

Licensing & Regulatory Committee

Monday 31 October 2016

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Monday 31 October 2016 at 2.30 pm.

Membership:

Councillor Illingworth (Chairman)	
Councillor Mrs Falp	
Councillor Ashford	(Conservative vacancy)
Councillor Mrs Cain	Councillor Murphy
Councillor Davies	Councillor Quinney
Councillor Gallagher	Councillor Mrs Redford
Councillor Gifford	Councillor Mrs Stevens
Councillor Gill	Councillor Weed
Councillor Miss Grainger	

Emergency Procedure

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

Agenda

1. Apologies & Substitutes

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

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter. If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Minutes**

To receive the minutes of the Licensing & Regulatory Committee meeting held on 31 May 2016 and 21 September 2016. **(Pages 1 to 8)**

4. **2018 Review of Parliamentary Constituencies**

To consider a report from the Chief Executive. **(Pages 1 to 7)**

5. **Proposed Boundary Review of Warwick District Council Wards & Community Governance Review of Parish and Town Council Boundaries/ Wards within Warwick District**

To consider a report from the Chief Executive. **(Pages 1 to 21)**

6. **Community Governance Review – Heathcote Area**

To consider a report from the Chief Executive. **(Pages 1 to 11)**

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

To note the minutes of the Licensing & Regulatory Panel Hearings as set out below:

- 15 & 22 March 2016
- 3 May 2016
- 10 May 2016
- 11 May 2016
- 17 May 2016

8. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Nos.	Para No.	Reason
9	1	Information relating to any individual
9	2	Information which is likely to reveal the identity of an individual

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

To note the confidential minutes of the Licensing & Regulatory Panel Hearings as set out below:

- 22 September 2015
- 20 October 2015
- 9 November 2015
- 3 December 2015
- 23 February 2016
- 10 March 2016

- 22 March 2016
- 7 April 2016

Published Friday 21 October 2016

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

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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

You can e-mail the members of this Committee at

landrcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

Licensing & Regulatory Committee

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

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

1. Apologies and Substitutes

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

2. Appointment of Chair

The Committee

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

3. Appointment of Vice Chairman

The Committee

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

4. Declarations of Interest

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

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

5. Minutes

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

6. Appointment of Sub-Committees

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

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

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

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

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

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

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

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

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

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

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

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

8. Review of Street Trading Policy

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

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

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

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

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

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

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

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

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

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

Members thanked officers for the report and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Committee therefore

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

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

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

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

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

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

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

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

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

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

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

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

Resolved that

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

(The meeting ended at 5.15 pm)

APPENDIX 1

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

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

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

WESTON UNDER WETHERLEY PARISH COUNCIL

(insert three names)

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

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

.....
Chief Executive

Licensing & Regulatory Committee

Minutes of the meeting held on Wednesday 21 September 2016, at the Town Hall, Royal Leamington Spa at 4.00pm.

Present: Councillor Illingworth (Chair); Councillors, Mrs Cain, Gallagher, Gill, Murphy, Quinney, Mrs Redford and Mrs Stevens.

11. **Apologies for Absence & Substitutes**

- (a) Apologies for absence were received from Councillors Ashford, Davies, Mrs Falp, Gifford, Miss Grainger and Mann; and
- (b) There were no substitutes in attendance.

12. **Declarations of Interest**

There were no declarations of interest.

13. **Review of the Street Trading Policy**

The Committee considered a report from Health & Community Protection that provided the results of the consultation on the draft Street Trading Policy at sought the Committees on the draft Policy prior to it being considered by the Executive.

Officers had reviewed the Street Trading Policy over the previous two years. The review had taken into consideration national examples of best practice and had looked at areas of specific concern within Warwick District.

The revised Policy was now brought to the Committee following consultation, where only a single response was received and that was a positive response.

At the meeting, Officers outlined a further revised Policy that provided greater clarity on specific matters and would enable a daily consent to cover up to 72 hours.

The Committee thanked the officers for their work on revising the Policy and bringing it forward to ensure it was more robust and enforceable.

The Committee therefore

Resolved that the following comment be forwarded to the Executive prior to their meeting on 28 September 2016:

“the Licensing and Regulatory Committee supports the revised Policy and welcomes the revisions which will solve the challenges within the current street trading conditions.”

(The meeting ended at 4.20 pm)



Title	2018 Review of Parliamentary Constituencies
For further information about this report please contact	Chris Elliott, Chief Executive 01926 456000 chris.elliott@warwickdc.gov.uk
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	None
Background Papers	Boundary Commission for England; Guide to the 2018 Review of Parliamentary constituencies; and Initial Proposals for the new Parliamentary constituency boundaries for West Midlands

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
The review would impact on all residents equally and would be undertaken by an external party.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	07.10.16	Chris Elliott
Head of Service		
CMT	07.10.16	Bill Hunt
Section 151 Officer	07.10.16	Mike Snow
Monitoring Officer	07.10.16	Andrew Jones
Finance		
Portfolio Holder(s)	10.10.16	Councillor Andrew Mobbs
Consultation & Community Engagement		
Final Decision?	Yes	

1. **Summary**

- 1.1 The report brings forward a proposed response to the Initial Proposals for the new Parliamentary constituency boundaries in the West Midlands.

2. **Recommendation**

- 2.1 That the Council submits the following response to the Initial Proposals for new Parliamentary Constituency boundaries in the West Midlands:
- A That the proposals for Parliamentary Constituency boundaries as well as achieving electoral equality now, should also be based upon the principle of using boundaries which reflect the integrity of recognisable geographic and economically linked communities. However, the proposed boundaries do not reflect a recognisable geographic or economic community as they split the physically adjoining towns of Warwick and Royal Leamington Spa; and also split the town of Warwick, because the Kenilworth & Leamington Constituency, as proposed, includes the Myton & Heathcote Ward of the District, but which falls within the boundaries of the town of Warwick.
- B That the proposals for the Parliamentary Constituencies covering Warwick District Council generate other concerns, namely that:
- They will not achieve sustainable electoral equality, in that the electoral number upon which the constituencies are devised do not properly reflect development growth and improved electoral registration making it impossible that electoral equality can be sustained for at least the period to the General Election in 2025 without requiring a further significant boundary review. The Boundary Commission should be mindful of the significant uplift in registered electors across the country as a result of the EU referendum which has seen the Warwick District Parliamentary Electorate rise to 103,195, from the 97,930 in December last year. If replicated at the same or greater scale across the Country, it could radically alter the ratio of electors to an MP and not achieve the desired aim of electoral equality.
 - They need to use coterminous electoral boundaries i.e. County Divisions, District Wards and Parish/Town Council or Parish/Town ward boundaries as the building blocks for the shape of Parliamentary Constituencies in order to avoid voter confusion. The proposed boundaries do not always reflect other electoral boundaries in the area and in particular they should reflect this Council's proposals to the Local Government Boundary Commission for England (LGBCE) to amend and make coterminous the electoral boundaries between County, District and Town/Parish Council owing to the high level of projected growth and the difficulties caused at Town Council level resulting from the last review of the County Council Divisions.
- C The Constituency boundaries, of whatever geographical configuration is eventually concluded upon, should have as its building blocks for electoral boundaries, this Council's proposals as set out in another report on this agenda.

- D In the event that the Boundary Commission continues to use the current WDC Ward Boundaries as the basis for determining the Parliamentary Constituency boundaries:
- the proposals should be amended so that the current Myton & Heathcote District Ward is included within the Warwick & Stratford Constituency because this area is part of the town of Warwick and not Royal Leamington Spa;
 - the proposals should be amended to accord with the related alterations to the District Council Ward boundaries applied for (as set out in the associated report on this agenda) which, if its proposed Boundary Review is not completed, are most likely to be approved from 2019;

3. **Reasons for the Recommendation**

- 3.1 The Licensing & Regulatory Committee is responsible for "All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews". This includes responding to the Parliamentary Boundary Review Consultation.
- 3.2 The Council should consider the proposals and how these impact on the local communities that it represents. However, without significant analysis of the electoral numbers across the region, it would not be appropriate for this Council to bring forward significantly different alternative proposals. Officers are not in a position to undertake that wider significant analysis and therefore this report confines itself to impacts on the local community and this Council.
- 3.3 The Boundary Commission sets out the criteria for the points that will be considered as part of a submission. It discourages submissions based on potential boundary changes and instead seeks to use the District Ward boundaries that were in place in May 2015. As such, the proposed submission from this Council may not fall within this criterion. Even so, it is clear that there some issues of principle about the proposals; their impact on the local community and because of the significant changes coming forward due to the reasons stated in the report elsewhere on this agenda relating to the Review of Warwick District Council Boundaries.
- 3.4 The origin of the review of Parliamentary Constituencies stems from the desire by Government to reduce the number of MPs and to achieve greater electoral equality. That is, that roughly each constituency has the same number of voters in ratio to an MP. Currently that is not the case. Whilst electoral equality is a major concern, there are also other important aspects. These being:
- a. That a constituency should reflect the integrity of recognisable geographic and economically linked communities. A constituency devised simply to make numbers balance out is a poor basis for Parliamentary democracy.
 - b. That the electoral number upon which the constituencies are devised properly reflects development growth and improved electoral registration so that electoral equality can be sustained for at least the period to the General Election in 2025 without requiring a further significant boundary review. There is little point in not looking far enough ahead whilst undertaking a review as it will result inevitably in electoral inequality and the need for another costly review in short order.
 - c. That the same electoral boundaries are used to construct a constituency as those of County Divisions, District Wards and Parish Council or Parish ward boundaries to avoid voter confusion.

3.5 However, the proposals relating to the constituencies proposed to cover the area of Warwick District generate issues on all 3 points above, as follows:

- a. The proposals split two towns (Warwick and Royal Leamington Spa) that have been within the same Parliamentary Constituency since the 19th Century. More importantly, the towns physically adjoin each other and have considerable economic, environmental and community links. The proposals also split the town of Warwick by placing one of its District Wards (Myton and Heathcote) within the Kenilworth and Leamington Constituency.
- b. The proposals do not allow for the growth in the electorate that this Council has forecast even over the period to 2020 let alone beyond it. The proposals use 97,930 as a base and at the Referendum the parliamentary electorate in the District was 103,195. This is the estimated level predicted by the LGBCE for 2018 (estimated register of 106,305 less circa 3,000 EU voters) and by 2020 the parliamentary electorate is estimated by the LGBCE to rise to circa 105,000. However, Warwick District Council estimates that electorate growth (based on proposed development) would see its Parliamentary electorate rise to between 106,000 and 109,000 by 2020. Whilst there are variables within these calculations that may or may not occur the current disparity is significantly large.

As members can deduce from another report on this agenda, the District is growing and with it so is the electorate (along with improved registration). There are 2 consequences arising from this disparity. One is that electoral equality will not in fact be achieved and the other is that it won't be maintained for very long if it currently has been achieved. This will lead to another review with all the cost that involves and the uncertainty created about representation, neither of which should be overlooked at this time.

There is a much wider national point at stake. As a result of voter engagement as part of the EU referendum there has been a significant increase in registered electors within Warwick District. This may also have been reflected in other areas across the region or country which may impact on the calculations of having an electorate per MP in the region of 75,000. This if replicated at the same or greater scale across the country has the potential to create more enduring and significant electoral inequality.

- c. This Council has continually sought coterminous electoral boundaries and is proposing a series of changes to District Wards and Town Council wards to avoid what officers foresee as a significant problem of voter confusion. Unless the Boundary Commission takes these proposals up then the Parliamentary elections of 2020 will be fought on one set of boundaries which will not be exactly the same as those fought the year (2019) before in the District and Town/Parish Council elections. This ought not to be a significant obstacle for the Boundary Commission as even if it does not change the proposals substantively, it could make this change without prejudicing the balance of electoral numbers.

3.6 This latter point is relevant to whatever geography is agreed for the Parliamentary Constituencies. The basic building blocks should be the electoral boundaries of parishes, District and County Division boundaries. If this principle is applied, then the potential for voter confusion will be minimised or avoided altogether.

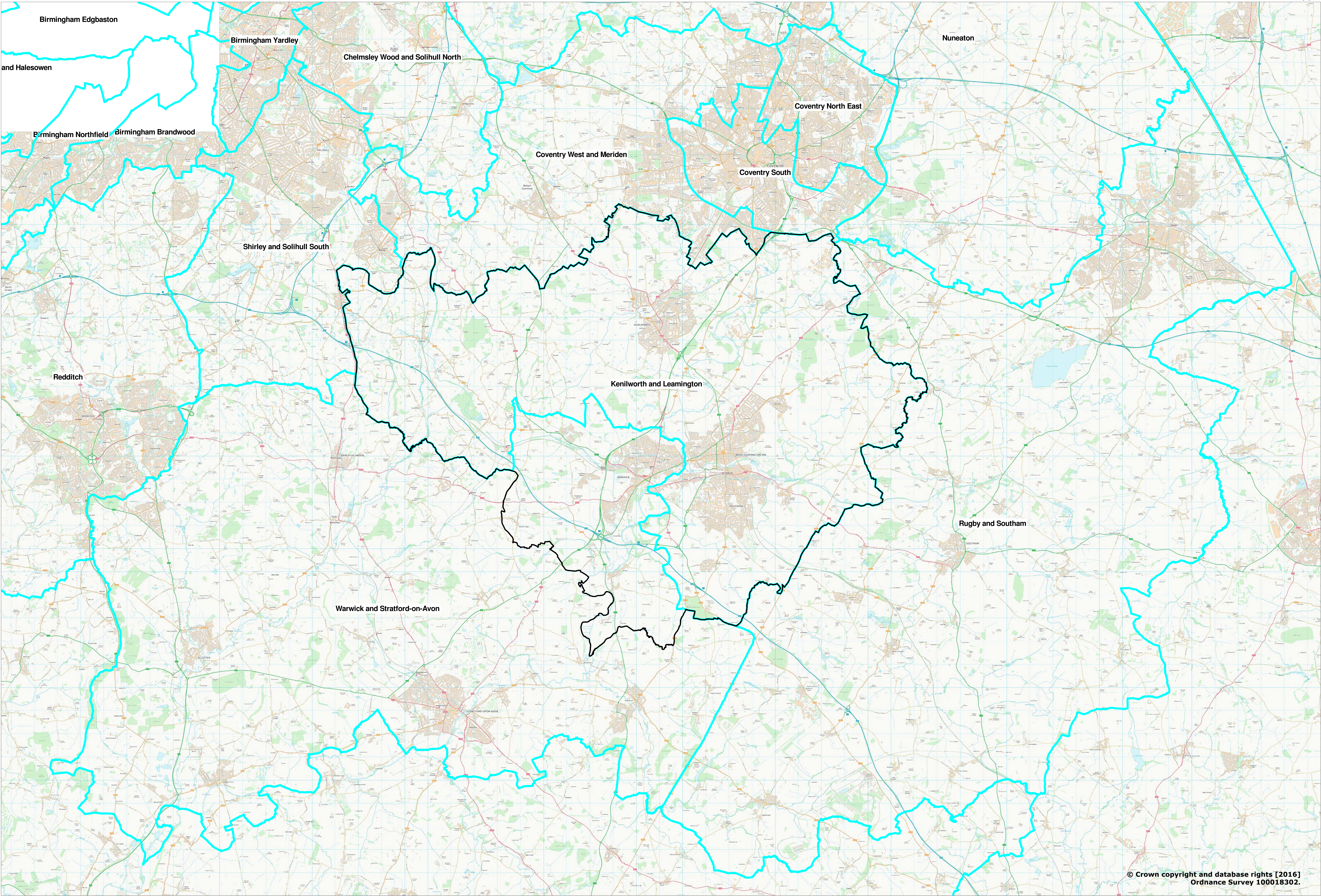
- 3.7 It is worth highlighting to members that should the Boundary Commission address the Council's concerns about the towns of Warwick and Leamington being in different Parliamentary Constituencies then this would have a consequence elsewhere namely that Kenilworth and the immediately surrounding parishes would be likely to then be part of a different constituency. The alternative geographical options are limited but could include with being part of a constituency with the southern part of Coventry which given the mutual links with the University may be some merit; with Balsall Common and Meriden etc as was previously proposed; with Rugby as was the case in the past or with the Southam area as is currently the case. Members may wish to take a view on this in making their decision.
- 3.8 However, should the Boundary Commission decide to continue using the current WDC ward boundaries then two points should be made:
1. that the Myton and Heathcote ward should be part of the Warwick and Stratford constituency and not Kenilworth and Leamington as the ward is firmly part of the town of Warwick.
 2. That the other related changes which are the subject of two other reports on this agenda must also be taken account on in the Boundary Commission's eventual proposals.
4. **Policy Framework**
- 4.1 **Policy Framework** – The report does not impact on the Council's Policy Framework.
- 4.2 **Fit for the Future** –The proposal does not impact on any of the 3 strands of Fit for the Future.
- 4.3 **Impact Assessments** – No impact assessments have been undertaken on the proposals within this report as the Boundary Commission would be obliged to complete these as part of their review.
5. **Budgetary Framework**
- 5.1 The report does not impact on the current Budgetary Framework for the Council.
6. **Risks**
- 6.1 The proposals present a few but low level risks to the Council itself, most of which are administrative concerns on the impact of managing the electoral register, specifically if amendments to boundaries, outlined elsewhere on the agenda are not brought forward. The greater issues are for the community as outlined in this report.
- 6.2 The proposals if implemented as is, would impact specifically on the Myton & Heathcote Ward of Warwick by it being placed in the Kenilworth & Leamington constituency. In addition, if the current District Council boundaries are used these would not reflect the current Town Boundary for Warwick which are defined by the Parish/Town boundaries, which were amended prior to the 2015 elections by a Community Governance Order of this Council.

