



2 December 2025

RUGBY BOROUGH COUNCIL

A meeting of Rugby Borough Council will be held in the Council Chamber at the Town Hall, Rugby at 7.00pm on Wednesday 10 December 2025.

Members of the public may also view the meeting via the livestream available on the Council's website.

Dan Green
Chief Executive

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Apologies for absence.

2. Minutes.

To approve the minutes of the meeting held on 19 November 2025.

3. Declaration of Interests.

To receive declarations of -

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 - non-payment of Community Charge or Council Tax.

4. To receive the Mayor's Announcements.

5. Questions pursuant to Standing Order 10.
6. To receive the reports of Cabinet and Committees which have met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

(a) Cabinet – 1 December 2025

(1) Town Centre Regeneration Progress Update – Growth, Investment, Digital and Communications Portfolio.

(2) Town Centre Public Realm Enhancements – Partnerships and Wellbeing Portfolio.

(3) General Fund Budget Monitoring as at 30 September (Quarter 2) – Finance, Performance, Legal and Governance Portfolio.

(4) Introduction of Council Tax Long-Term Empty Property and Second Homes Premiums - Finance, Performance, Legal and Governance Portfolio.

(5) Council Tax reduction – approval of a new scheme for April 2026 - Finance, Performance, Legal and Governance Portfolio.

(6) Proposals for supporting the community and voluntary sector 2026/27 and 2027/28 – Communities, Homes, Regulation and Safety Portfolio.

(7) Food Waste Staffing and Resources – Operations and Traded Services Portfolio.

(b) Licensing and Safety Committee – 27 October 2025

(1) Statutory Review of Statement of Licensing Policy

7. To receive and consider the reports of officers.

(a) Constitution change – Investigating Standards Complaints – report of the Monitoring Officer.

(b) Reappointment and Appointment of Independent Persons – report of the Chief Officer – Legal and Governance.

(c) Community Governance Review – Houlton Parish Council – report of the Chief Officer – Legal and Governance (report to follow).

8. Notices of Motion pursuant to Standing Order 11.

(a) Rugby Borough Council has a duty to residents regarding health and wellbeing (“Power of Wellbeing” Local Government Act 2000 section 2).

This Council therefore resolves that every Rugby resident seeks to have care delivered that is close to home, delivered with compassion, and shaped by the community and the people’s voice. Council also confirms that this can only be achieved by working together with key delivery partners in order to build a local health service that listens, learns, and treats every person with compassion, kindness and dignity.

This Council believes that a new “Rugby Health Partnership Agreement” is needed between the Integrated Care Board, University Hospital Coventry & Warwickshire Trust, South Warwickshire Foundation Trust, Coventry & Warwickshire Partnership Trust, Warwickshire County Council and key health and community delivery partners would bring added health benefits to our residents. *(Key partners mentioned in this paragraph)*

Furthermore, this Council would like to implement a joint working group charged with delivering a Health Charter for Rugby residents. This will be an agreement between all the partners and can be achieved by bringing together, elected members from across the political spectrum and working with the Portfolio Holder and representatives drawn from existing health and patient forums ensuring that the patient and community voice is heard.

Therefore, this Council resolves to:

1. write to the Integrated Health Board, University Hospital Coventry & Warwickshire Trust, South Warwickshire Foundation Trust and Warwickshire County Council inviting them to promote and develop a ‘Rugby Health Partnership Agreement’;
2. create a cross-party Working Group charged with delivering a Health Charter for Rugby residents, which be an agreement between residents and key partners in delivering health services within the Borough. The Working Group will be made up key partners as described, elected members from each political group, the Portfolio Holder and representatives drawn from existing forums to ensure that the patient and community voice is heard especially in delivery of services;
3. write to the parties outlined in the resolution UHCW, SWFT, ICB, WCC, CWPT, WCAVA Patient Forum, Healthwatch inviting them to join the Working Group; and
4. request the Portfolio Holder reports to Cabinet on progress.”

Proposer: Councillor Roodhouse
Seconder: Councillor O’Rourke

PART 2 – EXEMPT INFORMATION

There is no business involving exempt information to be considered.

QUESTIONS AT COUNCIL

A Councillor may ask a question at the meeting by giving notice in writing of the question to the Chief Executive no later than midday on Thursday 4 December 2025. The rules relating to Questions are set out in Part 3a of the Council’s Constitution.

REPORT OF CABINET

1 December 2025

PRESENT:

Councillors Moran (Chair), C Edwards, Livesey, Mistry, O'Rourke and Robinson.

Councillors S Edwards, Lewis, McKenzie, Poole and Ward were also in attendance.

1. TOWN CENTRE REGENERATION PROGRESS UPDATE

Cabinet considered a report concerning an update on workstreams within the town centre regeneration programme. The report is available here:

[Cabinet report 1 December 2025 - Town Centre Regeneration Progress Update](#)

Recommendation of Cabinet

Cabinet decided to recommend to Council the Town Centre Regeneration progress report be noted.

Recommended that – the recommendation of Cabinet be approved.

2. TOWN CENTRE PUBLIC REALM ENHANCEMENTS

Cabinet considered a report concerning proposed expenditure for the delivery of town centre public realm enhancements as part of the continued delivery of town regeneration. The report is available here:

[Cabinet report 1 December 2025 - Town Centre Public Realm Enhancements](#)

Recommendation of Cabinet

Cabinet decided to recommend to Council that –

- (1) a supplementary General Fund Revenue budget of £0.066m for 2026/27 be approved to fund new public realm street enhancements, to be financed from the Town Centre Reserve; and
- (2) a supplementary General Fund Capital budget of £0.233m for 2025/26 be approved to fund new public realm street enhancements, to be financed from the Town Centre Reserve.

Recommended that – the recommendation of Cabinet be approved.

3. GENERAL FUND BUDGET MONITORING AS AT 30 SEPTEMBER (QUARTER 2)

Cabinet considered a report concerning the 2025/26 General Fund financial position for both revenue and capital as at 30 September (Quarter 2) and other adjustments for approval as required by Financial Standing Orders. The report is available here:

[Cabinet report 1 December 2025 - General Fund Budget Monitoring as at 30 September \(Quarter 2\)](#)

Recommendation of Cabinet

Cabinet decided to recommend to Council that -

- (1) General Fund revenue virements totalling £1.257m be approved;
- (2) the 2025/26 Disabled Facility Grant Capital allocation be increased by £0.122m in relation to the additional grant funding received; and
- (3) the creation of a reserve for Extended Producer Responsibility for Packaging (EPR) be approved.

Recommended that – the recommendation of Cabinet be approved.

4. INTRODUCTION OF COUNCIL TAX LONG-TERM EMPTY PROPERTY AND SECOND HOME PREMIUMS

Cabinet considered a report concerning approval for the adoption and implementation of a revised Council Tax Premium Policy for Long-Term Empty Properties (LTEPs) and a reduction in the qualification period for the Second Home Premium. The report is available here:

[Cabinet report 1 December 2025 - Introduction of Council Tax Long-Term Empty Property and Second Home Premiums](#)

Recommendation of Cabinet

Cabinet decided to recommend to Council that the adoption of the tiered Council Tax Premium Policy for Long-Term Empty Properties with an effective implementation date of 1 April 2026 and the reduction of the qualification period for the Second Home Premium to 1 year, with an effective implementation date of 1 April 2027, be approved.

Recommended that – the recommendation of Cabinet be approved.

