



Meeting	Licensing & Regulation Committee
Date and Time	Monday, 16th June, 2025 at 6.30 pm.
Venue	Walton Suite, Guildhall, Winchester and streamed live on YouTube at www.youtube.com/winchestercc

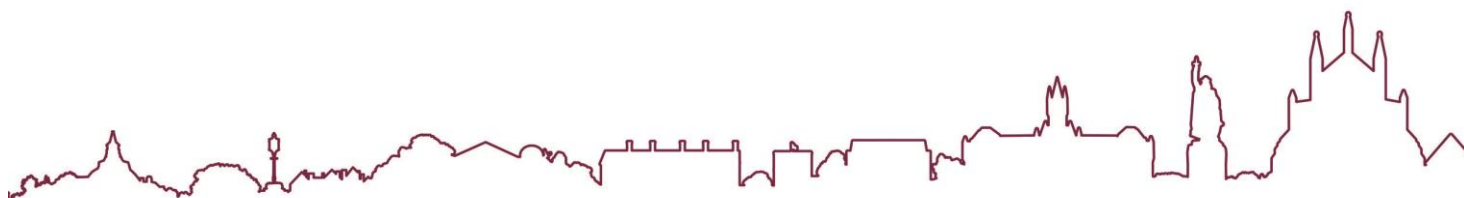
Note: This meeting is being held in person at the location specified above. Members of the public should note that a live video feed of the meeting will be available from the council's YouTube channel (youtube.com/WinchesterCC) during the meeting.

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 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. Appointment of vice-chairperson for the 2025/26 Municipal Year**
- 3. To note the date & time of future meetings of the Committee:**
 - 3 December 2025 at 6.30pm
- 4. Disclosures of Interests**
To receive any disclosure of interests from Members or Officers in matters to be discussed.
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests (DPIs), other registerable interests (ORIs) and non-registerable interests (NRIs) in accordance with the Council's Code of Conduct.
- 5. Minutes of the previous meeting on 6 December 2023 (Pages 5 - 8)**



BUSINESS ITEMS

6. **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 Tuesday 10 June 2025** via democracy@winchester.gov.uk or (01962) 848 264 to register to speak and for further details.

7. **Review of the Pavement Licence Policy** (Pages 9 - 28)

8. **Community Governance Review: Winchester Town Area** (Pages 29 - 36)

Laura Taylor
Chief Executive

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6 June 2025

Agenda Contact: Nancy Graham, Senior Democratic Services Officer
Tel: 01962 848 235 Email: 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*

MEMBERSHIP:

Councillors

Chairperson: Laming (Liberal Democrats)

Vice Chairperson: tba

Conservatives

Cunningham
Langford-Smith

Liberal Democrats

Brophy
Gordon-Smith
Latham
Morris
Pett
Wise

Green

Wallace

Conservatives

Bolton and Godfrey

Deputy Members

Liberal Democrats

Small and Tippet-Cooper

Green

Lee

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

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Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

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LICENSING & REGULATION COMMITTEE

Wednesday, 6 December 2023

Attendance:

Councillors
Laming (Chairperson)

Brophy
Achwal S
Eve

Pearson
Pett
Wallace

Apologies for Absence:

Councillors Langford-Smith and Prest

Deputy Members:

Councillor Cunningham and Morris

Members in attendance who spoke at the meeting

Councillor Porter (Cabinet Member for Place and Local Plan)

[Video recording of this meeting](#)

1. **APOLOGIES AND DEPUTY MEMBERS**

Apologies for absence were received from Councillors Prest and Langford-Smith with Councillors Morris and Cunningham attending as standing deputy members.

2. **DISCLOSURES OF INTERESTS**

There were no declarations of interest made.

3. **MINUTES OF THE PREVIOUS MEETING HELD 5 SEPTEMBER 2023**

RESOLVED:

That the minutes of the previous meeting held on 5 September 2023 be approved and adopted.

4. **PUBLIC PARTICIPATION**

Patrick Davies spoke during public participation regarding report LR576 as summarised briefly under the relevant minute below.

5. **REVIEW OF THE LICENSING POLICY UNDER THE LICENSING ACT 2003 -
UPDATE FOLLOWING CONSULTATION**
(LR578)

The Licensing Manager introduced the report and summarised the main changes to the current policy which were proposed as a result of the consultation and set out in Appendix 1 to the report. She highlighted the following typographical errors:

- a) In paragraph 11.3a) of the covering report which should have referred to the Environment Act 1995 (not 2015 as stated).
- b) In Policy B3 the first bullet point should be divided into two sentences with separate bullet points.
- c) Correction to the paragraph numbers in the Counter Terrorism section of “Section B Public Safety” to B4 and B5.

The Licensing Manager responded to questions on the following:

- a) The potential impact of the new Levelling-Up and Regeneration Act 2023 on protection of national parks and whether consequential changes were required to the policy. The Licensing Manager agreed to investigate this further in order that any necessary amendments could be submitted to Council.
- b) The potential impact of the proposed additional Policy C6 on the future operation of large outside events held within the South Downs National Park (SDNP) area.
- c) The use of the word “adequate” in Policy B3.

The Committee agreed to an additional recommendation to give delegated authority to the Licensing Manager to consider the impact of the Levelling-Up and Regeneration Act as detailed below.

RESOLVED:

That authority be delegated to the Licensing Manager, in consultation with the chair of the Committee and the Cabinet Member for Place and Local Plan, to agree revised wording to the Policy (if required) in response to the requirements of the Levelling-Up and Regeneration Act 2023.

RECOMMENDED (TO COUNCIL):

That the revised Statement of Licensing Policy under the Licensing Act 2003 be approved and adopted as set out in Appendix 1 to the report, subject to any additional amendments required in response to the Levelling-Up and Regeneration Act 2023 as outlined above.