7. Alternative Option(s) considered

- 7.1 The Council could make a number of alternative options proposals for the Constituency Boundaries. However, these would need to look at the whole picture of the region taking into consideration the ration of MP to electors of between 71,031 and 78,507.

Appendices

Appendix 1 Map of the BCE proposed Constituencies



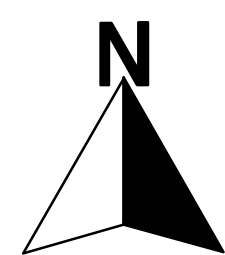
© Crown copyright and database rights [2016]
Ordnance Survey 100018302.


Scale
0 1 2 3 4 5 km

Scale: 1:50000 @A3

2018 Boundary Review - Initial Consultation

Drawn By: MB
Date: 07/10/2016



 Licensing & Regulatory Committee 31 October 2016		Agenda Item No. 5
Title	Proposed Boundary Review of Warwick District Council Wards & Community Governance Review of Parish and Town Council Boundaries/Wards within Warwick District.	
For further information about this report please contact	Chris Elliott, Chief Executive 01926 456000 chris.elliott@warwickdc.gov.uk	
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	None	
Background Papers	WDC Local Plan Final recommendations on the new electoral arrangements for Warwick District Council March 2013 Final recommendations on the new electoral arrangements for Warwickshire County Council March 2015	

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	07.10.16	Chris Elliott
Head of Service		
CMT	07.10.16	Bill Hunt
Section 151 Officer	07.10.16	Mike Snow
Monitoring Officer	07.10.16	Andrew Jones
Finance		
Portfolio Holder(s)	10.10.16	Councillor Andrew Mobbs
Consultation & Community Engagement		
Final Decision?	No	
Recommendation to Council on 16 November 2016.		

1. **Summary**

- 1.1 The report brings forward a proposal for a combined review of Warwick District Council Ward boundaries by the Local Government Boundary Commission for England (LGBCE), together with a Community Governance Review of all Parish/Town Council boundaries (and their Wards) by Warwick District Council, in light of electoral inequality across the District and the lack of coterminous boundaries.

2. **Recommendations**

- 2.1 That the Committee recommends to Council that it should approach the Local Government Boundary Commission for England (LGBCE) to undertake a review of Warwick District Council (WDC) Ward Boundaries, and alongside it this Council undertakes a Community Governance Review of all Parish/Town Council boundaries (and their wards), in the light of electoral inequality across the District and the lack of coterminous boundaries, as explained in Section 3 of this report.
- 2.2 That the Committee recommends to Council that the proposal to be put to the LGBCE is for the WDC Ward Boundaries and names to follow those of the Warwickshire County Council (WCC) Divisional Boundaries within the District, with each ward having three WDC Councillors, except for:
- (a) the Budbrooke & Bishop's Tachbrook Division which should be split into two District Wards, each represented by two District Councillors – one to be named Budbrooke and the other Bishop's Tachbrook; and
 - (b) the Lapworth and Kenilworth West Division which should be split into two wards; one ward will cover the current Warwick District Kenilworth Abbey Ward area (to be represented by two District Councillors) and the other ward will represent the remaining rural area to be known as Lapworth, represented by one District Councillor.
- 2.3 That, subject to approval of recommendations 2.1 and 2.2 by Council, the Chief Executive is asked to notify WCC and all Parish & Town Councils within Warwick District of this Council's intention to approach the LGBCE, outlining the proposed principles of the review and seeking views on any specific issues relating to the proposed boundary revisions and/or revised electoral arrangements.
- 2.4 That the Committee recommends to Council that if the LGBCE does not approve the request for a Boundary Review of Warwick District or that this review will not be completed until after the 2019 elections, the Chief Executive is authorised to
- (a) Bring related alterations forward to ensure where possible the revisions made under the previous community governance order are coterminous with the District Wards;
 - (b) Bring forward the necessary Community Governance orders to amend the Town Council Wards in line with the requirements of the WCC Divisions review order.

- 2.5 That the Committee recommends to Council that in the submission of a request to the LGBCE the Chief Executive outlines the reasons why the Council does not feel the reduction of three Councillors will impact on its ability to operate democratically or for the Councillors to represent the local community effectively, as outlined in paragraph 3.23.

3. Reasons for the Recommendations

- 3.1 The Licensing & Regulatory Committee is responsible for “all the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews”. This includes requesting a review of the ward boundary arrangements for WDC. However, the advice from the Council’s Solicitors is that to avoid any potential challenge of decision this should be a decision taken by Council because of the proposed reduction in the number of Councillors. Section 8 of this report sets out the broad guidelines that the LGBCE will follow during such a review.
- 3.2 The last Boundary Review of Warwick District came into force at the combined District, Town and Parish Council elections held in May 2015. Under the previous review of Warwick District Wards, the LGBCE set a District average ratio of 2313 electors per Councillor, with an acceptable variance of +/- 10% from the average. This was based upon the request (at the time) from this Council to retain 46 Councillors.
- 3.3 However, it is clear that there are two issues now arising which strongly suggest that a further review should be requested by this Council. Firstly, the level of electoral growth in the District has already surpassed the level predicted by the LGBCE for 2018. This growth has already resulted in three District Wards exceeding the acceptable 10% variance from the average for the ratio of electors to Councillors. It is forecast that the number of District Wards out of tolerance will grow even further by the time of the next District elections, thus undermining the principle of electoral equality, i.e. that no matter the ward, all votes have equal (or as near as practically possible) weight in terms of the number of representatives that can be elected. Secondly, this Council has sought to establish and maintain the principle of coterminous boundaries at all levels of electoral representation. This has now been seriously breached by the implications of the LGCBE proposals for the WCC Divisions for Town Council Wards in the three largest towns in the District.

Electoral Inequality

- 3.4 During the last review, strong representations were made by the Council over anticipated growth/development, especially to the south of the District. This was not accepted by the LGBCE because at that time development had not started, nor was the Local Plan at a significantly advanced stage for all of its proposals to be taken into account. The Local Plan has now progressed with a number of large developments already approved, built or under construction. This development, combined with a general increase in the number of people registered to vote, has resulted in the ratio of electors to Councillors in three wards in this area already exceeding the tolerance level of 10% set by the LGBCE.

- 3.5 Appendix 1 illustrates the forecast growth in the electorate across Warwick District over the next five years using a number of different, but linked data sets, including the Register of Electors, population growth forecasts, forecasts from the LGBCE and the level of approved development in the District. All of these sources indicate significant electoral growth in Warwick District over the next five years up to 2021, with the lowest estimate predicting a further 2,000 electors and the highest estimate predicting an increase of 8,000 electors.
- 3.6 Appendix 2 provides an overview of the number of electors per ward as outlined in the 2013 LGBCE review of Warwick District. It also provides the current status of each ward and details how they compare in relation to the acceptable variance from the approved ratio of 2313 electors to one Councillor, as approved by the LGBCE for 2018.
- 3.7 In order to challenge the levels predicted by the LGBCE for WDC in 2018 and seek an early Boundary Review, the Council must demonstrate/evidence the significant level of growth expected in order for the Council to seek an early review of its boundaries. This early review would need to be agreed by the LGBCE. Therefore, it is important to cross reference the level of growth anticipated in the District against the values set by the LGCBE for 2018.
- 3.8 Ideally, the Council would also include a comparison of the anticipated electorate in Warwick District in 2020, as predicated by the LGCBE as part of their review of Warwickshire County Council Divisions. However, the Council does not have this data broken down by current WDC Ward.
- 3.9 Table 1 below illustrates the current percentage variances from the ratio of Councillors to Electors set for this Council's wards by the LGBCE for 2018 for the present value and predicted electoral growth up to 2021.

Table 1

	Actual % variance as at June 2016	% Variance from average predicted by LGBCE at 2018	WDC anticipated % variance from 2018 total predicted by LGBCE as at 2018	WDC anticipated % variance from 2018 total predicted by LGBCE as at 2021
Abbey	-14	3	-12	-10
Arden	-2	-5	-2	-2
Aylesford	9	-6	11	11
Bishop's Tachbrook	-7	-12	12	63
Brunswick	21	6	24	25
Budbrooke	6	7	7	8
Clarendon	4	3	14	16
Crown	4	1	4	4
Emscote	6	2	10	13
Leam	-11	-6	-6	-6
Manor	13	0	14	14
Milverton	3	7	3	3
Myton & Heathcote	-11	1	2	42

Newbold	-2	1	1	1
Park Hill	-3	-2	-1	1
Radford Semele	-6	-9	-4	-2
Saltisford	15	5	19	19
St. John's	-2	-1	-1	-1
Stoneleigh & Cubbington	-10	-9	-8	-8
Sydenham	5	9	8	10
Whitnash	-2	-2	-1	-1
Woodloes	-9	-6	-8	-6

- 3.10 Those wards of immediate concern are Brunswick, Manor and Saltisford, as they already exceed the 2018 electorate predicted by the LGBCE. However, the table also shows predicted level variances for each ward in 2018 and 2021, and thus illustrates how many more wards will fall out of the tolerance levels by these dates.
- 3.11 The importance of contrasting WDC's position to the LGBCE forecast is primarily that the Council needs an agreement from the LGBCE to undertake the review. The argument that has to be put forward is that its previous estimates now differ significantly from the current reality and as a consequence the principle of electoral equality has been seriously compromised as demonstrated by the key points that the data in Appendix 2 shows:
- (i) the total electorate for Warwick District is already at a greater level than that predicted by the LGBCE for 2018;
 - (ii) three WDC wards already have an electorate greater than 10% of the ratio of Councillor to electorate predicted by the LGBCE for 2018;
 - (iii) based on current approved development, it is forecast that by 2018, 10 of 22 District Wards will be outside the tolerance accepted by the LGBCE, with two wards at least 19% above the average ratio, and that by 2021 there will be three wards at 25% or greater of the average ratio; and,
 - (iv) the level of approved development within Warwick District will see further significant increases in the electorate across the District in the period to 2021.

The Principle of Coterminous Boundaries

- 3.12 In the last review, this Council committed itself to the principle of coterminous electoral boundaries, wherever reasonably practicable, to ensure clarity of representation for communities and also to enhance community identity.
- 3.13 The LGBCE decision on WCC Divisions conflicts significantly with the District Council Ward Boundaries. The proposals for the WCC Divisions radically alter some of the Town and Parish Council ward boundaries, resulting in a large number of small wards in the three largest towns in the District. This is a direct result of WCC Division and WDC Ward Boundaries not being coterminous, and the requirement under legislation for Town/Parish Council Ward Boundaries not to cross a District Ward or WCC Division Boundary.
- 3.14 The outcome of the revised WCC Division Boundaries is not conducive to making participation in elections easy for the community, when in the WDC area the District Council has its elections at the same time as the Parish/Town Councils, whilst WCC does not. The problem this creates is that, if unchanged,

at the next set of local elections in 2019, the wards for the District Council and the Town Councils of the three largest towns will be on different boundaries. In the Returning Officer's view, this is a recipe for voter confusion, will deter electoral participation, create more difficulties for electoral administration, and make it harder for candidates and their supporters to engage effectively with the electorate. None of this can be good for local democracy.

A copy of the following plans is attached:

- the current WDC Ward Boundaries, at Appendix 3;
- the current Parish & Town Council Boundaries, along with their wards, at Appendix 4;
- the approved WCC Division Boundaries for 2017, at Appendix 5; and
- the proposed Town/Parish Wards and Boundaries, at Appendix 6.

Proposals for Going Forward to the LGBCE

- 3.15 The LGBCE has previously informed this Council that it would not reconsider the boundaries within the District without radical proposals for change coming forward. The Returning Officer considers that the prospect of significant electoral inequality and the outcome of the review of County Council Division Boundaries have made a further review necessary, including the consideration of radical alternative options.
- 3.16 Given that this Council cannot ask for the County Division Boundaries to be reviewed, the only options available to the District Council are to either:
- do nothing, which for the reasons stated above would be contrary to achieving effective electoral equality and the Council's own disposition to seek coterminous electoral boundaries at all levels of representation; or,
 - seek to re-set the District and Parish/Town Council Ward Boundaries to be on those of the new County Council Divisions (14). This would mean that in retaining 3 Councillors per ward, the overall number of Councillors would be reduced from 46 to 42.
- 3.17 Having undertaken an assessment of the implication of having 14 wards, based on the WCC Divisions, with three District Councillors for each ward, the ratio provided would be 2574 electors to each Councillor. The ratio of WDC Councillors to electors has been set using the LGBCE predicted electorate for Warwick District as at 2020, according to their review of WCC Divisions. This ratio would place the Budbrooke and Bishop's Tachbrook ward significantly out of tolerance within five years. This analysis is outlined at Appendix 8 to the report.
- 3.18 Therefore, it is considered more logical that the Council seeks a reduction to 43 Councillors with 15 wards. The additional ward would be formed by splitting the Budbrooke and Bishop's Tachbrook Division area in half and having two District Councillors to represent each of these wards. The Budbrooke Ward would comprise of the Parishes of Budbrooke, Norton Lindsey, Shrewley and Hatton. The Bishop's Tachbrook Ward would comprise of the parishes of Bishop's Tachbrook, Barford, Sherbourne and Wasperton. This adjustment would result in an average ratio of 2513 electors per Councillor, and all wards being well within 10% tolerance during the next five years. This ratio was set using the LGBCE predicted electorate for Warwick District as at 2020. The analysis of this information is set out at Appendix 9 to the report.

- 3.19 In addition, it is suggested that the Lapworth and West Kenilworth Division area be split into two District Wards, to enable Kenilworth town to retain its coterminous electoral boundaries. The two District Wards would be formed thus: one covering the majority of the current Kenilworth Abbey ward and Burton Green Parish Council area, represented by two Councillors, and the other formed by the parishes of Beausale, Hasely, Honiley & Wroxall, Baddesley Clinton, Rowington, Bushwood and Lapworth, represented by a single Councillor. This geographical split is commensurate with the Council's principle of coterminous electoral boundaries. These proposals would lead to the District Council being made up of 16 wards.
- 3.20 Appendix 7 to the report provides a comparison across the Council's 15 nearest CIPFA neighbours, as well as the four other Districts/Boroughs of Warwickshire. The data is in order of ratio of electors to Councillors, and demonstrates that the recommended proposal from the Council would be reasonable and in-line with its nearest CIPFA neighbours.
- 3.21 It is considered good practice to make the County Council and all Parish & Town Councils aware of the revised boundary proposals by the District Council at an early stage, so that they have sufficient notice to engage in the process fully. This will also enable them to make a request to the Returning Officer regarding any boundary issues that they would like the Council to consider.
- 3.22 Recommendation 2.4 has been brought forward, after discussion with the LGBCE, to ensure that at the very least the related alterations to bring District and Parish/Town Boundaries in line with each other wherever possible.
- 3.23. The Council is required to evidence what impact, if any, a proposed reduction in the number of Councillors would have on the Council. This has been considered and the impact of the potential reduction of the size of the Council by three Councillors. The Council does not believe this will impact upon its governance framework and ability for democratic responsibilities. This is because this small reduction could be accommodated as at present some Councillors have few if any Committee responsibilities and in addition, the Council has experienced, since 2013, some Councillors being away from the authority for several months (for various reasons) without it impacting on the wider workload of Councillors. While there may be a small increase in workload, it will in essence be spread amongst the Wards of Kenilworth, Leamington and Warwick. In addition, this process would be aided through there being coterminous boundaries which will enable improved cross Council working for Councillors.
- 3.24 A separate report on the agenda sets out the proposed new Parliamentary Boundaries. In the context of the argument above regarding coterminous boundaries, it is suggested in that other report that the Council should make representations to make sure that the Parliamentary Boundary Review takes into account the review proposed by this Council, to ensure that coterminous boundaries are applied to all levels of electoral representation and uses the same boundaries. This would then help to avoid some of the current confusion that the local community has to experience, such as in the areas around Hopton Crofts and New Cubbington.

4. Policy Framework

- 4.1 **Policy Framework** – The report does not impact on the Council’s Policy Framework.
- 4.2 **Fit for the Future** (FFF) –The proposal reflects two of the three strands of Fit for the Future because it embodies the aim of delivering the same or better service, whilst reducing its expenditure.
- 4.3 **Impact Assessments** – No impact assessments have been undertaken on the proposals within this report, as these would be considered by the LGBCE as part of its review.