5. COUNCIL TAX REDUCTION – APPROVAL OF A NEW SCHEME FOR APRIL 2026

Cabinet considered a report of concerning the proposed implementation of a revised Council Tax Reduction Scheme with effect from 1st April 2026. The original report is available here:

[Cabinet 1 December 2025 - Council Tax Reduction - approval of a new scheme for April 2026](#)

The Portfolio Holder for Finance, Performance, Legal and Governance stated at Cabinet that it was aware of changes relating to the two child benefit cap, as set out in the 2025 budget. This announcement was not known at the time the Council Tax Reduction scheme was being consulted on. A supplementary report would be circulated accordingly in advance of being presented to Council for approval.

Recommendation of Cabinet

Cabinet decided to recommend to Council that the new income-banded Council Tax Reduction (CTR) scheme for working-age applicants, effective from 1 April 2026 be approved.

Recommended that – the recommendation of Cabinet be approved.

6. PROPOSALS FOR SUPPORTING THE COMMUNITY AND VOLUNTARY SECTOR 2026/27 AND 2027/28

Cabinet considered a report concerning proposals for the Council's continued funding of the local community and voluntary sector for 2026/27 and 2027/28. The report is available here:

[Cabinet report 1 December 2025 - Proposals for supporting the community and voluntary sector 2026/27 and 2027/28](#)

Recommendation of Cabinet

Cabinet decided to recommend to Council that -

- (1) community association/community partnership funding will continue to be awarded to the organisations operating in the most deprived wards (as confirmed by the latest Thriving Places and Warwickshire County Council's Business Intelligence data) subject to budget setting for 2026/27 and 2027/28;
- (2) the duration of the Service Level Agreement (SLA) with community associations/partnerships to change from one year to two years;
- (3) the £65,978 grant funding of the community associations, community partnerships and Rugby Foodbank for as detailed in table 1.0 be considered as part of budget setting for 2026/27 and 2027/28;

- (4) additional funding of £18,974 in 2026/27, equal to the allocation for community associations, be provided to strengthen provision in Hillmorton and Admirals Estate;
- (5) further additional funding in 2027/28 be considered for two other areas meeting the deprivation criteria, including Eastlands, with allocations equal to those provided for Hillmorton and Admirals Estate;
- (6) each eligible community association/partnership will continue to be allocated £1,000 to administer, in consultation with local Ward Members, as microgrants (£300 or less) to small grassroots organisations developing initiatives within their ward;
- (7) a £10,000 Community Supermarket research and development reserve (approved in December 2024), be carried forward to continue work around tackling food insecurity in Rugby;
- (8) a ringfenced reserve of £10,000 be set aside in 2026/27 and 2027/28 as an enabling budget to help RBC with surveys and research to inform and support the sector; and
- (9) delegated authority be given to the Chief Officer for Communities and Homes and the Chief Officer for Legal and Governance to determine final grant terms.

Recommended that – the recommendation of Cabinet be approved.

7. FOOD WASTE STAFFING AND RESOURCES

Cabinet considered a report concerning proposed funding of staffing and resources for the implementation of food waste collections. The report is available here:

[Cabinet 1 December 2025 - Food Waste Staffing and Resources](#)

Recommendation of Cabinet

Cabinet decided to recommend to Council that -

- (1) a General Fund revenue budget of £0.916m for 2026/27, as detailed within section 3 and inclusive of the DEFRA grant funding, for the new food waste collection service, be approved; and
- (2) additional staff be added to the Council's establishment. The new service will require 9x Drivers, 9x Loaders, a Supervisor and a Workshop Fitter.

Recommended that – the recommendation of Cabinet be approved.

**COUNCILLOR M MORAN
CHAIR**

REPORT OF LICENSING AND SAFETY COMMITTEE

27 October 2025

PRESENT:

Councillors Garcia (Chair), Barnett, Dumbleton, Henderson, D Keeling, J Keeling, Lewis, Sayani, Srivastava, Thompson and Trimble.

1. STATUTORY REVIEW OF STATEMENT OF LICENSING POLICY

Licensing and Safety Committee considered a report concerning the responses to a statutory consultation exercise carried out on the Draft Statement of Licensing Policy. The review and approval of the Licensing Policy is a statutory requirement, and it must be approved and published. The Committee made some minor typographical and wording changes, therefore the Licensing Policy is attached as Appendix A.

Recommendation of Licensing and Safety Committee

The Committee decided to recommend to Council that the draft Licensing Policy be approved.

Recommended that – the recommendation of Licensing and Safety Committee be approved.

**COUNCILLOR GARCIA
CHAIR**



STATEMENT OF LICENSING POLICY

(Required by section 5 of the Licensing Act 2003)

2026 - 2031

IMPORTANT NOTE

In producing this Statement of Licensing Policy, the Licensing Authority is aware that the Government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future may not be incorporated into this policy document and readers of this document are advised to check the Home Office/Gov.uk website to ensure they have the latest information.

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STATEMENT OF LICENSING POLICY

INTRODUCTION

1.1 Rugby Borough Council ('the Council') has a duty under the terms of the Licensing Act 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 The Borough of Rugby covers an area of 138 square miles located in central England, within the County of Warwickshire. The Borough is on the eastern edge of the West Midlands Region, bordering directly on to the counties of Northampton and Leicestershire, both of which are in the East Midlands Region. The Borough has 41 parishes, and the largest centre of population is the attractive market town of Rugby with two thirds of the Borough's 114,400 residents living in the town and the remainder residing in the rural area. The villages in the Borough range in size from 20 to 3,000 people.

1.4 This statement of licensing policy relates to all those licensing activities identified as falling within the provisions of the act, namely:

- The sale by retail of alcohol
- The supply of alcohol by clubs
- The provision of regulated entertainment
- The provision of late-night refreshment

For the purposes of this document any reference to an 'authorisation' means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context a Personal Licence.

1.5 The Licensing Authority recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work with the Responsible Authorities, the Warwickshire Community Safety Partnership, local businesses and local people to promote the common objectives as outlined. In addition,

the Licensing Authority recognises its duty under s.17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder.

- 1.6 This policy statement has been prepared in accordance with the provisions of the Act and the guidance issued under s.182 of the Act. The policy statement is valid until 5th January 2031. This policy statement will be subject to review and further consultation prior to any substantial changes.
- 1.7 A list of contact details for the responsible authorities authorised under the Act is attached to this policy statement as Appendix 2.
- 1.8 The Licensing Authority has recognised Rugby Borough Council as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purposes of s.13 of the Act.
- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the guidance issued under s.182 of the Act wherever possible. It will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

Public Health as a Responsible Authority

- 1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.
- 1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing SubCommittees when representations are made.

CONSULTATION

- 2.1 Before publishing this policy statement the Licensing Authority has consulted and given proper consideration to the views of the following in line with the statutory guidance.

- The Responsible Authorities
- Representatives of current licence and certificate holders
- Representatives of local businesses
- Representatives of local residents

FUNDAMENTAL RIGHTS

- 3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 3.2 Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to Warwickshire Magistrates' Court against the decisions of the Licensing Authority.

LICENSING CONDITIONS

- 4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. 'Premises' includes open spaces. Conditions attached to various authorisations will be focused on matters that are within the control of the individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other normal activities in the area concerned.
- 4.2 The Licensing Authority can impose conditions if it has received a relevant representation or if such conditions are consistent with the operating schedule.
- 4.3 When considering any conditions, the Licensing Authority acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night time economy. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.

