Abbey and Arden, this is to better reflect the area it covers but also to avoid confusion with voters because it covers a different area to the County Division of Lapworth & West Kenilworth;
 - (iv) the proposals for Leamington District Wards are accepted with regret as to the loss of coterminous boundaries with recently established WCC Electoral Divisions in Leamington;
 - (v) the name of the Leamington North Ward should be changed to Leamington Manor & Crown subject to the WCC Electoral Division of Leamington North having its name changed at the same time;
 - (vi) the Council notes the concerns of the LGBCE in respect of Leamington Willes, Warwick Aylesford and Warwick Saltisford but proposes no alternative solution; and
 - (vii) the Town Council have been encouraged by this Council to provide names to you for the new Town Council Wards within their respective areas;
- (3) the principal of the following Community Governance Reviews, be approved, and that terms of reference are brought to the 6 August 2018 for approval:
- (i) the boundary of Whitnash and Royal Leamington Spa that runs through Champion School (as set out in Plan 5);
 - (ii) the proposed Kenilworth Town Council Wards of St John's and Park Hill be subdivided; and
 - (iii) the request from Norton Lindsey Parish Council to increase the size of their Council from five to seven Councillors.

10. **Public & Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraphs 1 and 2 of Schedule 12A of the Local

Government Act 1972, following the Local Government
(Access to Information) (Variation) Order 2006.

11. **Record of Licensing & Regulatory Panel Hearings**

The confidential minutes of the Licensing & Regulatory Panel Hearings on 2 May 2017, 27 June 2017, 20 March, 5 April and 1 May 2018 were noted.

(The meeting ended at 5.42 pm)

CHAIRMAN
6 August 2018