5. Budgetary Framework

- 5.1 The report does not impact on the current Budgetary Framework for the Council.
- 5.2 The proposal would impact on the budget for the Council and approved Medium Term Financial Strategy. If the proposed reduction in Council size to 43 Councillors is accepted by the LGBCE, then it is anticipated that there would be a saving of circa £15,000 per year in Members’ Allowances. This however, is against the anticipated savings of £80,000, as currently outlined in the FFF if the Council were reduced in size to 28 Members. Therefore, the Council will need to consider how it would find the other £65,000 per annum by way of additional savings.
- 5.3 Members should note that a review of Members’ Allowances is due to commence shortly, the recommendations of which may impact on the figures quoted above.

6. Risks

- 6.1 There is a risk of having insufficient time to complete the review and implement it by the next elections in May 2019. To mitigate this risk, the Council needs to move as swiftly as possible to bring this work forward.
- 6.2 However, there is also a risk that the LGBCE may not accede to the Council’s request to undertake another review. This risk is difficult to mitigate but if the Council has a clear line of argument it ought to be able to prevail.
- 6.3 There may also be a risk that the LGBCE may undertake a review but not agree with the Council’s proposals in this report or the proposed timeline. The consultation process should help to mitigate this risk if the Council and Town/Parish Councils are able to set out a similar and consistent line of argument.

7. Alternative Option(s) considered

- 7.1 Whilst the Council could consider maintaining the status quo, i.e. stay as it is, this is not considered a realistic option for the reasons set out in section 3 of this report.

- 7.2 Consideration could be given to realigning Warwick District wards with Warwickshire County Council Divisions, but subdividing them into smaller wards of equal number of electors, each represented by a Councillor. This has been proposed in so far as it has remained compatible with achieving coterminous boundaries and achieving electoral equality for Lapworth and Kenilworth West and for Budbrooke and Bishop's Tachbrook. However, further subdivision is not considered appropriate as it not believed that this can be achieved whilst retaining an appropriate ratio of electors to Councillors and the current Town/Parish Council Boundaries.
- 7.3 Consideration could be given for having two District Councillors representing each County Division. However, this would lead to a significant increase in workload for Councillors and could potentially give rise to a full time role, with a similar ratio of electors to Councillors as in single tier and County authorities. Councillors would need to understand that this would be a much more radical change to their role if they chose to pursue this option. It is also unlikely that this route would generate much in the way of financial saving, as officers predict that Member Allowances would need to increase significantly and would likely offset any saving that might be made by reducing the overall number of Councillors. For all of these reasons, this option is not recommended.
- 7.4 The Committee could consider deviating from the coterminous boundary principle and redrawing boundaries it feels are appropriate based on a ratio of electors to Councillors that best meets the needs of the community. This option was not brought forward because of the issues discussed in section 3 of the report. In addition, there are a number of historic Parishes within the District that the Council would not wish to impact upon by drawing boundaries which could result in new Parish Boundaries or "Warding" of these Parishes.
- 7.5 The Committee should be mindful that a Parish/Town Ward cannot cross a District Ward or a County Divisional Boundary. Therefore, amending these Boundaries, depending on the election to take place, would not be permissible nor would be approved by the LGBCE, who have to provide consent for the change of a Parish/Town Boundary or Ward if a change has been made to that Boundary within the previous five years.

8. **Background**

- 8.1 The LGBCE report on Warwick District Boundaries can be found [here](#) and its report on the WCC Divisions can be found [here](#). A copy of the boundaries for WCC/WDC/Parish/Town Councils is attached at Appendices 3, 4, 5 and 6 to this report.
- 8.2 The LGBCE provides technical guidance for reviews, of the electoral arrangements of local authorities: the number of councillors, the names, number and boundaries of wards and electoral divisions and the number of councillors to be elected to each. It states: "Electoral reviews are initiated primarily to improve electoral equality. This means ensuring, so far as is reasonable, that for any principal council, the ratio of electors to councillors in each electoral ward or division, is the same. However, electoral reviews can also be carried out at a local authority's request, for example to look at council size (the total number of councillors) or provide for single-member wards or divisions. The Commission is responsible for putting any changes to electoral arrangements into effect and does this by making a Statutory Instrument or

order. The local authority then conducts local elections on the basis of the new arrangements set out in the order.”

- 8.3 Guidance on the size of Council can be taken from the LGBCE guide titled “Council size- helping you make the strongest possible case to the Commission - A guide for local authority elected members and staff”. Proposals for council size are most easily, and regularly, argued in terms of effective and convenient local government (in terms of choosing the appropriate number of members to allow the council and individual councillors to conduct the council’s business most effectively). Arguments can also be made on the basis of reflecting communities and allowing for fairness of representation.
- 8.4 Any locally generated proposal needs to be based on sound evidence and reasoning and ensure that it has considered the points the LGBCE will look at when determining a request. In instances where a radical proposal is made, this evidence will need to be even stronger. To provide context to the authority’s proposal on council size, the LGBCE will refer to the Nearest Neighbours model prepared and published by the Chartered Institute of Public Finance and Accountancy (CIPFA). This information is set out at Appendix 7 to the report.
- 8.5 The LGBCE will look at four specific areas: (1) The governance arrangements of the council and how it takes decisions across the broad range of its responsibilities; (2) the council’s scrutiny functions relating to its own decision making and the council’s responsibilities to outside bodies; (3) the representational role of councillors in the local community and how they engage with people, conduct casework and represent the council on local partner organisations; and (4) the future. Points (1) to (3) will not be significantly affected by the proposals.

Item 5 - Appendix 1

	Warwick District Actual Electorate	WDC Electorate predicted by LGBCE	Predicted for WDC based on increase from WDC June 2016 register of electors and consented developments	Predicted for WDC based on increase from LGBCE WCC review 2014 figure and consented developments	Predicted for WDC based on a population growth of 0.44% per year	Prediction for WDC on elector growth in WCC divisions based on approved development
2012	101047					
2013	103843					
2014	102941	103356				
2015	106629					
June 2016	106507					
2017					107760	
2018		106305	110648		108234	
2019					108710	
2020		108891		110901	109188	110901
2021			114551	111860	109669	111860

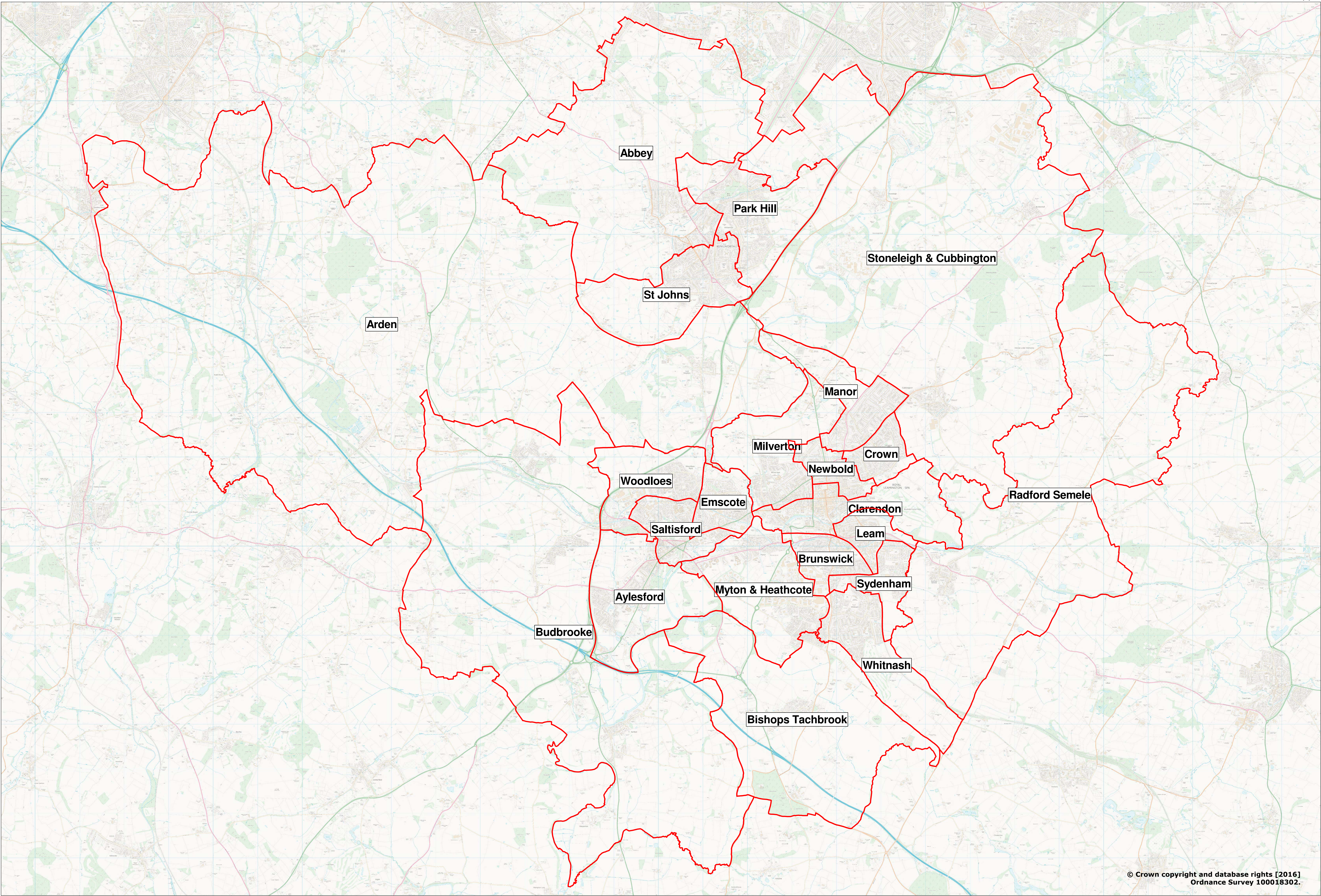
Item 5 - Appendix 2

Existing District Council Wards	Number of Councillors	Electors as at LGBCE Review 2012	Electors as at December 2015	Electors as at June 2016	% variance as at 2016 from LGBCE predicted levels on 2018	LGBCE Review predicted No. of electors as at 2018	Anticipated increase on 2016 levels based on approved developments scheduled for completion by 2018	% variance as at anticipated 2018 electorate from ratio set by LGBCE 2012 review	Anticipated increase on 2016 levels based on approved developments scheduled for completion by 2021	% variance at anticipated 2021 electorate from ratio set by LGBCE
Abbey	3	6,565	6330	5969	-14	7,164	6098	-12	6238	-10
Arden	2	4,299	4523	4516	-2	4,391	4516	-2	4545	-2
Aylesford	2	4,148	4882	5047	9	4,370	5147	11	5147	11
Bishop's Tachbrook	1	1,924	2107	2141	-7	2,044	2597	12	3778	63
Brunswick	2	4,692	5402	5593	21	4,886	5723	24	5797	25
Budbrooke	2	4,662	4913	4893	6	4,945	4959	7	4980	8
Clarendon	2	4,663	4726	4823	4	4,784	5258	14	5358	16
Crown	2	4,480	4811	4812	4	4,694	4812	4	4812	4
Emscote	2	4,509	4876	4921	6	4,699	5093	10	5233	13
Leam	2	4,140	4098	4103	-11	4,358	4359	-6	4359	-6
Manor	2	4,508	5259	5227	13	4,627	5264	14	5264	14
Milverton	2	4,795	4727	4755	3	4,967	4782	3	4782	3
Myton & Heathcote	2	4,149	4017	4123	-11	4,694	4712	2	6591	42
Newbold	2	4,498	4585	4531	-2	4,676	4658	1	4658	1
Park Hill	3	6,532	6755	6734	-3	6,827	6866	-1	6976	1
Radford Semele	1	2,032	2190	2165	-6	2,102	2217	-4	2270	-2
Saltisford	2	4,615	5365	5336	15	4,858	5484	19	5518	19
St. John's	3	6,666	6868	6799	-2	6,890	6846	-1	6846	-1
Stoneleigh & Cubbington	2	4,063	4150	4175	-10	4,202	4272	-8	4272	-8

Item 5 - Appendix 2

Existing District Council Wards	Number of Councillors	Electors as at LGBCE Review 2012	Electors as at December 2015	Electors as at June 2016	% variance as at 2016 from LGBCE predicted levels on 2018	LGBCE Review predicted No. of electors as at 2018	Anticipated increase on 2016 levels based on approved developments scheduled for completion by 2018	% variance as at anticipated 2018 electorate from ratio set by LGBCE 2012 review	Anticipated increase on 2016 levels based on approved developments scheduled for completion by 2021	% variance at anticipated 2021 electorate from ratio set by LGBCE
Sydenham	2	4,441	4902	4856	5	5,022	5017	8	5069	10
Whitnash	3	6,485	6841	6789	-2	6,824	6903	-1	6903	-1
Woodloes	2	4,181	4302	4199	-9	4,361	4246	-8	4336	-6
							819		819	
Other sites of under 10 properties across the district										
		101,047	106629	106507	100	106,385	110648	104	114551	108

Total electors for WDC estimate electorate includes a further 819 electors based on completed dwellings of under 10 not allocated to each ward



© Crown copyright and database rights [2016]
Ordnance Survey 100018302.

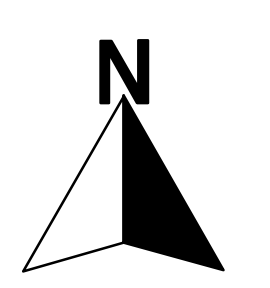
Scale
0 400 800 1200 1600 2000 m

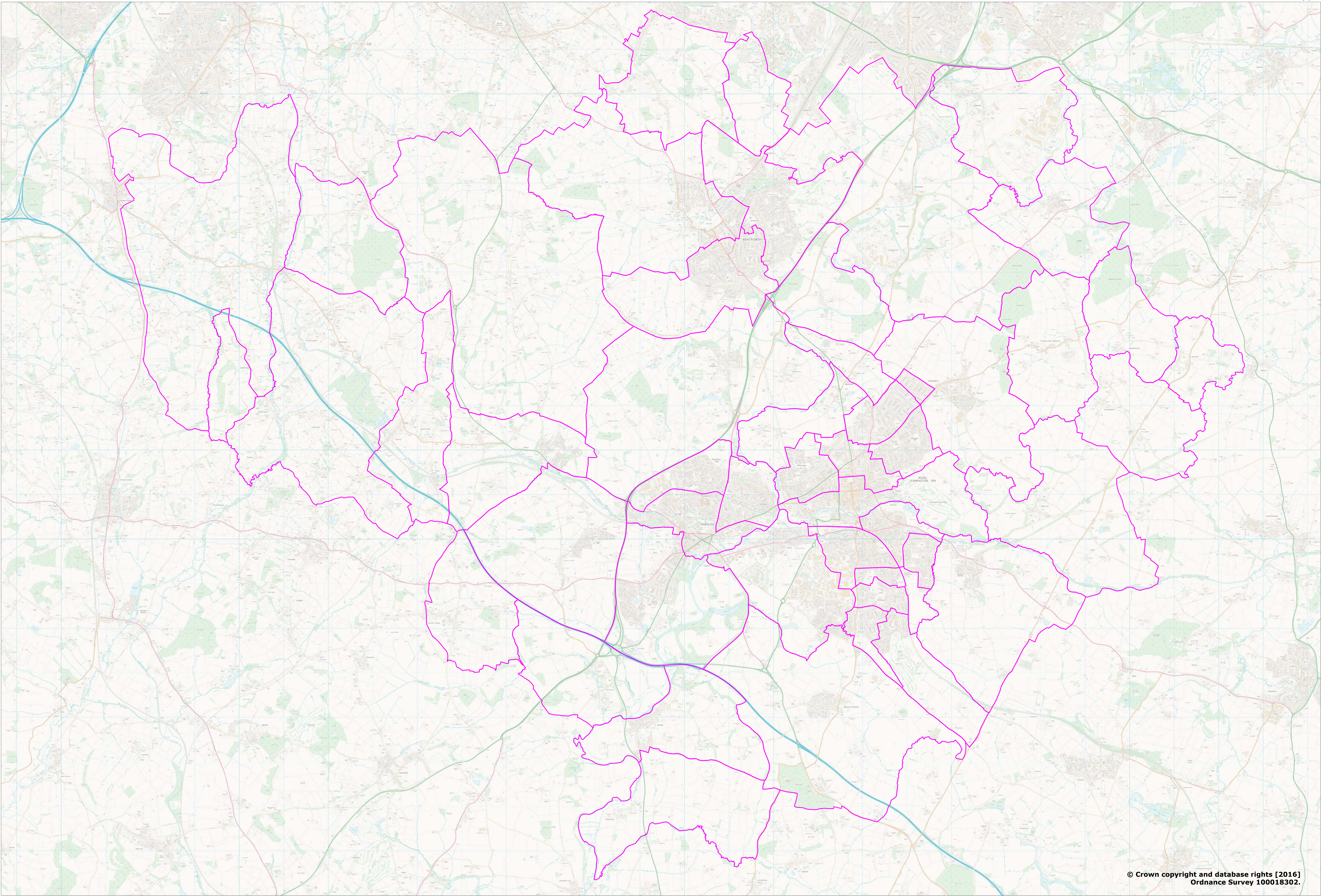
Scale: 1:26000 @A3

WDC Ward Boundaries

Drawn By: MB

Date: 19/08/2016





© Crown copyright and database rights [2016]
Ordnance Survey 100018302.