- 4.4 The Licensing Authority will not impose standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Licensing Authority will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of any representations received.
- 4.5 The Licensing Authority has produced a set of model conditions, which is aimed at assisting and supporting applicants through the application process. The model conditions would also assist the Licensing Authority and Responsible Authorities in deciding which conditions would be appropriate to add to a licence. The model conditions may be found at the end of this policy as Appendix 1.

OPERATING HOURS

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document.
- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously thereby reducing the friction at late-night fast food outlets, taxi ranks and other forms of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the Borough.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are relevant representations giving good reasons based on the licensing objectives for restricting those hours.

LATE-NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

- 6.1 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that the application of a Late-Night Levy or Early Morning Restriction Order are appropriate for the Licensing Authority's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

CUMULATIVE IMPACT ASSESSMENT

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Council to consider in developing its Licensing Policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. Government guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.
- 7.2 The Licensing Authority has not been presented with sufficient evidence to consider any area within the Borough to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.
- 7.3 The absence of a special policy does not prevent any responsible authority or any other party from making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration, but the individual merits of each application must always be considered.

PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

- 8.1 Licensed premises, especially those offering late-night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.
- 8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their

particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses, where appropriate, to discuss issues of concern directly with individual businesses, or, to contact the Police or the Licensing Authority.

- 8.3 The Licensing Authority will, through its Community Safety Partnership devise and help deliver strategies to tackle the misuse of alcohol, which has been identified as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already drunk.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence/certificate holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to overcome established and potential problems. A combination of short and longer term strategies may need to be deployed by holders of authorisations to sustain and promote the prevention of crime and disorder.
- 8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practice in whatever area of operations they are engaged. The Licensing Authority will regard each responsible authority as the expert in their respective field and in some cases as the primary source of advice in relation to a particular licensing objective.
- 8.6 Queues at late-night takeaways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The Licensing Authority has specific duties under s.17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Licensing Authority will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The Licensing Authority is of the view that generally, in order to promote the licensing objectives, all licensed premises within the Borough are encouraged to be members of the relevant local Pubwatch Scheme, or any similar scheme, where one exists.

- 8.9 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises but recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.

Many licensed premises work incredibly hard to ensure that their customers can enjoy a night out safely and deter perpetrators.

To support licensed premises, several industry associations produced a factsheet which includes recommendations and some resources for the hospitality sector on how to respond to and prevent spiking. The fact sheet can be found here: www.local.gov.uk/publications/lga-guidancenote-drink-spikingprevent

Premises should ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is also helpful to the police if staff:

- obtain full details of the affected person reporting the incident, including a description of what they are wearing as officers will want to track them on CCTV.
- can provide as detailed a description of the suspected perpetrator as possible, if known, including clothing
- can provide an approximate time of the incident and the location within the premises where they believe it occurred.
- can secure the drinking vessel(s) that is suspected as containing the 'drug' so this can be tested at a later time.
- can seize any drinking vessel that the suspect may have been using.
- ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance, if needed, and providing a safe space for the customer.
- ensure appropriate training is provided to relevant members of staff.
- review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, as victims of spiking have been found in there. Premises should also review the functionality of any CCTV and ensure it is not obscured.
- consider providing information (such as posters) regarding drink spiking in the premises.
- consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits have been made available in your area by the police or council.

- 8.10 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Licensing Authority will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the Borough.
- 8.11 In relation to premises seeking or holding a premises licence and where alcohol will be sold under the terms of that licence, the Licensing Authority expects that (a) any Designated Premises Supervisor (DPS) will have been given sufficient management authority and be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement action becomes necessary.

Promotion of Public Safety

- 8.12 Public safety is not defined within the Act, but the Government guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.
- 8.13 Applicants and event organisers will be expected to assess not only the physical environment of the premises or site but also operational practices, in order to protect the safety of members of the public visiting the premises or site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.
- 8.14 Holders of premises licences and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.15 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.

- 8.16 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

- 8.17 'Martyn's Law' has been developed to ensure public premises and events are better prepared for terrorist attacks, requiring organisers to take reasonable, practicable steps, which vary according to their capacity, to mitigate the impact of a terrorist attack and reduce physical harm. We would expect all licensees to comply with any requirements set out within the Act as and when it comes into force.

Prevention of Public Nuisance

- 8.18 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits; and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.
- 8.19 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, cooling, noise breakout and noise/vibration transmission to adjoining premises.
- 8.20 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should seek to pre-empt potential nuisance, especially if complaints have previously arisen at the same venue.
- 8.21 The Licensing Authority expects holders of authorisations to use their risk assessment and operating schedules to review and, if need be, to make

necessary improvements to the premises or to operational practices, in order to prevent public or statutory nuisance.

8.22 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.

8.23 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

Protection of Children from Harm

8.24 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that holders of authorisations, including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.

8.25 The Act prohibits children under the age of 16 years old and unaccompanied by an adult, to be present in licensed premises (including premises operating under a TEN) (Temporary Event Notice) being used primarily or exclusively for consumption of alcohol.

8.26 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures, should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.27 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised Age Verification Scheme. The Licensing Authority supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Licensing Authority recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 8.28 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.
- 8.29 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 8.30 The Licensing Authority regards Rugby Borough Council as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the County Council to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concerned about crime and disorder or the sexual exploitation of children.
- 8.31 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 8.32 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Licensing Authority may specify viewing restrictions which an authorisation holder will be expected to comply with.

- 8.33 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multipurpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.34 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.35 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Licensing Authority may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

MANDATORY LICENSING CONDITIONS

- 9.1 The Licensing Act 2003 states that there are certain mandatory conditions. These have to be included in every licence and/or club premises certificate in specified circumstances. Some of the mandatory conditions relate to premises licences that authorise the sale of alcohol, while others relate to conditions for 14 door supervisors. Details of these mandatory conditions can be found on the Gov.Uk website.

OTHER CONSIDERATIONS

Relationship with Planning

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Council's Licensing and Regulatory Committee and Sub – Committees are not bound by decisions made by the Council's Planning Committee and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.

- 10.3 There are also circumstances when as a condition of planning permission; operating hours are set for the use of the premises for commercial purposes. Where these hours are shorter than the licensing hours, the applicant must observe the planning restrictions. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.
- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives.
- 10.5 The 'agent of change' principle which seeks to protect uses, particularly with regard to venues that provide regulated entertainment through permissions under the Licensing Act, is recognised as an important concept under both regimes and is supported by this policy. Where reviews are sought by residents or responsible authorities in relation to public nuisance alleged to arise from a licenced premises, the nature of the premises, its track record and length of time it has been providing the activities complained of will all be taken into account in determining the application.

Applications

An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to promote the licensing objectives.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a 15 hearing or in order to promote the licensing objectives and will only relate to matters within the control of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are in force (e.g. planning, health and safety at work, fire safety and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not impose unnecessary burdens, and which are appropriate to the individual size, style and characteristics of the premises and events concerned.

- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.10 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Deregulated Public Entertainment

- 10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 08:00 and 23:00 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing and Regulatory SubCommittee determines that it is appropriate for such controls to be reintroduced.

Public Spaces Protection Order

- 10.12 The local authority must have regard to section 62 and 63 of the 2014 Act which limits what can be restricted in relation to alcohol. For example, where a PSPO covers alcohol prohibition, section 62 of the 2014 Act lists a number of premises to which an Order cannot apply – such as on licensed premises (or within its curtilage), premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol, or facilities or activities relating to the sale or consumption of alcohol which are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses). Section 63 makes it an

offence only when a person refuses or fails to comply with a reasonable requirement from an authorised person not to consume or surrender alcohol.

