



Meeting	Licensing & Regulation Committee
Date and Time	Thursday, 10th March, 2022 at 6.30 pm.
Venue	Walton Suite, Winchester Guildhall

**Note:** *This meeting is being held in person at the location specified above. In line with relevant legislation and public health guidance the following arrangements apply. Members of the public should note that a live audio feed of the meeting will be available from the councils website ([www.winchester.gov.uk](http://www.winchester.gov.uk)) and the video recording will be publicly available on the council's YouTube channel shortly after the meeting.*

*For members of the public and "visiting councillors" who are unable to utilise this facility a limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 clear working days before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe.*

## AGENDA

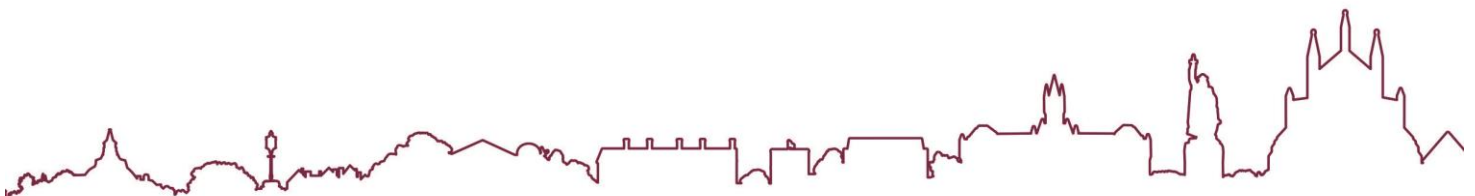
### PROCEDURAL ITEMS

- 1. Apologies and Deputy Members**  
To record the names of apologies given and Deputy Members who are attending the meeting.
- 2. Disclosures of Interests**  
To receive any disclosure of interests from Members and Officers in matters to be discussed.

*Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.*

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

- 3. Minutes (Pages 5 - 8)**  
Minutes of the previous meeting held on 8 December 2021



## BUSINESS ITEMS

### 4. **Public Participation**

To receive and note questions asked and statements made from members of the public on issues relating to the responsibility of this Committee.

Members of the public and visiting councillors may speak at this Committee, provided they have registered to speak three working days in advance. Please contact Democratic Services **by 5pm on Friday 4 March 2022** via [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk) or (01962) 848 264 to register to speak and for further details.

### 5. **North Whiteley Community Governance Review (LR555)** (Pages 9 - 22)

**Lisa Kirkman**  
**Strategic Director and Monitoring Officer**

All of the Council's publicly available agendas, reports and minutes are available to view and download from the Council's [Website](#) and are also open to inspection at the offices of the council. As part of our drive to minimise our use of paper we do not provide paper copies of the full agenda pack at meetings. We do however, provide a number of copies of the agenda front sheet at the meeting which contains the QR Code opposite. Scanning this code enables members of the public to easily access all of the meeting papers on their own electronic device. Please hold your device's camera or QR code App over the QR Code so that it's clearly visible within your screen and you will be redirected to the agenda pack.



2 March 2022

Agenda Contact: Nancy Graham, Senior Democratic Services Officer  
Tel: 01962 848 235 Email: [ngraham@winchester.gov.uk](mailto:ngraham@winchester.gov.uk)

*\*With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website [www.winchester.gov.uk](http://www.winchester.gov.uk)*

## **MEMBERSHIP:**

Councillors

**Chairperson:** Bentote (Liberal Democrats)

**Vice Chairperson:**

### **Conservatives**

Cunningham

Kurn

McLean

Read

### **Liberal Democrats**

Evans

Green

Laming

Westwood

### **Deputy Members**

Pearson and Ruffell

Cramoysan and Fern

Quorum = 4 members

## **PUBLIC PARTICIPATION**

Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers. To reserve your place to speak, you are asked to **register with Democratic Services three clear working days prior to the meeting** – please see public participation agenda item for further details.

