

Warwick District Council

Minutes of the meeting held on Wednesday 25 June 2014, at the Town Hall, Royal Leamington Spa at 6.05pm.

PRESENT: Councillor Mrs Sawdon (Chairman); Councillors; Barrott, Mrs Blacklock, Boad, Mrs Bromley, Mrs Bunker, Caborn, Coker, Copping, Cross, Davies, Ms De-Lara-Bond, Doody, Edwards, Mrs Falp, Gifford, Gill, Mrs Grainger, Guest, Heath, Mrs Higgins, Illingworth, Kirton, Mrs Knight, MacKay, Mrs Mellor, Mobbs, Pittarello, Pratt, Shilton, Mrs Syson, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Brookes, Ms Dean, Mrs Gallagher, Mrs Goode, Hammon, Rhead, Vincett and Weber.

10. **Declarations of Interest**

Minute 16 – Reports of the Executive – Minute 196 Relocation of Council HQ

Councillor Copping informed the meeting that he had spoken against the proposed relocation of the Council HQ adjacent to the Spa Centre on local media, however, he was willing to listen to the views of others before taking a decision on this matter. Therefore, after taking advice he had a predisposition regarding this matter.

Councillors Caborn and Shilton declared a personal interest in this item because Warwickshire County Council was mentioned as a possible partner during the debate and they were Warwickshire County Councillors.

11. **Minutes**

The minutes of the meeting of the Council held on 14 May 2014 were approved as a correct record and signed by the Chairman.

12. **Communications and Announcements**

The Chairman thanked all those who attended her Civic Service.

The Chairman informed Council that there would be no business under items; 6, Public Interest Debate; 7, Petitions; 9, Public Submissions; 10, Questions to Committee Chairmen; and 11, Questions to Portfolio Holders.

13. **Motion of Thanks to Past Chairman**

It was moved by Councillor Mobbs, seconded by Councillor Illingworth and

Resolved that the appreciation of the Council be placed on record for the excellent services rendered by the retiring Chairman, Councillor Davies and his consort Mrs E Davies, during the past year.

Councillor Davies, acknowledged the appreciation with a short speech. The Chairman of the Council then presented Councillor Davies with his past Chairman's badge.

14. **Notice of Motion**

It was proposed by Councillor Boad and duly seconded that

"This Council regrets that, under the current committee structure, the provision of Housing Services has become remote from elected members. It also recognises that provisions in the Localism Act provide greater flexibility for the Council to determine its own committee structure."

This Council calls upon the Chairman of the District Council, as custodian of the Constitution, to bring forward proposals for members to consider at the November 2014 Council meeting to amend the constitution to enable the introduction, at the earliest possible opportunity, of a new Housing Committee."

It was proposed by Councillor Mobbs, and duly seconded that the motion be amended so that it read:

"This Council regrets that, under the current committee structure, the provision of Housing Services has become remote from elected members. It also recognises that provisions in the Localism Act provide greater flexibility for the Council to determine its own committee structure."

This Council calls upon the Chairman of the District Council, as custodian of the Constitution, to bring forward proposals for members to consider at the November 2014 Council meeting to amend the constitution to formalise the current housing board and its arrangements to bring forward proposals to better engage members."

On being put to the vote the amendment was lost.

The substantive motion was then put to the vote, and it was

Resolved that:

"This Council regrets that, under the current committee structure, the provision of Housing Services has become remote from elected members. It also recognises that provisions in the Localism Act provide greater flexibility for the Council to determine its own committee structure.

This Council calls upon the Chairman of the District Council, as custodian of the Constitution, to bring forward proposals for members to consider at the November 2014 Council meeting to amend the constitution to enable the introduction, at the earliest possible opportunity, of a new Housing Committee."

(Councillor Mrs Grainger left the meeting during this item)

15. **Leader's and Portfolio Holders Statements**

The Leader of the Council, Councillor Mobbs, made four announcements:

- (a) The works to improve the sound system and associated equipment in the Council Chamber had now started and the Leader had asked the

Democratic Services Manager to circulate the full details of this to all Councillors;

- (b) On Tuesday 10 June 2014, Individual Electoral Registration went live across England and Wales. Over the last 12 months, Electoral Services had been working with the Application Support Team in ICT to ensure the Council could deliver its data matching requirement with the Cabinet Office and the Department of Work and Pensions.

The Warwick District Council live run date was scheduled for Monday 23 June 2014, but the Cabinet Office contacted Electoral Services a week early to ask if we could go at short notice that day as another scheduled Council were having IT problems. They were delighted when we said of course we would.

The Council had now sent 102,995 electors for data matching with DWP and this meant we are on our way with IER making us the first Council in the West Midlands to go through the live run.

He took this opportunity to thank all of the officers involved, because without the excellent team work between the departments, the Council would not be in such an advantageous position.