6. **PARLIAMENTARY CONSTITUENCY POLLING ARRANGEMENTS**
(LR576)

Patrick Davies spoke during public participation regarding this report as summarised briefly below.

He stated that he had submitted representations to the review of polling arrangements on behalf of the local Labour party. He did not believe that his comments relating to the variation in turnout in certain areas had been adequately addressed. Specifically he believed there was a shortage of polling stations in suitable locations in St Lukes and St Bartholomew wards which resulted in a reduced turnout from voters living in certain areas of Stanmore and Winnall. He did not consider it an adequate response in the report to state that no alternative suggestion was supplied.

The Governance Manager responded to the points raised by Mr Davies including advising that alternative locations for polling stations in the areas mentioned had been investigated but no suitable location had been identified currently. She emphasised that the monitoring for possible new polling stations would continue.

The Governance Manager introduced the report and drew attention to typographical errors in the report's recommendations and elsewhere in the report. Specifically in relation to Newlands polling district, reference to "XW3" should be corrected to "WR3".

She responded to members' questions on the following:

- a) Confirmation that turnout information at different polling stations was reported after each election.
- b) There was potential for future provision for an additional polling station at Whiteley when community facilities were provided but Meadowside Leisure Centre was a suitable location for the double station at this time.
- c) The practical difficulties and expense of using portacabins for polling stations.
- d) The practical difficulties for both schools and the voting process of using schools as polling stations, particularly given the short statutory notice period provided for a parliamentary election.
- e) That consideration had been given to a range of alternatives due to the loss of a polling station in the Upper Meon Valley and the reasons why proposed polling stations such as Makins Court were not suitable.
- f) The reasons for the proposed location of polling stations in Weeke.
- g) An explanation of the cost liability of different types of election.
- h) Communication of the proposed changes to polling stations and areas to the electors.
- i) The impact of the newly introduced Voter ID requirements.
- j) The percentage of postal voters across the district.

As a visiting member, Councillor Porter requested that the references to "Barton Farm" be corrected to "Kings Barton". She also asked that consideration be given to not having separate access for able and non-able voters at polling stations. The Governance Manager noted this comment for further consideration and guidance to presiding officers when setting up polling stations.

One Member suggested that the suitability of Tichborne Cricket Club as an alternative polling station be investigated. The Governance Manager agreed to investigate this suggestion further for possible future arrangements and report back accordingly.

RESOLVED:

1. That the following changes to polling districts are agreed:
 - a) Newlands: To combine WR2 and XW2 creating WR3.
 - b) Headbourne Worthy: To split WW to create WW1 and WW2 allowing a separate polling district for Kings Barton
 - c) Whiteley: To split YE into YE1 and YE2 allowing a more manageable polling station register.

2. That the following permanent changes to polling places are agreed:
 - a) WD: Alresford & Itchen Valley - From the Ship Inn to Bishops Sutton Village Hall
 - b) WR2 & XW2 Denmead – From Berewood School to Newlands Community Hall
 - c) XV2: The Worthys - From St Andrews Garrison Church to St Andrews Community Centre
 - d) XZ: Upper Meon Valley – From Tichborne Arms to Cheriton Village Hall
 - e) YG & YG1: St Barnabas – confirm Winchester Racquets and Fitness
 - f) YV: St Luke – recognise the name change from Level 10 Church to New Life Church
 - g) XF: St Barnabas – From Wesley Methodist Church to Weeke Community Centre

The meeting commenced at 6.30 pm and concluded at 7.55 pm

Chairperson

LR593

LICENSING & REGULATION COMMITTEE

REPORT TITLE: REVIEW OF THE PAVEMENT LICENCE POLICY

16 JUNE 2025

REPORT OF CABINET MEMBER: Cllr Steve Cramoysan, Cabinet Member for Recycling and Public Protection

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188

Email cstefanczuk@winchester.gov.uk

WARD(S): ALL

PURPOSE

Effective from 31 March 2024, the Levelling Up and Regeneration Act 2023 made permanent the Pavement Licensing regime under the Business and Planning Act 2020.

This report reviews the council's Pavement Licensing Policy to reflect the changes brought in and other minor amendments.

RECOMMENDATIONS:

1. That Members agree the amendments to the Draft Pavement Licensing Policy at Appendix 1 to ensure that it reflects the current Government guidance, and;
2. That Members agree for the Licensing Manager to consult Hampshire County Council, as the Highways Authority, on the amendments to the revised Policy. If the Highways Authority have no significant comments, that the revised Policy is implemented with effect from 1 August 2025.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

- 1.1 Greener Faster
- 1.2 N/A
- 1.3 Thriving Places
- 1.4 Outdoor, 'al-fresco' style dining contributes to ensuring that the city, market towns and rural communities have attractive visitor offer.
- 1.5 Healthy Communities
- 1.6 N/A
- 1.7 Good Homes for All
- 1.8 N/A
- 1.9 Efficient and Effective
- 1.10 The review of the Pavement Licensing Policy ensures that the application and determination processes for Pavement Licences are open, transparent and reflects current legislation and guidance.
- 1.11 Listening and Learning
- 1.12 N/A

2 FINANCIAL IMPLICATIONS

- 2.1 The fees must not exceed £500 for new applications and £350 for renewals. Following implementation of the revised Policy, the fees charged will be in line with government maximum fee levels.
- 2.2 The application fee covers the cost of administering any application, including consultation and determination periods. However, this fee does not necessarily cover the costs incurred for any enforcement action taken; i.e. sending notices and conducting compliance checks.
- 2.3 The fees cover the licence period of two years, unless a shorter period has been issued for appropriate reasons.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Business and Planning Act 2020 requires that the local authority administer pavement licences and as such it is a service that must be provided as a statutory and not a discretionary function.