BEST PRACTICE SCHEMES

- 11.1 The Licensing Authority are aware that there are a number of schemes such as Ask Angela, Pubwatch and other initiatives which promote night time safety. Membership of these schemes are not mandated by the Licensing Authority, however it is our expectation that responsible licence holders would proactively engage with any schemes that promote night time safety for both customers and their staff.

INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 12.1 By consulting widely prior to this policy statement, the Licensing Authority has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Licensing Authority, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.
- 12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-
- The needs of the local tourist economy, to ensure that these are reflected in their considerations;
 - The employment situation and the need for new investment and employment where appropriate
 - The general impact of alcohol related crime and disorder.
 - The general impact of alcohol related harms to health.

Crime Prevention Strategies

- 12.3 Crime prevention and drug and alcohol misuse policies and the input of the South Warwickshire Community Safety Partnership (SWCSP) will be reflected in licence conditions as far as possible.
- 12.4 The SWCSP is committed to making South Warwickshire a safe place in which to live work and visit. It is the role of the SWCSP to strategically plan,

commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

Duplication

- 12.5 When considering any application, the Licensing Authority will avoid duplication with other regulatory regimes as far as possible. Therefore, the Licensing Authority will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

Promotion of Equality

- 12.6 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equalities Act 2010.

This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

ENFORCEMENT

- 13.1 The Licensing Authority has an established working relationship with the Police and other responsible authorities on enforcement issues through the Multi Agency Licensing Enforcement Meeting. This provides a more efficient deployment of resources targeting high risk premises and activities.
- 13.2 This enforcement regime follows the Government's Regulators' Code in that it follows the basic principles of openness, helpfulness, proportionality and consistency. The Licensing Authority has a separate Enforcement Policy in respect of licensing.

13.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence or certificate is being complied with, to check compliance with other legislation and/or deal with complaints that have been received.

13.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) will visit premises. The officers will check the premises/activities relevant to their particular role.

13.5 There are several enforcement options that will be used as appropriate and in line with the Licensing Authority's licensing enforcement policy. These options include:

- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
- Written warning – this is a step-up from verbal advice and holders of authorisations are given a letter recording the warning given and containing the details of any necessary remedial action.
- Action planning – this plan will be written down and given to the holder of the authorisation and designated premises supervisor. It explains what actions are required, within a timescale, for compliance with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if compliance has been achieved it will be terminated. If areas of noncompliance remain a more formal enforcement option further up the scale may be selected in order to achieve compliance.
- Review – any person may call for a review of a licensed premises where there is evidence that the licensing objectives are not being promoted. The holder of the authorisation will have to attend a review hearing in front of the Licensing Sub Committee who may decide, based on the evidence submitted to them, to take no action, to remove the DPS, to revoke, suspend, or amend the licence or apply additional conditions.
- Prosecution – Under the Licensing Act 2003 certain offences can be prosecuted by the Licensing Authority/Director Of public Prosecutions/Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation.
- Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Authority also has powers to request closure through the Magistrates court for continuing unauthorised alcohol sales.

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

14.1 The majority of powers given to the Licensing Authority by the Act have been delegated by the Council to the Licensing and Regulatory Committee and Officers. The Licensing and Regulatory Committee has in turn established SubCommittees to determine some matters under the Act.

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14.3

Matters to be dealt with	Full Committee	Sub Committee	Officer
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

14.4 However Council has retained the power to set the Council's Licensing Policy Statement, but it will seek the views of the Licensing & Regulatory Committee before determining any amendments.

Application forms And Process

14.5 All application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.

14.6 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

14.7 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.

14.8 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

COMMENTS ON THIS POLICY

15.1 The statement of licensing policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby, CV21 2RR

Email: licensing@rugby.gov.uk

APPENDIX 1 – Set of Model Conditions

Rugby Borough Council has produced this document to assist and support applicants and existing licence holders through the application process. It has also been designed for the consideration of responsible authorities and the Council's Licensing and Regulatory Committee.

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions which it considers are appropriate for the promotion of one or more of the licensing objectives.

Those applying for a premises licence, club certificate, variation of a premises licence or variation of a club certificate may also wish to consider those conditions which would promote the licensing objectives when completing the operating schedule.

In determining what conditions are appropriate, it will be necessary to consider the individual circumstances of the premises, including:-

- The nature and style of the venue,
- The activities being conducted there,
- The location, and,
- Anticipated clientele

Guidance for operating schedule

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

Licensing authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstance of an individual licensed premises and determined on a case-by-case basis.

Under no circumstances should licensing authorities regard pools of conditions as standard conditions to be automatically imposed in all cases.

Prevention of Crime and Disorder

1. There shall be no sales of alcohol for consumption off the premises after (time).
2. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

3. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
4. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above (insert percentage) will be sold or offered for sale.
5. Each self-serve pump must be covered, in full, by the CCTV system.
6. No spirits to be dispensed from the self-service pumps and will only be available in measures of (measure).
7. Only wine is permitted to be dispensed from the self-service wine dispenser and will only be available in a maximum measure of (measure).
8. When a self-service dispenser is in use a notification system must be in place to alert a member of bar staff.
9. Regular meetings will take place between the Designated Premises Supervisor, Warwickshire Police and Licensing authority when deemed necessary.
10. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear (high visibility jackets or vests or armbands).
11. Door supervision must be provided on (specify days). Door supervisors must be on duty from (insert hours) and must remain on duty until the premises are closed and all the customers have left.
12. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
13. On/at (specify days/hours) at least (insert number) of SIA (Security Industry Authority) registered door supervisors must be on duty at the premises (may specify location at the premises or as shown on the plan).
14. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty. That register shall be available for inspection on reasonable request Authorised Officer of the Council, the Security Industry Authority or a Police Constable and shall contain the following details:-
 - the door supervisor's name, date of birth and home address;
 - his / her Security Industry Authority licence number;
 - the time and date he / she starts and finishes duty;

- each entry shall be signed by the door supervisor.
15. Any door staff register shall be available for inspection on demand by an Authorized Officer of the Council, the Security Industry Authority or Warwickshire Police and will be retained on the premises for a period of 12 months from the date of the last entry.
 16. The Premises Licence holder / Designated Premises Supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The Premises Licence holder / Designated Premises Supervisor will ensure that staff receive training on the policy.
 17. CCTV to be installed and the premises licence holder must ensure that:-
 18. CCTV cameras are located within the premises to cover all public areas.
 19. The system records clear images permitting the identification of individuals.
 20. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 21. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
 22. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 23. Downloads will be provided to the Police upon reasonable request in line with the Data Protection Act 2018.
 24. Signed off by Warwickshire Police Design Out Crime Officer.
 25. The Premises Licence holder / Designated Premises Supervisor is to provide the Police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the Premises Licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.

26. The Premises Licence holder / Designated Premises Supervisor must notify the Licensing Office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
27. No open vessels of alcohol to leave the premises at any time.
28. No open vessels of alcohol to be taken outside the curtilage of the premises at any time.
29. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
30. Toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) to be used in the outside areas of the premises.
31. Toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) will be used when requested by Warwickshire Police.
32. Drinks must only be served in toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) containers.
33. No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.
34. SIA door staff will be required to remove all alcohol from customers who are queuing to enter the premise or entry to be refused. This alcohol must then be disposed of immediately in a bin provided at the premises.
35. A Personal Licence holder must be on the premises at all times when open to the public.
36. A Personal Licence holder must be on the premises on (state days) (time) between (time) hours and close of business.
37. The designated premises supervisor will ensure that he/she gives written authorisation to individuals whom they are authorising to sell alcohol in their absence. This should be maintained and made available for viewing by Authorised Officers.