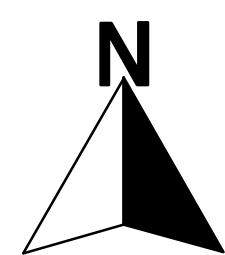
Scale
0 400 800 1200 1600 2000 m

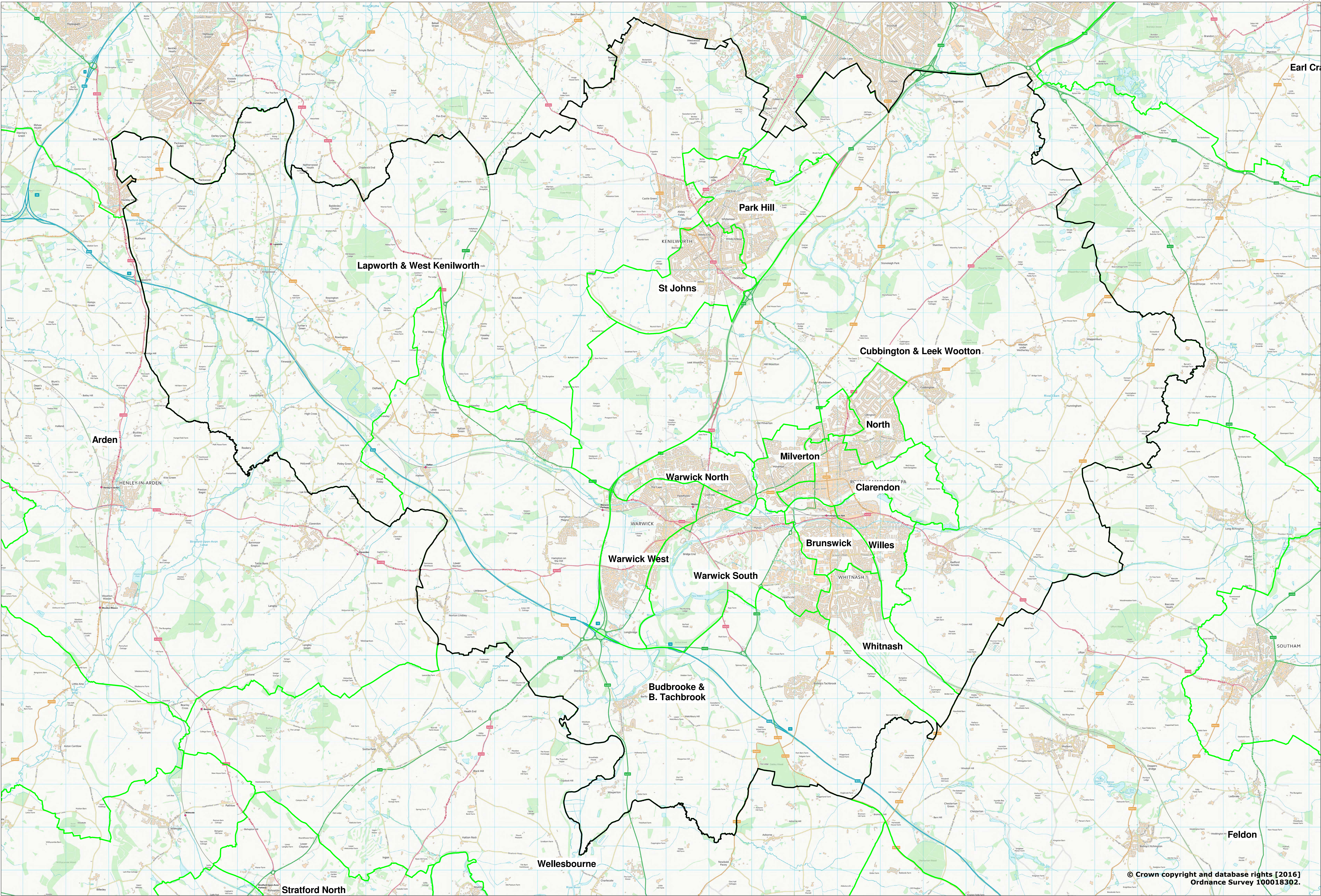
Scale: 1:26000 @A3

Town and Parish Wards

Drawn By: MB

Date: 19/08/2016





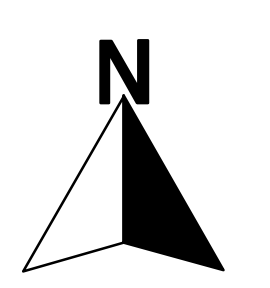
Scale
0 600 1200 1800 2400 3000 m

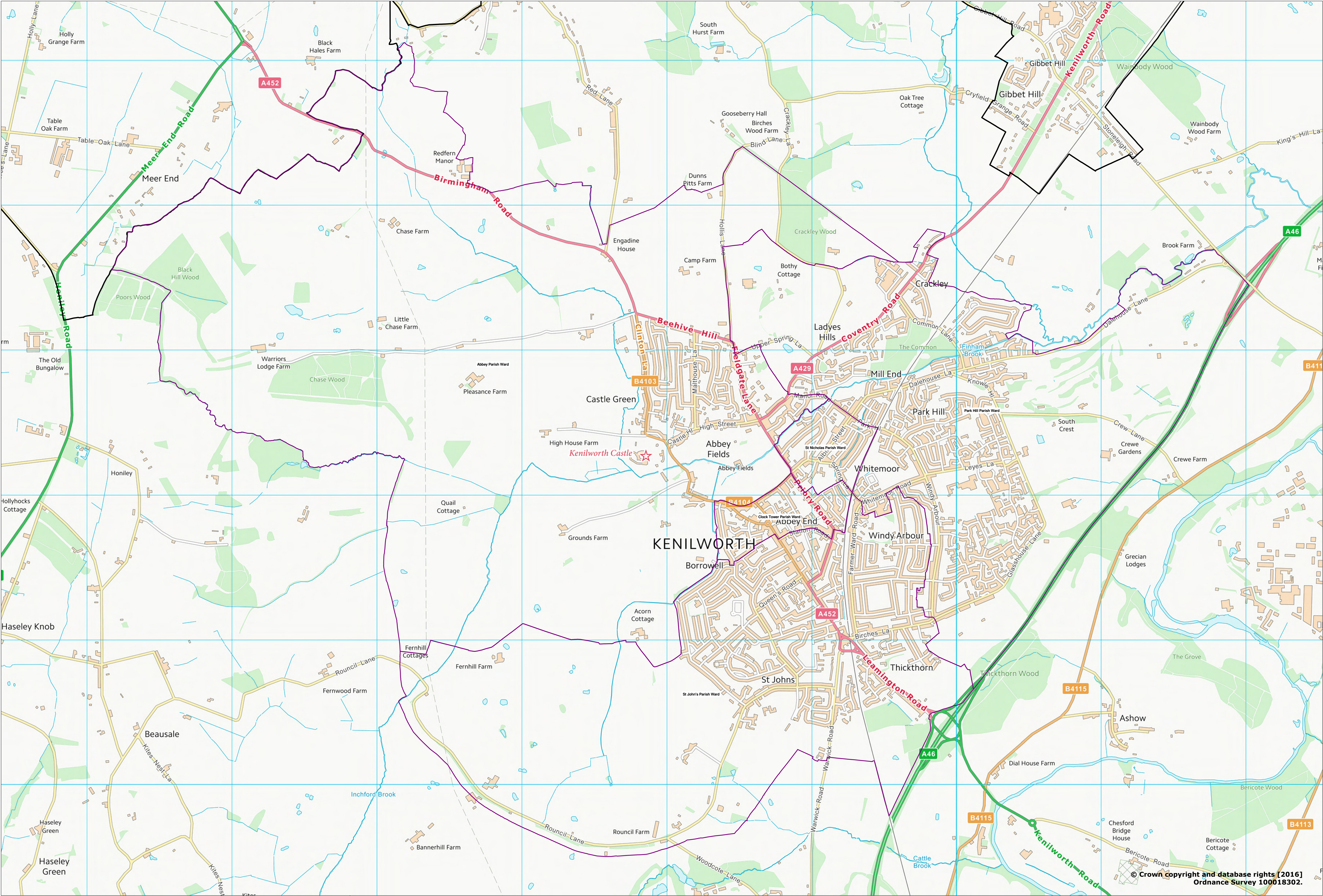
Scale: 1:27000 @A3

WCC Electoral Divisions (as of 4th May 2017)

Drawn By: MB

Date: 07/10/2016





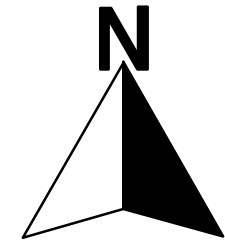
Scale
0 150 300 450 600 750 m

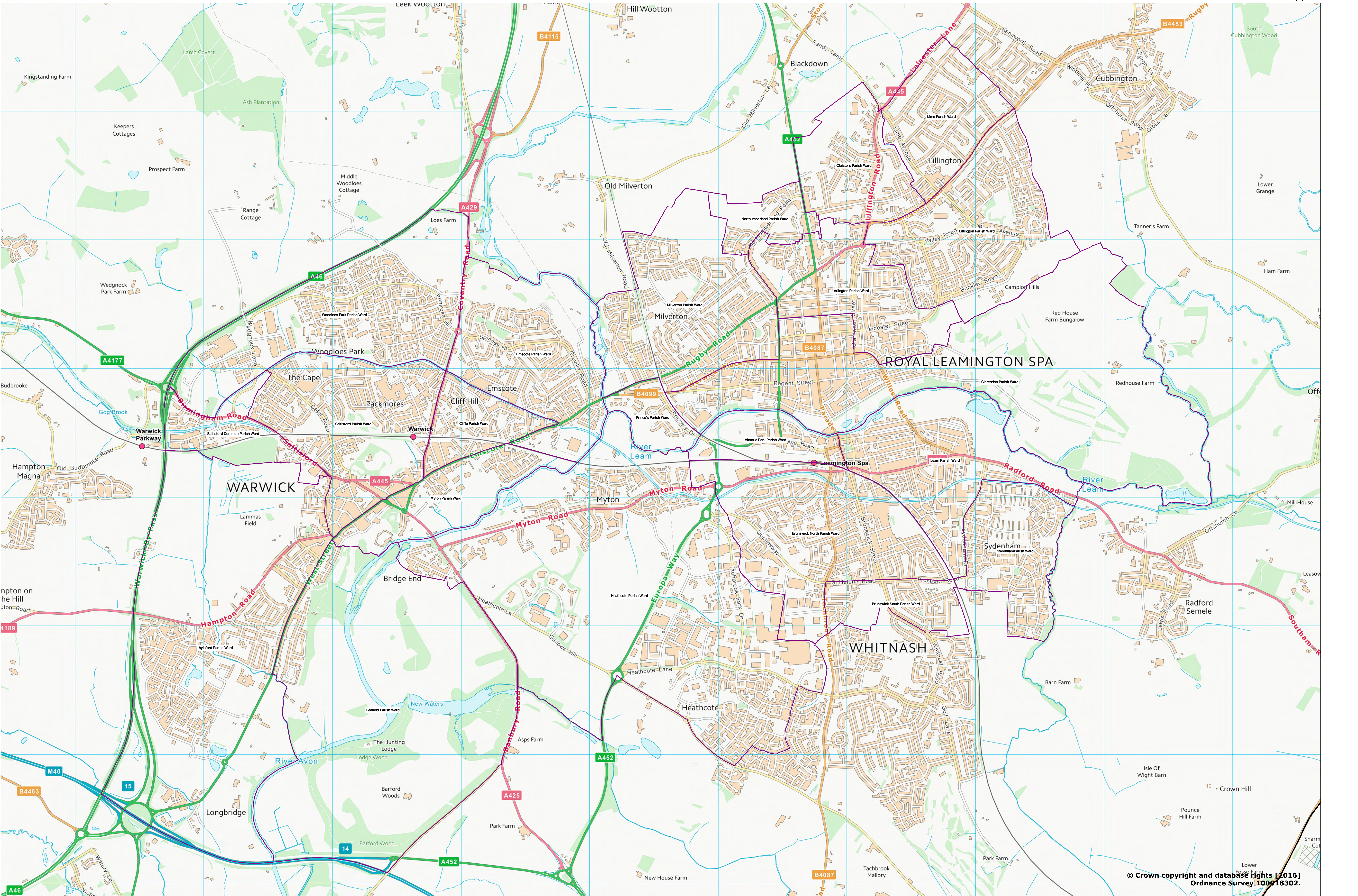
Scale: 1:8000 @A3

WCC Polling Districts Breakdown 2016 - Kenilworth

Drawn By: MB

Date: 07/10/2016





Council	Wards	2014 CIPFA comparison data as at 21/9/2015						
		councillors	electorate as at 1/12/2014	electors per councillor	electors per ward	councillors per ward	hectares from 2011 census	density of electors per hectare
North Warks	17	35	48842	1395.49	2873.06	2.06	28427	1.7
Taunton Deane	26	56	79811	1425.20	3069.65	2.15	46236	1.7
Tunbridge Wells	20	48	80292	1672.75	4014.60	2.40	33133	2.4
St Edmundsbury	31	45	81783	1817.40	2638.16	1.45	65696	1.2
Rugby	16	42	77353	1841.74	4834.56	2.63	35111	2.2
Taunton Deane (proposed)	26	43	79811	1856.07	3069.65	1.65	46236	1.7
Test Valley	23	48	92787	1933.06	4034.22	2.09	62758	1.5
Mid Sussex	26	54	106828	1978.30	4108.77	2.08	33402	3.2
North Hertfordshire	24	49	98767	2015.65	4115.29	2.04	37358	2.6
Maidstone	26	55	112999	2054.53	4346.12	2.12	39333	2.9
Dacorum	25	51	109265	2142.45	4370.60	2.04	21248	5.1
Cheltenham	20	40	86373	2159.33	4318.65	2.00	4661	18.5
Warwick (Current)	22	46	101019	2196.07	4591.77	2.09	28288	3.6
Harrogate	35	54	120230	2226.48	3435.14	1.54	130794	0.9
Cherwell	16	48	107366	2236.79	6710.38	3.00	58878	1.8
Chelmsford	24	57	130244	2284.98	5426.83	2.38	33878	3.8
Colchester	17	51	119851	2350.02	7050.06	3.00	32908	3.6
Stafford	23	40	95826	2395.65	4166.35	1.74	59817	1.6
Charnwood	28	52	127146	2445.12	4540.93	1.86	27906	4.6
Warwick The Proposed Option (43)	16	43	108091*	2513.74	6755.69	2.68	28288	3.8
Stratford	36	36	97285	2702.36	2702.36	1.00	97787	1.0
Nuneaton & Bedworth	17	34	98835	2906.91	5813.82	2.00	7895	12.5

* Electorate predicted by LGBCE as at 2020 for Warwick District, as part of WCC Division review

42 Councillors

Division	Electorate 2014	LGBCE variance from average	LGBCE predicted electorate 2020	LGBCE 2020 variance from average	WDC Estimate of WCC Division electorate as at 2020 based on 2014 figures	2020 WDC estimate of variation from electorate to Councillor ratio of 2574	Anticipated Electorate as at 2021	2021 WDC estimate of variation from electorate to Councillor ratio of 2574
Budbrooke & Bishops								
Tachbrook	7720	4	8032	3	9414	21	9914	27
Cubbington & Leek Wotton	7209	-3	7278	-6	7447	-4	7447	-4
Kenilworth Park Hill	7958	7	7828	1	8171	5	8200	5
Kenilworth St Johns	7728	4	7810	0	7775	0	7775	0
Lapworth & West Kenilworth	7616	2	8065	4	7914	2	7914	2
Leamington Brunswick	6803	-9	7238	-7	7375	-5	7375	-5
Leamington Clarendon	6962	-7	7241	-7	7257	-7	7257	-7
Leamington Milverton	7008	-6	7514	-3	7035	-10	7035	-10
Leamington North	8402	13	8338	7	8402	8	8402	8
Leamington Wiles	7252	-3	7328	-6	7721	-1	7721	-1
Warwick North	6981	-6	7770	0	7401	-5	7401	-5
Warwick South	7053	-5	7690	-1	8296	7	8726	12
Warwick West	8070	8	8170	5	8352	7	8352	7
Whitnash	7044	-5	7789	0	7524	-3	7524	-3
					819		819	
Total	103806		108091		110901		111860	

Total electors for WDC estimate electorate includes a further 819 electors based on completed dwellings of under 10 not allocated to each ward


The ratio of WDC Councillor to electors has been set using the LGBCE predicted electorate for 2020 as part of their review of WCC Divisions

43 Councillors

Division	Electorate 2014	LGBCE variance from average	LGBCE predicted electorate 2020	LGBCE 2020 variance from average	WDC Estimate of WCC Division electorate as at 2020 based on 2014 figures	2020 WDC estimate of variation from electorate to Councillor ratio of 2513	Anticipated Electorate as at 2021	2021 WDC estimate of variation from electorate to Councillor ratio of 2513
Budbrooke & Bishops								
Tachbrook	7720	4	8032	3	9414	-6	9914	-1
Cubbington & Leek Wotton	7209	-3	7278	-6	7447	-1	7447	-1
Kenilworth Park Hill	7958	7	7828	1	8171	8	8200	9
Kenilworth St Johns	7728	4	7810	0	7775	3	7775	3
Lapworth & West Kenilworth	7616	2	8065	4	7914	5	7914	5
Leamington Brunswick	6803	-9	7238	-7	7375	-2	7375	-2
Leamington Clarendon	6962	-7	7241	-7	7257	-4	7257	-4
Leamington Milverton	7008	-6	7514	-3	7035	-7	7035	-7
Leamington North	8402	13	8338	7	8402	11	8402	11
Leamington Wiles	7252	-3	7328	-6	7721	2	7721	2
Warwick North	6981	-6	7770	0	7401	-2	7401	-2
Warwick South	7053	-5	7690	-1	8296	10	8726	16
Warwick West	8070	8	8170	5	8352	11	8352	11
Whitnash	7044	-5	7789	0	7524	0	7524	0
					819		819	
Total	103806		108091		110901		111860	

Total electors for WDC estimate electorate includes a further 819 electors based on completed dwellings of under 10 not allocated to each ward

The ratio of WDC Councillor to electors has been set using the LGBCE predicted electorate for 2020 as part of their review of WCC Divisions.