- 3.2 In exercising its functions under the Business and Planning Act 2020, a local authority must have regard to any guidance issued by the Secretary of State.

4 WORKFORCE IMPLICATIONS

- 4.1 The Licensing team will continue to administer applications within existing resources.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 N/A

6 CONSULTATION AND COMMUNICATION

- 6.1 Following the Member review of the revised Policy at Appendix 1, the Licensing Manager will consult with Hampshire County Council, as the Highways Authority, on the changes.

- 6.2 If no significant comments are received from the Highways Authority, the revised Policy shall be implemented as soon as possible.

- 6.3 If significant comments are received from the Highways Authority, the Licensing Manager will discuss these with the Service Lead for Public Protection and Chair of Licensing and Regulation Committee to decide if changes should be made to the Policy.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 By providing outdoor 'al-fresco' style dining, this encourages local people to visit local restaurants and premises in the city centre and market towns, which supports sustainability.

8 PUBLIC SECTOR EQUALITY DUTY

- 8.1 These proposals raise no additional equality considerations beyond those identified in the existing equality impact assessment published in September 2020.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 These proposals raise no additional data protection considerations beyond those identified in the existing data protection impact assessment published in September 2020.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	N/A	
Exposure to challenge	The Policy could be challenged by Judicial Review, but as the Council's decision-making process is considered to be lawful, a challenge is considered to be unlikely	
Innovation	N/A	
Reputation	N/A	
Achievement of outcome	The proposals seek to ensure that the Pavement Licensing Policy continues to be relevant to the legislation to which it relates.	Opportunity to review the Policy to ensure that it is fit for purpose and complies with the relevant provisions of the Business and Planning Act 2020 (as amended).
Property	N/A	
Community Support	N/A	
Timescales	The proposed amendment to the policy seeks to ensure that applications continue to be considered in line with a relevant and up-to-date policy.	
Project capacity	N/A	
Other	N/A	

11 SUPPORTING INFORMATION:Background

- 11.1 The Business and Planning Act 2020 (the Act) was introduced to provide a new, expedited process for premises to place furniture on the highway, under a Pavement Licence. The Act received Royal Assent on 22 July 2020.
- 11.2 The provisions for Pavement Licences under the Act was due to expire on 30 September 2021, as it was intended to be a temporary regime to assist businesses during the Covid-19 pandemic.
- 11.3 Since 30 September 2021, the provisions for Pavement Licensing were extended multiple times. The Levelling Up and Regeneration Act 2023 made

the Pavement Licensing regime permanent, with minor changes, effective from 31 March 2024.

- 11.4 This report seeks to revise the council's Pavement Licensing Policy dated 2021, which includes the changes made by the government and minor other amendments as set out in Appendix 1.

Proposed Changes

- 11.5 The proposed changes (shown tracked in Appendix 1) are summarised as follows:

- a) Page 1 - Update the introduction to reflect the current legislation and introduction to the process.
- b) Page 3 - Remove reference to the out-dated fee to future-proof the Policy. Add an additional requirement as part of the application process (to indicate objects already on the highway i.e. bollards, signs posts) to address public safety issues, thereby aid decision-making. Include evidence that the council is indemnified by Public Liability Insurance of at least £5,000,000.
- c) Page 4 – Remove reference to the previous statutory fee and include details of the maximum fees that can be charged. Other minor amendments, including the requirement for the applicant to provide evidence that the public notice is displayed within 24 hours of display.
- d) Page 5 – Change the consultation date from 7 days to 14 days, as required by the updated legislation. Remove reference to furniture placement for social distancing.
- e) Page 6 – Update the determination period from 14 days to 28 days which includes increasing the public consultation from 7 days to 14 days and council determination period increasing from 7 days to 14 days following the end of the consultation period.
- f) Page 7 – Increase the timescales if the local authority doesn't determine the application which the determination period, from 7 days to 14 days, as required by the updated legislation. Remove reference to the minimum licence duration as this is no longer applicable and other minor changes.
- g) Page 8 – Revise the paragraph relating to Enforcement to reflect the changes brought in. Licensing authorities now have the power to take enforcement action against premises where furniture has been placed on the highway without permission. This was previously limited to the Highways Authority as the landowner.

- h) Page 9 – Remove reference to social distancing. Delete the paragraph referencing the temporary permission which was due expire on 30 September 2022.
- i) Page 10 – updated example of the Notice of Intention (template) which is the public notice used by applicants to display at the premises.
- j) Page 11 – remove reference to social distancing and other minor amendments.
- k) Pages 13 and 14 – Update the National Conditions set by the government and provide guidance on these conditions, extracted from the [Pavement Licences: guidance – 2 April 2024](#).

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 None. The amendments are required to reflect current legislation, which the council must implement or risk possible legal challenge. Officers have been processing Pavement Licences under the updated legislation since 31 March 2024.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[LR534 Introduction of 'Pavement Licence' under Business & Planning Act 2020 – 15 September 2020](#)

[LR550 Review of Pavement Licensing Policy – 8 December 2021](#)

Other Background Documents:-

[Pavement Licences: guidance – 2 April 2024](#)

APPENDICES:

Appendix 1 Draft Pavement Licensing Policy – June 2025



PAVEMENT LICENSING POLICY

1.0 Introduction

~~The coronavirus (COVID-19) pandemic has affected the hospitality industry significantly, causing many to cease trading for several months and/or diversify the nature of their business.~~

On 25 June 2020, the Government announced an urgent relaxation to planning and licensing laws to assist the hospitality industry with recovering from the COVID-19 lockdown. The Business and Planning Act 2020 introduced ~~a~~ a temporary fast-track process for these businesses to obtain permission, in the form of a 'pavement licence', from Winchester City Council for the placement of furniture on the pavement outside their premises. This ~~will enable~~ d them to maximise their capacity whilst adhering to social distancing. ~~The Business and Planning Act 2020 received Royal Assent on 22 July 2020.~~

The temporary regime was extended until the Levelling Up and Regeneration Act 2023 made Pavement Licensing permanent in March 2024. The permanent regime brought changes to the consultation period and local authority response timings, as detailed in this Policy.