38. Details of the names, addresses and up-to-date contact details for the Designated Premises Supervisor and all Personal Licence holders shall be maintained and kept on the premises.
39. Premises will participate, when requested, in any Police or responsible authority awareness campaign or training that is relevant to the sale of alcohol, use of drugs or entertainment.
40. The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.
41. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Warwickshire Police.
42. There shall be displayed on the premises, information regarding drugs awareness. / Zero tolerance policy.
43. The premises will be a member of the locally approved radio scheme and abide by its policies and procedures
44. The premises is to maintain an incident book to record details of the following:-
 - Any violence or disorder on or immediately outside the premises,
 - Any incident involving controlled drugs (supply / possession or influence on the premises,
 - Any other crime or criminal activity on the premises,
 - Any call for police assistance to the premises,
 - Any ejection from the premises,
 - Any first aid/other care given to a customer.
45. An incident book to made available for inspection by Warwickshire Police or a responsible authority on reasonable request.
46. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:-
47. The police (and, where appropriate, the Ambulance Service) are called without delay;
48. All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

49. The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
50. Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
51. Any staff employed at the premises will be provided with appropriate training on first appointment and on a regular basis thereafter. Training will include, but should not be limited to (delete where applicable);
 - Drunk awareness
 - Drugs awareness
 - Age verification training
 - Conflict management training
 - First aid
52. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by Warwickshire Police or a responsible authority on reasonable request.
53. No entry / re-entry 1 hour before permitted hours.
54. No entry / re-entry after (time) (days).
55. Any queue (in a designated queuing area) to enter the premises must be supervised at all times by door supervisors.
56. Any (designated) queuing area must be within suitable barriers.
57. Any outside areas to be demarked by physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area.
58. The premises must only operate as a restaurant:
 - in which customers are seated at a table
 - which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery • which do not provide any take away service of food or drink for immediate consumption, and where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who

are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals

59. The supply of alcohol to customers must be by waiter or waitress service only.
60. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

Prevention of Public Nuisance

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment after 23:00 hours. They shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided, except for access and egress and in the event of an emergency.
4. The beer garden / outside area is not to be used/occupied after (x) hours daily.
5. There will be no external loud speakers in use after 23:00
6. The Premises Licence holder / Designated Premises Supervisor will adopt a "cooling down" period where music volume is reduced (insert minutes) before the closing time of the premises.
7. At an appropriate time before closing time, announcements shall be made reminding customers to leave quietly.
8. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
9. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food

containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.

10. The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
11. Outside areas and activity must cease and be cleared at (time).
12. The beer garden / outside area(s) is not to be used/occupied after (time) hours daily.
13. With the exception of smokers, the outside area shall not be used by customers after (time).
14. Drinks shall not be permitted to be consumed in the outside area after (time).
15. In relation to the (specified function room) there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending a pre-booked function.
16. Licensable activities at events in the (specified function room) shall only be provided at pre-booked ticketed events, where bookings have been made at least 7 days prior.
17. Customers shall not enter or leave the premises from / by (insert specific entrances or exits), except in the event of an emergency.
18. The licence holder (or his/her nominees) shall ensure that exits are manned at closing time to ensure that patrons leave the area quickly and as quietly as possible.
19. The licence holder (or his/her nominees) shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
20. There shall be no admittance or re-admittance to the premises after (time) except for patrons permitted to temporarily leave the premises to smoke.
21. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).

22. Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
23. All outside tables and chairs shall be prohibited from use after (time) each day.
24. All tables and chairs shall be removed from the outside area by (time) each day.
25. No external seating shall be provided at the premises.
26. All external doors and windows shall be kept closed after (time) hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.
27. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut after 23:00hours
28. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
29. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
30. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the local authority's Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment for the purposes of providing regulated entertainment shall be used on the premises without being routed through the sound limiter device.
31. A sound limiting device shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of Rugby Borough Council's Environmental Health service to ensure that no noise

nuisance is caused to local residents. The limiter shall not be altered without prior agreement with the Environmental Health Service.

32. Suitable means of ventilation shall be provided and maintained at the premises to enable doors and windows to be closed whilst regulated entertainment is being provided.
33. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
34. The Premises Licence holder (or his/her nominees) will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
35. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (time) hours and (time) hours on the following day.
36. During the hours of operation of the premises, the licence holder (or his/her nominees) shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between (time) and (time) on the following day.
38. No deliveries to the premises shall take place between (time) and (time) on the following day.

Public Safety

1. A designated room, space or location to be provided within the premises to create a safe environment which is monitored by a trained and DBS checked member of staff or volunteer.
2. All doors/gates through which persons may have to pass whilst making their way from the premises shall be readily and easily openable from within without the use of a key, code, card etc.

3. There shall be always maintained on the premises an adequate and appropriate supply of first aid equipment and materials.
4. At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present, their duties shall be clearly defined.
5. The premises licence holder shall develop and operate a procedure for dealing with unwell members of the public including those who appear to be affected by alcohol and drugs. Staff will be appropriately trained in such procedures.
6. A person who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if required to do so, give that information to an authorised person.
7. At all times door supervisors are on duty, numbers of persons inside the venue shall be recorded by way of a clicker system or similar, and shall if required to do so, give that information to an authorised person.
8. Staff or attendants shall be readily identifiable to members of the public.

Protection of Children from Harm

1. Signage to be displayed around the premises in prominent places informing both staff and customers of the 'Challenge 25' policy.
2. Challenge 25 policy must be promoted on the business website.
3. A notice(s) shall be displayed in and at the entrance to the premises where they can be clearly seen, indicating that there is a "Challenge 25" policy in place at the premises.
4. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge is to be made.
5. All deliveries of alcohol must be made by a person over the age of 18 years.
6. Delivery: ID checks by courier at the point of delivery in line with Challenge 25 age verification policy.
7. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.

8. No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
9. Under 18's events will not take place without prior consultation with the Police and Licensing Authority.
10. Under 18's events will not take place at the premises at any time.
11. No persons under the age of 18 years will be allowed on the premises after (time) unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority.
12. The premises will operate a "Challenge 25" proof of age policy.
13. The premises is to maintain a refusals book/record to record the details of incidents where a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the book make a record of these checks. The book must be made available to Warwickshire Police or an Authorised Officers of the Licensing Authority on request.
14. Any person who is authorised to sell alcohol at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include information on how to prevent underage sales and any other relevant matters. A written record will be kept of all training provided and this record will be kept on the premises for inspection by any Responsible Authority.
15. No persons under the age of 18 years to operate the self-serve pumps at any time.

The above are generic conditions that applicants may wish to include within their application to speed up any discussions with the relevant responsible authorities. The use of these conditions does not guarantee the granting of a premises licence. Each application will be assessed on its own merits and in the context of its location and potential to impact on the licensing objectives. Additional conditions, or amendments to these model conditions, may be necessary in order to uphold the four licensing objectives. These model conditions are not exhaustive and do not prevent you from volunteering any alternative measures that you believe are more appropriate for your particular premises.