 Licensing & Regulatory Committee 31 October 2016		Agenda Item No. <div style="font-size: 2em; text-align: center;">6</div>
Title		Community Governance Review – Heathcote area
For further information about this report please contact		Graham Leach, Democratic Services Manager & Deputy Monitoring Officer 01926 456114 graham.leach@warwickdc.gov.uk
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		Licensing & Regulatory Committee 21October 2014 Minute 26 & 16 December 2014 Minute 29.
Background Papers		Warwick District Community Governance Review 2014 LGBCE Review of WCC Divisions 2014
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
The review would impact on all residents equally and would be undertaken by an external party.		
Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	07.10.16	Chris Elliott
Heads of Service	07.10.16	Tracy Darke
CMT		
Section 151 Officer	07.10.16	Mike Snow
Monitoring Officer	07.10.16	Andrew Jones
Finance		
Portfolio Holder(s)	10.10.16	Councillor Andrew Mobbs
Consultation & Community Engagement		
Bishop's Tachbrook Parish Council, Warwick Town Council and Whitnash Town Council Councillors Day, Mrs Falp, Heath, Mann, Margrave and Murphy as Warwick District Ward Councillors.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. Summary

- 1.1 The report brings forward a proposal for minor amendments to the Parish/Town boundaries of Bishop's Tachbrook Parish Council, Warwick Town Council, and Whitnash Town Council.

2. Recommendations

- 2.1 That the Committee confirms its original intention to amend the boundaries of Bishop's Tachbrook Parish Council, Warwick Town Council and Whitnash Town Council as set out in the Community Governance Order, Appendix 1 to this report; and subject to the consent of the Local Government Boundary Commission for England (LGBCE) this order should be made.
- 2.2 That if the Council's request for a review of its ward boundaries is not approved by the LGBCE or will not be complete by May 2019, the Council seeks a related alternation to amend the Warwick District Council ward boundaries, in line with the proposals of the Community Governance Order, to take effect from May 2019.
- 2.3 The Committee notes that once the order is confirmed all households affected by the order, along with the relevant Parish and Town Councils, and respective Warwick District ward Councillors and County Councillors, will be notified in writing of the change in Parish/Town Council representation.

3. Reasons for the Recommendations

- 3.1 The Licensing & Regulatory Committee is responsible for "All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews". This includes amendments to the boundaries of Parish and Town Councils as part of Community Governance Order.
- 3.2 The last Community Governance Review was completed in August 2014 and came into force for the Town and Parish Council elections held in May 2015.
- 3.3 That Review concluded that changes were required to the boundaries within the Heathcote estate but only when these could be coterminous with WDC Boundaries. However, it was not possible to amend the District Council Boundaries prior to the May 2015 election, therefore these Parish/Town Council changes were placed on hold because it would impact on a large number of electors and would cause confusion.
- 3.4 Since then the LGBCE has completed a review of the WCC Divisions with conclusions that are consistent with the Community Governance Order, at Appendix 1 to this report.
- 3.5 Before the Council can confirm the order it needs consent from the LGBCE, because these boundaries have been amended within the last five years. It is understood that this request would be looked upon favourably by the LGBCE because the WCC Divisions it has already agreed follow the same boundaries as now proposed.
- 3.6 If this decision is confirmed by the Committee it will make the boundaries coterminous with WCC Divisions. This would also then support the other

proposal on this agenda to bring the WDC ward boundaries into a coterminous arrangement with the relevant Parish/Town Councils.

- 3.7 Warwick Town Council, Whitnash Town Council and Councillor Andrew Day (the Ward Councillor for Bishop's Tachbrook) and Councillor Mrs Falp (one of the Ward Councillors for Whitnash), have all supported this proposal. No objections or comments have been received from any of the other consultees.
- 3.8 Recommendation 2.2 is only a fall-back position in case the wider review of the District boundaries is not approved or is not completed by May 2019. Approval would mitigate potential voter confusion within the specific location caused by conflicting and complicated electoral boundaries.
- 3.9 It is considered good practice to notify all relevant parties to ensure they are aware of the change in representation for them at a Parish/Town Council level
- 3.10 A further report on the wider impact of the LGBCE Review of the WCC Divisions is set out elsewhere on the agenda for this meeting.

4. **Policy Framework**

- 4.1 **Policy Framework** – The report does not impact on the Council's Policy Framework.
- 4.2 **Fit for the Future** – The proposal focuses on a commitment to coterminous boundaries to enable clarity for electors on which Councillor and Council represents them and in which area they live.
- 4.3 **Impact Assessments** – No impact assessment has been undertaken on the proposals because they do not affect any of the protected characteristics as defined within the Equalities Act.

5. **Budgetary Framework**

- 5.1 The report does not impact on the Budgetary Framework or budget of the Council.
- 5.2 The proposals would see revised levels of precepts collected by each of the Council's affected, but this is not a matter that can be considered as material under a Community Governance Review unless it makes the relevant authority financially unviable. These minor changes are not considered to significantly affect the three Council's budget.

6. **Risks**

- 6.1 The main risks associated with the report are that;
 - (a) subsequent to approaching the LGBCE, it declines the request for the WDC Wards to be aligned with the proposed Parish/Town Boundaries. This is thought to be unlikely as it would mean three levels of non - coterminous local government boundaries in this area; and
 - (b) if approved there will be a small number of properties where the District Councillors will be representing electors in a non-coterminous fashion up to the next District Council election in May 2019. As an example, the

Myton & Heathcote District ward Councillors will also be representing some electors in the Bishop's Tachbrook Parish and Whitnash Town Council areas. This may cause some confusion for electors and potential misunderstandings however this will be for a period of a little over two years and it is believed that the ward Councillors would be able to work together to resolve such matters.

7. Alternative Option(s) considered

- 7.1 The Committee could decide not to confirm its original decision at this stage but wait to combine this with the wider proposals across the District. However, this report brings forward a previously agreed decision which was agreed following discussion with the Boundary Commission for the WCC Divisions and provides a recognisable boundary in this area. However, in the LGBCE's view the Council should seek to make this change now in case the wider review is declined or is not completed in time before May 2019. Therefore, the option of deferring implementation has been set aside.

APPENDIX 1
LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN
HEALTH ACT 2007

The Warwick District Council (Reorganisation of Community Governance) Order 2016

Made - - - - November 2016

Coming into force in accordance with article 1(2)

Warwick District ("the Council"), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007^(a) ("the 2007 Act"), has undertaken a community governance review and made recommendations.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

Citation and commencement

1. This Order may be cited as the Warwick District (Reorganisation of Community Governance) Order 2016. This order shall come into force on 1 December 2016.

Interpretation

2. In this Order—

"District" means the district of Warwick;

"Existing" means existing on the date this Order is made;

"Map" means the maps marked "Map referred to in the Warwick (Reorganisation of Community Governance) Order 2016" and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered or lettered sheet is a reference to the sheet of the map which bears that number or letter;

"Ordinary Day of Election of Councillors" has the meaning given by section 37 of the Representation of the People Act 1983; and

"Registration Officer" means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

^(a) 2007 c.28.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Calculation of budget requirement

4. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008^(a) the Council will not make changes for the financial year of 2017/2018 in relation to existing parish council budgets for the forthcoming financial year.

Election of Parish Councillors

5. The election of all parish councillors shall be held simultaneously on the ordinary day of election of councillors in, 2019, 2023^(b). The term of office of every parish councillor elected on the Ordinary Day of Election of Councillors shall be four years.

Alteration of parish areas and the areas of parish wards

6. Each area referred to in column 1 of Schedule 1 and shown hatched green on the Map shall cease to be part of the parish and where applicable ward of that parish specified in relation to that area in columns (2) and (3) of Schedule 1 and shall become part of the parish and where applicable, parish ward of that parish specified in relation to that area in columns (4) and (5) of Schedule 1..

Electoral register

7. The Registration Officer for the District shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transfer of property, rights and liabilities (b)

8. The land, property, rights and liabilities described in Schedules 2, 3, 4 and 5 shall transfer on the date specified in column (2) of those Schedules.

Order date

9. The first of December 2016 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 ^(c).

THE COMMON SEAL of
WARWICK DISTRICT COUNCIL
was hereunto affixed in the
presence of:

.....

on the day of November 2016

Authorised Officer

^(a) S.I. 2008/626.

^(b) Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.

^(a) S.I. 2008/625.

^(b) Local Government (Parishes and Parish Councils) (England) Regulations 2008 (S.I. 2008/625)

SCHEDULE 1

Article 6

ALTERATION OF AREAS OF PARISHES AND PARISH WARDS

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)
Area	Parish from which omitted	Parish ward from which omitted	Parish to which added	Parish ward to which added
"P" (Map 12)	Warwick	Warwick Myton & Heathcote	Whitnash	Whitnash West
"R" (Map 12)	Warwick	Warwick Myton & Heathcote	Bishop's Tachbrook	Not Applicable
"S" (Map 12)	Whitnash	Whitnash West	Bishop's Tachbrook	Not Applicable
"T" (Map 12)	Whitnash	Whitnash West	Bishop's Tachbrook	Not Applicable
"U" (Map 12)	Whitnash	Whitnash West	Bishop's Tachbrook	Not Applicable
"V" (Map 12)	Bishop's Tachbrook	Not Applicable	Warwick	Warwick Myton & Heathcote
"W" (Map 12)	Bishop's Tachbrook	Not Applicable	Warwick	Warwick Myton & Heathcote
"Y" (Map H)	Warwick	Warwick Myton & Heathcote	Bishop's Tachbrook	Not Applicable

SCHEDULE 2

Article 8

LAND AND PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Any land and property to be transferred</i>	<i>Date</i>
From Parish area specified in column 2 of Schedule 1 to the Parish area specified in column 4 of the said schedule.	1 December 2016

SCHEDULE 3

Article 8

HISTORICAL AND CEREMONIAL PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Any historic and ceremonial property to be transferred</i>	<i>Date</i>
From Parish area specified in column 2 of Schedule 1 to the Parish area specified in column 4 of the said schedule.	1 December 2016

SCHEDULE 4

Article 8

FUNDS AND BALANCES TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Any funds and balances to be transferred</i>	<i>Date</i>
From Parish area specified in column 2 of Schedule 1 to the Parish area specified in column 4 of the said schedule.	1 December 2016

SCHEDULE 5

Article 8

MAINTENANCE RESPONSIBILITIES TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Any maintenance responsibilities to be transferred</i>	<i>Date</i>
From Parish area specified in column 2 of Schedule 1 to the Parish area specified in column 4 of the said schedule.	1 December 2016

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Warwick District Council for the alteration of the areas of the parish councils for, Bishop's Tachbrook, Warwick and Whitnash within the district of Warwick.

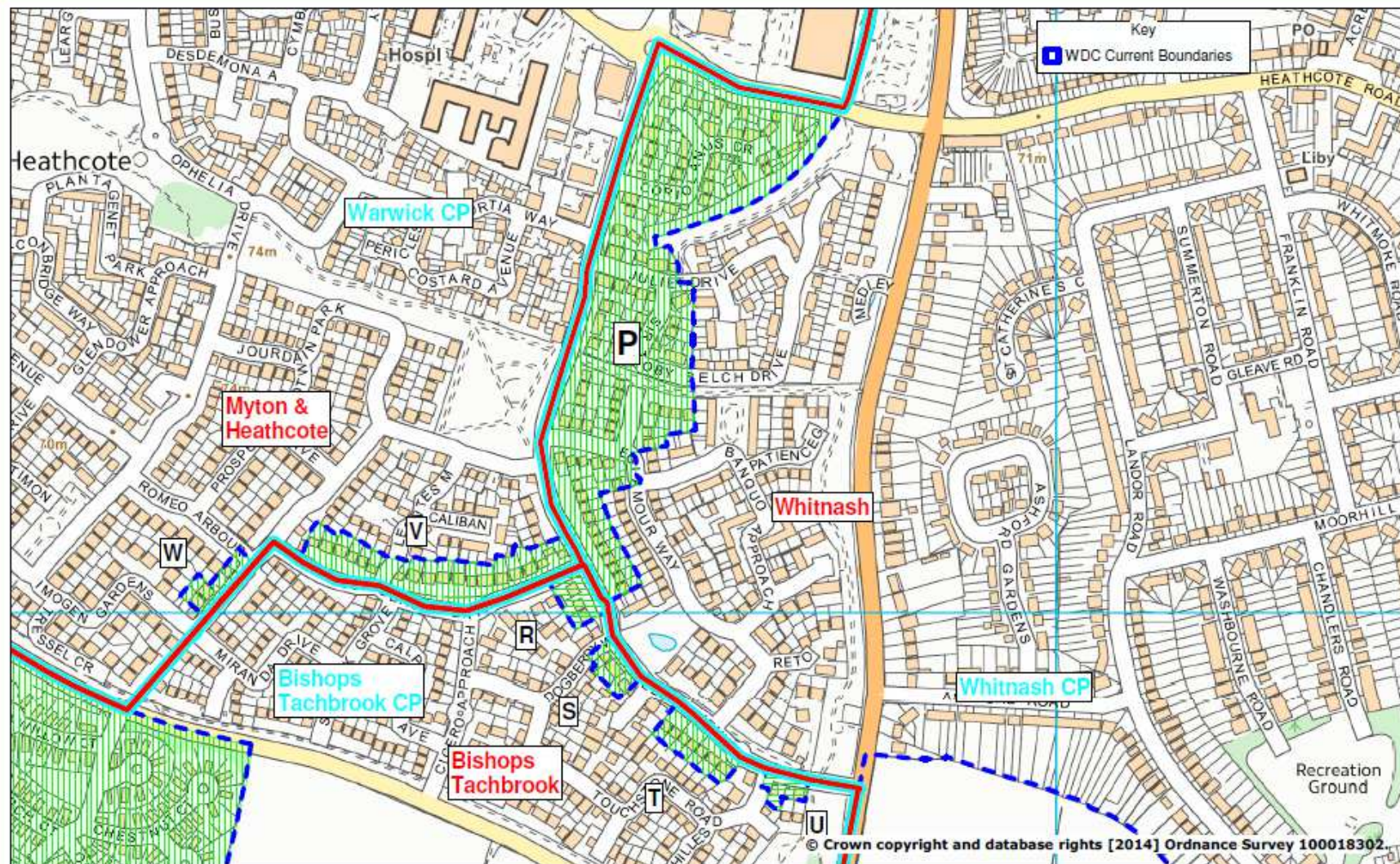
The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors on Thursday 2 May, 2019.

Article 6 provides for alterations to parish areas.

Article 7 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 8 contains details of land, property, rights and liabilities described in the Schedules that shall transfer between the Council's defined within this order on the date specified in those Schedules.

The map defined in article 2 and explained in article 6 shows the alterations to parishes. It is available for inspection during normal working hours at the offices of Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire CV32 5HZ.