~~Currently~~Previously, tables and chairs permissions ~~aw~~ere granted as Tables and Chairs Permits by Winchester City Council, with consent from Hampshire's Highways Authority, under Part 7A of the Highways Act 1980. The process include~~d~~ s a 28 day consultation period and a fee of £225. This regime is now only used in cases where an application cannot be made under the Pavement Licensing regime (i.e. furniture cannot be removed).

~~The temporary measures under the Business and Planning Act 2020 place a cap on the application fee for businesses, and introduces a new consultation period of 10 working days. This ensures that businesses can obtain licences in a timely and cost effective manner, aiding their financial recovery.~~

2.0 Scope

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.1 Eligible businesses

Businesses that can apply for a licence include:-

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) including but not limited to cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours; and Public houses, wine bars, and other drinking establishments,

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

2.2 Eligible locations

Pavement Licences can be granted in respect of highways listed in section 115A(1) of the Highways Act 1980. These are generally footpaths restricted to pedestrians or are roads and places to which vehicles access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt, and therefore a licence cannot be granted.

Applications for locations which are not adjacent (i.e. adjoining or next to) the premises to which the application relates will not normally be considered. However, the Council may use its discretion to consider applications of this nature where it is appropriate.

2.3 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

The furniture must be removable (i.e. not permanently fixed to the ground or any other structure), and can be easily stored somewhere other than the highway outside of licensable hours.

The style and type of furniture must be approved by the City Council. It will be considered whether the furniture is 'in keeping' with the local area.

Please note that Advanced Warning Signs (A boards and other free standing signs) are not considered 'furniture' under the Business and Planning Act 2020, and therefore cannot be considered under this regime. Applicants intending to install Advanced Warning Signs outside their premises may be subject to enforcement action under the Highways Act 1980.

The use of removable barriers (e.g. solid or rope barriers) to mark the boundary of the area used for furniture is highly encouraged by the City Council. Details of any

barriers must be included ~~on~~in the application alongside details of furniture and other articles used in connection with the outdoor consumption of food or drink.

2.4 Planning permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application

3.1 Submission of the application

An application for a Pavement Licence must be made to the Council (in an electronic format that the Council approves), and the following will be required to be submitted with the application:

- a completed application form
- the ~~required~~current application or renewal fee ~~of £100~~, paid by electronic means
- a plan of the proposed area to be used for the furniture, including measurements of the premises, the width and depth of the area to be used, and the width of the highway. The proposed licensable area must be clearly shown with a red line or border. Plans do not need to be to scale, provided that the measurements are clear.
- indicate on the plan the location of any other street furniture or objects already on the highway / footway in the vicinity of the premises and proposals to which the application relates (e.g. trees, benches, railings, bollards, sign posts, lamp posts, cellar hatches etc);
- photos or brochures showing the proposed type and style of furniture (optional).
- evidence that the Council is indemnified against any claim arising from the operation of the licence, by Public Liability Insurance cover of at least £5,000,000.
- ~~P~~proof of the applicant's right to occupy the premises to which the application relates (e.g a copy of the lease).
- proof of written consent from all owners and occupiers (including residents) of premises adjoining the highway on which the furniture is proposed to be placed. These persons are known as 'frontagers.' If the frontager is a company, then consent must be provided by an authorised officer of that company who should confirm that they are duly authorised to give consent. Where the applicant has received no response from a frontager in relation to their proposal, they must provide evidence to the Council that they have made efforts to obtain consent and/or engage with frontagers on the proposal.

Omission of any of the above documents will invalidate the application.

It is recommended that applicants also submit photographs of any existing damage to the relevant areas of the highway. This may be used in evidence should the Highways Authority seek to recover costs for the repair of damage caused by the use of removable furniture.

3.2 Fees

~~The fee for applying for a Pavement Licence under the Business and Planning Act 2020 is set locally, but is capped at £100. The Council has determined that the fee for applications will be £100.~~

Application fees must accompany the application in order for the application to be considered valid and for the consultation period to commence. The current application or renewal fee will be detailed on the council's website. Application fees cannot exceed the amount set by legislation.

The fee is an 'application fee' for the processing of the application. The fee will not be refunded if the application is withdrawn or refused, or if a licence is surrendered or revoked before expiration.

3.3 Notice of intention

~~An applicant~~Applicants for a Pavement Licence must, on the day the application is made, fix a 'notice of intention' to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be in a format prescribed by the Council. Variations of this format will not be accepted and will invalidate the application.

The notice must be secured and suitably weatherproofed so that it remains in place until the end of the public consultation period. Evidence of compliance with the requirement to display the notice must be supplied to the Council Licensing Authority within 24 hours of display upon request.

The notice must:

- state the date on which the application was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and the name of the business;
- describe the proposed use of the furniture;
- state the days and times applied for;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state details of the Council's website and where the application and any accompanying material can be viewed during the consultation period
- state the postal address and email address to which representations should be sent during the consultation period; and

- state the end date of the consultation period (~~7~~14 days, not including bank holidays, starting with the day after the application is submitted to the Council).

A template notice is shown in Appendix 1.

4.0 Consultation

Applications are consulted upon for ~~7~~14 days (not including bank holidays), starting on the day after the day on which a valid application was made to the Council.