APPENDIX 2 – LIST OF RESPONSIBLE AUTHORITIES

Fire Authority

County Fire Officer,
Warwickshire Fire and Rescue
Service Headquarters,
Warwick Street
Leamington Spa
Warwickshire,
CV32 5LH
Tel: 01926 423231
e-mail:
firesafety@warwickshire.gov.uk

Chief Officer of Police

C/O Mrs Victoria Jones
Licensing Administrator
Northern Justice Centre
Vicarage Street
Nuneaton
Warwickshire
CV11 4DW
Tel: 024 76483018
e-mail:
Northwarksliquorlicensing@warwickshire.police.uk

Licensing Authority

Regulation and Safety
Rugby Borough Council
Town Hall,
Evreux Way,
Rugby,
CV21 2RR
Tel: 01788 533857
e-mail: licensing@rugby.gov.uk

Home Office

Home Office
Immigration Enforcement
Licensing Compliance Team (LCT)
2 Ruskin Square
Dingwall Road
Croydon
CR0 2WF
Email:
IE.licensing.applications@homeoffice.gov.uk

Rugby Borough Council (Health & Safety)

Environmental Protection Team
Rugby Borough Council,
Environmental Services,
Town Hall,
Evreux Way,
Rugby,
CV21 2RR
Tel: 01788 533882
e-mail: hs@rugby.gov.uk

Rugby Borough Council (Planning)

Chief Officer of Growth and Investment
Rugby Borough Council
Technical Services Department
Town Hall
Evreux Way
Rugby
CV21 2RR
Tel: 01788 533750
e-mail: planning@rugby.gov.uk

Rugby Borough Council (Noise & Nuisance)

Environmental Health and
community Safety Team
Rugby Borough Council
Environmental Services
Town Hall
Evreux Way
Rugby
CV21 2RR
Tel: 01788 533857
e-mail: ept@rugby.gov.uk

Warwickshire County Council (Protection of Children)

Multi Agency Commissioning Team
Building 1
Saltisford Office Park
Ansell Way
Warwick
CV34 4UL
Tel: 01926 742334
e-mail: mactenders@warwickshire.gov.uk

Trading Standards

Divisional Trading Standards
Officer

Trading Standards Service,

Old Budbrooke Road,

Warwick,

CV35 7DP

Tel: 01926 414040

e-mail:

tradingstandards@warwickshire.gov.uk

National Health Service/Public Health

Public Health Department (Licensing)

NHS Warwickshire/Warwickshire County
Council

PO Box 43 – Shire Hall

Warwick

CV34 4SX

Tel 01926 413774

e-mail: phadmin@warwickshire.gov.uk

AGENDA MANAGEMENT SHEET

Report Title:	Constitutional change - Investigating Standards Complaints
Name of Committee:	Council
Date of Meeting:	10 December 2025
Report Director:	Chief Officer - Legal and Governance
Portfolio:	Finance and Performance, Legal and Governance
Ward Relevance:	None
Prior Consultation:	Audit & Ethics Committee
Contact Officer:	John Murphy, Chief Officer Legal & Governance, Monitoring Officer
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	This report relates to the following priority(ies): ☐ A Healthier Rugby – To support people to live healthier, longer, and more independent lives. ☐ A Thriving Rugby – To deliver a thriving economy which brings Borough-wide investment and regenerates Rugby Town Centre. ☐ A Greener Rugby – To protect the environment and ensure the Borough adapts to climate change. ☐ A Fairer Rugby – To reduce inequalities and improve housing across the Borough. Corporate Strategy 2025-2035 ☒ This report does not specifically relate to any Council priorities but
Summary:	To change the constitution to update the procedure for investigating standards complaints
Financial Implications:	There are no direct costs unless an independent investigator is appointed.
Risk Management/Health and Safety Implications:	The Council must have a procedure to comply with the legislation.

Environmental Implications:	None
Legal Implications:	The Council is required by section 28 Localism Act 2011 to have arrangements investigating allegations that a councillor has breached a Code of Conduct and to make decisions on those allegations, which involve using an Independent Person.
Equality and Diversity:	The Council has duly considered the relevant Equality and Diversity implications, and none are directly arising.
Options:	As detailed in the report
Recommendation:	Council amends the constitution Part 4F to update its procedure for handling standards complaints against elected Members
Reasons for Recommendation:	As detailed in the report

Council - 10 December 2025

Constitutional change - Investigating Standards Complaints

Public Report of the Chief Officer - Legal and Governance

Recommendation

Council amends the constitution Part 4F to update its procedure for handling standards complaints against elected Members.

Executive Summary

1. The Monitoring Officer was appointed on a permanent basis in September 2025. He has undertaken a review of the standards complaint procedure at the Council.
2. He has made a number of administrative changes to update the Council website where people can make present complaints against elected member of the Council and other local parish councils which are investigated according to the procedure set out in the Council constitution at Part 4F.
3. The Monitoring Officer intends the proposed change to better reflect best practice to clearly establishing a three stage process for the journey of the standards complaint, and to better establish the involvement of the Independent Person at an early stage based on clear criteria.

Recommendations

4. It is recommended that Council adopts the updated and improved procedure in Appendix 1 for investigating the purpose of improving the Standards process for all parties.

Reasons for Recommendations

5. To improve the procedure for investigating standards complaints and to better involve the Independent Persons.

Details

6. The new procedure for investigating standards complaints will involve three stages:–
7. Stage 1 – initial consideration involving the complaint and response from both parties, with the Independent Person then providing their assessment of the complaint and response, based on established criteria, and finally the Monitoring Officer deciding whether the matter merits further investigation;
8. Stage 2 – if the Monitoring Officer determines that the complaint merits formal investigation, then the Monitoring Officer will appoint an independent investigator; and
9. Stage 3 – if the Monitoring officer receives a report with a finding which support that there have been breaches of the relevant Code of Conduct, then either there may be an agreed sanction, or if not suitable or possible, a disciplinary hearing to determine the outcome of the charges against the accused member.

Options

10. To accept the new procedure for investigating standards complaints. This is recommended by the Chief Officer Legal & Governance (Monitoring Officer).
11. To reject the new procedure and maintain the existing procedure as set out in the Council constitution Part 4F.

Implications

12. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Financial

13. There are no direct implications unless an external investigator is appointed.

Legal

14. The Council is required by section 28 Localism Act 2011 to have arrangements investigating allegations that a councillor has breached a Code of Conduct and to make decisions on those allegations, which involve using an Independent Person.

Appendix 1 – Draft Procedure for Investigating Standards complaints

Name of Meeting: Council

Date of Meeting: 10 December 2025

Subject Matter: Constitutional change - Procedure for investigating standards complaints

Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY ☒ **YES** ☐ **NO**

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink
1	Code of Conduct Complaints Procedure - #6 Constitution - part four: Codes of conduct and complaints - Rugby Borough Council

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

☐ Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Appendix 1

Code of Conduct Complaints Procedure

1. Introduction

1.1 Under Section 28 of the Localism Act 2011, the Council shall have in place arrangements under which allegations that a member or co-opted member of the authority or of a Parish Council within the authority's area has failed to comply with that authority's Code of Conduct may be investigated and decisions made on such allegations.

1.2 These procedures set out how you may make a complaint and how the Council will deal with allegations that an elected or co-opted member of this Council, or of a Parish Council within its area, has failed to comply with their council's Code of Conduct for Councillors.

1.3 The Council has adopted a Code of Conduct for Members, which is published on the Council's website. Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, it should be available on any website operated by the Parish Council or you may request the parish clerk to allow you to inspect a copy at their offices.

1.4 The following terms used in this Procedure are defined as follows:

(a) **Complainant:** the person making the complaint.

(b) **Member:** the elected councillor or co-opted member of the authority or of a Parish Council subject to the complaint.