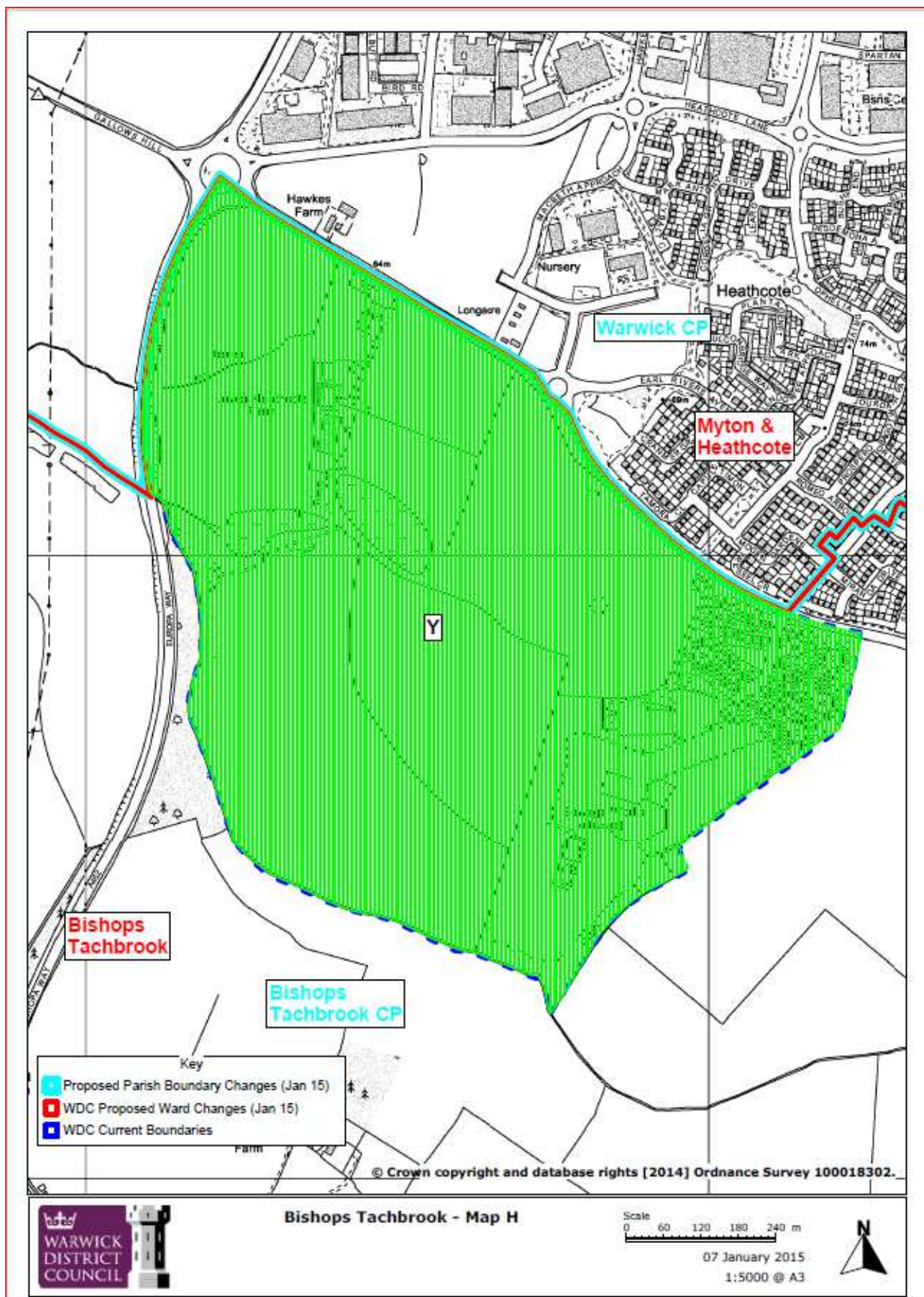


WDC Proposed Ward/Parish Boundary Changes - Jan 2015 (Map 12)

Scale
0 50 100 150 200 m

09 January 2015 1:3250 @ A3





Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 15 March 2016 at the Town Hall, Royal Leamington Spa at 10.00 am.

Present: Councillors; Mrs Cain J.P., Gifford and Gill.

Also Present: Mrs Gutteridge (Council's Solicitor), Mrs Dudgeon (Licensing Enforcement Officer) and Mr Leach (Democratic Services Manager & Deputy Monitoring Officer).

1. **Appointment of Chair**

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

2. **Declarations of Interest**

There were no declarations of interest, but it was highlighted to all present that the applicant held contracts with Warwick District Council for the provision of markets and traffic management/security at events. This, however, was not a matter that Councillors needed to declare and had no impact on the matter being considered, as the contract would be an Executive function and none of the Panel were members of the Executive. That said, the Panel was made aware of this information for the sake of transparency.

4. **Application for a premises licence under the Licensing Act 2003 for Farm Fest Budbrooke**

The Democratic Services Manager & Deputy Monitoring Officer explained to the Panel that concerns had been raised over some of the proposed conditions agreed between the applicant and Environmental Health. This would affect the determination of the application, and further clarification was required before a decision could be taken.

Therefore, the Panel was advised that the application should be deferred until the following week, to enable this matter to be discussed and reported back to the Panel.

With the agreement of the Panel, at 10.40am the Chair adjourned the meeting until the following week.

The Chair reconvened the adjourned Panel at 2.00pm on Tuesday 22 March 2016.

The Chair welcomed all parties and introduced the Panel and the officers present.

The application was represented by Mr J Walker and Mr J Young as Directors of CJ's Events. Councillor Dutton was present to represent the objection from Budbrooke Parish Council, and Mr A Davies (representing J Dexter) and Mr Airs were also in attendance to present their objections to the application.

The Council's Solicitor outlined the procedure for the meeting.

The Panel considered a report from Health and Community Protection which outlined an application from Mr J Walker for a premises licence for an event called Farm Fest, in Budbrooke, Warwick.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, including the representations received, in order to determine whether or not the licence should be approved, and if so, whether it should be subject to any conditions.

The application was for the following licensable activities:

	*Live Music, Recorded Music and Performance of Dance (All indoors and outdoors)	Sale of alcohol for consumption on the premises	Opening Hours
Friday and Saturday	11:00 to 23:00	11:00 to 23:00	10:00 to 23:00
Sunday	11:00 to 16:00	11:00 to 16:00	10:00 to 16:30

The proposed live music would be played to an audience at the festival in both amplified and unamplified forms. Amplified music would be played predominantly from a main stage area, and unamplified music from a separate area within the event confines.

Recorded music could be played during times when the live music act changeover took place. This would be for short periods of time only and would not be a predominant part of the festival.

The applicant was also considering having dance displays at some point in the future, either to accompany music or as a stand-alone act.

As detailed in the report, an operating schedule had been submitted by the applicant and would form part of any licence if the application was approved.

Representations had been received from Budbrooke Parish Council, along with three local residents. A representation had also been received from Environmental Health. However, conditions were subsequently agreed with the applicant and this representation had been withdrawn.

The Licensing Enforcement Officer explained that the conditions agreed with Environmental Health, as set out in the report, had been further revised to provide clarity. Consequently, conditions 1, 2, 3, and 8 now stated:

1. The event organiser or nominated person will employ a noise control consultant who shall carry out a sound test of the sound sources prior to any event. The sound test should be conducted from the nearest residential premises and the results of the test will be made available to the Council on demand.
2. Two contact telephone numbers for the organiser of the event or his/her employees are to be provided to the local authority's Environmental Health Service at least one week prior to any event. The aforementioned organiser or nominee shall be available for the duration of the event on the telephone numbers provided and shall use best endeavours to resolve any incident or complaint as soon as possible.

3. At least one week prior to the event a leaflet drop shall be made to households in the immediate area, such households to be agreed with the local authority's Environmental Health Service in advance. The leaflet is to include a description of each performance and contact telephone numbers in the event of any complaints.
8. The event organiser or nominated person shall agree the location and orientation of the stage and sound system with the local authority's Environmental Health Service at least six weeks prior to the event. The stage and sound system shall only be located and oriented in the agreed locations for the duration of any event.

These amendments had been discussed with and accepted by the applicants.

At the request of the Chair, the applicants outlined the application. They explained that they were local residents and that the farm site in question was home to a number of small businesses. As outlined in the application and appendix to the report, the event aimed to employ local bands until 6.00pm, followed by tribute acts of bands that had headlined Glastonbury. The applicants emphasised that they would adhere to the recommended conditions, assuring that a point of contact would be published and independent noise consultants would be used.

The applicants added that they had reached an agreement with Chiltern Railways to park 500 vehicles at Warwick Parkway during the event, with parking for 300 cars at the farm itself. Traffic management plans were also in place which would see comprehensive signage and encourage the use of local transport connections, including the Warwick Parkway Park and Ride.

In response to questions from the Panel, the applicants explained that:

- initially the duration of the event would be one day, but they would look to increase this to two days in the second year following a post event review;
- ideally they would be looking for 1500 people to attend, with tickets being sold online and through local shops;
- whilst they had never arranged an event like this previously, they had managed firework events, Leamington Carnival and markets; and
- the event had been developed through discussions over 12 months, including an initial contact with the Parish Council and notification to residents through the Budbrooke newsletter.

In response to questions from interested parties, the applicants explained that:

- the publication of the event via the Budbrooke Parish newsletter was in line with the requirements of the Licensing Act;
- they recognised that any event would impact on the local community, but they would work on reducing this impact, especially with regard to keeping festival traffic away from the village;
- they accepted that any large vehicles would need to come through the village, but this would be kept to a minimum;
- they recognised the risk of potential overflow parking away from main car parks and would use their own staff to reduce the chance of this; and
- unlawful parking could not be authorised by the applicant and this would be a matter for the Police to enforce.

At the request of the Chair, Mr Airs addressed the Panel. He explained that he was opposed to the event because the location was unsuitably close to domestic properties. The proposed set-up was very different to that of a church fete, and the associated parking, drugs and alcohol would always cause problems. While the event itself would finish at 23:00, it would take time for the public to leave the site, which would impact on the local community. The car parking arrangements had not been properly considered, which would cause inconvenience to the local community. In his opinion, this was the tip of the iceberg and the intention of the applicant was to develop their plans further, resulting in a greater impact on the local community. Whilst he accepted that the newsletter was a valid way of advertising the application, he advised that very few residents had either noticed the application or seen the advert.

In response to questions from the Panel, Mr Airs explained that:

- his primary concern was the public nuisance and crime and disorder which could occur after the event;
- in relation to the three day event, it was unclear where the camp site would be located;
- in his opinion, muck/rubbish would be blown around the area of the event and he queried who would be responsible for the post event clear up;
- several years ago there were events at the local pub which went on late into the evening, and at closing time there were anti-social behaviour and noise problems. These occurred away from the pub and consequently the pub had no control over them. Therefore, if there were more people in attendance at this event, these problems would be increased and there would similarly be no control over any issues occurring outside the event; and
- there was also the potential impact of noise and disturbance from setting up, testing and the post-event clear up.

At the request of the Chair, Mr and Mrs Davies addressed the Panel. They agreed with the points raised by Mr Airs; in their view, many local people did not know that the application had been made or of the possible implications. The proposed event location was a natural amphitheatre, and therefore the sound would travel a significant distance to residential properties. They were of the view that the event would be protracted to enable set-up and subsequent breakdown, and during the event there would be significant noise disturbance. They explained that because of the location of their home, they would not feel safe leaving it during the event and they would be blighted by noise, which in turn would be a breach of the Human Rights act and the right to a peaceful enjoyment of their home. They concluded by highlighting the impact on local infrastructure that the event could have, and suggested that Warwick or Leamington would be more suitable locations for it to be held.

In response to a question from the Panel, Mr and Mrs Davies showed the Panel where their property was on the site location map.

The applicants informed the Panel that the entire site would be security fenced, with double-fencing in some places. The perimeter would also be patrolled by security staff.

At the request of the Chair, Councillor Dutton outlined the objection from Budbrooke Parish Council. He explained that in the initial submission to the Parish Council, the applicant had stated that the event would last for a single day. If approved, the terms of the application would not provide control over the

expansion of the event up to three days, which was of concern to the Parish Council and the local community.

There was concern about the potential for ticket holders to park in Budbrooke village instead of at Warwick Parkway. Warwick Parkway was a long way from the venue on foot and included a walk along a busy road. Therefore, this would encourage those attending the festival to park in Budbrooke, closer to the venue, which increased the potential for public nuisance after the event.

Councillor Dutton concluded by explaining that if the event was held on a single day and not repeated then the Parish Council would have no substantive concerns, so long as it was managed appropriately. Their primary concern was that the licence was in perpetuity and the length of the event could be increased from one day to three days without residents having the opportunity to object.

In response to questions from the Panel, Councillor Dutton explained that:

- if the application had been for a single day event, the Parish Council were unlikely to have objected;
- the Parish Council were concerned about camping on site and the nuisance associated with this late at night; and
- if organised correctly and managed properly, camping at the event would be acceptable.

In summation, the applicants explained that:

- the intention behind the application was to put on a family event, not a mini Glastonbury;
- they ran a traffic management company with significant experience of managing traffic at events;
- they would leave the site as they found it;
- set-up would be on the morning of the event;
- no access to the event would be possible via neighbouring fields;
- all members of the public would be searched on entry to the site;
- there would be a free park and ride service from Warwick Parkway, with possible expansion to St Mary's Lands (areas 1 and 2); and
- in the first year the event would be held on a single day, but if it was successful it would be expanded over more than one day in future years. At this point, camping would be introduced in a secure area. The camping area would be arranged in line with fire safety advice provided by the fire service.

The applicants concluded by confirming that the application was for a three day event, but in the first year it would only be held on a single day, with expansion to two or three days if the event was successful.

The Council's Solicitor advised that it was not possible to include a condition on the licence permitting a one day event this year, with expansion to two or three days the following year if Environmental Health were happy with noise mitigation arrangements. This would be a potentially unlawful condition because it would not be sufficiently clear to the public what the licence was for each year. It was for this reason that due process was established in the Licensing Act, enabling variations and reviews of a licence as appropriate. This point was accepted by the applicant's representatives.

The Council's Solicitor reminded all parties present about the right for the review of a licence and that the purpose behind this was to enable any issues with licences to be considered and acted upon.

At 3.25pm, the Chair asked all parties other than the Panel, the Council's Solicitor and the Democratic Services Manager & Deputy Monitoring Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved that

- (1) the application be granted for a single day each calendar year, for the activities as applied for, subject to the following conditions:
 - i. the event organiser or nominated person will employ a noise control consultant who shall carry out a sound test of the sound sources prior to any event. The sound test should be conducted from the nearest residential premises and the results of the test will be made available to the Council on demand;
 - ii. two contact telephone numbers for the organiser of the event or his/her employees are to be provided to the local authority's Environmental Health Service at least one week prior to any event. The aforementioned organiser or nominee shall be available for the duration of the event on the telephone numbers provided and shall use best endeavours to resolve any incident or complaint as soon as possible;
 - iii. at least one week prior to the event a leaflet drop shall be made to households in the immediate area, such households to be agreed with the local authority's Environmental Health Service in advance. The leaflet is to include a description of each performance and contact telephone numbers in the event of any complaints;
 - iv. the event organiser shall conform with the Noise Council's (1995) Code of Practice on Environmental Noise Control at Concerts at all times unless explicitly agreed in writing with the local authority's Environmental Health Service;
 - v. between the hours of 09:00 and 23:00, music noise levels shall not exceed 65dB(A) L_{Aeq} over a 15 minute period when measured at (or calculated t_0) one metre from the façade of any noise sensitive premises;

- vi. the event organiser or nominated person shall carry out regular checks at the nearest noise sensitive locations throughout the event to monitor the noise and ensure that the specified music noise levels are not exceeded;
 - vii. the appointed noise control consultant shall continually monitor noise levels at the sound mixer position and advise the sound engineer accordingly to ensure that the noise limits are not exceeded. The local authority shall have access to the results of the noise monitoring at any time;
 - viii. the event organiser or nominated person shall agree the location and orientation of the stage and sound system with the local authority's Environmental Health Service at least six weeks prior to the event. The stage and sound system shall only be located and oriented in the agreed locations for the duration of any event;
 - ix. no more than one event shall be held per calendar year and no event shall last more than one day;
 - x. a challenge 25 policy will be used;
 - xi. all drinks to be sold in plastic bottles, polycarbonates glassware, collapsible cups or drinks;
 - xii. the licence holder shall hold an incident handling book for recording all incidents that occur;
 - xiii. a dispersal policy must be agreed in writing by the relevant responsible authority, prior to the event taking place;
 - xiv. recorded music will not form a predominant part of the festival and may only be played during times when the live music acts changeover; and
- (2) the Panel reminds the applicant of their comprehensive operating schedule and expects the applicant to abide by it.

At 3.54pm, the applicant, the interested parties and the Licensing Enforcement Officer were asked to re-enter the room. The Chair invited the Council's Solicitor to read out the Panel's decision.