The Council will publish details of the application and supporting information on its website at www.winchester.gov.uk/licensing/tables-chairs

The Council is required by law to consult with the Highways Authority. If the Highways Authority does not respond to the application within the consultation period then the Council may still consider the application.

The Council will also notify relevant Ward Councillors, Parish Council(s) and Hampshire Constabulary's South East Counter Terrorism Unit of the application for information.

Members of the public can contact the Council to make representations in respect of the application. These must be received in writing either to licensing@winchester.gov.uk or Licensing Manager, City Offices, Colebrook Street, Winchester SO23 9LJ to arrive before the end of the consultation period.

The Council must take into account representations received during the public consultation period and consider these when determining the application. Representations received outside of the public consultation period will not be considered in the determination of the application.

5.0 Determination

The following matters will be taken~~ing~~ into account by the Council in considering the suitability of the proposed application:

- public health and safety – for example, ~~ensuring that users of the furniture are able to comply with the latest guidance on social distancing and~~ any reasonable crowd management measures needed as a result of a licence being granted;
- public amenity – will the use of the licence create nuisance to neighbouring occupiers by generating anti-social behaviour, excessive noise and litter, and;
- accessibility - taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles.

- whether there are any other permanent street furniture or structures in place on the footway that already reduce access (i.e. benches, bollards and hostile vehicle mitigation barriers);
- the impact on access and egress to the premises;
- the impact on neighbouring premises;
- the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in section 3.1 of the [Department for Transport's Inclusive Mobility guidance](#), and;
- other users of the space, for example, if there are high levels of pedestrian or cycle traffic.
- whether the proposed activities would have one or more of the following effects;
 - preventing traffic, other than vehicular traffic, from;
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway,
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway
 - preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Applicants are strongly advised to speak with neighbouring businesses and occupiers (whether considered frontagers or not) prior to applying to the Council for a Pavement Licence and take any issues around health and safety, nuisance and access into consideration as part of the proposal.

5.1 Determination period

Once a valid application is submitted to the Council, it has **4428** days (not including bank holidays) from the day after the application is made to consult on and determine the application. This consists of **714** days for public consultation, and then a further **714** to consider and determine the application after the consultation period has ended.

If the Council determines the application before the end of the determination period, the Council can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application,
- impose conditions on any licence granted,
- refuse the application.

If the local authority does not determine the application within the ~~7~~14 day determination period, the application will be deemed to have been granted subject to any published local and national conditions.

5.2 Approval of applications

The Council may approve applications meeting the criteria specified within this Policy.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when furniture is permitted on the highway and the location of the furniture corresponding to the application. A site plan will be attached to the licence.

A copy of the Council's standard conditions will be attached to all Pavement Licences. These are listed in Appendix 2. Additional conditions may be attached to individual licences if the Council considers it appropriate.

The Council will generally only permit furniture to be placed on the highway no later than the terminal hour for the sale of food / drink at the premises to which the application relates. Applications outside of these hours will be assessed in terms of criteria detailed in section 5 of this Policy. The Council retains the right to specify permitted hours for furniture to be placed on the Highway in accordance with the premises' trading hours and/or any relevant road closures or temporary traffic orders.

5.3 Licence duration

If the Council determines an application before the end of the determination period (which is ~~7~~14 days, beginning on the day after the end of the public consultation period), the duration of the licence will be specified, ~~subject to a minimum duration of 3 months.~~

The expectation from the Government Guidance is that local authorities will grant licences for ~~12 months or more~~ two years unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space.

As such, the Council will grant normally grant licences for a period of ~~12 months~~ two years.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a period of ~~12 months~~ 2 years.

~~The Business and Planning Act 2020 was initially in effect until 30 September 2021. The Government confirmed in March 2021 that its provision would be extended to 30 September 2022. A licence granted or deemed to be granted will not be valid beyond 30 September 2022.~~

~~Pavement Licences that expired on or before 30 September 2021 will not be automatically extended. Licence holders must make a new application if they wish to continue to place removable furniture on the highway.~~

5.4 Refusal of applications

The Council may refuse an application if:

- it considers the proposals unsuitable as a result of their consideration of the points in section 5 of this Policy;
- the Highways Authority refuses to give consent to the proposal;
- it receives representations which cannot be mitigated by imposing conditions

There is no statutory appeal process against a decision to refuse an application.

6.0 Conditions

The Council's standard conditions are set out in Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it.

The national 'no obstruction' condition and the national 'smoke-free seating' condition apply to all licences. The national 'no obstruction' condition is shown in Appendix 3.

7.0 Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. ~~The case remains that any obstruction of the highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police. The Pavement Licensing regime allows Licensing Authorities to issue formal notice to a premises to remove furniture which is on the highway without appropriate consent. If action is not taken to remove the furniture within the specified time given in the notice, the Licensing Authority may remove and store the furniture and recover the cost of removal and storage. The Council can dispose of the furniture if the costs are not paid within 3 months.~~

Obtaining a Pavement Licence does not confer the licence holder immunity in regard to other legislation that may apply, e.g. public liability, health and safety at work, food Hygiene and safety, alcohol and entertainment licensing, and social distancing controls. Applicants must ensure all such permissions etc. are in place prior to operating under a Pavement Licence.

If a condition imposed on a licence either by the Council or via a national condition is breached, then the Council will be able to issue a notice requiring the breach to be remedied within a time scale specified by the Council. If the notice is not complied with, the Council may revoke the licence or take the required steps itself and recover the costs of doing so from the licence holder.

The authority may revoke a licence in the following circumstances:

- For breach of condition (whether or not a remediation notice has been issued) or where:
 - there are risks to public health or safety ~~—for example by encouraging users of the furniture to breach government guidance on social distancing by placing furniture too close together;~~
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use of the furniture is increasing the amount of noise generated or litter not being cleaned up;
 - it comes to the light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling food within the licensable area, and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the ‘notice of intention’ to notify the public of the application for the relevant period.
- Where all or part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised.

