

REGULATORY COMMITTEE

Minutes of the meeting held on Tuesday 22 November 2011 at Town Hall, Royal Leamington Spa at 2.30 pm.

PRESENT: Councillor Pratt (Chairman); Councillors Barrott, Cross, Mrs Gallagher, Mrs Goode, Illingworth, Wilkinson and Wreford-Bush.

Apologies for absence were received from Councillor Mrs Falp.

Councillor Barrott substituted for Councillor Gill and Councillor Wilkinson substituted for Councillor Weed.

35. **DECLARATIONS OF INTEREST**

Minute Number 36 - The Local Government Boundary Commission for England Electoral Review Warwick District Council

Councillor Barrott informed the meeting that he had been a member of the Working Party that had drafted to the proposed response to the Local Government Boundary Commission for England.

Minute Number 37 – Community Governance Review, Boundary between Barford and Wasperton Parishes

Councillor Barrott declared a personal interest because he resides in Barford.

Minute Number 38 – Community Governance Review, Burton Green

Councillor Illingworth declared a personal interest because he was a member of Kenilworth Town Council who had submitted comments, Burton Green fell within his Ward and a number of the people who had made representations were known to him.

36. **THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND ELECTORAL REVIEW WARWICK DISTRICT COUNCIL**

The Committee considered a report which provided information regarding the forthcoming Warwick District Electoral Review to be carried out during the next 12 months.

The key role of the Local Government Boundary Commission for England was to conduct electoral and structural reviews of local government in England. Consideration was given to authorities with electoral variance in excess of 10% from the average for the District and 30% of wards within the area covered by Warwick District Council were within this category.

The Working Party considered its recommendations based on the five year electorate forecast from Warwickshire County Council. 105,000 electors were anticipated to be registered on the Electoral Register by 2016.

The number of electors per councillor with a variance of 10% would be:

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1. 2386 electors per councillor with 44 members
2. 2282 electors per councillor with 46 members
3. 2187 electors per councillor with 48 members

The report detailed that the Working Party would recommend to the Local Government Boundary Commission for England that the number of councillors needed in order to support effective, efficient and accountable local democracy within the District is between 44 and 48, the present figure being 46. The Working Party would also be recommending that each electoral ward should be represented by either one, two or three Councillors

RESOLVED that the report be noted

37. COMMUNITY GOVERNANCE REVIEW – BOUNDARY BETWEEN BARFORD AND WASPERTON PARISHES

A request was received from the Barford, Sherbourne and Wasperton Joint Parish Council for a change to the boundary between Barford and Wasperton Parishes and in accordance with the Local Government and Public Involvement in Health Act 2007 and the Committee agreed to carry out a community governance review.

The review has now been completed, as no responses were received during the final round of consultation and, in accordance with authority of the Committee, an Order has been made to change the boundary. The Order would come into effect on 1 April 2012.

RESOLVED that the report be noted.

38. COMMUNITY GOVERNANCE REVIEW BURTON GREEN

Following receipt of a petition in the following terms a community governance review was commenced in accordance with provisions of the Local Government and Public Involvement in Health Act 2007

'Currently Burton Green is a Ward of Stoneleigh Parish Council. We the undersigned support the establishment of a separate Parish and Parish Council for Burton Green which will cover the area shown edged red on the attached plan and we request that Warwick District Council puts in place the necessary procedures to facilitate this'

The plan submitted showed the area of the existing Burton Green Ward of the Ashow, Burton Green and Stoneleigh Parish.

The first stage of the review involved a consultation exercise and the results of the exercise were reported to the Committee on 10 October 2011. Having considered all the relevant matters, the Committee resolved the following:

- (1) the establishment of a parish and parish council for the area of the existing Burton Green ward of the Ashow, Burton Green and Stoneleigh joint Parish Council, be recommended;

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- (2) the name recommended for the Parish area should be Burton Green Parish;
- (3) the name recommended for the Parish Council should be Burton Green Parish Council;
- (4) the Parish Council should consist of seven councillors;
- (5) the date for the next ordinary elections to be held on Thursday 7 May 2015 and every four years after that date;
- (6) the four sitting Parish Councillors for Burton Green ward, of the current Parish, should transfer to the new Parish Council to serve their remaining term until the day of the next ordinary elections in 2015;
- (7) the vacant seats should be filled by co-option and the successfully elected councillors would serve on the parish council for the remaining term until the next ordinary day of election.

In accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 the recommendations were published and persons who might be interested in the review were informed.

The closing date for comments was 4 November 2011 and four comments were received within the deadline, three for the proposal and one against. A late comment was received from three Burton Green parish councillors who sent a letter in response to comments given within the deadline by Councillor Archie Taylor, and whose comments they felt did not represent the general opinion of the other councillors for Burton Green. It was agreed by the Chairman that this should be circulated to the Committee. The Committee members were given a copy of the letter submitted by the Burton Green parish councillors but considered that it did not affect the outcome of the comments already received.

The Committee then considered the comments received and decided whether it wished to adopt the recommendations. If the recommendations were agreed and adopted (with or without amendments) an Order would have to be made bringing the recommendations which it made at its meeting on 10 October 2011 into effect. If adopted, the officers should be authorised to carry out the procedures required by the Act and make the necessary reorganisation of community governance order.

The decision would need to be published and persons who might be interested would need to be informed. A copy of the Order, when made, would need to be made available for inspection.

Although not part of the recommendations, if a separate parish was established for Burton Green, the existing Ashow, Burton Green and Stoneleigh Joint Parish Council would cease to exist and would be replaced by the Ashow and Stoneleigh Joint Parish Council. This would need to be included in the Order.

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The Committee discussed whether elections should be held to fill any vacant seats in Burton Green, but decided that as the costs of this could be in the region of £2,000, the electors would decide whether an election would be held or the vacant positions would be filled by co-option when vacant positions were advertised. If sufficient electors notify the Returning Officer that they require an election when the vacancies were advertised, then one has to be held.

RESOLVED that

- (1) the recommendations made at the meeting 10 October 2011 be adopted; and
- (2) officers be authorised to take appropriate action required by the Act to implement the community governance order.

39. 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 paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below:

| Minute No. | Para Nos. | Reason |
|------------|-----------|---|
| 40 | 1 | Information relating to any individual |
| 41 | 2 | Information which is likely to reveal the identity of an individual |

40. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE FROM A PERSON WITH CONVICTIONS

The Committee considered a report from Community Protection with regard to an application received for a hackney carriage/private hire driver's licence from a person with convictions.

RESOLVED that the application should be allowed to proceed.

41. RENEWAL APPLICATION FROM AN EXISTING HACKNEY CARRIAGE/PRIVATE HIRE DRIVER WITH 9 PENALTY POINTS ON HIS DVLA LICENCE

The Committee considered a report from Community Protection with regard to an application received to renew a hackney carriage/private hire driver's licence from a person with 9 penalty points.

RESOLVED that after having considered the explanation regarding the driving offences endorsed

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on the licence and failure to declare these to the Licensing Services Team within seven days of the commission of offences the Committee were satisfied that the driver is a fit and proper person to hold a Hackney Carriage/Private Hire Drivers Licence. However the Committee refer the driver to the conditions of their licence and remind the driver that they are required, by condition 14 of the licence, to report any convictions, cautions or accidents within seven days to the Licensing Services Team.

(The meeting finished at 3.40 pm)