(c) **Investigator:** either an officer of the Council and/or an independent investigator whom the Monitoring Officer has asked to investigate a complaint.

(d) **Monitoring Officer:** the Council officer (or their appointed Deputy) with statutory responsibilities under section 5 of the Local Government and Housing Act 1989 and as set out below in this Code.

(e) **Independent Person:** a person or persons appointed by the Council to advise it or the member on the determination of complaints.

(f) **Determination Hearing:** the sub-committee at which a complaint is heard.

2. How to Make a Complaint

2.1 Any person may make a complaint about a member under the Code of Conduct. Complaints shall:

(a) be made in writing, i.e. by the online complaint form which includes the full name and address of the complainant and email address, so that we can acknowledge receipt of the complaint and keep them informed of its progress. If a complainant wants to keep their name and address confidential, they should clearly state this in their complaint. In this case we would not disclose their name and address to the councillor without the complainant's prior consent. However, the Council does not normally investigate anonymous complaints or complaints where the complainant wishes to remain confidential, unless there is a clear public interest in doing so;

(c) identify the member complained of;

(d) set out the nature and substance of the alleged breach of the Code of Conduct for Members. It is recommended that complaints include or attach evidence to support the allegation.

2.2 Within five working days of receiving a fully evidenced complaint, the Monitoring Officer shall:

(a) acknowledge receipt to the complainant;

(b) send a copy of the complaint to the member, unless the Monitoring Officer considers that this may prejudice investigation;

(c) send a copy of the complaint to the clerk (if appropriate).

2.3 The Monitoring Officer shall keep the complainant, the member and the clerk (if appropriate) informed of the progress of the complaint, unless the Monitoring Officer considers that this may prejudice any investigation.

3. Will the Complaint be Investigated?

3.1 Where possible and appropriate, the Monitoring Officer shall seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable/inappropriate and offering an apology, or other alternative action by the Council or the respective Parish Council.

3.2 The Monitoring Officer shall review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation.

3.3 In determining whether or not the complaint should be referred for investigation or not, or whether alternative resolution is appropriate, The Monitoring Officer and Independent Person shall have regard to a range of factors including the following:

(a) whether there is sufficient evidence upon which to base a decision;

- (b) whether the alleged action relates to a breach of the code of conduct – complaints that are really about Council services, its policies or performance are not suitable for investigation under this procedure and should be dealt with in accordance with the Council's Complaints Policy;
- (c) whether the alleged action is considered to be serious or minor/trivial;
- (d) whether the complaint appears to be politically motivated, vexatious or tit for tat;
- (e) when the action complained about occurred (was it more than 3 months ago);
- (f) whether the allegations relate to actions occurring whilst the member was acting in their official capacity or in their private capacity;
- (g) whether it is in the public interest to investigate;
- (h) whether the matter is considered suitable for alternative resolution and if so whether the member and the complainant are prepared to consider this alternative;
- (i) if the complaint relates to a Parish Council issue whether a complaint has been made first to the Parish Council using the parish complaints procedure;
- (j) if a complaint has been made to a Parish Council and they have taken action whether the action taken would be considered reasonable in all the circumstances.

3.4 This decision shall normally be taken within twenty working days of receipt of the complaint. When the Monitoring Officer has taken a decision, they shall inform the complainant, the member and the clerk (if appropriate) of their decision and the reasons for that decision.

3.5 Where the Monitoring Officer requires additional information in order to come to a decision, they may ask any such person as they see fit for such information. Where a complaint relates to a parish councillor, the Monitoring Officer may also seek the views of the Chair of the Parish Council before deciding whether the complaint merits formal investigation.

3.6 If the complaint alleges criminal conduct or breach of a regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and/or other regulatory agencies. In such cases it may be necessary to postpone consideration of the complaint until the Police or other action has been concluded.

3.7 If the Monitoring Officer decides not to investigate a complaint, they shall nevertheless report this to the next ordinary meeting of the Audit & Ethics Committee.

4. Investigation

4.1 If the Monitoring Officer decides, after consultation with the Independent Person, that a complaint merits formal investigation, they shall appoint an investigator.

4.2 The investigator shall decide whether they need to meet or speak to the complainant to understand the nature of the complaint and so that the complainant can explain their understanding of events and suggest what documents the investigator needs to see, and who they need to interview.

4.3 The investigator shall normally write to the member and ask them to provide their explanation of events, and to identify what documents the investigator needs to see and who they need to interview. In exceptional cases, the investigator may delay notifying the member until the investigation has progressed sufficiently.

4.4 The investigation shall take no longer than 2 months from the date of appointment of the investigator and on conclusion, the investigator shall usually produce a draft report and shall send copies of that draft report, in confidence, to the complainant and to the member, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they believe requires more consideration. Having received and taken account of any comments on the draft report, the investigator shall send their final report to the Monitoring Officer.

5. What happens if the investigator concludes there has not been a breach of the Code of Conduct?

5.1 The Monitoring Officer (after consultation with the Independent Person) shall review the investigator's report and if satisfied that it is sufficient, the Monitoring Officer shall send a copy of the investigator's final report to the complainant, the member and the clerk (if appropriate) and notify them that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the investigator to reconsider their report.

5.2 The outcome of such investigations shall be reported to the next ordinary meeting of the Audit & Ethics Committee and the relevant Parish Council (if appropriate) for information.

6. What happens if the investigator concludes that there is evidence of a failure to comply with the Code of Conduct?

6.1 The Monitoring Officer shall review the investigator's report and shall then either send the matter for a Determination Hearing by the Audit & Ethics Committee or, after consulting the Independent Person, seek Summary Resolution (see 7 below).

7. Summary Resolution

7.1 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a Determination Hearing. In such a case, they shall consult with the Chair of the Audit & Ethics Committee, the Independent Person and with the complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the member accepting that their conduct was unacceptable/inappropriate and offering an apology, and/or other alternative action by the Council or the relevant Parish Council (if appropriate).

7.2 If the member complies with the suggested resolution, the Monitoring Officer shall report the matter to the next Audit & Ethics Committee and the relevant parish council (if appropriate) for information but shall take no further action.

8. Determination Hearing

8.1 If the Monitoring Officer considers that Summary Resolution is not appropriate, or the member does not comply with any suggested resolution at 7 above, then the Monitoring Officer shall refer the investigator's report to a Determination Hearing to decide whether or not the member has breached the respective Code of Conduct and, if so, whether to take any action in respect of the member. The Monitoring Officer will advise on the procedure for the Determination Hearing.

9. What action can the Sub Committee take where a member has breached the Code of Conduct?

9.1 The sanctions available when it has found that a member has breached the Code of Conduct are as follows:

- (a) censure or reprimand the member;
- (b) publish its findings in respect of the member's conduct
- (c) report its findings to Council [or to the Parish Council] for information
- (d) recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that they be removed from any or all committees or sub-committees of the Council
- (e) recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities
- (f) recommend to Council that the member be replaced as Leader of the Council
- (g) instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;

(h) remove [or recommend to the Parish Council that the member be removed] from all outside appointments to which they have been appointed or nominated by the authority [or by the Parish Council]

(i) withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;

(j) exclude [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and sub-committee meetings.

10. What happens after a Hearing?

10.1 As soon as reasonably practicable, the Monitoring Officer shall prepare a formal decision notice, in consultation with the Chair, and send a copy to the complainant, the councillor and the clerk (if appropriate). They shall also make that decision notice available for public inspection on the Council's website after the hearing.