8.0 Review

~~This policy covers the temporary permissions for the administration of Pavement Licences under the Business and Planning Act 2020, which are scheduled to expire on 30 September 2022.~~

The Policy will be reviewed should changes occur in the relevant legislation or guidance that affect the administration of Pavement Licences, or as a result of local considerations or policies within the Winchester District.



Service Lead for Public Protection

Licensing Department
Public Protection
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

Tel: 01962 848 188
Email: licensing@winchester.gov.uk
Web: www.winchester.gov.uk/licensing

Appendix 1 – Notice of Intention (Template)



BUSINESS AND PLANNING ACT 2020

NOTICE OF INTENTION TO USE FURNITURE ON THE HIGHWAY UNDER A 'PAVEMENT LICENCE'

I / We, (name of applicant/s): [REDACTED]

HEREBY GIVE NOTICE that an application has been made on
DD/MM/YYYY to Winchester City Council for the consideration of
permission to place furniture on the highway for the following purposes:

Service of food / service of drinks / service of food and drinks
Consumption of food / Consumption of drinks / Consumption of food
and drinks

**Delete as applicable*

Name and address of premises where furniture is to be located, including
names of any streets or areas to be used that are not directly outside the
premises:

[REDACTED]

Description of furniture to be used: [REDACTED]

The furniture is proposed to be in place on the highway on the following
days / times:

E.G. MONDAY TO SATURDAY 11:00 - 17:00

Any person who wishes to submit representations in connection with this
application should send their representations in writing to
licensing@winchester.gov.uk, to arrive within 14 days (not including Bank
Holidays) of the date of this notice. Representations will be taken into
consideration in the determination of the application.

Full details of the application are available to view on the City Council's
website: <https://www.winchester.gov.uk/licensing/tables-chairs>

THIS NOTICE MUST BE DISPLAYED CLEARLY VISIBLE FROM OUTSIDE THE PREMISES

Appendix 2 – Local Conditions

1. Outside of the hours mentioned in the Licence, the removable furniture must be removed and stored safely outside the area and in any event not on the highway.
2. The removable furniture shall be immediately removed upon request by the City Council, Police or Highways Authority if the area is required in whole or in part for repairs to be undertaken **or for any other reason** (for example, special events). In the case of planned maintenance work the City Council or Highways Authority shall endeavour to give reasonable notice to the Licensee. In the event of emergency repairs no notice may be given. Maintenance works/repairs included work undertaken by statutory undertakers as well as surface repairs.
3. In the event that any removable furniture is found outside the area, notification will be given by the Council to replace them within the area within one hour.

The Licensee will receive a remediation notice from the City Council both via email and delivered to the premises. The notice will outline the reasons why it is believed that the Licensee has breached condition(s) of the Licence, and will be given 7 days to remedy the breach. In the event that the breach is not remedied within this time period, the City Council may take steps to remove the furniture and/or consider revocation of the Licence.

In the event that the furniture is removed by the City Council and the Licensee wishes to reclaim them, prior to their return the Licensee shall;

- i) Contact the Licensing Department to request the return of confiscated furniture,
- ii) Make payment, electronically, of a £100 fee to the Licensing Department
- iii) Contact the Special Maintenance Team on 01962 848 574 to arrange collection of the furniture from the location that the Special Maintenance Team has designated for storage.

If furniture remains unclaimed after 14 days, the Council will dispose of the furniture as it sees fit.

4. No nuisance is to be caused, by the placing of the removable furniture on the highway, to users of the adjoining pedestrianised area.
5. Emergency routes to and from the premises and adjacent buildings must not be obstructed by the use of removable furniture at these premises.

~~6. The Licensee shall ensure that the use of removable furniture conforms to latest guidance issued by government on social distancing.~~

- ~~7.6.~~ The Licensee must ensure that the permitted area is regularly monitored to manage crowds and ensure that customers are not creating a public nuisance.
- ~~8.7.~~ The Licensee shall not be permitted to place Advance Warning Signs (A-boards and other free-standing signage) within the designated area.
- ~~9.8.~~ The Licensee shall be responsible for keeping the area in a clean and tidy condition at all times.
- ~~10.9.~~ The Licensee must make reasonable provision for seating where smoking is not permitted, and have regard to the [Government's guidance](#) in doing so.
- ~~11.10.~~ The Licensee shall be responsible for any damage caused to the paved surface of the area through any act, or, omission during the period of the Licence and any damage is to be made good entirely at the Licensee's expense.
- ~~12.11.~~ The Licensee shall ensure that valid Public Liability Insurance, indemnifying the Council against any claim arising from the operation of the Licence (minimum £5,000,000 cover), is maintained throughout the period of the Licence.
- ~~13.12.~~ This Licence is not transferable between Licensees or premises.

Appendix 3 – National Conditions

The Secretary of State publishes this condition in exercise of his powers under [Section 5(6)] of the Business and Planning Act 2020:

1. Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1-2 of [Inclusive Mobility](#).

Guidance on the effect of this condition:

- ~~a) To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), the licence is granted subject to those requirements.~~
- ~~b) To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.~~
- a) Section 3.2 of [Inclusive Mobility](#) - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of [Inclusive Mobility](#) sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.
- b) any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier;
- c) any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The

positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs;

d) the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people;

e) so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

2. Condition relating to smoke-free seating

Where the furniture on the relevant highways consists of seating for use by persons, for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.

