

Licensing & Regulatory Committee

Minutes of the meeting held on Monday 8 October 2018, at the Town Hall, Royal Leamington Spa at 4.30 pm.

Present: Councillors: Ashford, Davies, Gifford, Gill, Heath, Mrs Hill, Mrs Knight, Murphy and Mrs Stevens.

In the absence of the Chairman, the Vice Chairman, Councillor Murphy, chaired the meeting.

21. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillors Mrs Cain, Gallagher, Illingworth and Mrs Redford; and
- (b) there were no substitutes.

22. **Declarations of Interest**

Minute 23 – Community Governance Review

Councillor Heath declared an interest because he was a Whitnash Town Councillor.

Minute 24 – Relocation of Polling Stations

Councillor Gifford declared an interest because he was a Governor of Brookhurst School and had requested the polling station be moved.

23. **Community Governance Reviews**

The Committee considered a report from the Democratic Services Manager & Deputy Monitoring Officer which brought forward the recommendations for the Community Governance Reviews following initial consultation.

At its meeting on 6 August 2018 the Committee considered, and approved, the terms of reference for three Community Governance Reviews, under the Local Government and Public Involvement in Health Act 2007, for the following:

- (i) amending the boundary of Whitnash and Royal Leamington Spa that runs through Campion School;
- (ii) subdividing the Kenilworth Town Council Wards of St John's and Park Hill; and
- (iii) to increase the size of Norton Lindsey Parish Council from five to seven Councillors.

These were duly consulted from the 10 August to 21 September 2018 with the relevant Town/Parish Council, Ward Councillors and Warwickshire County Council notified. In addition, they were advertised on the District Council's website, published at Riverside House and in the Courier/Kenilworth Weekly News.

The report advised that there had been no responses to the consultation and therefore officers had considered that the original proposals should form the formal recommendations for the review.

There was a requirement for the formal recommendations to be consulted on for one month and the terms of reference stated this would be between the 12 October 2018 and 16 November 2018.

Officers were mindful that the consultation overlapped with the Kenilworth Neighbourhood Plan Referendum, which had been confirmed for 15 November 2018. The potential for elector confusion had been considered and was thought to be minimal. In addition, to revise the timetable would require starting again with fresh terms of reference and it would not be possible to complete the review in good time to enable the revisions to be made six months ahead of the elections in May 2019. Therefore, officers had suggested that it was more appropriate to continue with the proposed timetable.

Alongside requesting approval of the recommendations and the process for advertising the proposals, the report also asked that Members agree to a further report being submitted to the Committee on 26 November 2018. This report would consider the recommendations, any comments received and Members would be asked to take a final decision on the proposals.

Members were mindful that there had been no response to the consultation and therefore accepted the recommendations as laid out.

The Committee therefore

Resolved that

- 1) Norton Lindsey Parish Council be increased in size to seven Councillors;
- 2) Kenilworth Town St. John's Ward and Kenilworth Town Park Hill wards are sub divided as defined by Plans 1 to 3 of the report and comprised of St John's (4 Councillors), Borrowell (3 Councillors), Park Hill (4 Councillors) and Dalehouse (4 Councillors);
- 3) the boundary between Whitnash and Leamington Sydenham in the Champion School area, be as set out at Plan 5 to the report;
- 4) in accordance with the Local Government and Public Involvement in Health Act 2007 the recommendations will be published (on the District Council website, at Riverside House in a local newspaper for two consecutive weeks,); and Warwickshire County Council (WCC) the affected Town/ Parish Councils and District ward Councillors will be notified of the recommendations; and
- 5) a further report will be brought to this Committee on 26 November 2018 for it to consider the recommendations, any comments received and take a final decision on the proposals.

24. **Relocation of Polling Stations**

The Committee considered a report from the Democratic Services Manager & Deputy Monitoring Officer which brought forward proposals to move two polling stations within Warwick District at the request of the managers at the current designated sites. The report also sought delegated authority for any future changes.