- (c) The Leader explained that he had recently visited St Mary's Lands in Warwick and was struck by what a wonderful facility it was with such a wide range of activities available and how other towns and Districts would be jealous of such a wonderful facility. He emphasised that he was committed to the area and making it better, for this reason he asked Councillors to look at the whole picture rather than any single aspect of the area.
- (d) The Leader informed Council that he had met with the new Chairman of the Local Enterprise Partnership, Mr J Browning. The Leader had been very pleased with the approach Mr Browning intended to take including improving communications, and a commitment to the rural economy.
- (e) The Leader highlighted to Councillors his recent appearance on Coventry & Warwickshire Radio to defend allegations against both the Council and its officers. He reminded Councillors to ensure that they had checked all the facts before embarking on any actions and that they had a duty to the whole Council not to simply find favour at the ballot box.
- (f) Finally, the Leader reminded all Councillors that there were tough decisions ahead for the Council and that it was important for Councillors to take the right decisions every time, no matter how difficult the decision. Therefore, attendance at briefings on key subjects was essential to ensure that, as Councillors, they were fully aware of details before taking the final decision.

The Portfolio Holder for Neighbourhood Services, Councillor Shilton, informed the Council that both St Nicholas Park, in Warwick, and Jephson Gardens, in Royal Leamington Spa had achieved trip advisor certificates of excellence for 2014.

In response to this Councillor Boad, asked the Portfolio Holder why he had not mentioned that the Royal Pump Rooms, in Royal Leamington Spa, had also

received a certificate of excellence? Councillor Shilton responded explaining that the Royal Pump Rooms fell outside of his remit but agreed it was a great reward for a great facility.

The Portfolio Holder for Health & Community Protection reminded Councillors of the problems, raised by Councillor Mrs Bromley, regarding boy racers at St Nicholas Park in Warwick. Arrangements had been put in place between the relevant parties and positive action was now being taken to alleviate the problem.

16. **Questions to the Leader**

- (a) Councillor Barrott, asked the Leader, if he could inform the Council as to why the health impact assessment was not undertaken as part of the local plan and was now only being done following action by our councillors and Warwickshire County Councillors?

In response the Leader, Councillor Mobbs, explained that the Health Impact Assessment, was not a requirement of NNPF and the Public Health Authority had been supportive of the Local Plan. However, the Public Health Authority had now decided to commission a report to look at the Local Plan and any associated health issues. The Executive were happy with this approach and would consider the Health Impact Assessment and respond as required. The Leader informed the Council that Public Health Authority were now undertaking Health Impact Assessments for all Warwickshire areas.

- (b) Councillor Barrott reminded the Leader that Coventry City Council had changed its policy regarding the Kings Hill Land in the north of the District so that it could be sold off for development, in the early days of the Local Plan this had been considered and, therefore, why should this piece of land not be considered now?

In response the Leader, Councillor Mobbs, explained that Kings Hill was not in our Local Plan and by considering adding it to our Local Plan would only delay it further, placing the District at a greater risk from large planning applications. Warwick District continue to work with all authorities and it was interesting to note that the Coventry South MP had spoken out against this proposed development.

- (c) Councillor Edwards asked the Leader, if he could update the Council on the analysis of the latest Office for National Statistics (ONS) sub regional projections and what was likely to follow from this work?

In response, the Leader of the Council, Councillor Mobbs, explained that the ONS figures could be seen as a golden ticket. However, the Council would need to consider all facts and officers were looking at the scenarios that could arise from these figures. GL Hearn were carrying out a detailed analysis for all local authorities in the sub region which should be concluded before the end of the month. Once this was completed, there would be briefings for the Executive and Group Leaders followed by all Councillors.

- (d) Councillor Mrs Bromley asked the Leader to explain why there was such a difference between the predicted householder occupation for the District of 1.661 and the actual density of 2.294?

In response, the Leader of the Council, Councillor Mobbs, explained the density was a thorny issue. Within the District there was the largest student population of any town without its own University. In simple terms, the Leader had trust and faith in officers and the Executive and Group Leaders to robustly challenge these figures. The Leader also advised that he would ask officers to send a critique of the calculations to all Councillors.

14. Report of the Employment Committee

The report of the Employment Committee of 13 March 2014 was proposed by Councillors Mrs Bunker, duly seconded and

Resolved that the:

- (1) Pay Policy Statement, Appendix A to the minutes, as presented be approved and its publication for the 2014/2015 financial year, be approved; and
- (2) publication of the approved Pay Policy Statement, on an annual basis, be approved, with reviews and amendments in-year if required, subject to agreement by Council.

15. Report of the Licensing & Regulatory Committee

The report of the Licensing & Regulatory Committee of 17 June 2014, was proposed by Councillor Illingworth and duly seconded.

It was proposed by Councillor Pittarello that the Statement of Licensing Policy should be amended to include reference to the Council decision, in March 2014, by adding a paragraph 12.3 that read:

"12.3 - However this Council, in March 2014, requested officers to review the situation subsequent to Central Government's current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District."

Following advice from the Democratic Services Manager and Deputy Monitoring Officer, the amendment was accepted by the proposer and seconder of the original motion. The amended report was then put to the vote and

Resolved that the Licensing Policy, as set out at Appendix B to the minutes, be approved, for use during the next five years.

16. Reports of the Executive

The reports of the Executive meetings of 16 and 23 April, 9 May 2014 and minutes 203 and 204 of 11 June 2014, were proposed by Councillor Mobbs, subject to an amendment to minute 196 regarding the relocation of the Council HQ.