Guidance on the effect of this condition:

- a) Where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:
- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012.
 - No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
 - Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

REPORT TITLE: COMMUNITY GOVERNANCE REVIEW: WINCHESTER TOWN AREA

16 JUNE 2025

REPORT OF CABINET MEMBER: Councillor Kathleen Becker, Cabinet Member for Healthy Communities

Contact Officer: Gareth John, Director (Legal) Tel No: 01962 848135 Email gjohn@winchester.gov.uk

WARD(S): ALL WARDS

PURPOSE

This report provides the Committee with an overview of the proposal to conduct a Community Governance Review (CGR) for the Winchester Town area.

This report aims to inform the Committee about the context, process, and potential implications associated with such a review. Specifically, this report addresses the request from the Winchester Town Forum, which resolved at its meeting on [23 January 2025](#) “to make a request to Winchester City Council to consider undertaking a community governance review with a view to establishing a town council covering the unparished area of Winchester”.

The purpose of undertaking a Community Governance Review is to ensure that local governance arrangements effectively serve the community's needs. This involves a commitment to improving community engagement, fostering closer relationships among residents, and strengthening local democracy. Ultimately, it aims to deliver local services more effectively and conveniently.

In line with the [council's constitution \(Part 3.3, Para 2.2\)](#), this committee is responsible for all duties and functions relating to Community Governance Reviews under the Local Government and Public Involvement in Health Act 2007 (other than the making of an Order giving effect to recommendations under S86 of this Act which is reserved to Full Council).

RECOMMENDATIONS:

This initial report is intended to provide the Licensing and Regulation Committee (LRC) with an overview of the proposal for a Community Governance Review.

The following recommendations are put forward for the Committee's consideration:

1. That the Licensing and Regulation Committee note the contents of this report, acknowledging the potential for a Community Governance Review in the Winchester town area and the broad implications associated with such a review.
2. That the Licensing and Regulatory Committee agree to establish a Task and Finish group of 6 members. The committee considers the officer's recommendation that this group be formed of 2 members of the Town Forum plus 4 other members to include representation from all 3 political groups. . This group will be responsible for providing member oversight and guidance during the initial stages of the Community Governance Review, working closely with the officer project team.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 The Council Plan 2025 – 2030 sets out 5 priorities including the priority “Listening and Learning”. Within this, the plan sets out a number of actions including one to undertake a “Community Governance Review to ensure a strong network of parish and town councils across the entire district – capable of operating in any new local government structures”.

2 FINANCIAL IMPLICATIONS

- 2.1 Undertaking a Community Governance Review is a resource-intensive process that will necessitate the allocation of both financial and human resources. Furthermore, the process will likely require the procurement of legal support to navigate the legislative framework, specialist advice on novel civic and heraldic matters, officer involvement regarding asset management and dedicated project management support to ensure the review progresses efficiently and effectively. It is anticipated that the funding for these activities will be drawn from the Council's transitional reserves.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The primary legal framework governing Community Governance Reviews is Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007. This legislation devolves the authority to make decisions regarding community governance to principal councils, outlining the specific procedures that must be followed when undertaking a review. This includes requirements around consultation, the criteria that recommendations must meet (reflecting local identities and interests and ensuring effective and convenient governance), and the process for implementing any changes. The guidance issued under this Act further clarifies these requirements and provides best practices for conducting CGRs.
- 3.2 As the CGR progresses, it is anticipated that the Council will need to procure legal support regarding the complex legislative requirements and specialist advice on the novel civic and heraldic issues that may arise, particularly concerning the preservation of Winchester's city status and mayoralty. Furthermore, the potential transfer of assets and services to a newly formed town council will have significant procurement implications. This process will involve the drafting of legal agreements to facilitate the transfer of ownership and responsibilities, as well as ensuring that any existing contracts related to these assets and services are compliant and can be effectively transitioned to the new town council. Adherence to the Council's procurement regulations and relevant public contract law will be essential throughout this stage to ensure transparency and value for money.

4 WORKFORCE IMPLICATIONS

- 4.1 The consideration of a Community Governance Review and the potential for local government restructuring may have implications for the Council's workforce. The CGR process itself will require the dedication of officer time and resources to manage the review, conduct consultations, and analyse findings.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 A crucial aspect of the Community Governance Review will be the identification of property and assets that may need to be transferred from Winchester City Council to any newly formed town council. This process will require a thorough scoping exercise to determine which assets are located within the defined area of the new town council and are appropriate for transfer to ensure its operational viability. Consideration will need to be given to any long-standing contracts that currently cover these assets to ensure compliance with transfer terms and the continuity of essential services. Assets commonly transferred as part of a CGR can include; open spaces, community buildings, play areas, and potentially other local amenities. The Local Government (Parishes and Parish Councils) (England) Regulations 2008 provide the legal framework for such transfers.

6 CONSULTATION AND COMMUNICATION

- 6.1 A comprehensive and well-executed consultation and communication strategy will be paramount to the success of the Community Governance Review. The process will necessitate multiple rounds of consultation involving a wide range of stakeholders. This will include, most importantly, the residents within the Winchester town area, existing parish and town councils within the broader district, local business groups, and residents' associations.
- 6.2 Furthermore, it will be essential to engage with other key stakeholders such as health bodies, and voluntary organisations to gather their views.
- 6.3 A variety of consultation methods will be employed to ensure broad participation and reach diverse segments of the community. These methods may include press releases to local media outlets, councillor briefings, active engagement on social media platforms, dissemination of information through Council and parish newsletters and notice boards, and direct written communication with identified stakeholder groups. Examples from other councils that have undertaken CGRs show the importance of utilising multiple channels and potentially holding public meetings or workshops to facilitate dialogue and gather feedback. A clear and transparent communication plan will be essential to keep all stakeholders informed about the progress of the review, the opportunities to provide input, and the potential outcomes.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 While the primary focus of the CGR is on governance structures, the potential impact of any changes on the local environment should be considered. Furthermore, parish and town councils have a recognised role in promoting environmental sustainability within their communities. The CGR for Winchester Town should consider how the establishment of a new town council could contribute to the Council's broader "Greener Faster" outcome, potentially through local environmental initiatives and the management of green spaces.