The Council was required by the Electoral Registration and Administration Act 2013 to review its polling stations within a 16 month time period starting in the October after the previous review was completed five years previously. This review was just being started by Warwick District Council with a view to being completed no later than February 2020. However, the law permitted polling stations to be moved in between these reviews as necessary, so long as they met the necessary requirements. It was considered that the relocation of polling stations in between this time should be delegated to the Chief Executive as Returning Officer in consultation with the Ward Councillors and the Chairman of the Licensing and Regulatory Committee. This allowed for any temporary moves for a by-election or permanent moves until the next review.

The report reminded Members that the Chief Executive (as Returning Officer) had aimed to move polling stations away from schools because of the impact this could have on managing such sites safely and because of the impact on childcare arrangements by parents if the school had to close for the day.

Priors Field School in Kenilworth had been designated as a polling station for many years as it provided the only suitable accommodation within that polling district. This had presented an increasing challenge for the school staff in the requirements for safeguarding the children and the school had taken the decision to close the school each time an election took place. This was generally accepted by the school for scheduled elections in May as these could be planned for in advance and parents were provided sufficient advance warning. However, following the additional referendum and election in two consecutive years, significant protests were made by both the school and parents for a number of reasons. This led Kenilworth Town Assembly to a motion being passed seeking to have the polling station moved.

Following discussions with the Head Teacher of the School, a number of potential options were considered. Following site inspections by officers, and meetings with landlords the best option available was to locate a temporary building in the car park of the Queen & Castle public house. The Management of the premises and brewery were supportive of this proposal and had agreed to enter into a licence to allow the use of part of their site as a Polling Station.

Financially, this meant that the cost of relocating the polling station in Kenilworth would cost significantly more (circa £3000 per election) than the previous charges incurred when using the school. This was because the licence to use the land at the Queen & Castle would be greater than the rent paid to Priors Field School and, in addition to the licence, there would be the cost of renting the temporary building and associated utilities. However, this cost would be recharged to the relevant election.

Similarly, Brookhurst School had requested not to be used as a polling station as this was not an ideal location and there had been complaints at the 2017 General Election about the access used to the site. The Council informally approached

Trinity School which was keen to have the polling station at the school. While this was replacing one school with another, it was considered to be a good location but with improved access, and the school felt hosting the polling station could be managed safely without the need to close.

These proposals would leave polling stations in Telford School, Lillington Nursery, St Mary's Catholic School, Warwick and Woodloes School. All of these presented challenges to finding alternative locations within appropriate buildings in the polling district. Officers would continue to review these but without the use of further temporary buildings or new developments in these areas, a solution was unlikely to be found.

The Democratic Services Manager outlined the report and advised Members that officers were in the process of confirming the relevant licence with the Queen & Castle. Due to the length of notice required under the proposed licence, this site could not be used for a Parish Poll, if one was ever called, due to the restricted timescales involved in calling them. In this instance, the Council might have to return the polling station to Priors Field School but this might not cause as much disruption because the opening hours for a Parish Poll were not as lengthy compared to other elections. The Democratic Services Manager was confident that the licence would be signed this week.

Councillor Davies advised that the recommendations had been well received by teachers and parents at Priors Field School, whose main concern had been the loss of school days.

The Committee therefore

Resolved that

- (1) the polling station for Polling District KAB6 in Kenilworth Abbey Ward be moved from Priors Field School on Clinton Lane to a temporary cabin in the car park of the Queen & Castle Public House on Castle Green;
- (2) the polling station for Polling Districts KWMV2a, WMV2 and WMV5 be moved from Brookhurst Primary School on Ullswater Avenue to the Gymnasium at Trinity School on Guys Cliffe Avenue; and
- (3) authority is delegated to the Chief Executive (as Returning Officer), in consultation with the respective Ward Councillors and Chairman of Licensing & Regulatory Committee to relocate Polling Stations in between the five year statutory review.

(The meeting ended at 4.35 pm)

CHAIRMAN