The Council's Solicitor advised that any party had the right to appeal to the magistrate's court within 21 days of the formal decision being published.

(The meeting ended at 3.59pm)

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Tuesday 3 May 2016, at the Town Hall, Royal Leamington Spa at 2.00 pm.

Present: Councillors Mrs Cain, Gill and Illingworth.

Also Present: John Gregory (Council's Solicitor), Lesley Dury (Committee Services Officer) and Emma Dudgeon (Licensing Enforcement Officer).

1. **Substitutes**

Councillor Mrs Cain substituted for Councillor Miss Grainger, and Councillor Gill substituted for Councillor Quinney.

2. **Appointment of Chairman**

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

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for the Variation of a Premise Licence under the Licensing Act 2003 for 12 West Street, Warwick**

The Panel considered a report from Health and Community Protection which sought a decision on an application from Mr Douglas for 12 West Street, Warwick for a variation of a premises licence.

The Chair, members of the Panel and officers introduced themselves. The other parties then introduced themselves as the applicant Mr Douglas, and local residents, Mr Jones, Mrs Jones and Mr Chambers who were objecting to the variation.

The Council's Solicitor explained the procedure that the hearing would follow.

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

The current premises licence for 12 West Street, also known as The Old Post Office, was:

	Sale of Alcohol for Consumption on and off the Premises	Opening Hours of the Premises
Sunday to Thursday	10.00 to 23.00	10.00 to 23.30
Friday and Saturday	10.00 to 00.00	10.00 to 23.30

	Live Music (indoors only (limited to two performers))
Monday to Sunday	18.00 to 22.00

The application submitted by Mr Thomas for a variation was to:

- remove the condition “No open vessels to be taken off the premises”; and
- extend the licensable area to include the rear garden.

Additions to the operating schedule had been submitted by the applicant and would form part of any licence issued. The additions to the operating schedule were detailed in the report along with the current ones in operation, which were detailed in Appendix 1 to the report.

The Licensing Officer advised that representations had been received from two local residents, copies of which were appended to the report. In addition, the Panel was advised that a representation form confirming no objection had been received from Environmental Health, and a copy of this was also appended to the report. No other representations had been received.

The Licensing Officer stated that since the licence had been issued on 2 January 2014, only one complaint in relation to customers using the front of the premises had been received. She also informed Panel Members that on 25 April 2016, Mr Douglas had submitted a petition in support of the application. A decision was required on whether it was permissible for this petition to be entered as evidence.

Following advice from the Council’s Solicitor, both Mr Chambers and Mr and Mrs Jones confirmed that they were happy for the petition of 136 names and addresses to be entered as evidence on behalf of the Applicant. Mr Chambers also requested that photographic evidence he had of the premises was also entered as evidence, and Mr Douglas confirmed that he was happy with this.

Mr Douglas explained that he wanted to use the rear garden as a small beer / smoking garden. Walls eight feet high surrounded the garden and he had no intention that the raised area in the rear would be used by patrons; it was his intention to fence this off and put in plants. It was not possible to see directly into nearby premises. He was adamant that he did everything necessary to prevent nuisance and the incident which had given rise to the complaint had not been caused by his patrons, but as a result of a beer festival at the local race course, borne out by the fact that the glasses left by these people had a Warwick Beer Festival logo on them.

Mr Douglas was clear that his intention was “use not abuse”. The garden would be clear by 9.30 pm on week nights and by 5pm on Sundays. The fencing and planting would prevent people standing on the raised area, and the rear garden would not be used in winter; only summer.

The Licensing Officer referred Members to Appendix 4 in the report which clearly stated that the Applicant had stated that the proposed outdoor area would be vacated by 9.30 pm each night.

In response to questions from the Panel, Mr Douglas explained that:

- three to four tables would be in the outdoor area, accommodating 20 people maximum;
- the two seats currently at the front of the premises would be removed, so that people could only stand out the front;
- it was his belief that smokers, who currently stood outside the front, would use the rear garden;
- following the complaint about open vessels taken off the premises, he had put up notices to remind people not to do this;
- it was his intention to remove the tables outside the front, which would ensure the path was not blocked;
- the rear entrance would not be used; people would have to walk through the bar allowing him to monitor what was going on. The rear entrance would only be used in the event of an emergency;
- his main business was selling ale. Bottled drinks such as wine could be purchased, but he did not sell spirits currently. This had been a commercial decision on his part;
- control of the customers and their drinking was stated in the Management Plan. He stopped selling alcohol at 9.00 pm, he did not sell spirits which meant his premises were not exposed to the issues that arose with purchasing numerous shots just as the bar was about to close. The beers he sold were less than 5% proof, so he did not sell strong ale. The type of customers he had were self-controlled.

It was noted by the Panel that the one complaint had not been raised by Environmental Health, and had there been problems with drinking outside the front of the premises, then Environmental Health would have raised this.

In response to a question from the Chairman, the Applicant confirmed that the plan submitted in the report was correct and that there was a Barber's shop at number 14 with flats above. The gravel area in the plan would not be used.

Mr and Mrs Jones and Mr Chambers did not have any questions for Mr Douglas.

When invited to speak by the Chairman, Mr Chambers informed the Panel that:

- the variation in licence would give rise to public nuisance;
- he had lived in West Street for 30 years and his house was two doors away from number 12;
- the area was mainly residential, although there were some shops;
- people used their gardens, it was a quiet area with families;
- the beer garden would mean strangers would be using it and sound would travel. This had happened with people using the front of the premises, and even secondary glazing did not stop the noise;
- the Beer Festival was not the only incident that had blocked the pavement; a wedding party had done this too. A local councillor he had spoken to had informed him that blocking the pavement was a criminal offence which he could report, but he had chosen not to do so and had just taken a photo;
- the Licensing Officer had contacted the Applicant about the incident and as a result, the Applicant had put up notices. There had been no complaints since this;
- the beer garden would totally undermine the quality of life for those in a private house; there were windows overlooking and strangers would peer in;

- Mr Douglas would face difficulties controlling his customers whilst he was busy serving at the bar;
- the type of customers would change if there was a beer garden; and
- the Applicant had a "casual approach" because he had allowed drinking outside the front of the premises until there had been a complaint.

Mr Chambers referred to the photographs he had submitted, to show where his property was and its relation to the Old Post Office.

The Chairman reminded everyone present that drinking outside the front of the premises was not an issue for consideration in this application because there was no evidence of a complaint from Environmental Health.

In response to questions from the Panel, Mr Chambers stated that:

- he was on good terms with the Applicant and had no issues if the status quo remained;
- he spent a lot of time using his own garden; there was a wall but because the garden sloped, this wall got lower at the top end; and
- the nearest pubs were the Tudor Inn and the Vine Inn at the bottom of West Street.

The Applicant did not wish to question Mr Chambers.

When invited to speak by the Chairman, Mr and Mrs Jones informed the Panel that:

- they owned the freehold over the furniture shop; the long building in the plan was number 10;
- the first floor was used as bedrooms and a living area;
- they had not lived there long but when they had purchased their property it had a very quiet garden area;
- the clientele at The Old Post Office were docile, but people raised their voices when they drank;
- they were objecting to the variation now to protect themselves;
- they accepted that the walls were high, but there were a few gaps;
- they feared the unknown;
- the licensing hours were not the issue;
- they spent a lot of time in the garden in the day; and
- they had no way to tell how noisy it would get, and the noise could affect them on every day except Mondays;

Mr Jones referred to the plans to show the layout of their property in relation to the Old Post Office. The Panel acknowledged that the particular layout was not what was normally expected.

In response to questions from the Panel, Mr Jones stated that:

- they had lived in the house for four months; and
- they had known there was a pub next door but there had been no suggestion of a beer garden and there had been the condition for no open vessels outside.

The Applicant did not wish to question Mr Jones.

When invited to sum up, Mr Douglas stated that he understood the anxiety but his ethos was "use not abuse". In respect of the raised area out the back, a condition could be imposed to fence this off with only access allowed during an emergency. There would be no furniture outside the front of the premises. He wanted the open vessel restriction removed for the smokers. The Beer Festival only lasted two days and he would police this period to ensure the issues surrounding the complaint did not re-occur.

In response to further questions from the Panel, Mr Douglas stated that:

- the pub only held about 40 people; and
- the open vessel restriction removal would allow people to drink outside the front, but generally the only people who wished to do this were smokers.

At 3.02 pm the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved to refuse the application. The Panel has considered the application before it, the officer's report, the Council's Licensing Policy and the submissions made on behalf of the Applicant and other parties at today's hearing. The Panel has placed weight on the comments of the Council's Environmental Health Officer, in terms of the usual clientele and low capacity of the premises, and note that Environmental Health has consequently not objected to the application. The Panel has also given weight to the fact that the premises appear to be well run, and have not generated significant complaints in the past.

However, on the basis of the representations made and evidence produced at today's hearing the Panel disagrees with the Environmental Health officer that this is an established drinking establishment in a town centre location. Rather, on the evidence available to it, the Panel consider that this is a relatively new licensed premises located in a predominantly residential area.

The Panel also disagrees with the Environmental Health assessment that the garden would only hold a small number of people. On the contrary, the Panel has heard evidence from the applicant today that the garden would hold up to 20 people, which the Panel considers to be a relatively large number in the context of this establishment and the character of the area.

Further, having heard evidence of the physical relationship between the gardens of numbers 10 and 16 West Street and the garden of the licensed premises, the Panel are particularly concerned about the likelihood of this number of people causing noise nuisance to the occupiers of nearby residential properties, and in particular to the occupiers of numbers 10 and 16, when they are using the outside areas of their dwellings.

In light of this, the Panel considers that the Licensing Objective of the prevention of public nuisance would be adversely affected by the grant of this application. Accordingly, the application is refused.

At 3.47 pm all parties were invited back into the room, at which time the Council's solicitor read out the Panel's decision.

All parties were advised that they had the right to appeal the decision within 21 days of the formal decision being published.

(The meeting ended at 3.50 pm)

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 10 May 2016, at the Town Hall, Royal Leamington Spa at 10.00am.

Present: Councillors Mrs Cain, Mrs Redford and Weed.

Also Present: Mrs Gutteridge (Council's Solicitor), Ms Martin (Trainee Solicitor – observing only), Mrs Dury (Committee Services Officer), Mrs Dudgeon (Licensing Enforcement Officer), Ms Hudson (Regulatory Manager – observing only).

1. **Appointment of Chairman**

Resolved that Councillor Mrs Cain be appointed as Chairman for the hearing.

The Chair, Members of the Panel and officers introduced themselves.

The Chairman then invited the interested parties to introduce themselves. They were Police Sergeants Wiggin and Kitson from the Warwick Safer Neighbourhood Team. Neither the applicant nor anyone representing the applicant was present.

2. **Declarations of Interest**

There were no declarations of interest.

The Council's Solicitor explained the procedure to the Panel when neither the applicant nor anyone representing the applicant was present at the hearing; the Panel could either decide to adjourn the hearing to be heard at a future date, or it could proceed with the hearing in the applicant's absence. The Licensing Enforcement Officer informed the Panel that the applicant had not contacted the Council.

Resolved to proceed with the Panel hearing in the applicant's absence.

3. **Application for the Variation of a Premise Licence under the Licensing Act 2003 for Jonny's Supermarket, 81a Shrubland Street, Royal Leamington Spa**

The Panel considered a report from Health and Community Protection which asked Members to consider an application from Mr Elaiyathamby Suthanthira Kumar for the variation of a premises licence.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it.

A representation had been received in relation to the application and Members were asked to consider if the variation of the premises licence should be approved, and if so, should the licence be subject to any conditions.

The applicant applied for a variation of the premises licence for Jonny's Supermarket, 81a Shrubland Street, Royal Leamington Spa on 19 March 2016 to

amend the current licensable hours including the removal of specified hours for Christmas Day and Good Friday as per the tables below:

Current premises licence:

	Sale of alcohol for consumption off the premises*	Opening Hours*
Weekdays	08:00 to 23:00	08:00 to 23:00
Sunday	10.00 to 22:30	10:00 to 22:30
Christmas Day	12:00 to 15:00 then 19:00 to 22:30	12:00 to 15:00 then 19:00 to 22:30
Good Friday	08:00 to 22:30	08:00 to 22:30

Variation application:

	Sale of alcohol for consumption off the premises*	Opening Hours*
Monday to Saturday	06:00 to 24:00	06:00 to 24:00
Sunday	07:00 to 23:00	07:00 to 23:00

An operating schedule was submitted by the applicant which would form part of any licence issued and was set out in section 3.3 of the report.

A representation had been received from Warwickshire Police attached as appendix 1 to the report. No other representations had been received.

In response to questions from Panel Members, the Licensing Enforcement Officer informed Members that whilst the opening hours were the same as the licensing hours currently, she had been informed by the Police, following information given to them by the applicant, that people were entering the store and stealing from it before 8am. When asked by a Panel Member to explain how this could happen if the opening time was 8am, she informed the Panel that the manager could open before 8am if he was not undertaking any licensable activity, but if this happened, the alcohol should be kept covered.

Sergeant Wiggin stated that they did not know if the alcohol was kept covered. The Police believed that the variation of the hours could open up opportunity for anti-social behaviour because of the demographic in the area, where there was a large number of students living in the area. Clubs were open until 4am, and students generally did not leave home until 11pm. If there was more opportunity to purchase alcohol, students would "pre-load" before heading out to the clubs. After the clubs closed, people would go to takeaways, but if there were places open selling alcohol, this would give further opportunity to drink.

The Police confirmed that there was a pattern in the rise of anti-social behaviour, falling at the start and end of term time mainly and there had been a number of violent incidents in the area in the early hours. In north Leamington, McColl's had a licence to sell alcohol from 6am, but the area did not have the same demographic. Over 5,000 students lived in south Leamington which meant that a number of students were walking back from clubs, increasing the potential for public nuisance.

The Council's Solicitor advised caution as to how much weight the Panel attached to the information about alcohol being stolen from the premises before 8am

because that information had not been substantiated by the Police and had been provided by the applicant to the Police.

The Police were then invited to make a closing summation. The Police reiterated that the variation would give students the opportunity to pre-load when other residents would be in bed. Jonny's Supermarket would be the only place open to purchase alcohol and the Police were already facing issues at Eagle Street Recreation Ground nearby where people congregated. The opportunity to purchase alcohol for longer hours would only increase the problem at the Recreation Ground.

At 10.20am the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved that the application to vary the premises licence is refused for the following reasons:

The Panel decided to proceed in the applicant's absence. The applicant had been notified of the hearing and did not request an adjournment. The Panel decided that it was not in the public interest to adjourn the hearing.

The Panel has considered the application and has listened to the Police representation. The Panel has also considered the statutory guidance and the Warwick District Council statement of licensing policy.

The decision is to refuse the application to vary the premises licence. The Panel is of the view that an increase in the licensable activities to allow the sale of alcohol from 06:00 to 24:00 hours would be likely to increase crime and disorder in the area. It notes that there is no record of complaints about the premises to the Licensing Authority but has carefully considered the evidence provided by the Police about the demographic of the area and the high student population which travels to and from the town centre late at night and in the early morning. The Panel is also concerned about the impact increasing the hours when alcohol could be sold would have on the existing problems with ASB and street drinkers at the nearby Eagle Street Recreation Ground. The Panel notes that the information provided by the applicant in the operating schedule is sparse and does not sufficiently address the Police concerns. The Panel does not believe that there are any appropriate conditions that it could apply to the licence that would allow it to overcome the objections and grant the application.

The Police evidence is that the applicant told an Officer that people were coming into the premises and stealing alcohol before 8am. The applicant was not present at the hearing and has not had an opportunity to respond to or clarify this statement but the Panel has serious concerns if this is in fact taking place. The Panel would remind the applicant

that the permitted opening hours, in accordance with the current premises licence, are 08:00 to 23:00 weekdays and 10:00 to 22:30 on Sundays. Police Officers and Licensing Enforcement Officers may visit the premises to check that the terms of the licence are being observed.

There is a right of appeal to the Magistrates Court within 21 days of written notification.

At 10.50am, the Police, the Regulatory Manager, the Trainee Solicitor and the Licensing Enforcement Officer were asked to re-enter the room. The Chairman invited the Council's Solicitor to read out the Panel's decision:

(The meeting ended at 10.52 am)

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Wednesday 11 May 2016, at the Town Hall, Royal Leamington Spa at 10.00am.

Present: Councillors Miss Grainger, Quinney and Mrs Stevens

Also Present: Mr Gregory (Council's Solicitor), Miss Carnall (Senior Committee Services Officer), and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Substitutes**

None.

2. **Appointment of Chairman**

Resolved that Councillor Miss Grainger be appointed as Chairman for the hearing.

The Chair, Members of the Panel and officers introduced themselves.