8 PUBLIC SECTOR EQUALITY DUTY

- 8.1 Winchester City Council is bound by the Public Sector Equality Duty (PSED), as outlined in the Equality Act 2010. Therefore, throughout the Community Governance Review process, it will be essential to consider the potential impact of any proposed changes on different equality groups within the Winchester town area. The consultation process should be inclusive and accessible to all members of the community to ensure their voices are heard.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 The Community Governance Review process will involve the collection and processing of personal data, particularly through consultations with residents and other stakeholders. Advice from the relevant officers will be required at this point.

10 RISK MANAGEMENT

- 10.1 Effective risk management will be a critical component of the Community Governance Review. Throughout the CGR process, it will be necessary to identify, assess, and manage various risks that could potentially impede the successful completion of the review or the effective implementation of its outcomes. These risks could include challenges in engaging with all relevant stakeholders during the consultation, potential legal challenges to the review process or its recommendations, financial risks associated with the costs of the review or the establishment of a new town council, and risks related to the transfer of assets, services, and staff. A robust risk management framework will allow the Council to proactively address potential issues.

Risk	Mitigation	Opportunities
Financial Exposure		
Exposure to challenge. A failure to complete the exercise in the required timescale could bring legal challenges.	Ensure resource and critical deadlines are adhered to.	To conclude the CGR effectively and efficiently, having listened and engaged with residents.
Innovation		
Reputation	Ensure resources, timescales are available and realistic.	A well-completed CGR could overall enhance governance arrangements of the Town area.
Achievement of outcome		
Property		
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 are adhered to.	

11 SUPPORTING INFORMATION:

- 11.1 The request from the Winchester Town Forum should be set within the broader context of potential local government restructuring within Hampshire and the Solent, a development driven by the Government's English Devolution White Paper and the region's acceptance into the devolution priority program.
- 11.2 This potential restructuring could result in a single tier of local government for the currently unparished Winchester town wards. This scenario would create a divergence in local governance within the Winchester district, as the remaining areas outside the town wards already operate under parish or town council arrangements. Such inconsistency could lead to disparities in how services are delivered, the level of community representation, and the overall sense of local identity between the parished and unparished parts of the district.
- 11.3 The Local Government and Public Involvement Health Act 2007 (LGPIH Act) devolved power to carry out a CGR from the Secretary of State and the Electoral Commission to principal councils. 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.

- 11.4 Section 93 of the LGPIH Act requires the council to ensure that the community governance within the area under review will be;
- a) Reflective of the identities and interests of the community cohesion; and
 - b) Is effective and convenient.
- 11.5 In carrying out the review the council must also consider
- a) The impact of arrangements on community cohesion; and
 - b) The size, population and boundaries of a local community or parish
- 11.6 A review typically involves the following stages.
- a) Establishing the terms of reference of the CGR.
 - b) Publishing the terms of reference.
 - c) Consultation must take place with local government electors, appropriate local authorities and other relevant persons including political parties and local community interest groups. Any representations received as a result of the initial consultation response must be taken into account.
 - d) Prepare and publish draft proposals,
 - e) 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.
 - f) Consider any representations received as a result of the consultation stage.
 - g) Make and publish recommendations; and
 - h) Make an order to bring into effect any decision arising from the review
- 11.7 To effectively undertake the Community Governance Review, several key pieces of supporting information will be required. This includes up-to-date population data for the Winchester town area to accurately reflect the current demographics. Detailed mapping of the Winchester town area and the surrounding parishes will be essential to define potential boundaries for a new Town council.
- 11.8 The areas likely to be under review include the five WCC wards that currently comprise the Winchester Town Forum area (St Bartholomew, St Paul, St Barnabas, St Luke, and St Michael), as well as a part of St Barnabas ward that falls within the Littleton and Harestock Parish Council's area. The Kings Barton area, currently part of Headbourne Worthy Parish Council's area, and potentially other built-up areas adjoining WCC town wards that share a strong identity with Winchester, along with any existing anomalies identified during the mapping process, may also be considered.

- 11.9 The preservation of Winchester's ancient city status and mayoralty is a significant consideration. The process for preserving or transferring these civic honours to a successor body, potentially involving petitions to the King will need to be carefully examined. Specialist advice on the novel civic and heraldic issues associated with this will be required. Similarly, the potential transfer of the city's coat of arms to a successor body will need to be considered.
- 11.10 The initial steps already undertaken and immediate next steps in considering a Community Governance Review for the Winchester town area are as follows:
- a) Formation of an officer project team. April 2025.
 - b) Member briefings and a meeting of the Licensing and Regulation Committee to advise of the CGR. June 2025.
 - c) Scoping and identification of assets that may be subject to transfer. May to September 2025.
 - d) Preparation of draft Terms of Reference for the CGR, to be approved at a further meeting of the Licensing and Regulatory Committee. September 2025.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 To not undertake a Community Governance Review at this stage

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[WTF339 - Response to the request of Winchester Town Forum for CGR.pdf](#)

[WTF337 - Request for Governance Review.pdf](#)

Other Background Documents:-

1. Community governance reviews: guidance
<https://www.gov.uk/government/publications/community-governance-reviews-guidance>
2. Guidance on community governance reviews
<https://www.lgbce.org.uk/sites/default/files/2023-03/community-governance-review-guidance.pdf>
3. Local Government and Public Involvement in Health Act 2007
<https://www.legislation.gov.uk/ukpga/2007/28/part/4/chapter/3>

APPENDICES:

None.