The amendment proposed by Councillor Mobbs, was as follows:

"The current recommendations be replaced with the following:

- (1) That Council instructs officers to undertake a detailed assessment of all potential options for an office relocation, including consideration of sites outside Leamington and/or involving third party land or buildings that would deliver revenue savings of at least £300,000 per annum and are broadly capital cost neutral, including an assessment of the regeneration potential and affordable housing provision that each option offers;
- (2) That officers are instructed to work with Group Leaders to agree how best to keep the public apprised of this work; and
- (3) That Council defer a decision on any future office relocation until the full assessment of options is complete.

On being put to the vote it was

Resolved that the reports be approved subject to the decision of minute 196, which was amended to read:

The current recommendations be replaced with the following:

- (1) that officers to undertake a detailed assessment of all potential options for an office relocation, including consideration of sites outside Leamington and/or involving third party land or buildings that would deliver revenue savings of at least £300,000 per annum and are broadly capital cost neutral, including an assessment of the regeneration potential and affordable housing provision that each option offers;
- (2) that officers work with Group Leaders to agree how best to keep the public apprised of this work; and
- (3) that Council defers a decision on any future office relocation until the full assessment of options is complete.

(Councillor Heath left the meeting during this item)

17. **Scrutiny Committee End of Term Reports**

The end of term reports of the Finance & Audit Scrutiny Committee and the Overview & Scrutiny Committee were duly proposed, seconded and

Resolved that they be noted.

18. **Membership of Committees**

Resolved that

- (1) Councillor Wreford-Bush, be appointed, in place of Councillor Gifford on Overview & Scrutiny Committee;
- (2) Councillor Gifford, be appointed, in place of Councillor Wreford-Bush as substitute for Overview & Scrutiny Committee; and
- (3) Councillor Wilkinson, be appointed, as a substitute

for both Finance & Audit and the Overview & Scrutiny Committees.

19. **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 the relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

20. **Confidential Report of the Executive**

The confidential report of the Executive meeting of 16 April 2014, was proposed by Councillor Mobbs, duly seconded and

Resolved that the report be approved.

21. **Common Seal**

It was

Resolved that the Common Seal of Warwick District Council be affixed to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 8.07 pm)

CHAIRMAN
13 August 2014

PAY POLICY STATEMENT 2014/15

Introduction and Purpose

Warwick District Council aims to have a comprehensive remuneration package that is appropriate and fair for all levels of role and responsibility; ensuring that transparency and equality underpins any rewards.

Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as authority thinks fit”.

This Pay Policy Statement sets out the Council’s approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the setting of pay for its employees by identifying:

- the detail and level of remuneration of its most senior staff i.e. ‘chief officers’, as defined by the relevant legislation
- the methods by which salaries of all employees are determined
- the Committee responsible for ensuring the provisions set out in this statement are applied consistently throughout the Council

Once approved by Full Council, this policy statement will come into immediate effect and will be subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time. This is the third Pay Policy Statement published; the first was for 2012/13.

REMUNERATION PROVISIONS

Definition of Chief Officers

The definitions of Chief Officer are taken from the Localism Act 2011 and set out in Article 12 of the Council’s Constitution as:

Chief Executive
Deputy Chief Executive
Heads of Service
Section 151 Officer
Monitoring Officer

Definition of Lowest Paid Employees

These are employees in Grades J and I of the NJC grading structure which are the bottom two bands in the scheme. The grading and banding is underpinned by Hay job evaluation scheme. Currently those employees in Grade J account for a very small proportion of the workforce, therefore Grade I is also included.

Apprentices are employed on a lower wage as they are considered to be on a training agreement with the Council, rather than a full employment contract.

The recommended pay rates should not be lower than the National Minimum Wage and according to research for the National Apprenticeship Scheme, the average pay for an Apprentice is £170 per week which is what the Council has based Apprentices’ pay on.

Section 1- POLICY ON REMUNERATION OF CHIEF OFFICERS

1. Levels of Pay for Each Chief Officer

The Chief Executive as head of the paid service is employed on the JNC terms and conditions of service and paid a salary that is a spot payment, commensurate with the role.

The Deputy Chief Executives, Heads of Service (which include the Monitoring Officer and the Section 151 Officer) are paid within the Warwick Senior Management Grades (WSMG) on a salary which is considered a market rate within the local government sector. There are 3 salary scale incremental levels; the current levels of pay for each Chief Officer are set out in Appendix 1.

Employer contributions for LGPS for 2014/2015 is 13.5% and Employee contributions can be found at www.warwickshire.gov.uk/pensions

These elements of remuneration for 2014/15 are set out in Appendix 1.

2. Elements of Remuneration for Each Chief Officer

In addition to the basic salary outlined above, Chief Officers may claim business mileage as a Casual Car User; none of the Chief Officers are in receipt of an Essential Car User Allowance payment.

The Chief Executive is the Council's Returning Officer and receives an Election Allowance. This allowance is set by central government and it varies each year depending on the number and type of elections held in each year.

The Council's Monitoring Officer role is carried out by one of the Deputy Chief Executives as part of the current role; a separate payment for Monitoring Officer is not made.

For an exceptional piece of work or an exceptional achievement, a Chief Officer may be awarded an honorarium. The Chief Executive can approve this for any employee and this is either paid as a one off payment or can be a monthly allowance for a temporary period.

3. Pay Levels on Recruitment

The pay level offered on recruitment is typically the bottom point of the salary grade for all roles including Chief Officers. In situations, however, where the individual recruited has a high level of knowledge or skills, and/or previous relevant experience, a higher salary up to the maximum salary for that post, may be authorised by the Chief Executive.