People will be invited to speak in the order that they have registered, subject to the maximum time period allowed for speaking not being exceeded. Public Participation is at the Chairperson's discretion.

## **FILMING AND BROADCAST NOTIFICATION**

This meeting will be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#).

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## LICENSING & REGULATION COMMITTEE

Wednesday, 8 December 2021

Attendance:

Councillors

Bentote (Chairperson)

Cunningham  
Green  
Kurn  
Laming

McLean  
Read  
Westwood  
Williams

Others in attendance who did not address the meeting:

Councillor Cutler (Cabinet Member for Finance and Service Quality)

[Full audio and video recording](#)

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### 1. **CHAIRPERSON'S ANNOUNCEMENTS**

The Chairperson paid tribute to Councillor Lynda Murphy following her recent passing away and the committee remained silent for one minute in honour of her memory.

### 2. **DISCLOSURES OF INTERESTS**

There were no declarations of interest.

### 3. **APPOINTMENT OF VICE-CHAIRPERSON FOR THE 2021/22 MUNICIPAL YEAR**

RESOLVED:

That Cllr Green be appointed Vice Chairperson of the Committee for the 2021/22 Municipal Year.

4. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the previous meeting of the committee held 23 February 2021 be approved and adopted.

5. **PUBLIC PARTICIPATION**

No members of the public had registered to speak.

6. **REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005**

(LR549)

The Licensing Manager introduced the report and advised that the Statement of Principles, with proposed amendments, was recommended to full Council for adoption.

Referring to the draft Statement at Appendix 1 to the report, the Licensing Manager advised that on page 9, paragraph 3.7, the Council's contact details had been inadvertently deleted and that this would be corrected in the final version of the Statement following its adoption.

It was also clarified that within the draft Statement's glossary on page 39, the definition 'Child' had been removed and replaced by 'Young Person'. This rectified existing inconsistencies within the Gambling Act 2005 and was also a change made within the Gambling Commission's own glossary.

The Licensing Manager also explained that throughout the document, 'Winchester City Council' was used in the first instance and each reference thereafter was replaced by 'the council' and changes had been made to reflect this.

RESOLVED:

1. That the changes made to the draft Statement of Principles in response to consultation responses received are noted.

**RECOMMENDED:**

2. **That subject to the correction of minor typographical or formatting issues identified by the Committee, the draft Statement of Principles as set out at Appendix 1 to Report LR549 be adopted.**

7. **REVIEW OF PAVEMENT LICENSING POLICY**  
(LR550)

The Licensing Manager introduced the report and responded to questions and explained measures that would be undertaken to enforce breaches to existing permits should these occur.

RESOLVED:

That the minor amendments to the Council's Pavement Licensing Policy, as set at Appendix 1 to the Report, be agreed, to ensure that it is consistent with updated legislation.

8. **PROPOSED FORTHCOMING CHANGES TO TAXI POLICY - VERBAL UPDATE**

The Licensing Manager provided a briefing with regard to a review of Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators. A copy of the briefing is available on the [council's website](#).

The Licensing Manager responded to a number of questions as summarised below.

- The Policy was to mandate drivers to sign up to the DBS update service which would cost £13 per year, which was of less expense to drivers than the existing requirement for a DBS check every three years. Existing policy also stipulated that should a driver offend during the licence period, they must disclose this to the licensing authority.
- All licensed drivers were currently required to wear, or clearly display a licence badge, which included their photograph. As many vehicles were shared by multiple licensed drivers, there could be data protection issues of displaying each of their photographs as part of the requirement for signage for the particular licensed vehicle, however this could be investigated.
- The accepting of 'assistance dogs' in licensed vehicles was mandated as part of the Equality Act 2010. In addition to this, there was reference in the Policy and conditions requiring carriage of assistance dogs and wheelchairs and penalty points would be given for refusing to do so, along with awareness training.
- With regards to drivers and vehicles with licences issued by other authorities operating in the Winchester district, cross-border hiring was permitted under existing legislation. It was agreed that on behalf of the Committee, the Chairperson write a letter to lobby local MPs to improve existing legislation regarding this matter so to protect hired vehicle users.
- A 'certificate of good character' was to be submitted by a licensed driver to the council having returned to the UK after a period of 6 months or

longer. This was essentially an equivalent of a DBS from another country from where the driver had returned from.

