

Licensing and Regulatory Committee

Minutes of the remote meeting held on Monday 8 February 2021 at 4.30pm, which was broadcast live via the Council's YouTube Channel.

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

34. **Apologies and Substitutes**

- (a) there were no apologies for absence; and
- (b) there were no substitutes.

35. **Declarations of Interest**

There were no declarations of interest made.

36. **Minutes**

The minutes of the Committee meeting held on 16 November 2020 were taken as read and signed by the Chairman as a correct record.

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

The minutes of the Licensing & Regulatory Panels held on 17 November 2020, 24 November 2020 and 7 January 2021 were taken as read and signed by the Chairman as a correct record.

38. **Warwick District Council and Parish Election Scale of Fees**

The Committee considered a report from Democratic Services which sought agreement for the proposed Warwick District Council and Parish/Town Council Election Scale of fees up to December 2024.

The Council was required to establish the fees payable to persons employed by the Returning Officer at its elections, held every four years and at any by-election held in between. The authority for approving these fees had been delegated by Council to the Licensing & Regulatory Committee.

In 2015, the Licensing & Regulatory Committee agreed that the fees continued to be increased each year in line with the annual salary award and was now due to be reviewed.

The fees had been discussed by Warwickshire Elections Officers who had provided comparison figures across the County, as well as wider sub region of their fees from last year. The fees for Warwick District had been considered locally to recognise the 2.75% pay award to Council officers in April 2020. It was key to get the comparison in place as these fees would be used as a basis for payments as part of the County Council and Police and Crime Commissioner Elections taking place in May 2021. The Table at Appendix 1 to the report illustrated the core figures for the previous year which were directly comparable, and it was understood all (in

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Warwickshire) had arrangements in place for these to be up lifted to the same level as the proposed core fees for WDC.

Therefore, by setting a fee it reduced the risk of staff being enticed by neighbouring authorities for a higher fee, but also recognised people delivering the same work on the same election across Warwickshire. This was particularly important for elections work because it was becoming increasingly difficult to recruit people to undertake this work.

In terms of alternative options, the Committee could refuse to agree these fees or propose revised fees, but this was not considered appropriate due to the disparity it would cause over the key fees for the WCC elections in 2020.

In response to questions from Members, the Democratic Services Manager and Deputy Monitoring officer advised that:

- the discrepancy in the pay of the Postal Vote Supervisor between WDC and other local authorities was mainly around the duties the individuals took part in. Some officers at other authorities took on other roles, such as helping with scanning, whereas at WDC this role was taken by Deputy Returning officers;
- if there was a by-election for a District Council seat, and a by-election for a Parish Council seat in the same area on the same day, the costs should be allocated 50-50, though this depended on whether there was more than one election taking place elsewhere;
- he was aware of an example of this issue, raised by Councillor Boad, in relation to a previous election held in Leamington North where two by-elections had taken place, and would pick this up with his team;
- there would be elections taking place during 2021 that WDC didn't pay the bill for, and some elections that WDC would be paying for. Where there were potential increased costs as a result of Covid-19, were additional staff needed in polling stations, social distancing measures and protective equipment within polling stations, count venues and postal vote openings; and
- Warwickshire County Council was also aware that there would be additional costs, and the elections would take longer, particularly postal voting. The Government had allocated an additional amount of money across the country for elections, and WDC would look to claim all those extra costs back from the relevant authorities.

The Committee therefore

Resolved that the Warwick District Council and Parish/Town Council Election Scale of fees, as set out at Appendix 2 to the report, be approved, subject to the inclusion of any increase as a result of a national pay award for Council workers from 1 April 2021 up to and including 1 April 2024, rounded to the nearest 50p.

39. **Sexual Entertainment Establishment Policy Review**

The Committee considered a report from Health and Community Protection which presented the reviewed draft Sexual Entertainment Establishment

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Policy which was applicable to all Sexual Entertainment Establishments within the Warwick District Boundary.

The current Sexual Entertainment Policy was adopted on 2 June 2016. It was used to outline the Council's approach to sexual entertainment applications and premises within the district. The Policy had been reviewed by the Licensing Team.

A review of the policy had been undertaken by the Licensing Team Leader. A review of applications received during the period had confirmed that there were no corrective measures to be made.

There had been no enquiries or complaints received from licence holders, members of the public, or any responsible authorities during the period, which had confirmed that there were no corrective measures to be made.

Legal Services had been consulted on this review and had not requested any changes to the documents.

Legal Service were asked whether the draft policy would require a full public consultation and advised that the changes were so minimal that it would not be required.

The proposed policy was attached as Appendix 1 to the report, and a summary of the main alterations was included as Appendix 2 to the report.

In terms of alternative options, the Committee could request a public consultation on the draft policy before making comment. Legal Services advised that this was not necessary.

The Committee could also choose not to recommend the proposed policy to the Executive. However, the purpose of the policy was to provide clear guidance for officers and Councillors on what matters should be taken into account when determining applications, and it would be more difficult to ensure consistent application of the law to applicants without a policy to work with.

(At 4:50pm, the Chairman paused the meeting to allow the Licensing Team Leader to re-join the meeting, following a technical issue.)

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

- there were no additional pieces of guidance in the policy relating to the Covid-19 pandemic, as the policy would last for five years and it was hoped the impact of the pandemic would be much improved by then. However, if an establishment did re-open following the current restrictions, they would be expected to put additional safeguards in place to address additional Covid-19 risks; and
- if a licence was applied for that covered simulation of sexual acts, at that point there would be a Licensing Panel to discuss what was thought to be acceptable type of entertainment. The policy had to allow the Council to accept any and all lawful applications, but applicants would have an idea of what the Council would think of as acceptable entertainment.

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Councillor Boad stated that the policy had been in place since 2016 and there had been no enquiries or complaints from licence holders, public or any responsible authorities, and therefore appeared to work and satisfy requirements.

The Committee therefore

Resolved that the reviewed draft policy be noted and recommended to the Executive for its approval.

40. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraph 7 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

41. **Minutes**

The confidential minutes of the Committee meeting held on 6 January 2021 were taken as read and signed by the Chairman as a correct record.

42. **Minutes of Licensing and Regulatory Panels**

The confidential minutes of the Licensing & Regulatory Panel held on 15 December 2020 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 5.20pm)

CHAIRMAN
13 April 2021