The majority of Chief Officers are appointed by the Employment Committee (which reflects all political parties) exercising their delegated powers as outlined in the officer employment procedures.

This excludes the appointment to the role of Head of Paid Service (Chief Executive) and any other posts where the salary is greater than £100,000 where the Employment Committee recommends the appointment to Full Council for approval.

4. Increases to Pay

Any cost of living increases agreed through JNC are applied to Chief Officers pay. This is typically on 1st April each year and incremental increase to their pay will be applied as follows:

- Chief Officers appointed between 1st October and 31st March will receive an increment on 1st October the following year and thereafter
- Chief Officers appointed between 1st April and 30th September will receive an increment on 1st April the following year and thereafter.

There are 3 levels of increment; the first is the recruiting salary, the second level is automatic but the final level is subject to a satisfactory performance as signed off by their line manager. It may be withheld if the Chief Officer is deemed to not have a satisfactory performance appraisal or has a live formal written warning for conduct or performance issues.

Where a Chief Officer has given exceptional performance then they may be awarded additional increments outside of the normal incremental timescale as detailed above - subject to their pay not exceeding the maximum salary for their post. This would be authorised by the Chief Executive.

Chief Officers' pay will be benchmarked regularly against the market to ensure consistency is maintained both in the peer local authorities and nationally if relevant. Where there are significant changes in market rates then a pay benchmarking assessment will be carried out for Chief Officers. The last pay benchmarking on Chief Officers was completed in 2008/09. The Council commissioned an Equal Pay audit for 2012/13 and will take steps to address any areas as identified.

Where a Chief Officer is temporarily working in a higher level role, (duration of 3 months or more) this may be recognised by payment of an honorarium or the higher salary relevant to that role on a temporary basis.

5. Performance Related Pay or Bonuses

Exceptional performance of Chief Officers is recognised by either accelerated increments or an honorarium as detailed previously. Poor performance may result in an increment being withheld.

During 2012/13, the Council negotiated a local agreement with the Unions that covers all staff and suspended National Cost of Living awards for a set three year period (2012/13, 2013/14, 2014/15). For 2013/14, the agreement is to make a one off, non-consolidated payment of 2% or £500 (whichever is the greater) to all grades subject to achieving pre-set agreed targets and measures across the Council. In the summer of 2013 the Unions withdrew from this agreement and the Council has resumed adherence to the National Cost of Living Awards, hence the local agreement was only in force for 2012/13.

6. Termination Payments

In the case of redundancy, a severance payment would be made to a Chief Officer in line with the current the Redeployment and Stability of Employment policies and as per the Redundancy Calculator.

Leavers who wish to apply for Early Retirement or Flexible Retirement may do so in accordance with the associated policies for early retirement and flexible retirement.

In the case of termination due to Ill-health, a termination payment would not be applicable but a higher pension benefit may be approved by the pension scheme. The pension benefit may include a lump sum in addition to an on-going pension payment.

On termination of employment, if it is not possible or desirable for the Chief Officer to serve their contractual or statutory notice period, then a payment may be made in lieu of the notice period.

Any contractual payments such as outstanding annual leave are usually included in payments on termination of employment. Similarly any monies owing to the Council would be deducted from payments made on termination.

The Council may choose to make a payment under a Settlement Agreement to protect against compensation claims that could be expensive or bring the Council into disrepute. Typically such payments are less than a year's salary. The approval for payments of this nature need to have the support of the Chief Executive who will then seek approval at Executive Committee.

Section 2 - POLICY ON REMUNERATION OF ALL EMPLOYEES AND IDENTIFICATION OF OUR LOWEST PAID EMPLOYEES

Our definition of the lowest paid employees within the Council is determined by the grade for their post, which is underpinned by Hay job evaluation scheme. Market supplements may be given to some posts where there are recruitment and retention difficulties. Currently none of our lowest paid employees receive a market supplement on their salary.

The Council is currently exploring the feasibility of paying a supplement to members of staff paid spinal column point 10 and below to bring their hourly rate in line with National Living Wage, currently £7.65 per hour.

Using the Hay Job Evaluation process, the Councils uses the nationally negotiated pay spine (further details can be found at www.LGE.gov.uk) as the basis for its local grading structure. This determines the salaries of the large majority of the workforce – apart from Chief Officers - together with the use of other nationally defined rates where relevant. The last increase to the national pay scheme was April 2013 (1). All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by the Council. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector.

During 2012/13, the Council fulfilled its commitment to employ Apprentices and had two young people engaged under this scheme. They were paid at the average pay rate for Apprentices which is £170 per week. Both apprentices have now secured fixed term posts within the Council.

Section 3 - THE RELATIONSHIP BETWEEN REMUNERATION OF CHIEF OFFICERS AND OTHER EMPLOYEES

The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers (as included within the Hutton 'Review of Fair Pay in the Public Sector' 2010). The Hutton report was asked by Government to explore the case for a fixed limit on dispersion of pay – in that a public sector manager cannot earn more than 20 times the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure and the Government's 'Code of Recommended Practice on Data Transparency' recommends the publication of the ratio between highest paid salary and the median average salary of the whole of the Council's workforce.