The Chairman then invited the applicant and interested parties to introduce themselves. They were Mr Sik Wong Lee, the applicant, Mr Jones, the applicant's representative and Ms Adkin, representing Mr Hoyek, a neighbouring business owner.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for a premise licence under the Licensing Act 2003 for Lobster, Old Square, Warwick**

The Panel considered a report from Health and Community Protection which asked Members to consider an application from Mr Sik Wong Lee for a premise licence for Lobster, 11 Old Square, Warwick.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it.

Representations had been received in relation to the application and Members were asked to consider if the licence should be approved, and if so, should the licence be subject to any conditions.

The applicant submitted the application in March 2016 for the following licensable activities:

	Sale of alcohol for consumption on and off the premises*	Opening Hours*
Everyday	12.00 to 23.00	09.00 to 23.00

* Christmas Eve/Day, New Year's Eve/Day and 14 February all the above extended until 01.00.

An operating schedule was submitted by the applicant which would form part of any licence issued and was set out in section 3.2 of the report.

The representations had been received from Environmental Health and the Police; however, conditions had been agreed with the applicant and both representations had been subsequently withdrawn. The conditions agreed were as follows:

1. Alcohol only to be supplied to those persons partaking / partaken of a table meal or those waiting to be seated.
2. All staff to ensure quiet departure of patrons.
3. Alcohol to be tabled served by waiter/waitress service at all times.
4. CCTV to be installed and the premises licence holder must ensure that:-
 - a. CCTV cameras are located within the premises to cover entrance & bar area
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - d. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
 - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - f. Downloads will be provided to the Police upon reasonable request in line with the DPA.
 - g. Signed off by Warwickshire Police Architectural Liaison officer
5. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority.
6. Staff to be trained in drunk and drugs awareness.
7. No entry after 22.00 hours.
8. The DPS to make on going professional risk assessments as to whether to employ door supervisors at any time.
9. No open vessels to leave the premises at any time.
10. Challenge 25 Scheme to be adopted and enforced
11. Refusals book / registered to be maintained and made available for inspection on reasonable request from responsible authority.
12. All staff to be trained in age verification policies and procedures.
13. No persons under the age of 18 years will be allowed on the premises after 21.00 hours unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority.

The representations from three local residents and a nearby business were attached as appendices 2 and 3 to the report. In addition, coloured pictures of the premise location had been distributed prior to the start of the meeting.

The Chairman invited the applicant's representative, Mr Jones to make comments on the application. He advised that Lobster was a seafood restaurant and café with 16 to 20 covers. The applicant had been encouraged by customers to apply for a licence because they would rather dine without having to bring

their own alcohol. Mr Jones advised that the restaurant had held approximately 20 private evening bookings recently and had not encountered any complaints as a result of those bookings.

In response to questions from Panel Members, Mr Jones advised that:

- there was a current condition relating to the planning permission on the premises which restricted the opening hours to 19.00 and the applicant would be negotiating with the Planning Department to amend this if the licence application was successful;
- the recent evening bookings had been for groups or family gatherings and no sales of alcohol had occurred;
- the restaurant was not aware of any complaints made either to themselves or to Environmental Health regarding noise disturbance from people exiting or smoking outside the premises;
- the applicant was surprised when they read the objections because none of the nearby residents had approached them with concerns, despite coming into the café; and
- there was a nearby residential building but no objection had been received from the new tenant at number 13.

The Chair then asked the interested parties to outline their representation. Ms Adkin introduced herself and explained that she was addressing the Panel on behalf of the nearby business owner, Mr Hoyek. Ms Adkin advised that she was also a nearby resident and had submitted an objection on 19th April only to be told she had missed the deadline for representations to be received. Ms Adkin asked if her objection could be taken into account at the hearing.

The Legal Officer advised the Panel that they were able to take the late representation into account, if the applicant was happy for them to do so as he had not had sight of the objection. It was therefore agreed that the applicant would be shown the representation and given sufficient time to consider its content.

The Licensing Officer confirmed that Ms Adkin had submitted her objection on 19th April and was emailed a response explaining that it could not be considered because the deadline for representations to be received was 18th April.

The Chairman therefore adjourned the meeting at 10.19am to allow the applicant to read Ms Adkin's representation and decide if he was happy for the Panel to take it into consideration.

The Panel reconvened at 10.31am and Mr Jones advised that Ms Adkin's objection covered the same points already raised by the other interested parties. In addition, the applicant did not think the objection should be considered because the deadline had been missed and Ms Adkin had been fully aware of the application.

The Chair therefore agreed that the late representation would not be taken into account but all parties were in agreement that it was no longer the case that the neighbour had not objected.

Ms Adkin outlined Mr Hoyek's representation which she stated had been made in good faith as an experienced restaurateur and not because he feared for the change in footfall at his own premise. However, Mr Hoyek had concerns that his business would be 'caught in the crossfire' from a public nuisance point of view

and was worried that he would start to encounter visits from the Environmental Health Department.

Ms Adkin advised that Mr Hoyek considered the licence application as a back door route to alter the planning restrictions already in place on the premise. In addition, he felt that the off licence sales were unnecessary because there were no outside areas that could be used or accessed. Mr Hoyek was worried that the off licence sales would be used as a drop in to buy alcohol and the licence was an indirect expansion into the vacant corner premises.

In response to a question from the Panel, Mr Hoyek confirmed where his business was in relation to the applicant's premise, advised what the opening hours were and stated that he would happy to withdraw his objection if the off licence part of the application was removed.

In response to the objections made, Mr Jones explained that the off licence permission would only be used if a diner wanted to buy a bottle of wine to take home and confirmed that there were no outside areas covered by the licence which could be used by customers.

In summation, Mr Jones reminded Panel Members that the residents who had objected had not attended the hearing and as previously stated, the applicant was happy to work with residents on any concerns they had. He advised that the applicant would control any noise nuisance and was aware of the need to act as a responsible licensee. He assured the Panel that waste would be removed once a day and deposited in a suitable place. Mr Jones did not accept that the objection from Mr Hoyek was not about competition and did not feel that the comments made about the off licence sales were relevant.

The Legal Officer clarified that the applicant would be happy to amend one of the conditions to ensure that off licence sales were restricted to diners only. Mr Gregory then asked Mr Hoyek if this amendment would alleviate his concerns regarding off licence sales. Ms Adkin advised that he still had concerns because the planning permission only allowed the premise to be open until 7.00pm.

At 10.53am the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved that

The Panel has considered the application before it, the officer's report, the Council's Licensing Policy and the submissions made on behalf of the Applicant and other parties at today's hearing.

The Panel appreciate that the local residents have expressed concerns about the potential for nuisance to be caused by the grant of this licence. However, they have given weight to the fact that the Council's Environmental Health Department has not objected to the application, subject to the imposition of appropriate conditions. Further, the Panel do not consider that they have been presented with any evidence, either at this hearing or in the written

representations, that has convinced them that that public nuisance would in fact be caused.

The Panel therefore consider that the grant of this licence would not adversely affect any of the four Licensing Objectives and have decided that the application should be approved.

The Panel do consider that it is appropriate to impose the conditions set out at Paragraph 3.5 of the Officer's report, subject to Condition (1) being amended to make it clear that the sale of alcohol for consumption off the premises is also to be restricted to those who have eaten a meal in the restaurant.

Condition (1) is therefore amended to read "*Alcohol is only to be supplied to those persons partaking in, or who have partaken in, a table meal in the restaurant or those waiting to be seated. For the avoidance of doubt, this restriction applies to alcohol sold for consumption either on or off the premises*".

At 11.18am, the applicant, his representative, the interested parties and the Licensing Enforcement Officer were asked to re-enter the room. The Chairman invited the Council's Solicitor to read out the Panel's decision.

The Council's Solicitor advised that any party had the right to appeal the decision within 21 days to the magistrates court.

(The meeting ended at 11.19 am)

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 17 May 2016, at the Town Hall, Royal Leamington Spa at 10.00am.

Present: Councillors Mrs Falp, Miss Grainger and Weed

Also Present: Mr Howarth (Council's Solicitor), Miss Carnall (Senior Committee Services Officer) and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Substitutes**

Councillor Weed substituted for Councillor Ashford.

2. **Appointment of Chairman**

Resolved that Councillor Mrs Falp be appointed as Chairman for the hearing.

The Chairman, Members of the Panel and officers introduced themselves.

The Chairman then invited the applicant and interested parties to introduce themselves. They were:

- Ms Noone, the applicant;
- Alex, applicant's potential future business partner and owner of Tasca Dali in Warwick;
- Mr Sharira, applicant's solicitor;
- Mr Tapia, a local resident objecting to the application; and
- Councillor Mrs Knight, on behalf of Mr Mohammed, a local resident.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for a premise licence under the Licensing Act 2003 for Bread and Butter, 53 Regent Street, Royal Leamington Spa**

The Panel received a report from Health and Community Protection which asked Members to consider an application from Ms Noone for a premise licence for Bread and Butter, 53 Regent Street, Royal Leamington Spa.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it.

Representations had been received in relation to the application and Members were asked to consider if the licence should be approved, and if so, should the licence be subject to any conditions.

The applicant submitted the application in March 2016 for the following licensable activities:

	Sale of alcohol for consumption on and off the premises	Opening Hours
Everyday	12:00 to 22:00	08:00 to 22:00

An operating schedule submitted by the applicant which would form part of any licence issued was set out in section 3.3 of the report. This gave a brief outline of how the four licensing objectives would be managed by the staff and included restricting entry to high risk individuals or groups, first aid and fire risk issues, restricting the sale of alcohol to diners on the premises and ensuring that any person under the age of 18 was supervised by a responsible adult.

Representations had been received from ten people who either resided or worked within the vicinity of the premises and these were attached at Appendices 1 to 10 to the report.

Representations had also been received from Warwickshire Police, Environmental Health and two further residents. However, conditions had been agreed with the applicant and these representations were subsequently withdrawn. The following agreed conditions would be added to any premises licence issued:

1. Alcohol to be tabled served by waiter/waitress service at all times.
2. Alcohol only to be supplied to those persons partaking of a table meal.
3. No Open vessels to be taken outside the premises at any time.
4. Refusals book / registered to be maintained and made available for inspection on reasonable request from responsible authority.
5. No persons under the age of 18 years will be allowed on the premises unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority
6. All staff to be trained in age verification policies and procedures.
7. All staff training records will be maintained and made available for inspection on reasonable request from responsible authority.
8. Staff to be trained in drunk and drugs awareness.
9. No public bar area.

There were no licensable activities taking place at the premises at the time of the application and therefore there was no evidence in relation to licensing detailed in the report.

Mr Sharira outlined the application and explained that 'Bread & Butter' was currently being run as a coffee shop during daytime hours. The proposal was to serve Mediterranean style food and good quality wine. It was hoped that the clientele would be older professional people and staff would provide table service, closing by 23:00. The applicant did not feel that this would be a noisy premise which would cause any difficulties and it would be run in a similar style to Tasca Dali in Warwick.

The solicitor described the location of the premises and advised that there was an existing planning permission in place to allow the premise to run as a restaurant. He felt that the cumulative effect was negligible because the application would only be adding the sale of alcohol to their itinerary.

With regard to the prevention of crime and disorder, Mr Sharira advised that following the agreement of conditions with the Police, they had no objection. In

addition, he explained that there had been no issues relating to public safety and the Designated Premises Supervisor would be responsible for ensuring the prevention of harm to children. Mr Sharira suggested that there was a bigger issue with a neighbouring takeaway business that operated a taxi business until 04:00 hours.

In response, the Licensing Enforcement Officer stated that there was no taxi base operating out of the neighbouring takeaway business and clarified their opening hours.

Mr Sharira addressed each objection individually and felt that there was no evidence to support the claims being made, and that the concerns could not be substantiated. He disagreed that the selling of alcohol would increase noise or public nuisance and assured the Panel that the DPS would be responsible for ensuring that customers did not make a noise when leaving the premises.

Finally, in response to an objection that had been made about smokers outside the premises, Mr Sharira felt that this could not be prevented and may even be caused by the existing residents themselves. He also felt that the individuals in question may not even be customers of the restaurant.

In response to questions from Panel Members, Mr Sharira stated that:

- The applicant knew all of the neighbours and no difficulties or complaints had been raised;
- the garden area had been used for the length of summer last year and no objections or complaints had been received, only compliments;
- the applicant would be using the ground floor and garden area to serve customers; and
- the applicant had trialled private events in the evening without any problems – these had usually ended at 18:00.

The Chairman then asked the interested parties to outline their representations.

Councillor Mrs Knight addressed Members on behalf of a local resident, Mr Mohammed. She explained that this area of Leamington was well known to her and could be described as a fairly residential area. Many of the residences were located above the shops and commercial units along the road, with overlooking windows and adjoining walls. She reminded the Panel that this premise had not had an alcohol licence before and the established drinking establishments tended to be more isolated than this premise. Mr Mohammed had concerns about passive smoking, disorderly behaviour and any music which could cause additional noise. He felt that the granting of this licence would add to existing issues and make things even worse.

Councillor Mrs Knight highlighted the number of conditions agreed with the applicant but did not feel that these addressed the concerns being raised by residents.

Mr Tapia addressed Members and assured them that he had never been a smoker and as a local resident, his property adjoined both Regent Street and John Street, with the sleeping quarters to the rear of the building. He felt that the use of the garden would impact on these rooms. He noted that the applicant did not tend to attract a noisy clientele but felt that alcohol often changed people's behaviour and resulted in increased noise. He had noted that the

premise had been open until 18:00 on occasion last year, but advised that the coffee shop had not been open recently and felt that there was a huge difference between daytime and night time hours.

Mr Tapia made reference to the neighbouring takeaway business but explained that all of the activity took place at the front of the building and not the rear. In addition, he accepted that there was a larger drinking premises nearby but advised that they had enough insulation so as not to affect his family. He felt it was important that the quiet characteristics of the rear of the buildings should be maintained. Mr Tapia stated that he was currently studying to be a doctor and worked night shifts, and the use of the garden during the daytime had disturbed him previously.

In addition, Mr Tapia had concerns that he would suffer from a loss of privacy because his bedroom window overlooked the garden of the premise. This also raised passive smoking concerns because he would not always want his windows and curtains to remain closed. He reminded the Panel that residents should be able to maintain the quiet enjoyment of their homes and explained that there was no commercial activity on John Street, which he described as a residential oasis.

In response to questions from the Panel, Mr Tapia stated that he had encountered noise issues in the past year. These had been caused by the use of the garden area by young children, but whilst it was an annoyance, he had not complained because it had been during the day. He felt that if this use extended into the evening, it would make a huge difference.

In summation, the applicant's solicitor advised that steps had been taken by the applicant to address the licensing objectives and were laid out in the operating schedule. He reminded Members that it would not be in the applicant's interest to encourage public nuisance and described the high end wines and food that the applicant hoped to serve. He described the premise as having a family-orientated atmosphere, and alcohol would only be served to diners at the tables. In addition, the DPS would be there to prevent any nuisance issues.

At 11.30 am, the Chairman asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved that the licence be **granted**, for the following reasons, and subject to:

- (1) the operating schedule provided;
- (2) the conditions agreed with the Police;
- (3) the conditions agreed with Environmental Health;
and
- (4) an additional condition preventing patrons from using the garden after 21:00 hours, to read "All outside areas to be cleared and vacated by 21:00 hours and no patrons shall be permitted to use the outside areas after this time".

The Panel has heard the representations from the applicant in support of the application and from Councillor Mrs Knight and Mr Tapia.

The Panel is satisfied that the applicant has demonstrated on the balance of probabilities that the grant of the licence, with the exception of the use of the garden area, would not impact on the licensing objectives. The Panel notes that both the Police and Environmental Health have withdrawn their objections in relation to the application and have agreed conditions with the applicant.

It is clear from the application and the conditions agreed with the Police and Environmental Health that the premises will be used as a restaurant where alcohol will only be served with a meal and service will be by table service only. The applicant stated that they were looking to cater for older, professional people and would serve high end quality products. It is clear, given the nature of the premises, that this would not be a vertical drinking establishment. It is the Panel's view that, given the nature of the premises, the grant of an alcohol licence would not add to the cumulative impact in the Cumulative Impact Zone.

The Panel does, however, have concerns about the use of the garden. The Panel heard from Mr Tapia that he had experienced noise emanating from the premises during the day. The Panel notes that the garden area backs onto John Street and is in close proximity to a number of residential properties. The Panel is concerned, given the quiet nature of John Street and the fact that noise emanating from the garden is likely to be more prominent in the evening, that noise emanating from the garden will cause disturbance to the occupiers of the residential properties located within close proximity to the garden.

It is the Panel's view that it is appropriate to impose a condition controlling the use of the garden area in the evening, in order to ensure that there is no impact upon residents.

At 12.22pm, the applicant, the interested parties and the Licensing Enforcement Officer were asked to re-enter the room. The Chairman invited the Council's Solicitor to read out the Panel's decision.

The Council's Solicitor advised that any party had the right to appeal the decision within 21 days to the magistrates' court.

(The meeting ended at 12.26 pm)