RESOLVED:

That the update be noted.

The meeting commenced at 6.30 pm and concluded at 7.05 pm

Chairperson



REPORT TITLE: NORTH WHITELEY COMMUNITY GOVERNANCE REVIEW

10 MARCH 2022

REPORT OF CABINET MEMBER: Cllr Neil Cutler Cabinet Member for Finance and Service Quality

Contact Officer: Karen Vincent Tel No 01962 848192 Email  
[kvincent@winchester.gov.uk](mailto:kvincent@winchester.gov.uk)

WARD(S): WHITELEY & SHEDFIELD.

PURPOSE

The purpose of this report is to seek approval to conduct a Community Governance Review (CGR) in respect of the North Whiteley Major Development Area (MDA)

RECOMMENDATIONS:

1. That the Community Governance Review be undertaken; and
2. To conduct the Community Governance Review in accordance with the Terms of Reference contained in Appendix 1 of this report.

## IMPLICATIONS:

### 1 COUNCIL PLAN OUTCOME

- 1.1 The establishment of a successful community at North Whiteley is a priority for Winchester City Council.

### 2 FINANCIAL IMPLICATIONS

- 2.1 None – other than the cost of employee resource - see below.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Consent does not need to be sought from the Local Government Boundary Commission for England if the draft terms of reference are agreed. This is due to the last Boundary Review, in the area, being completed over 5 years.

### 4 WORKFORCE IMPLICATIONS

- 4.1 The review must be undertaken by the City Council as the principal council and staff time and resource must be dedicated to ensure an order is made within the prescribed period.

### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

### 6 CONSULTATION AND COMMUNICATION

- 6.1 Full consultation exercises, of which there are at least two, will be undertaken during the process if the recommendation is agreed. Consideration has been given to Bank Holidays, School Holidays and the pre-election period in 2022 when setting out the timetable which is contained in Appendix 2 of this report.

### 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 There are no environmental considerations arising from this report.

### 8 EQUALITY IMPACT ASSESSEMENT

- 8.1 There are no equalities issues arising from this report. The decision to make an order, if made, will be subject to an assessment at that time.

### 9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required

10 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
Financial Exposure		
Exposure to challenge As set out below failure to complete the exercise in the required timescale could bring legal challenge	Ensure resource and critical deadlines – as per the timetable in Appendix 2 – are adhered to.	To conclude the CGR effectively and efficiently, having listened and engaged with local residents.
Innovation None		
Reputation –	Ensure resources, timescales are available and realistic.	A well completed CGR could overall enhance governance arrangements of the North Whiteley MDA area. As stated
Achievement of outcome		
Property None		
Community Support If not completed within the timescales and/or if the consultation is not inclusive the City Council could be considered to have not supported the local community.	Ensure resource and critical deadlines – as per the timetable in Appendix 2 – are adhered to	To give confidence to the North Whiteley MDA area of the City Councils role in conducting and concluding a CGR.
Timescales Work must be completed within 12 months once the terms of reference are published. To not complete within the deadline would bring the risk of a legal challenge.	The timetable – Appendix 2 – has realistic timescales to allow completion of the review.	None
Project capacity None		
Other Non		