Currently the average (mean) of the Chief Officers pay is 3.0 times that of the rest of the employees. The highest earning Chief Officer earns 4.4 times the mean of the rest of the employees. The highest earning Chief Officer earns 8.4 times the mean of the lowest paid employees. This is higher ratio than last year as it includes the pay of the Apprentices.

Currently the median Chief Officers pay is 2.8 times that of the rest of the employees. The highest earning Chief Officer earns 4.8 times the median salary of the rest of the employees.

These figures are accurate as of February 2014 and exclude any other payments or allowances.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate.

Section 4 - PUBLICITY AND ACCESS TO INFORMATION

This policy including Appendices will be available on our web site www.Warwickdc.gov.uk.

Section 5 - RELATED DOCUMENTS

Early Retirement
Redeployment and Stability of Employment
Recruitment Policy
Final Increment Scheme for Chief Officers
Disciplinary Policy
Hay Job Evaluation Scheme Outline

Flexible Retirement
Ill-Health Retirement Policy
Honoraria Policy
Capability Policy
Car Users guidelines

Date of first issue:	March 2012
Date of Version 2:	March 2013
Date of Version 3:	March 2014
Date of next review:	March 2015

WARWICK SENIOR MANAGERS GRADES
(WSMG Scheme for Chief Officers excluding the Chief Executive)

Basic Pay

Grade	Post	Starting Point	Mid Point	Max Point
	Chief Executive	£95,750	-	£104,840
WSMG1	Deputy Chief Executive	£78,000	£81,250	£84,500
WSMG2	Head of Finance	£69,000	£71,750	£74,500
WSMG3	Head of Corporate & Community Services	£55,310	£57,615	£59,921
WSMG3	Head of Housing & Property Services	£55,310	£57,615	£59,921
WSMG3	Head of Neighbourhood Services	£55,310	£57,615	£59,921
WSMG3	Head of Cultural Services	£55,310	£57,615	£59,921
WSMG3	Head of Development Services	£55,310	£57,615	£59,921
WSMG3	Head of Environmental and Community Protection Services	£55,310	£57,615	£59,921

ELEMENTS OF REMUNERATION FOR CHIEF OFFICERS

Car Mileage Payments

The accumulative mileage claim for the Chief Officer population for 2013/14 was approximately £1,120. It is estimated that the figure would be in the same region for 2014/15.

Election Allowance for 2014/15 (Chief Executive only)

The fee paid to the Returning Officer is determined by legislation and the recovery of the costs for the Returning Officer duties at a UK or European Election is met from Central Government funds and as such does not constitute a cost the Council.

Honorarium Payments

None expected for Chief Officers in 2014/15

Relocation Scheme

None anticipated for 2013/14

Mortgage Subsidy Scheme

None currently



STATEMENT OF LICENSING POLICY

**Reviewed May 2014 &
Approved by Warwick District Council on 25 June 2014**

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1. Summary and purpose

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and the guidance issued under Section 182 of the Act.
- 1.2 Warwick District Council (WDC) is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population exceeding 138,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.
- 1.3 The policy will relate to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.
- 1.4 The aim of this Policy is to demonstrate how WDC, will promote the four licensing objectives. These objectives are:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance; and
- protection of children from harm.

WDC recognises that the promotion of the Licensing Objectives relies heavily on a partnership between license holders, authorised persons, responsible authorities and other persons in pursuit of common aims.

- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and
 - that safe and well run entertainment premises are important to the local economy and vibrancy of the District.
- 1.6 This Statement provides guidance to Responsible Authorities, applicants for and holders of premises licences, objectors and residents on the general approach that the Licensing Authority will implement through its Licensing Committee
- 1.7 When making its decisions on licensing applications, the Licensing Authority will have regard to the matters contained in this Statement, the Act, the guidance issued under section 182 of the Act, the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions), and the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

- 1.8 This Statement covers the period up to 30th August 2018 and will be kept under review and revised as required, following consultation where necessary.

2. Licensing Policy & South Warwickshire Community Safety Partnership

- 2.1 The 1998 Crime and Disorder Act and subsequent amendments require the Police and local authorities to work together and with others to reduce crime and disorder. To this end, Crime & Disorder Reduction Partnerships were formed and are now called Community Safety Partnerships.
- 2.2 South Warwickshire Community Safety Partnership (SWCSP) was formed in September 2008 when the district crime and disorder partnerships for Stratford & Warwick districts merged following years of close collaboration. The vision statement for SWCSP is *‘that the districts should be an attractive, environmentally sustainable, desirable area to live in, work and visit, with a sense of safety which reflects the low risk of becoming a victim of crime in the area’*.
- 2.3 Tackling violent crime has remained a priority in Warwick District since 1998 with Leamington Town Centre as the main focus of partnership activity. Tackling violent crime and specifically street violent crime is one of three SWCSP priorities. A 60 point partnership action plan is in place to reduce violent crime and rowdy behaviour in our town centres.
- 2.4 The policy of working with licensees in South Warwickshire has delivered national best performance and practice.
- 2.5 The age group most likely to be victims and perpetrators of violent crime is 18-30. A key initiative to engage with this group is Operation ‘Your Town, Your Choice’ which takes place on pay-day weekends in hot-spots at the busiest times of 9pm to 4am. An early intervention approach is used utilising direct to leave dispersal authorities together with designated public places powers and has a real impact on reducing violence and rowdy behaviour.
- 2.6 This best example of partnership working across all agencies in South Warwickshire illustrates the commitment to tackling on-street violent crime. In addition enhanced policing, Street Marshals, Street Pastors and CCTV control rooms support this approach.
- 2.7 Joint Licensing Enforcement visits are a key feature of these evenings ensuring that licensees are taking their responsibilities seriously. Engagement with 18 to 30 year olds is carried out on roads closed to traffic. Health related activities are offered in exchange for completing questionnaires on particular themes, for example, pre-loading. Results from these activities and questionnaires inform how and when the hot-spots are staffed and how young people can be assisted in having an enjoyable and safe night. A unique partnership pilot with St John