11. Appeals

11.1 There is no right of appeal for the complainant or for the member against a decision of the Monitoring Officer or of the Sub Committee. If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government & Social Care Ombudsman. The web address for making complaints is <https://www.lgo.org.uk/contact-us>

12. Contact details

12.1 The Monitoring Officer can be contacted at: Town Hall, Evreux Way, Rugby, Warwickshire, CV21 2RR Tel: 07353 007229 Email: monitoring.officer@rugby.gov.uk

AGENDA MANAGEMENT SHEET

Report Title:	Reappointment and Appointment Of Independent Persons
Name of Committee:	Council
Date of Meeting:	10 December 2025
Report Director:	Chief Officer - Legal and Governance
Portfolio:	Finance and Performance, Legal and Governance
Ward Relevance:	None
Prior Consultation:	Audit & Ethics Committee
Contact Officer:	John Murphy, Chief Officer Legal & Governance, Monitoring Officer
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	No
Corporate Priorities:	This report relates to the following priority(ies): ☐ A Healthier Rugby – To support people to live healthier, longer, and more independent lives. ☐ A Thriving Rugby – To deliver a thriving economy which brings Borough-wide investment and regenerates Rugby Town Centre. ☐ A Greener Rugby – To protect the environment and ensure the Borough adapts to climate change. ☐ A Fairer Rugby – To reduce inequalities and improve housing across the Borough. Corporate Strategy 2025-2035 ☒ This report does not specifically relate to any Council priorities but
Summary:	To reappoint and appoint Independent Persons to comply with the statutory requirement.
Financial Implications:	There are no direct costs incurred in the appointment and training/development of Independent persons because they do not receive an allowance and training will be delivered jointly by the Monitoring Officers of the participating

authorities. Independent Persons are, however, entitled to receive expenses if called upon to act.

Risk Management/Health and Safety Implications:	The Council will not have the required independent Persons to consult during any Code of Conduct complaints and investigations.
Environmental Implications:	None
Legal Implications:	As detailed in the report
Equality and Diversity:	The Council has duly considered the relevant Equality and Diversity implications, and none are directly arising.
Options:	As detailed in the report
Recommendation:	The Council re-appoints the 3 Independent Persons and appoint 1 Independent Person, all for a term which expires on 31 March 2028.
Reasons for Recommendation:	As detailed in the report

Council - 10 December 2025

Reappointment and Appointment Of Independent Persons

Public Report of the Chief Officer - Legal and Governance

Recommendation

The Council re-appoints the 3 Independent Persons and appoint 1 Independent Person, all for a term which expires on 31 March 2028.

Executive Summary

1. The purpose of report is for Council to re-appoint 3 Independent Persons and appoint 1 Independent Person who currently work with the Chief Officer – Legal & Governance (Monitoring Officer) to consider any Standards Complaints received.
2. The 3 Independent Persons to be reappointed are – Howard Darling, Garth Murphy and Maureen O’Sullivan. The other Independent Person is Ray Tomkinson.
3. Mr G Murphy is not related to the Monitoring Officer.
4. All 4 have been previously centrally recruited by Warwickshire County Council and are used in a ‘pool’ system which can be drawn upon by not only the Council, but also other local District Councils. Consequently they do bring experience of dealing with standards complaints over many years and from a range of other councils. when they are called upon to by the Monitoring Officer.

Recommendations

5. It is recommended that Council re-appoint the 3 Independent Persons and appoint the 1 Independent Person all for a term which expires on 31 March 2028.

Reasons for Recommendations

6. There is a statutory requirement to have Independent Persons appointed to advise the Council.

Details

7. Section 28 of the Localism Act 2011 and our arrangements for dealing with Member Code of Conduct complaints require an Independent Person's views be sought by the Monitoring Officer before making a decision on a Member Code of Conduct allegation.
8. Once elected, all Members are subject to the behaviour standards set out in the Code of Conduct. The Code of Conduct is contained in the Council's constitution. The Government's forthcoming Public Office (Accountability) Bill (also known as the Hillsborough Law') will require public authorities to promote and take steps to maintain ethical conduct within all parts of the authority.
9. The best practice recommendations report published in January 2019 by the Committee on Standards in Public Life recommends that local authorities should have access to at least two Independent Persons.
10. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, also requires at least two Independent Persons to be consulted and to sit on the disciplinary Panel when dealing with Statutory Officers disciplinary or dismissal processes.
11. An Independent Person is needed to assess every Standard complaint that is received. Every Member complained about is entitled to speak to a different Independent Person to discuss their complaint. Independent Persons sometimes go on holiday without notifying the Monitoring Officer. There will be occasions when there are multiple Standards complaints being dealt with at the same time, so a pool of Independent Persons is conducive to efficient justice.
12. On Council on 25 October 2023, 3 Independent Persons were appointed as for a 2-year term. They were Messrs Darling, Murphy and Ms O'Sullivan. All 3, as well as Mr Tomkinson, had been recruited by Warwickshire County Council as an independent Person and were available for use by the Council, subject to them being appointed. The Monitoring Officer recommends having a pool of Independent Persons who can be called upon.
13. In light of the ongoing Local Government Reorganisation, it would be challenging to advertise and recruit new Independent Persons exclusively from the Council, who would require training, when the future of the Council remains unclear.
14. The Monitoring Officer has been in contact with all existing Independent Persons as well as Mr Tomkinson and they have agreed to continue (and to start) to work with the Council in their roles. The Monitoring Officer is very pleased with the quality of assistance that the 4 Independent Persons candidates will provide.

15. The process of recruitment was led by Warwickshire County Council with a view to the pool of Independent Persons being shared across Warwickshire and in conjunction with all neighbouring district Councils and Solihull MBC.

Biographical Details

16. Howard Darling – many years' experience in corporate leadership before retirement. He has comprehensive knowledge of the standards regime, Nolan principles, and Code of Conduct for Members. Has been a panel member for over 13 years showing considerable ability to articulate, document and consider issues and arrive at an impartial conclusion.
17. Ray Tomkinson – has significant experience of standards having first joined Standards Committee of Solihull in April 2008. Mr Tomkinson has significant experience in dealing with all aspects of Member Codes including advising on the drafting of the Code of Conduct in a previous authority. Prior to this, he was a Best Value Inspector with the Audit Commission. His consultancy work gave him a strong grounding in how local authorities operate, and he has been on the Panel for over 8 years.
18. Maureen O'Sullivan – Bringing skills grown over many years of experience as a health and Social Care Professional, Maureen has a strong commitment to standards, values and ethics across the public sector.
19. Garth Murphy - With a long history of commitment to voluntary and public sector charities and support organisations, national and regional, Garth brings significant people skills, demonstrating clear and effective communication with people at all organisational levels and a demonstrable ability to make difficult decisions, fairly and impartially. Mr Murphy has been on the panel for over 8 years,

Options

20. To re-appoint and appoint the 4 Independent Persons. This is the recommended option.
21. To reject the re-appointment and appointment of the 4 Independent Persons. This is not a recommended option.

Implications

22. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Financial

23. There are no direct costs incurred in the appointment and training/development of Independent persons because they do not receive an allowance and training will be delivered jointly by the Monitoring Officers of the participating authorities. Independent Persons are, however, entitled to receive expenses if called upon to act.

Legal

24. The Council is required by the Localism Act 2011 to appoint at least one Independent Person. The proposed re-appointments comply with those requirements.

Appendices None.

Name of Meeting: Council

Date of Meeting: 10 December 2025

Subject Matter: Reappointment and appointment of Independent Persons

Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY ☐ YES ☒ NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

☐ Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A