## 11 SUPPORTING INFORMATION:

- 11.1 The Local Government and Public Involvement Health Act 2007 (LGPIH Act) devolved power to carry out a CGR which determines the creation or abolition of parishes, the boundary of parishes and the electoral arrangements of parish councils from the Secretary of State and the Electoral Commission to principal councils.
- 11.2 When undertaking a CGR a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. However, subject to this, it is for the council to decide how to undertake the review.
- 11.3 Section 93 of the LGPIH Act requires the council to ensure that the community governance within the area under review will be;
- 1) Reflective of the identities and interests of the community cohesion; and
  - 2) Is effective and convenient.  
In carrying out the review the council must also take into account
  - 3) The impact of arrangements on community cohesion; and
  - 4) The size, population and boundaries of a local community or parish
- 11.4 A review involves the following stages.
- 1) Establishing the terms of references of the CGR – if Committee is minded to authorise a review, suggested terms of reference are set out in Appendix 1,
  - 2) Publishing the terms of reference,
  - 3) Consultation must take place with local government electors, appropriate local authorities such as Hampshire County Council and other relevant persons including political parties and local community interest groups,
  - 4) Any representations received as a result of the initial consultation response must be taken into account,
  - 5) Prepare and publish draft proposals,
  - 6) Undertake consultation on the draft proposals with electors in the affected area(s) as well as other bodies with interest, including any affected local council,
  - 7) Consider any representations received as a result of the consultation stage,
  - 8) Make and publish recommendations; and

9) Make an order to bring into effect any decision arising from the review.

11.5 The justification for a CGR is set out below in minutes from the North Whiteley Forum;

At a meeting of the North Whiteley Forum Winchester City Council accepted there is now a requirement for a Community Governance Review

The development at North Whiteley will see 3,500 homes, two primary schools, a secondary school, retail and a community centre constructed to the north of the existing settlement of Whiteley, across parts of the parishes of Whiteley and Curdridge. At present 451 dwellings have been completed and are occupied. The Council wishes to undertake a Community Governance Review at this time because the housing development will alter the geographical spread of housing across the parishes. The resulting spatial separation between the two population centres will no longer correspond to a parish boundary that reflects a coherent “natural settlement” pattern. The resulting recommendations of the review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

#### BACKGROUND DOCUMENTS:-

Previous Committee Reports:-None

Other Background Documents:-

Guidance on Community Governance Review – March 2010

#### APPENDICES:

Appendix 1 - Draft Terms of Reference

Appendix 2 - Timetable

Appendix 3 - Map

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# Community Governance Review

North Whiteley

Major Development Area

Local Government and Public Involvement  
in Health Act 2007

**Terms of Reference**

(DRAFT)

## **INTRODUCTION**

### **1.1 Aims of Review**

This review will ascertain whether governance for the residents of the North Whiteley Major Development Area, within the Winchester City Council boundary, would be best served by a new parish council or the existing parish/town councils.

### **1.2 Why undertake a Community Governance Review?**

At the November meeting of the North Whiteley Forum Winchester City Council agreed that due to the pace of the build and the number of occupations it was an appropriate time to hold the review. Winchester City Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4 of the Local Government and Public Involvement in Health Act 2007.

A Community Governance Review provides an opportunity for making recommendations with regards to establishing, aggregating, amalgamating or separating parishes/town councils, the name and style of the new council (if applicable) and its electoral arrangements.

### **1.3 Scope of the Review**

The review will specifically consider the composition and electoral arrangements of the residents living within the area of the North Whitley Major Development Area. Currently, in the District of Winchester City Council, this is within the Whiteley Town Council and Curdridge Parish Council.

### **1.4 Who will undertake the Community Governance Review?**

Winchester City Council is responsible for undertaking a CGR within its electoral area. The City Council is responsible for overseeing this process and officers will produce draft and final recommendations for consideration by the Licensing and Regulation Committee before any Order is made. The final Order, if recommended to be made, is a decision of Full Council.

### **1.5 How long will the Community Governance Review take?**

After the publication of the terms of reference the City Council has 12 months to conclude the review by the making of recommendations by the L&R Committee. There are various steps and consultation exercises to be undertaken between now and then and these are outlined in the timetable below. And, as outlined above, if the recommendation is to make an order, this is a decision of Full Council.