Ambulance Service has provided a care and repair service on busy nights in Leamington called 'The Cabin' and staffed by up to 10 volunteers.

- 2.8 A further developing part of this approach is the Street Pastor Scheme introduced in 2013. The scheme provides a vital service, and integrates well into the overall multi-agency approach adopted. Further information about Street Pastors may be obtained on their website at www.leafingtonspa.streetpastors.org.uk

3 Delegation of Functions for Regulatory Matters

- 3.1 The Council has established a Licensing Committee with delegated powers to deal with licensing matters
- 3.2 The Licensing Committee has delegated the decision making to Licensing Panels when a hearing is required. These Panels are sub-committees consisting of three members of the full Committee. All other matters that do not require hearings have, upon Home Office advice, been delegated to officers.

4 Further Strategies

- 4.1 WDC has adopted the following strategies that it feels will help it to achieve its desired goals:
- It will work together with all partners as well as local businesses and residents to try to achieve an acceptable level of harmonisation between the two, accepting that this may not always be possible.
 - It accepts that an active and successful Crime and Disorder Partnership is one of the key factors in achieving its desired goals.
 - It recognises the importance of working with other agencies and holds and organises a Multi- Agency Licensing Group on a regular basis to discuss any problems that may arise within its district.
 - The value of action plans as a method of obtaining compliance from premises is recognised and used whenever they become necessary.
 - An [Enforcement Policy](#) which incorporates the [Regulator's Compliance Code](#) has been adopted. Both of these may be found on WDC's website,
 - In recognising the need to minimise late night noise nuisance, WDC would expect that after 23.00 all persons outside the premises would move indoors, and that any sound, amplified or unamplified, from within the premises should not disturb residents in neighbouring domestic properties. However, any conditions added to the premises licence to achieve this aim will be proportionate, enforceable and relevant to that particular premise.

- WDC has adopted a special policy addressing the cumulative impact of the number of licensed premises in Leamington Spa Town Centre. Full information on this policy may be found at paragraph 10 below.

5. The four Licensing Objectives

5.1 Prevention of Crime and Disorder

- 5.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions, and to do all it reasonably can to prevent crime and disorder in the District.
- 5.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.
- 5.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for high levels of disorder that this type of premises may cause to the night time environment.
- 5.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.
- 5.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:–
- planning controls;
 - enforcement of Environmental Protection legislation (e.g. on noise nuisance);
 - positive measures to provide a safer and clean town centre;
 - environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
 - powers to designate parts of the District as restricted alcohol areas
 - police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - confiscation of alcohol from adults and others in designated areas;
 - all current police and local authority powers of closure in force at the time
 - the power of police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

5.2 Public safety

- 5.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the

style and characteristics of the premises and the type of activities expected to take place there and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.3 Prevention of public nuisance

5.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. The conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:

- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
- examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and
- consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

5.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all patrons of a licensed premises will move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

5.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were still being achieved.

5.3.4 The Licensing Authority expects that premises should usually be closed within half an hour of the end of the last licensable activity.

5.3.5 The Live Music Act 2012 removed live music from the scope of the Licensing Authority, subject to the satisfaction of certain criteria, so it is recognised that its controls in this respect have been reduced. However, conditions may be added or reinstated at a review hearing which will bring live music for that particular premises into the licensing regime. This means that it would be within the licensing Authority's powers, at a review hearing, to place a condition on the premises licence prohibiting the playing of live music at any time. This may arise, for example, if the premises is not suitable for the live music being played; or if frequent disturbance is being caused by the music.

5.4 Prevention of Harm to Children

5.4.1 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. However, this authority does not consider that children should be encouraged to mix in areas that are frequented by the adult drinking public, such as busy town centres. For this reason, birthday parties, etc., for the 18 and under demographic will be actively discouraged in these areas.

5.4.2 Areas that may give rise to particular concern in respect of children include premises:

- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises;
- Where entertainment of an adult or sexual nature may be provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

5.4.3 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:

- Limitations on the hours when children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;
- Requirements for an accompanying adult;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.4.4 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

5.4.5 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

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

5.4.7 The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children. Such conditions will be appropriate to the premises and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.4.8 The Licensing Authority expects all premises to comply with statutory conditions requiring that a policy must be adopted, laying out how they will address

underage drinking. This must be shown in the operating schedule of any premises licence application or variation.

NOTE: In the event of any variation submitted to remove any conditions where a hearing is necessary, evidence would be expected to be submitted to the Licensing Panel by the applicant that the change would not impact on the licensing objectives

5.5 Health

5.5.1 The Licensing Authority recognises the role of Public Health England acting in its role as a Responsible Authority. Public Health England can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. They can also call for the review of a licence if they feel it breaches a licensing objective. Any representation must relate specifically to the premises in question and cannot be a general objection.

5.5.1 Representations made by Public Health England must be evidence-based and must demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, Public Health England must ensure their representations are relevant to one of the four existing objectives.

5.6 The Licensing Authority as a Responsible Authority

5.6.1 The Licensing Authority are empowered to make representations against new applications for and variations applications to premises licences, as well as call for a review.

5.6.2 A procedure has been put into place to ensure that any representation made by the Licensing Authority as a Responsible Authority will be made without prejudicing its ability to determine the application in a fair and objective manner.

6. Other Considerations

6.1 Live Music, Dancing & Theatre

6.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance to residents will try to be balanced with the wider cultural benefits to the wider population.

6.2 Integration of Strategies

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

- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and

- Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.

6.2.2 Specific conditions may be attached to premises licences, where appropriate, to reflect local crime prevention strategies. Such conditions may include

- the correct use of well installed closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of ID scanners
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening and licensable activities.

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

7 Other regulatory regimes

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

7.2 Health and Safety

7.2.1 Premises will normally have been visited by the Council's Health and Community Protection inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions that duplicate statutory H&S requirements.

7.3 Fire Safety

7.3.1 Premises and their operators will have statutory duties under the current fire safety regime to ensure the safety of patrons visiting the premises. The operating schedule should state the precautions that will be taken to ensure the safety of the public.

7.4 Food Hygiene

7.4.1 Premises selling alcohol and/or premises engaged in a food business must be registered with WDC and subject to risk-based food hygiene inspections at regular intervals. The inspections are carried out by the council's Health and Community Protection officers.

7.5 Noise

- 7.5.1 Statutory and public nuisances are dealt with by the Council's Health and Community Safety Section under the Environmental Protection Act 1990 and associated legislation.

7.6 Planning

- 7.6.1 Premises that apply for a licence or a variation of a licence should be aware that they may also need planning permission to carry out the activities applied for.

8 Standard Conditions

- 8.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences will be tailored to the individual styles and characteristics of the premises and events concerned and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

9 Enforcement

- 9.1 Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Licensing Group.

10 Special Policy Regarding Cumulative Impact

- 10.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 10.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in the relevant part of the guidance issued under section 182 of the Act.
- 10.3 The Licensing Authority formed two saturation zones, based on information supplied in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 10.4 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. Properties on both sides of any road which borders the zone are deemed to be included within the zone. A plan of the zone may be found at the end of this policy as Appendix 1.
- 10.5 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain

type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

- 10.6 The special policy regarding cumulative impact will not be used to try to revoke an existing licence or certificate when representations are made about the way the premises are being operated. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.
- 10.7 The Licensing Authority will not operate a quota of any description including the special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 10.8 If an application for a premises licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives**
- 10.9 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.
- 10.10 The policy will be subject to review.

11 Responsible Authorities

- 11.1 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy as Appendix 2.
- 11.2 Responsible Authorities are able to make representations regarding new or variation applications for premises licences and also to seek a review of a current premises licence.
- 11.3 Representations will only be relevant if they relate to one or more of the licensing objectives referred to in paragraph 5.

12. Early Morning Restriction Orders (EMROs) and Late Night Levy (LNL)

- 12.1 Following a report from officers, Warwick District Council's Licensing Committee recommended to full Council that it was felt, at the current time, the application of a LNL or EMROs was not appropriate for the council's area.
- 12.2 The Licensing Committee's recommendation was accepted by full Council during 2013.
- 12.3 However this Council, in March 2014, has requested officers to review the situation subsequent to Central Government's current consultation on licensing

matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District.