### 1.6 Timetable for the review

Stage	What happens?	Timescales	Indicative dates
Commencement	WCC accept there is a requirement for a Community Governance Review		16 November 2021
Preparation	Terms of reference, area maps prepared A report outlining the decision to hold a CGR together with a full timetable and draft Terms of Reference are presented to L & R.	4 months	10 March 2022
Stage One	Review is publicised and initial Submissions are invited. Public meeting held, consultation with neighbouring parishes.	2 months	May 2022 – June 2022
Stage Two	Consideration of Submissions received – Draft recommendations are prepared. Update report prepared for L & R June meeting.	1 month	July 2022 – August 2022
Stage Three	Draft Recommendations, and the reasons for them, informing those with an interest for further consultation are published.	1 month	September 2022 – October 2022
Stage Four	Consideration of submissions received – Final Recommendations are prepared.	1 month	November 2022
Conclusion	Final Recommendations are published – concluding the review	2 months	January 2023
Resolution	Council resolves to make a Reorganisation Order to put into effect any changes.		Next available Council Meeting

### 1.7 How will the review be conducted?

The Review will be conducted in accordance with the duties outlined in the Local Government and Public Involvement in Health Act 2007 and Guidance on these reviews published by the Department for Communities and Local Government in March 2010.

In accordance with Section 79 of the 2007 Act, the City Council will notify Hampshire County Council that a Community Governance Review will be undertaken.

In accordance with Section 93 of the 2007 Act, the City Council will consult with local government electors for the area under review; and any other person or body (including another local authority) which appears to have an interest in the review.

Consultation must take place with local government electors, appropriate local authorities and other relevant persons, including political parties and local community interest groups. The City Council must publish the terms of reference of the review, any proposals made as a result of the conduct of the review and any recommendations made on its website.

The City Council will have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area and that it is effective and convenient. Relevant considerations will include the impact on community cohesion and the size, population and boundaries of the proposed area.

### **1.8 Options for Consideration**

The City Council has prepared five possible outcomes to be put forward for consultation;

**Option 1:** Position to remain unchanged with the North Whiteley MDA being covered by 1 existing Parish Council and 1 existing Town council.

**Option 2:** North Whiteley MDA (or part of it) be removed from both existing Parish Councils and a new separate council (type to be consulted upon) be created for North Whiteley MDA.

**Option 3:** North Whiteley MDA be removed from Curdridge Parish Council and amalgamated with Whiteley Town Council

**Option 4:** North Whiteley MDA be removed from Whiteley Town Council and amalgamated with Curdridge Parish Council.

### **1.9 The conclusions for the Review**

Following the conclusion of the review, if a new council is to be created, or if there is an amalgamation this will be done by way of a Reorganisation Order. A Reorganisation Order can be made at any time however the order should take effect on the 1<sup>st</sup> of April following the date on which it is made. In this case if a Reorganisation Order is made this will be in January 2023 and come into effect 1<sup>st</sup> April 2023

## REVIEW TIMETABLE

Date	What happens?	Timescales
16 November 2021	WCC accept there is a requirement for a Community Governance Review	
10 March 2022	Draft terms of reference presented to Licensing and Regulation (L&R) Committee – which, if agreed, formally starts the CGR process.	4 months
May 2022 – June 2022	Review is publicised and initial Submissions are invited. Public meeting held, consultation with neighbouring parishes.	2 months
July 2022 – August 2022	Consideration of Submissions received – Draft recommendations reported to L & R meeting.	1 month
September 2022 – October 2022	Draft Recommendations, and the reasons for them, informing those with an interest for further consultation are published.	1 month
November 2022	Consideration of submissions received – Final Recommendations are prepared for L & R.	1 month
January 2023	Final Recommendations are presented to L&R published – concluding the review	2 months
Next available Council meeting	Council resolves to make a Reorganisation Order (if needed) to put into effect any changes.	

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BISHOPS WALTHAM

DURLEY

SWANMORE

CURBRIDGE

SHEDFIELD

FAREHAM

WICKHAM

SITE

WHITELEY

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