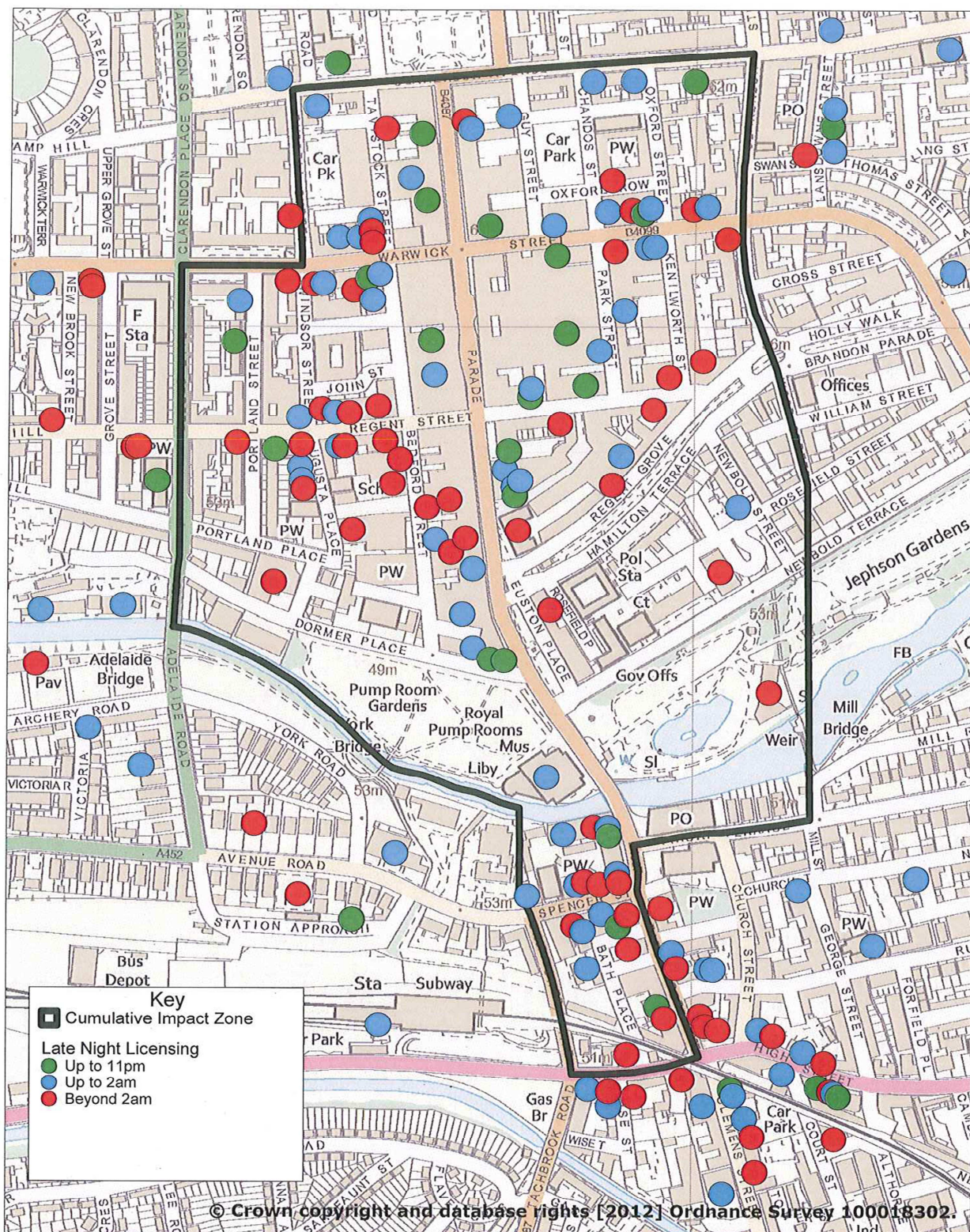
13 Restricted Drinking Zone

- 13.1 The Criminal Justice and Police Act 2001 includes a number of powers to combat crime and disorder, including measures to deal with alcohol related problems. The act gives local authorities the power to designate areas 'Restricted Drinking Zones' where it will become an offence for any person to drink alcohol after being requested not to do so by a police officer.
- 13.2 The entire area covered by Warwick District has been designated a Restricted Drinking Zone.
- 13.2 This means that, anywhere in the district, it is an arrestable offence to fail, without reasonable excuse, to comply with a police officer's request to cease drinking alcohol. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession.

14 Further Information

- 14.1 The Licensing Authority has produced guidance documents for applicants.
- 14.2 The Council's Health and Community Protection Section offers advice on the process for, and, progress of, applications and as to whether particular activities need to be licensed. If detailed advice on the requirements of the legislation and how it affects you and your premises is required, independent legal advice should be sought.
- 14.3 The granting of a licence under the Licensing Act 2003 does not obviate the need for permissions or consents required under other legislation.

Appendix 1 – Cumulative Impact Zone (current for 2013)



Late Night Licences & Cumulative Impact Zone

Scale: 1:5000

Date: 16 October 2012

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

Tel: 01926 410410



Appendix 2 – List of Responsible Authorities

POLICE:

Chief Officer of Police
Warwickshire Police Licensing Team
Warwickshire Justice Centre Leamington Spa
Newbold Terrace
Leamington Spa
Warwickshire
CV32 4EL

Tel: 01926 684033
Fax: 01926 684038
Email: Liquor.Licensing@warwickshire.pnn.police.uk

FIRE AUTHORITY:

County Fire Officer
Warwickshire Fire & Rescue Service
Fire Safety Headquarters
Old Budbrook Road
Warwick
CV35 7DP

Tel: 01926 410800
E.Mail: firesafety@warwickshire.gov.uk

ENFORCEMENT AGENCY FOR HEALTH AND SAFETY:

Regulatory Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456707
Email: ehsafety@warwickdc.gov.uk

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:

Environmental Sustainability Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456714
Email: ehpollution@warwickdc.gov.uk

THE LICENSING AUTHORITY:

Safer Communities Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel:

Email:

AUTHORITY RESPONSIBLE FOR PLANNING:

Gary Fisher
Group Leader Development Control
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456541

Email: gary.fisher@warwickdc.gov.uk

BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:

Keith Edwards
Assistant Head of Service
Planning and Performance Children
Young People and Families Directorate
Saltisford Office Park,
Ansell Way
Warwick
CV34 4UL

Tel: 01926 731139

Email: sslicensingapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Simon Coupe
Divisional Trading Standards Officer
Old Budbrooke Road
Warwick
CV35 7DP

Tel: 01926 414080

Email: simoncoupe@warwickshire.gov.uk

PUBLIC HEALTH ENGLAND:

Public Health Department (Licensing)
NHSWarwickshire/Warwickshire County Council
PO Box 43 – Shire Hall
Warwick
CV34 4SX

Email: PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk