

A meeting of the **CABINET** will be held in **THE COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 16 DECEMBER 2004** at **11:30 AM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES

To approve as a correct record the Minutes of the meeting held on 25th November 2004.

**A Roberts
388009**

2. DRAFT PREFERRED OPTIONS FOR CORE POLICIES DPD

To consider a report by the Head of Planning Services informing the Cabinet of potential policy approaches for inclusion in a 'core policies' Development Plan Document and detailing the process for producing plans under the new planning system.

**M Bingham
388431**

(Appendix 4 is appended separately to the agenda).

3. LICENSING ACT 2003: STATEMENT OF LICENSING POLICY

To consider a report by the Head of Administration on the outcome of public consultation on the draft Statement of Licensing Policy.

**R Reeves
388003**

(A copy of the revised Statement is appended separately to the agenda)

4. URBAN DESIGN FRAMEWORK - ANGLIAN HOUSE, HUNTINGDON

To consider the Urban Design Framework for Anglian House, Huntingdon and approve it as a basis for consultation and further discussion.

**R Probyn
388430**

(A copy of the Urban Design Framework is appended separately to the agenda).

5. LAND AT CALIFORNIA ROAD, HUNTINGDON

To consider a joint report by the Heads of Legal & Estates and Housing Services requesting authority to dispose of Council owned land for the purpose of providing affordable housing.

**K Phillips
388260
F Mastrandrea
388208**

6. OPEN SPACE AND RECREATION LAND, ST NEOTS

To consider a report by the Head of Legal & Estates on a request from St Neots Town Council for the District Council to transfer to it land held for local open space and recreational purposes in the Town.

K Phillips
388260

7. WETLAND AT LITTLE PAXTON

To consider a report by the Countryside Services Manager concerning the offer of grassland at Little Paxton Bridge.

P Knight
388442

8. BEST VALUE REVIEW - IMPROVING ACCESS TO SERVICES

To consider a joint report by the Director of Commerce and Technology and Head of Policy on the Access to Services Best Value Review.

D Oliver
388101
I Leatherbarrow
388005

9. FINANCIAL MONITORING - REVENUE BUDGET

To consider a report by the Head of Financial Services outlining spending variations.

G Dolan
388106
S Couper
388103

10. EXCLUSION OF THE PUBLIC

To resolve:-

that the public be excluded from the meeting because the business to be transacted contains exempt information relating to the amount of expenditure proposed to be incurred by the authority under particular contracts for the supply of services and the terms proposed for the acquisition of property.

11. CASH IN TRANSIT: RENEWAL OF CONTRACT

To consider a report by the Head of Revenue Services regarding further funds required to implement the ongoing requirements of cash transportation and banking.

J Barber
388105

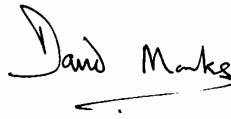
12. SAPLEY SQUARE REDEVELOPMENT AND OXMOOR ACTION PLAN - PROPERTY UPDATE

a) To consider a report by the Director of Operational Services updating Cabinet on progress and seeking approval for the acceptance of a tender for the design and construction of Sapley Square redevelopment.

C Allen
388380
K Phillips
388260

B) To consider a report by the Head of Legal and Estates updating the Cabinet on the current position with regard to Property matters at Oxmoor, seeking delegated authority to approve terms for the acquisition of a leasehold interest and approval in principle to terms for the lease of community facilities

Dated this 8th day of December 2004



Chief Executive

Please contact Miss C Harris , Democratic Services Officer, Tel No. 01480 388234, /e-mail: Claire.harris@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by Cabinet.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (*under Councils and Democracy*).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the base of the flagpole in the car park at the front of Pathfinder House.

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CABINET held in the Cabinet Room, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Thursday, 25th November 2004

PRESENT: Councillor I C Bates - Chairman
Councillors Mrs J Chandler, R L Clarke,
N J Guyatt, Mrs P J Longford,
Mrs D C Reynolds, T V Rogers and
L M Simpson

APOLOGY: An apology for absence from the meeting was submitted on behalf of Councillor D P Holley

87. MINUTES

The Minutes of the meeting of the Cabinet held on 4th November 2004 were approved as a correct record and signed by the Chairman.

88. A VISION FOR ST NEOTS

Pursuant to Minute No. 80, the Cabinet gave consideration to a report by the Head of Planning Services to which was attached the Civic Trust Regeneration Unit's Centre Vision report on St. Neots Town Centre (copies of which are appended in the Minute Book). Having been acquainted with the work that had gone into preparing the Vision, the consultation undertaken and the uses to which it would be put, Executive Councillors' attention was drawn to amendments to the report which clarified the status of the Vision document. Whereupon, it was

RESOLVED

that, subject to approval by the Head of Planning Services after consultation with the Executive Councillor for Planning Strategy of any minor, detailed amendments, the "St. Neots Town Centre: The Future (as amended by the revised 'Town Centre Character Areas' Plan)" be adopted as informal policy guidance.

89. URBAN DESIGN FRAMEWORK ST NEOTS COMMUNITY COLLEGE

A report by the Head of Planning Services was submitted (a copy of which is appended in the Minute Book) to which was appended a draft Urban Design Framework for the St. Neots Community College site. The framework was intended to set design parameters for the development of the site. Having noted the recent award of grant by the Government to develop a performing Arts Centre and other facilities, it was

RESOLVED

that the Urban Design Framework be approved as draft interim planning guidance for public consultation.

90. ST NEOTS LEISURE CENTRE AND ST NEOTS COMMUNITY COLLEGE SITE ISSUES

By way of a report by the Head of Community Services (a copy of which is appended in the Minute Book), the Cabinet were acquainted with the progress of negotiations among interested parties on the possible redevelopment of the St. Neots Leisure Centre and St. Neots Community College site, Barford Road.

With regard to the Cabinet's request for the preparation of a business plan for the Council's involvement in the development (Minute No. 12 refers), Executive Councillors were informed that a number of outstanding matters could not be resolved without the benefit of a feasibility study. In that context, a partnership arrangement was proposed with the County Council and the Community College and on the understanding that the District Council's costs, which could be met from within existing budgetary resources, it was

RESOLVED

- (a) that, on the understanding that the brief also will include a reference to the need to examine the consequences of not developing the site, the Head of Community Services be authorised to enter into a partnership with the County Council and the St. Neots Community College and other partners as appropriate to procure a feasibility study for the range of site options identified in paragraph 2.3 of the report now submitted, and
- (b) that the brief for the feasibility study be circulated to Councillors Bates, Mrs Chandler, Clarke and Holley for comment before an agreement is entered into.

91. CALL-IN: "CUSTOMER FIRST"

The Cabinet received and noted a report by the Director of Central Services on the outcome of the call-in by the Overview and Scrutiny Panel (Service Delivery and Resources) of the decision to release funding for the Customer First programme and the associated arrangements to procure the hardware and software required to link to Cambridgeshire Direct.

92. MEDIUM TERM PLAN

(a) Finance and Planning - Overview and Scrutiny Panel

A report by the Head of Administration (a copy of which is appended in the Minute Book) summarising the deliberations of the Overview and Scrutiny Panel (Planning and Finance) on the Medium Term Plan at its meeting held on 9th November 2004, was received and noted.

(b) Progress

Further to Minute No. 77, the Cabinet gave further consideration to the report by the Director of Commerce and Technology reviewing the Medium Term Plan 2005 – 2010 and acknowledged the requirement for their deliberations to be concluded in sufficient time for a recommendation to be submitted to full Council on 16th February 2005.

(c) Government Efficiency Review and Revenue Support Grant

By means of a report by the Director of Commerce and Technology (a copy of which is appended in the Minute Book) the Cabinet were acquainted with developments relating to the Government's (Gershon) Efficiency Review and the Revenue Support Grant. Having noted that the figure quoted in paragraph 4.2 of the report as representing the level of savings which exceeded MTP assumptions should have read £300k instead of £600k, Executive Councillors expressed their dissatisfaction with regard to the imposition of the approach to efficiency targets which failed to recognise or differentiate between authorities like the District Council, which had made sustained and successful efforts to achieve excellence in their performance and others where the scope for efficiencies and savings was much greater.

The Cabinet also was informed that an announcement on the Council's revenue support grant for 2005/06 had been delayed until the following week. Whereupon, it was

RESOLVED

that a further report be submitted when further information is available on the efficiency review.

93. TREASURY MANAGEMENT: INVESTMENT PERFORMANCE

A report by the Head of Financial Services was submitted (a copy of which is appended in the Minute Book), which reviewed the respective levels of performance achieved during the second quarter of 2004/05 by external fund managers in the matter of investment of the Council's capital receipts.

RESOLVED

that the contents of the report be noted.

94. COUNCIL FUNDING OF MANDATORY DISABLED FACILITIES GRANTS

The Cabinet considered a report by the Head of Housing (a copy of which is appended in the Minute Book) which sought an additional supplementary capital estimate of £222,000 in respect of the cost of Disabled Facilities Grants until the end of the financial year.

In noting the trends in demand for Disabled Facilities Grants since 2001/02, Executive Councillors discussed the changing demographic profile of the District in terms of the increasing numbers of older people and the potential implications for resourcing adaptations to their homes, particularly in a scenario where the Government had chosen to cap its contribution towards the cost of expenditure in this field from the current financial year. Whereupon, it was

RESOLVED

- (a) that the contents of the report be noted;
- (b) that a supplementary capital estimate of £222,000 for expenditure on Disabled Facilities Grants be approved;
- (c) that a further monitoring report be submitted in January setting out the position to the end of the third quarter; and
- (d) that a further report be submitted to a future meeting on the future resource and other implications of Disabled Facilities Grants' on the District Council.

95. REVIEW OF FEES AND CHARGES

By way of a report by the Director of Commerce and Technology (a copy of which is appended in the Minute Book) the Cabinet gave consideration the proposed to adoption of a policy for fees and charges. The report contained details of the current level of income from fees and charges and an analysis of those areas where there was potential to increase income.

RESOLVED

- (a) that the fees and charges policy contained in Annex A to the report now submitted be approved;
- (b) that the policy be incorporated into the next review of the constitution in 2005;
- (c) that the charge for a CON29 search be increased from £89 to £110.00 with effect from 1st April 2005; and
- (d) that the Director of Commerce and Technology be requested to submit a report in the New Year on the implications of introducing discounts for District Council services which currently attract a charge or fee.

96. RAMSEY RURAL RENEWAL - REQUEST FOR RELEASE OF FUNDS

By way of a joint report by the Heads of Planning Policy and of Financial Services (a copy of which is appended in the Minute Book) the Cabinet considered a request for the release of funding from the Medium Term Plan for the Ramsey Renewal Scheme. Following a

review by the Ramsey Area Partnership of the precise nature of the work required the Cabinet also was requested to approve the transfer part of the bid from capital to revenue and to profile the release of funding over five financial years.

RESOLVED

- (a) that the release of funding for the Ramsey Rural Renewal Scheme in 2004/05 and 2005/06 be approved; and
- (b) that a supplementary revenue estimate of up to £10,000 in the current year and the inclusion of the variations in revenue impact relating to 2005/06 onwards in the MTP be approved.

97. CCTV - MANAGEMENT AND OPERATIONAL ARRANGEMENTS

The Cabinet gave consideration to a report by the Head of Environment and Transport (a copy of which is appended in the Minute Book) on the management and operation of the Council's CCTV service. Having reviewed the recommendations for the service, the staffing implications of which had been approved the previous day by the Employment Panel, it was

RESOLVED

- (a) that the release of funding for a CCTV and Emergency Planning Team Leader and two additional CCTV operators be approved;
- (b) that the Cabinet acknowledge that once the two additional CCTV operators have been recruited the associated funding in the draft MTP will become unavoidable;
- (c) that scheme 03/384 be deleted from the MTP;
- (d) that the replacement of cameras that have exceeded their useful life as set out in paragraph 5.2 of the report now submitted and the release of £98,000 in 2004/05 and £7,000 in 2005/06 from MTP scheme 03/020 be approved; and
- (e) that the Head of Environment and Transport be authorised to procure a contract for maintenance of the CCTV system as set out in paragraph 6.4 of the report now submitted and to include the camera replacements in the contract.

98. IMPLEMENTING ELECTRONIC GOVERNMENT STATEMENT 2004

By way of a report by the Head of Information Management (a copy of which is appended in the Minute Book) Members were acquainted with the contents of the draft 2004 Implementing Electronic Government (IEG) Statement for submission to the Office of the Deputy Prime Minister.

RESOLVED

that full Council be recommended to approve the IEG statement prior to its submission to the Office of the Deputy Prime Minister.

99. BUS SHELTER PROGRAMME

Consideration was given to a report by the Head of Environment and Transport (a copy of which is appended in the Minute Book) seeking the release of funding from the Medium Term Plan for the installation of bus shelters at various locations in the District.

RESOLVED

- (a) that the contents of the report be noted;

- (b) that the release of MTP funds for 24 bus shelters at the locations contained in the Annex to the report now submitted be approved; and

- (c) that the Head of Environment and Transport be authorised to proceed with the installation of the shelters and associated infrastructure.

100. LAND AT RIVERSMEAD, ST NEOTS

By way of a report by the Head of Legal and Estates (a copy of which is appended in the Minute Book) the Cabinet considered proposed terms for the transfer of land at Riversmead, St. Neots to St. Neots Town Council.

Having regard to concerns expressed by Executive Councillors representing the Little Paxton and St. Neots (Priory Park) Wards relating to the proposal to grant consent for a lease of part of the land to the Reserve Forces and Cadets Association for East Anglia, it was

RESOLVED

that further consideration of the matter be deferred to a future meeting of the Cabinet.

Chairman

CABINET

16 DECEMBER 2004

DRAFT PREFERRED OPTIONS FOR CORE POLICIES DPD (Report by Head of Planning Services)

1 INTRODUCTION

- 1.1 This report informs Cabinet of potential policy approaches for inclusion in a 'core policies' Development Plan Document, in advance of informal consultation with key stakeholders. It also explains the process for producing plans under the new planning system.

2 THE NEW PLANNING SYSTEM

- 2.1 Following a series of delays the Planning and Compulsory Purchase Act 2004 has now come into force. The Act places a duty upon local planning authorities to prepare new types of 'Development Plan Document' (DPD), replacing the existing Local and Structure Plans. In the meantime existing adopted plans remain in force, being 'saved' automatically for a period of three years under the legislation. A brief guide to the elements of the new system is attached as Appendix 1.
- 2.2 Work needs to proceed as quickly as possible on putting the new-style plans into place. The system no longer provides for a single 'Local Plan', but rather a number of plans serving particular purposes. The range of DPDs that this authority intends to produce will need to be set out formally in a 'Local Development Scheme', a draft of which will be available for Cabinet to consider in the New Year.
- 2.3 However, bearing in mind the legislative requirements, the issues facing Huntingdonshire and the need to avoid a confusing proliferation of plans, initial work suggests that the following DPDs will be appropriate:
- Core Strategy – setting out the spatial 'vision' for the area and criteria-based policies for guiding development
 - Development Proposals – containing allocations of land for housing and other uses
- 2.4 In addition, a separate DPD setting out proposals for gypsy and traveller sites may be appropriate, if a county-wide survey being conducted this winter identifies a need for accommodation in Huntingdonshire. Until very recently a DPD dealing with planning contributions (i.e. the matters that may need to be provided in association with new development, such as affordable housing and open space) had been envisaged as well, but a draft Circular now suggests that these requirements are most appropriately addressed through a Supplementary Planning Document.
- 2.5 Work on these different documents needs to be phased to allow for the availability of both staff time and information (for example, proposed allocations for housing will need to be informed by the outcome of the review of Regional Planning Guidance underway at

present). Priority is being given to the Core Strategy DPD, which will provide the spatial framework for all other documents.

3 PROCESS FOR PRODUCING THE CORE STRATEGY

- 3.1 Under the new system the first key stage is a 'Preferred Options Report' for each DPD. This will outline the general nature of the Council's intended policies and proposals, and be subject to full public consultation. Following that consultation the draft DPD itself can be prepared and submitted to the Secretary of State; further public consultation and a public inquiry will follow, leading to a binding Inspector's report.
- 3.2 However, before full public consultation on the Preferred Options can take place, the legislation requires some initial consultation with certain stakeholder groups on the matters relevant to them. This reflects a strong emphasis in the new system on early dialogue with key interests, to help shape policy approaches prior to the Council determining its formal proposals.
- 3.3 Hence Cabinet is not being asked to make any decisions about the policy approaches to be pursued at this stage; rather, the purpose of this report is to inform Cabinet of potential approaches that will be discussed with key stakeholders in the New Year. Following those stakeholder discussions, Cabinet and Council will need to agree the proposals to be issued formally for public consultation. That decision will also need to be informed by a 'sustainability appraisal' of the potential policy approaches (see paragraph 4.7 below), which is also going to be undertaken in the New Year.
- 3.4 The interests to be consulted at this stage include town and parish councils, the County Council, EERA, EEDA, statutory bodies such as the Environment Agency, and groups representing particular interests locally such as the business community. The Local Strategic Partnership will be an important contributor to this process.
- 3.5 Due to the complexity of the new arrangements for plan production, and the differences with the old Local Plan system, a flow chart is attached at Appendix 2, indicating the key steps leading up to 'submission' and the intended timing of Member inputs in relation to the Core Strategy DPD.

4 THE POLICY SCOPING SHEETS

- 4.1 Officers have identified and drafted a suite of potential policy approaches that might be included in the Preferred Options Report. A list of these is attached as Appendix 3, and sheets outlining the suggested policy approaches themselves are at Appendix 4. It is these sheets that will form the basis of the discussions with key stakeholders. The potential policy approaches have been developed in consultation with the Development Plan Advisory Group, which met on three occasions during November.
- 4.2 The sheets in Appendix 4 are arranged by chapter. It should be noted that the text supporting each policy approach (i.e. the policy sources, reason for policy approach and alternative approaches) continues to

be refined, so some further editing will need to take place prior to these sheets being issued to key stakeholders in January. A number of other points should also be borne in mind when considering them:

- 4.3 First, the purpose of the 'key principles' chapter is to allow important considerations that are common to many different types of development to be addressed consistently and concisely at the outset. This reflects 'best practice' in policy drafting, and avoids the need for unnecessary repetition of particular points in subsequent chapters (the plan will make clear that all policies in the document need to be read together).
- 4.4 Second, policies in DPDs are not meant to repeat matters that are addressed adequately by national guidance or strategic policies (in the emerging Regional Spatial Strategy). For instance, Planning Policy Guidance notes issued by the Government (which are being replaced progressively by 'Planning Policy Statements') contain much advice which applies universally, which carries considerable weight in planning decisions, and which does not need to be repeated in the plan. On the other hand, there are issues raised at the national / strategic levels that need to be interpreted or developed at the local level, and the sheets at Appendix 4 indicate the documents that have been drawn upon in this way.
- 4.5 Third, the policy scoping sheets also show how the suggested policy approaches link to objectives and actions contained in the Huntingdonshire Community Strategy. This is particularly important as DPDs are intended to be key vehicles for delivering those aspects of community strategies that have land-use implications. Other relevant strategies have also been taken into account (such as the Local Economy Strategy and Local Transport Plan).
- 4.6 Fourth – and a related point – policies in DPDs are intended to be 'spatial' in character. This means retaining the traditional land-use purpose of policies, but framing these so that they reflect the wide range of other strategies that may affect the way in which places develop (such as policies for future health care provision).
- 4.7 Finally, an important new requirement is the need to set out potential alternative approaches at the Preferred Options stage. This stems from the need for 'sustainability appraisal', which requires that the Council's preferred approaches are tested against other reasonable options to ensure that they are the most sustainable way forward. The policy scoping sheets indicate possible alternative approaches (where these exist), and the reasons why they are not being suggested as preferred options at this stage.

5 CONCLUSION

- 5.1 The policy scoping sheets appended to this report provide initial suggestions for policy approaches that might be pursued in the Council's Core Strategy DPD. They will be discussed with key stakeholders in the New Year, and be subjected to sustainability appraisal, before coming back to Cabinet for its consideration.

6 RECOMMENDATION

- 6.1 It is recommended that Cabinet:
- a. Notes the intention to undertake informal consultation with key stakeholders on potential policy approaches for inclusion in a Core Strategy DPD, as required by the new planning legislation;
 - b. Notes that following this consultation and a sustainability appraisal, potential policy approaches will be presented to Cabinet and Full Council for decision, prior to formal public consultation in the summer of 2005;
 - c. Authorises the Head of Planning Services, in consultation with the Executive Councillor for Planning Strategy, to make limited changes to the policy scoping sheets attached to this report, as necessary during the process of final editing prior to the key stakeholder consultation.

Background Papers:

ODPM, 2004, *Planning Policy Statement 12: Local Development Frameworks*

Planning Officers' Society, 2004, *Policies for Spatial Plans: Consultation Draft*





CONTACT OFFICER - enquiries about this report to Dr Michael Bingham (Development Plans Manager), on 01480 388431.

Summary of components of new development plan system

- At present the development plan comprises the **Structure Plan** and **Local Plan**.
- Under the new system the development plan will instead comprise:
 - a) the **Regional Spatial Strategy** (RSS – a new form of regional planning guidance)
 - b) **Development Plan Documents** prepared by the local planning authority
- The Development Plan Documents will include as a minimum:
 - a) a ‘core strategy’ (setting out the spatial framework and key policies for the area)
 - b) a set of site-specific allocations
 - c) a proposals map
 - d) any ‘action plans’ which the authority chooses to produce, containing more detailed guidance for areas of particular change
- Taken together, these Development Plan Documents will in effect form the new ‘local plan’ for the area.
- It will still be possible to issue supplementary planning guidance, although this will be known as ‘**Supplementary Planning Documents**’.
- The Council will be required to produce a ‘**Statement of Community Involvement**’ setting out how the public and other interests will be engaged in the process of preparing these various documents, and also in significant development control decisions.
- Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement are given the generic name ‘**Local Development Documents**’ in the new arrangements. Similarly, the particular set of these documents that apply to an area will be termed the ‘**Local Development Framework**’. It should be noted that these are both umbrella terms rather than adding anything to the particular collection of documents to be produced.
- The Council is also required to produce a ‘**Local Development Scheme**’, listing the various documents that it intends to produce and the associated timetables.

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KEY STEPS IN DPD PRODUCTION TO SUBMISSION STAGE

Step	Member input	Timing
<p>Identification / drafting of potential policy approaches</p>	<p>Development Plan Advisory Group (for comment)</p> <p>Cabinet (for information)</p>	<p>Nov 2004</p> <p>Dec 2004</p>
		
<p>Discussions with key stakeholder groups + Sustainability appraisal</p>	<p>Development Control Panel (for comment)</p>	<p>Jan 2005</p>
		
<p>Consideration of stakeholder views & outcome of sustainability appraisal + Agreement of policy approaches to be issued for public consultation</p>	<p>Development Plan Advisory Group (for comment)</p> <p>Cabinet briefing</p> <p>Cabinet (for decision)</p> <p>Council (for decision)</p>	<p>Late Feb 05</p> <p>March 05</p> <p>April 05</p> <p>May 05</p>
		
<p>Public consultation on preferred options</p>		<p>Late May-early July 05</p>
		
<p>Consideration of representations + Approval of draft DPD for submission <i>(equivalent to 'Deposit' stage under old system)</i></p>	<p>Advisory Group (for comment)</p> <p>Cabinet (for decision)</p> <p>Council (for decision)</p>	<p>Sept 2005</p> <p>Nov 2005</p> <p>Dec 2005</p>

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Core Strategy: List of Chapters & Policy Areas

Key Principles

- Sustainable development
- Settlement hierarchy
- Development in the countryside
- Mixed development
- Amenity
- Flood risk
- Infrastructure requirements

Greenspace

- Open space and recreational land
- Landscape character
- Trees, hedgerows and other environmental features
- Protected habitats and species
- Historic parks & gardens
- Areas of strategic greenspace enhancement

Built Environment

- Design quality
- Street scene
- Accessibility and security
- Energy use
- Listed buildings
- Conservation areas
- Sites of archaeological interest

Housing

- Location of housing development
- Affordable housing
- Housing density
- Mix of property sizes
- Alteration or replacement of existing dwellings in the countryside
- Re-use of rural buildings
- Housing for agricultural and related workers
- Rural exception sites
- Retirement and sheltered housing
- Residential institutions
- Accommodation for gypsies and travelling showpeople

Economy & tourism

- Location of office development
- Location of industrial and warehouse development
- Redevelopment of office, industrial and warehouse sites
- Location of tourist facilities
- Re-use & redevelopment of rural buildings
- Farm diversification

Services & Facilities

- Town centres and primary shopping frontages
- Location of retail and leisure development
- Retention and enhancement of village facilities

Transport & Utilities

- Highway access and capacity
- Car and cycle parking
- Rights of Way and cycle networks
- Telecommunications
- Renewable energy

APPENDIX 4: POLICY SCOPING SHEETS

POLICY SCOPING: KEY PRINCIPLES

Policy area
Sustainable Development

Policy approach
<p>Policies in the plan will:</p> <ul style="list-style-type: none"> • Indicate that all development proposals should contribute to the pursuit of sustainable development. • Set out criteria that will be used to assess a proposal's contribution to this objective, including: <ul style="list-style-type: none"> – making efficient use of land and existing infrastructure – minimising the use of non-renewable energy sources and construction materials – limiting water consumption, and having no adverse impact on water supplies and flood risk – minimising emissions of greenhouse gasses and other forms of pollution (including air, water, soil, noise, vibration and light) – maintaining and enhancing the range and vitality of characteristic habitats and species – conserving the diversity and distinctiveness of Huntingdonshire's towns, villages and landscapes – conserving buildings, sites and areas of architectural or historic importance – creating places that are attractive, appropriate to their surroundings, adaptable, and which are accessible and safe to use for all sections of the community – contributing to the social and economic well-being of the local population (e.g. through enhanced access to housing, employment, service and leisure opportunities, and improving public health) – limiting the need to travel, and increasing opportunities to make necessary journeys by foot, cycle or public transport

Policy source(s)	
PPGs / PPSs / Circulars	PPG1; draft PPS1
RPG6 / draft RPG14	RPG 6 (policies 1, 3); draft RPG14 (policy SS1)
Structure Plan policies	P1/1, P1/2, P1/3, P8/1
Existing LP policies	
Community Strategy	Long-term vision of protecting and improving the environment, promoting opportunity for all and supporting continued economic success
Best practice guidance	<i>Planning for Sustainable Development</i> (DETR, 1998) <i>The Planning Response to Climate Change</i> (ODPM, 2004)
Other sources	Planning & Compulsory Purchase Act 2004

Reason for policy approach
<p>Promoting 'sustainable development' is central to what the planning system seeks to achieve: to improve the quality of life, both now and in the future, by managing the way that land is used. It is now a legal requirement that plans be produced with this overarching objective in mind. Sustainable development is defined most commonly as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (<i>World Commission on Environment & Development, 1987</i>).</p> <p>The policy approach signals the importance of this objective for all developments, and sets out the key criteria that will be used to assess proposals against it.</p>

Alternative approaches

None. The promotion of sustainable development is required by national and strategic guidance, and criteria are necessary to indicate how this objective will be interpreted in practice.

POLICY SCOPING: KEY PRINCIPLES

Policy area
Settlement Hierarchy

Policy approach
<p>Policies in the plan will:</p> <ul style="list-style-type: none"> • Identify a settlement hierarchy for use in determining the scale of development appropriate in different locations • Identify St Neots, Huntingdon, St Ives and Ramsey as 'Market Towns' • Identify Yaxley, Godmanchester, Sawtry, Brampton, Little Paxton and Fenstanton as 'Key Centres' (Potential Growth) • Identify Somersham, Warboys, Buckden and Kimbolton as 'Key Centres' (Limited Growth). • List other villages as 'Smaller Settlements' • Indicate that the majority of new development will be directed to the Market Towns and Key Centres (Potential Growth)

Policy source(s)	
PPGs / PPSs / Circulars	PPG3; PPS7
RPG6 / draft RPG14	RPG6 (policies 4, 6, 22, 23); draft RPG 14 (policies SS1, SS2, SS9, CSR1, GPSR1)
Structure Plan policies	P1/1, P2/2, P5/5, P9/4, P10/3
Existing LP policies	STR1, STR3, STR4, STR5, STR6
Community Strategy	Specific action of developing policies to promote sustainable communities
Best practice guidance	<i>Reducing Transport Emissions Through Planning</i> (DoE / DoT, 1993) <i>PPG13: A Guide to Better Practice</i> (DoE / DoT, 1995) <i>Sustainable Settlements</i> (University of West of England / LGMB, 1995) <i>Planning for Sustainable Development</i> (DETR, 1998)
Other sources	<i>Are Villages Sustainable?</i> (Countryside Agency, 2001)

Reason for policy approach

The settlement hierarchy provides a framework for managing the scale of development in different locations. It steers most new development towards those larger places that offer the best access to services and facilities (both now and for the foreseeable future). This can help reduce the need to travel, as well as making good use of existing infrastructure and previously-developed land in urban areas.

The proposed hierarchy reflects a combination of strategic guidance and local circumstances. National and regional policies give priority to urban areas for accommodating growth; An accompanying paper explains how this approach has been interpreted for Huntingdonshire, but in summary the categories in the hierarchy reflect the following characteristics:

Market Towns:	The main towns in the district, offering a wide range of shops and services, and a variety of employment opportunities
Key Centres (Potential Growth):	Large settlements with a reasonable range of shops and services, employment opportunities and good access by foot, cycle or public transport to a city or market town
Key Centres (Limited Growth):	Large settlements with a reasonable range of shops and services (and in some cases employment opportunities), and which provide facilities for nearby villages
Smaller Settlements:	Villages which are in general smaller than the Key Centres, and with limited (or no) services and facilities

Alternative approaches

The hierarchy could be changed in various ways to facilitate a wider distribution of growth: by designating a greater number of places as 'Key Settlements' (whether 'Potential Growth' or 'Limited Growth'); by introducing an intermediate tier of settlements between Key Centres (Limited Growth) and Smaller Settlements; or by indicating that the majority of new development will be directed to all the key centres (effectively, abandoning the distinction between those identified as 'Potential Growth' and 'Limited Growth'). However, the effect of all such changes would be to weaken the link between additional growth and ease of access to shops, services and employment opportunities. This would be contrary to the principle of limiting the need to travel and promoting a more sustainable form of development. There is no evidence that a wider distribution of growth would have any significant impact on retaining or enhancing village facilities (due to the many other influences on commercial decisions, growth would need to occur on a large scale at particular villages to have much effect).

Alternatively, the settlement hierarchy could be based on the physical capacity of different settlements to accommodate growth (taking into account their form, character and land availability), rather than access to services and facilities. However, this would not ensure that national and strategic policies to reduce the need to travel are being addressed most effectively. There are, in any case, policies elsewhere in this DPD to conserve and enhance the character of places, while the settlement hierarchy's emphasis on urban areas will help to safeguard the character of Huntingdonshire's villages (many of which have experienced considerable growth during recent years).

POLICY SCOPING: KEY PRINCIPLES

Policy area

Development in the Countryside

Policy approach

Policies in the plan will:

- Indicate that outside the defined limits of the Market Towns and Key Centres (Potential & Limited Growth), and outside the existing built-up framework of the Smaller Settlements, development will be restricted to the following categories:
 - that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation, mineral extraction, waste disposal, infrastructure provision or national defence
 - the alteration, replacement or change of use of existing buildings in accordance with other policies in the plan
 - limited and specific forms of housing or business development, as provided for in the relevant chapters of the plan
 - land allocated for particular purposes in other Development Plan Documents

Policy source(s)

PPGs / PPSs / Circulars	PPS7
RPG6 / draft RPG14	RPG6 (policy 12)
Structure Plan policies	P1/2
Existing LP policies	En17
Community Strategy	Desired outcomes include a high quality built and natural environment
Best practice guidance	
Other sources	

Reason for policy approach

It is government policy that development in the countryside should be strictly controlled, in order to conserve its character and natural resources. This policy sets out the limited circumstances in which development outside settlements will be allowed. The distinction between settlements and the countryside will be drawn in two ways:

- In the case of the Market Towns and Key Centres, where most development is expected to take place, by drawing 'settlement boundaries' around the existing built-up areas. This will give a clear delineation between urban areas and the countryside.
- In Smaller Settlements, where only limited forms of development will be permitted, policies will refer to the 'built-up framework'; criteria in the supporting text will indicate that this excludes buildings that are clearly detached from the main body of the settlement, and gardens and other undeveloped land within the curtilage of buildings at the edge of the settlement.

Alternative approaches

None considered in relation to restricting development in the countryside, as this is a cornerstone of national and strategic policies.

Defined boundaries for smaller settlements were considered. However, boundaries can be misinterpreted as implying that development within them is, in principle, acceptable. Such an interpretation would be incompatible with the policy approach of strict limitation on development away from the Market Towns and Key Centres. In addition, the limited forms of development that will be permissible within Smaller Settlements (such as residential infilling) can be guided appropriately by clear criteria-based policies. Settlement boundaries for Market Towns and Key Centres are considered more appropriate given the wider range of development that may suitably be located there, and the fact that these places will be the focus of development activity.

POLICY SCOPING: KEY PRINCIPLES

Policy area

Mixed development

Policy approach

- Policies in the plan will indicate that:
- Development proposals should incorporate a compatible mix of uses, where opportunities exist to foster more sustainable communities
 - Particular opportunities for securing mixed development in Huntingdonshire include:
 - the integration of appropriate community facilities and employment opportunities into the development of new neighbourhoods
 - the introduction of more residential accommodation into town centres (including flats over shops)
 - the incorporation of live/work units within residential developments
 - The business element of live/work units should be limited to activities falling within the B1 Use Class, and should occupy at least one quarter of the internal floorspace of each unit

Policy source(s)

PPGs / PPSs / Circulars	PPG1; PPG3; PPG6; draft PPS6; PPS7; PPG13
RPG6 / draft RPG14	RPG6 (policy 3); draft RPG14 (policy SS16)
Structure Plan policies	P1/3
Existing LP policies	
Community Strategy	
Best practice guidance	<i>Shaping Neighbourhoods</i> (Barton, Grant & Guise, 2003) <i>Mixed-Use Development</i> (DTLR, 2002) <i>Urban Design Compendium</i> (English Partnerships / Housing Corporation, 2000) <i>Planning for Sustainable Development</i> (DETR, 1998)
Other sources	<i>Living at Work</i> (Joseph Rowntree Foundation, 2000)

Reason for policy approach

A mix of uses within an area can help to create diverse and interesting places, reduce the need to travel between home, work, and services, and cut the risk of crime (by ensuring that the area is populated at all times of the day). It can be achieved in various ways: by incorporating an appropriate mix of uses in the development of large sites, through the incremental redevelopment of small sites in ways which increase diversity, and by including a mix of compatible uses within individual buildings where suitable opportunities arise (such as utilising vacant space above retail units).

This policy approach indicates the importance of pursuing mixed development where possible, and highlights particular opportunities that exist within Huntingdonshire.

Live/work units are a particular form of mixed use development which combine residential and business uses in one property. They are attractive to people establishing or seeking to expand a business while working from home, and may be appropriate in a variety of locations: for example, as an element within large new residential and mixed-use developments, or within established mixed-use areas such as town centres. It is important to ensure that a minimum proportion of each live/work unit is retained for business use (to prevent their loss to wholly residential buildings), and that the business activities carried out will not have an adverse impact on residential amenity.

Alternative approaches

None. The promotion of a mix of uses is required by national guidance.

POLICY SCOPING: KEY PRINCIPLES

Policy area

Amenity

Policy approach

Policies in the plan will indicate that development proposals should not have an unreasonable impact upon the living conditions of existing or future occupiers, within or adjoining the site, in terms of:

- Access to daylight and sunlight
- Privacy
- Noise and disturbance
- Fumes and other pollutants
- Safety and security

Policy source(s)

PPGs / PPSs / Circulars	PPG23; PPG24
RPG6 / draft RPG14	Draft RPG14 (policy SS16)
Structure Plan policies	P1/3
Existing LP policies	H30, H31, H34, H37, H38
Community Strategy	Desired outcomes include a healthy population and low crime / fear of crime
Best practice guidance	<i>Safer Places</i> (ODPM / Home Office, 2004)
Other sources	

Reason for policy approach

An important role of the planning system is to protect the public interest by preventing harm to the 'amenity' of those affected by development. This policy sets out the key criteria that will be used to judge whether a proposal could have an unreasonable impact upon amenity.

Alternative approaches

None. Safeguarding amenity is an important planning function, and one which needs clear criteria to articulate the key matters that will need to be assessed.

POLICY SCOPING: KEY PRINCIPLES

Policy area

Flood Risk

Policy approach

Policies in the plan will indicate that development should:

- Not take place in areas at risk from flooding, unless suitable flood protection measures can be agreed and implemented
- Not increase the risk of flooding to properties elsewhere (e.g. through a net increase in surface water run-off, or a reduction in the capacity of flood water storage areas)
- Make use of sustainable urban drainage systems (SUDS) to manage surface water run-off, where technically feasible
- Be informed by a flood risk assessment, unless the site lies within an area where there is little or no risk of flooding (i.e. the annual probability of flooding is less than 0.1%, or 1 in 1,000 years)

Policy source(s)

PPGs / PPSs / Circulars	PPG 25
RPG6 / draft RPG14	RPG6 (policy 44); draft RPG14 (policy SS14)
Structure Plan policies	P1/2, P6/3
Existing LP policies	CS9
Community Strategy	Priority Action to reduce the risk and/or impact of flooding
Best practice guidance	<i>The Planning Response to Climate Change</i> (ODPM, 1994)
Other sources	

Reason for policy approach

Flooding is an important issue facing the district. Parts of some towns and villages have suffered from serious flooding during recent years, and episodes of heavy rain are forecast to increase as a result of climate change. The damage caused by floods is costly, disruptive and distressing for those affected, so it is essential that new development does not add to the risk that already exists. While development in areas at some risk of flooding may often be unavoidable (large parts of all the major towns in the district are within such areas), this policy approach requires mitigation measures so that there is no net increase in risk.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: KEY PRINCIPLES

Policy area

Infrastructure requirements

Policy approach

Policies in the plan will indicate that:

- Development proposals should contribute towards the cost of providing infrastructure, and of meeting social and environmental requirements, where this is necessary to make a scheme acceptable in planning terms.
- The nature and scale of any planning obligations sought for this purpose will be related to the form of development, its potential impact upon the surrounding area and the need for contributions towards affordable housing requirements.
- Contributions may be necessary for some or all of the following:
 - education
 - health care
 - open space and recreation
 - footpaths, cycleways, highways and public transport
 - other community facilities (including meeting halls, library services and places of worship)
 - environmental improvements
 - drainage / flood prevention
 - affordable and key worker housing
- Contributions may also be required to meet the running costs of services and facilities provided through an obligation, where such costs cannot be met from the public purse in the short-term.
- The appropriate range and level of contributions will be assessed in a comprehensive manner, taking into account strategic infrastructure requirements and using standard charges where appropriate. Standards and formulae for calculating contributions will be set out in a Supplementary Planning Document.

Policy source(s)

PPGs / PPSs / Circulars	Circular 1/97; Draft Revised Circular on Planning Obligations (2004)
RPG6 / draft RPG14	Draft RPG14 (policy IMP2)
Structure Plan policies	P6/1; P9/8
Existing LP policies	OB1, OB2
Community Strategy	Desired outcomes include improved and sustainable infrastructure for communities.
Best practice guidance	
Other sources	

Reason for policy approach

Development can place additional demands upon physical infrastructure and social facilities, as well as having impacts upon the environment. In many cases planning obligations will be required, so that provision is made for the necessary improvements to services and facilities, or to secure compensatory provision for any loss or damage created (e.g. a loss of open space). Obligations may also be necessary for wider planning objectives to be secured – in particular, the provision of affordable and key worker housing where this is justified.

This policy approach highlights the general principle that obligations will be required where necessary in planning terms, and indicates the broad range of matters that may need to be addressed. The detailed framework for calculating and negotiating obligations will be set out in a Supplementary Planning Document, enabling the basis for contributions to be updated relatively quickly.

Huntingdonshire forms part of a wider growth area, and some of the items for which contributions will be required will be strategic in nature (such as strategic open space). The formulae to be set out in SPD will allow for contributions from individual developments to be pooled where appropriate, but in all such cases the nature and scale of contributions sought will be related to the size of scheme and the extent to which it places additional demands upon the area.

Alternative approaches

None. Existing national guidance (Circular 1/97) requires development plans to set out policies indicating the circumstances in which planning obligations may be sought. Emerging guidance (in the draft revised Circular) reiterates the need for high-level policies in Development Plan Documents, indicates that formulae and standard charges may be used where appropriate, and points to Supplementary Planning Documents as the appropriate vehicles for setting out detailed requirements.

POLICY SCOPING: GREENSPACE

Policy area

Open space and recreational land

Policy approach

Policies in the plan will indicate that development proposals should not entail the whole or partial loss of open space within settlements, or of outdoor recreation facilities or allotments, unless all of the following criteria are satisfied:

- There would be no harm to spaces which:
 - contribute to the distinctive form and character of a settlement
 - create focal points within the built-up framework
 - provide the setting for important buildings or monuments
 - allow views into or out of a settlement
- The loss would not result in (or worsen) a shortfall in land used for informal or formal recreation, when assessed against the standards set out in the Local Development Framework
- Any replacement facility (or enhancement of the remainder of the existing site) provides a net benefit to the community in terms of the quality, availability and accessibility of open space or recreational opportunities

Policy source(s)

PPGs / PPSs / Circulars	PPG17
RPG6 / draft RPG14	RPG6 (policy 37); RPG 14 (policy C5)
Structure Plan policies	P4/3
Existing LP policies	En14, En15, En16, R17
Community Strategy	Desired outcomes include a high quality built and natural environment, good cultural and leisure opportunities and a healthy population
Best practice guidance	<i>Green Spaces, Better Places</i> (DTLR, 2002) <i>Assessing Needs and Opportunities: A Companion Guide to PPG17</i> (ODPM, 2002)
Other sources	

Reason for policy approach

Many open spaces within Huntingdonshire's towns and villages make a significant contribution to their character and attractiveness. For the purpose of this policy approach 'open space' within settlements includes any undeveloped land such as parks, village greens, play areas, sports pitches, undeveloped plots, semi-natural areas and private gardens. It is important to prevent their loss where this would harm the visual quality of a settlement.

Equally, many such spaces play a vital role in providing opportunities for formal or informal recreation, as do those parks, sports pitches and allotments located outside the built-up areas. The policy approach also safeguards all such sites of recreational value, unless there would be no shortfall of recreation land when assessed against the Council's standards, any replacement facility provides net benefits to the community, and there would be no visual harm as a result.

Alternative approaches

The approach taken to safeguarding land of recreational value is required by national and strategic guidance. In terms of protecting visually important open space within settlements, individual spaces could be identified and designated to give certainty about the areas covered by the policy approach. However, it would be difficult to do this in a sufficiently exhaustive and consistent manner across the whole district, given Huntingdonshire's size and the variety of spaces involved. As a result, spaces that 'missed' being designated would come under inappropriate pressure for development. The use of a criteria-based approach avoids this risk, and means that the character of spaces will need to be given full and careful consideration if development of them is proposed.

POLICY SCOPING: GREENSPACE

Policy area

Landscape Character

Policy approach

Policies in the plan will:

- Indicate that development proposals within or adjoining the countryside should respect and respond appropriately to the distinctive qualities of the surrounding landscape
- Set out criteria that will be used to assess a proposal's contribution to this objective, including:
 - avoiding the introduction of incongruous or intrusive elements into views (by virtue of the development's siting, scale, form, colour or use of materials)
 - conserving and enhancing natural or semi-natural vegetation characteristic of the area
 - retaining historic landscape features, such as field patterns, drains and hedgerows
- Require appropriate mitigation measures where harm to local landscape character as a result of necessary development is unavoidable

Policy source(s)

PPGs / PPSs / Circulars	PPS7
RPG6 / draft RPG14	RPG 6 (policy 37); draft RPG14 (policy ENV2)
Structure Plan policies	P7/4
Existing LP policies	En21
Community Strategy	Long term vision of protecting and improving the environment and promoting healthy lifestyles.
Best practice guidance	<i>Landscape Character Assessment: Guidance for England and Scotland</i> (The Countryside Agency / Scottish Natural Heritage, 2002)
Other sources	<i>Huntingdonshire Landscape & Townscape Assessment</i> (HDC, 2004) <i>Guidelines for Landscape and Visual Impact Assessment</i> (Landscape Institute / Institute of Environmental Assessment, 2002)

Reason for policy approach

As a predominantly rural district, Huntingdonshire's landscapes play a major role in shaping the character of our environment, stimulating leisure and tourism and supporting the overall 'quality of life'. The Huntingdonshire Landscape & Townscape Assessment identifies a number of landscape character areas across the district, and it is important that both the quality and distinctive characteristics of these areas are conserved and enhanced when new development occurs.

Alternative approaches

The existing 'Area of Best Landscape' designation which covers parts of the district could be retained as an alternative, or in addition to, the preferred criteria-based approach. However, it is government policy that such local designations should be maintained only where criteria-based policies would not provide sufficient protection. The policy approach outlined above requires all proposals within or adjoining the countryside to be assessed carefully for their potential landscape impact, regardless of whether they are in an area that might be regarded as 'best'. Therefore it protects the distinctive character of all Huntingdonshire's landscapes, and provides clear criteria for making appropriate judgements.

POLICY SCOPING: GREENSPACE

Policy area

Trees, hedgerows and other environmental features

Policy approach

Policies in the plan will indicate that:

- Development proposals should minimise the risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value. Where such features lie within a development site, they should wherever possible be incorporated effectively within the landscape scheme.
- Proposals should not damage or destroy any tree protected by a Tree Preservation Order, or lying within a Conservation Area, unless:
 - it is in the interests of good arboricultural practice; or
 - the work would enable development to take place in the public interest, and would bring benefits that outweigh the harm to the trees concerned.
- Where harm to trees, hedgerows or other features of value is unavoidable, provision should be made for appropriate mitigation measures, reinstatement of features and/or compensatory planting and landscaping.

Policy source(s)

PPGs / PPSs / Circulars	PPS7
RPG6 / draft RPG14	RPG6 (policy 37); draft RPG14 (policy ENV4)
Structure Plan policies	P1/3
Existing LP policies	En18, En19, En20
Community Strategy	Desired outcome of a high quality built and natural environment
Best practice guidance	<i>Tree Preservation Orders: A Guide to the Law and Good Practice</i> (DETR, 2000)
Other sources	

Reason for policy approach

Many development sites contain or adjoin features such as trees, small areas of woodland, hedgerows, ponds and old boundary walls. These can be of great importance to the character and quality of the local environment. Often they are attractive in their own right, but they can also provide important habitats, focal points, a link with the past and contribute to the overall 'sense of place'.

To ensure that these benefits are retained, development proposals will be expected to avoid harm to such features wherever possible, and if necessary incorporate them within an appropriate landscape scheme. Mitigation, replacement or compensatory measures will be required when this cannot be achieved, to ensure that there is no loss of environmental value as a result of development.

Where specific trees or groups of trees are of particular value (such that their removal would have a significant impact upon the local environment and its enjoyment by the public), and are potentially under threat, the Council will make Tree Preservation Orders to protect them. Where trees are covered by TPOs, the policy approach safeguards them from damage or destruction unless there are overriding reasons for the work to go ahead.

Alternative approaches

None. A criteria-based approach, coupled with the protection of important trees using TPOs, is the most appropriate means of safeguarding important environmental features. Failure to do so would cause harm to the character of Huntingdonshire's environment.

POLICY SCOPING: GREENSPACE

Policy area

Protected habitats and species

Policy approach

Policies in the plan will indicate that:

- Development proposals should not harm sites of national or international importance for biodiversity or geology
- Proposals that could damage County Wildlife Sites, Local Nature Reserves, Ancient Woodland or important species¹ should not proceed unless the need for (and benefits of) the development outweigh the potential harm to nature conservation interests
- Where harm to protected habitats or species is unavoidable, provision should be made for appropriate mitigation measures, reinstatement of features and/or compensatory work that will enhance or recreate habitats on or off the site

¹ species protected by legislation, or recognised as being of principal importance for the conservation of biodiversity in England

Policy source(s)

PPGs / PPSs / Circulars	PPG9; draft PPS9
RPG6 / draft RPG14	RPG6 (policies 38, 39); draft RPG 14 (policy ENV3)
Structure Plan policies	P1/2, P7/1, P7/2
Existing LP policies	En23
Community Strategy	
Best practice guidance	<i>Planning for Biodiversity: Good Practice Guide</i> (RTPI, 1999)
Other sources	

Reason for policy approach

The Government's White Paper 'This Common Inheritance' sets out a strong commitment to conserving wildlife for future generations and the importance of finding the right balance between conservation and development. A diverse and rich environment is important to health and well-being and for the value of the habitats themselves.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: GREENSPACE

Policy area

Historic Parks and Gardens

Policy approach

Policies in the plan will indicate that development proposals within or affecting the setting of a historic park or garden should:

- Demonstrate a clear understanding of the park/garden's historic importance; and
- Not harm the overall condition of the park/garden or any features that contribute to its special interest; and
- Where appropriate, support the long-term preservation of the park/garden and its setting through sensitive restoration, adaptation and re-use

Policy source(s)

PPGs / PPSs / Circulars	PPG15
RPG6 / draft RPG14	Draft RPG14 Policy ENV4 – The historic environment
Structure Plan policies	None
Existing LP policies	None
Community Strategy	N/A
Best practice guidance	English Heritage (1996) Repair and Restoration Schemes for Historic Parks and Gardens (draft)
Other sources	

Reason for policy approach

Historic Parks and Gardens are a fragile and finite resource. They can easily be damaged beyond repair or lost forever. Their character can also be changed by development in their setting, close to but outside their boundaries.

Alternative approaches

The concept of protecting and maintaining historic parks and gardens is set out in national planning guidance (PPG16). There are no alternative policy approaches.

POLICY SCOPING: GREENSPACE

Policy area

Areas of Strategic Greenspace Enhancement

Policy approach

Policies in the plan will:

- Define areas of Strategic Greenspace Enhancement, and identify green corridors connecting them
- Indicate that within these areas:
 - co-ordinated action will be taken to improve their biodiversity, landscape and recreational value through appropriate forms of habitat creation and landscape management, and projects to promote quiet enjoyment of the countryside
 - development proposals should be compatible with these objectives, and contribute positively to their achievement (e.g. through additional planting or introducing new rights of way)

Policy source(s)

PPGs / PPSs / Circulars	PPS9
RPG6 / draft RPG14	RPG6 (policy 42); draft RPG14 (policy ENV1)
Structure Plan policies	P7/3
Existing LP policies	
Community Strategy	Long term vision of protecting and improving the environment and promoting healthy lifestyles. Specific actions of improving access to the countryside, supporting implementation of the biodiversity action plan, linking key habitats, increasing the biodiversity value of open space and promoting the cultural, environmental and leisure opportunities presented by the Great Fen project
Best practice guidance	<i>Biodiversity By Design: A Guide for Sustainable Communities</i> (TCPA, 2004)
Other sources	

Reason for policy approach

Improving the biological, visual and recreational value of the countryside brings obvious environmental and social gains, but can also benefit the local economy through increased visitor spending. It is something that should be addressed by all proposals within or adjoining the countryside (see policy area X), but some particular opportunities for significant enhancement have been identified.

These areas of 'strategic greenspace enhancement' reflect the target areas for habitat creation identified in the Structure Plan and the Biodiversity Partnership for Cambridgeshire and Peterborough's 50 Year Wildlife Vision. They include:

- the Great Fen Project area (wetland habitat creation)
- the Fen Edge Woodland (woodland and hedgerow creation)
- the Grafham – Brampton Woodlands (woodland and hedgerow creation)
- the Ouse Valley (wet grassland and hay meadows creation)
- the South Cambridgeshire Boulder Clay Woodlands (woodland and hedgerow creation)

Focusing countryside enhancement efforts on these areas will give maximum scope for consolidating and linking important habitats, and enable complementary access improvements to be pursued. Within the defined areas, it will be important to ensure that development proposals do not conflict with this vision, and – when development does occur – that the design, landscaping and any community benefits contribute to its realisation.

Alternative approaches

None. The identification of areas for large-scale habitat enhancement is required by strategic guidance, while ensuring that development proposals are compatible with this objective (and contribute positively to its achievement) is necessary if the objective is to be achieved.

POLICY SCOPING: BUILT ENVIRONMENT

Policy area

Design quality

Policy approach

Policies in the plan will:

- Indicate that development proposals should demonstrate a high quality of design in terms of their layout, form and contribution to the character of the area.
- Set out criteria that will be used to assess a proposal's contribution to this objective, including:
 - responding appropriately to the particular qualities of the site and its surroundings, through the size and arrangement of development plots, the position, orientation, scale and massing of buildings, and the use of appropriate materials and architectural features
 - incorporating a clear network of routes that provide a good level of connectivity with the wider settlement and assist navigation through the scheme
 - using building frontages to define streets, squares and green spaces and help distinguish between public and private areas
 - ensuring that motor vehicles do not dominate the urban form, by using the arrangement of buildings to shape the spaces occupied by roads, and limiting the amount of on-street parking
 - achieving an appropriate degree of enclosure to streets and spaces through the grouping, positioning and height of buildings and landscape features
 - creating variety and interest within a unified design, by using a coherent palette of materials and design features, making use of landmarks and focal points, and enabling views into and out of the scheme
 - incorporating (and/or connecting to) a network of open spaces and green corridors that provide opportunities for recreation and biodiversity
 - accommodating servicing and recycling requirements in ways which minimise visual intrusion
- Indicate that planning applications should be accompanied by sufficient supporting information to demonstrate how design-related considerations have been addressed; for major developments, or those affecting listed buildings or conservation areas, this should be communicated through a formal design statement.

Policy source(s)

PPGs / PPSs / Circulars	PPG1; Draft PPS1; PPG3; PPS12
RPG6 / draft RPG14	
Structure Plan policies	Policy P1/3,
Existing LP policies	En25
Community Strategy	Specific Action - to design out crime
Best practice guidance	DETR – By Design, RTP1 – From design policy to design quality, English Partnerships – Urban Design Compendium, DETR – Places, Streets and Movement, DTLR – Better Streets, Better Places
Other sources	

Reason for policy approach

In recent years the government has seen design as a key element of sustainable development and as a established material planning consideration, in the planning process. Government guidance in PPS12 requires that planning authorities have policies on design in accordance with Regulation 6 (1) (a) (ii). New development is often criticised as looking the same wherever you go. Developers often strive to establish a national profile at the expense of local character. Therefore it is essential that new development attempts to make places special and distinctive. This can be achieved in many ways for example through street pattern layout, creating landmark buildings and the use of local materials.

Extensions and alterations to buildings are equally as important as new development, as they can alter not only the character of the building but the street scene and public realm.

Alternative approaches

None as the principles of good design are derived from PPS1.

POLICY SCOPING: BUILT ENVIRONMENT

Policy area

Street scene

Policy approach

Policies in the plan will:

- Indicate that development proposals should make a positive contribution to the character and appearance of streets and public spaces.
- Set out criteria that will be used to assess a proposal's contribution to this objective, including:
 - creating interesting and active frontages, with building entrances and windows facing streets and other public spaces
 - retaining traditional shop fronts wherever possible, particularly within conservation areas
 - ensuring that any new shop fronts use high quality materials and respect the character and proportions of the building and its neighbours
 - minimising the visual impact of security equipment through careful positioning and design (including the use of internal security grills rather than external roller shutters)
 - using external lighting in a way that gives adequate illumination for its intended purpose, while avoiding harsh or unnecessarily widespread impacts upon buildings and public spaces
 - ensuring that street furniture, paving materials and soft landscape works are of high quality, appropriate to the character of the scheme and its surroundings, and designed to minimise visual clutter and obstructions for users
 - using works of art to provide focal points and contribute to the character and interest of public spaces
 - keeping signage and advertisements to a level and design which respects the character and appearance of buildings, streets and public spaces, and does not endanger public safety

Policy source(s)

PPGs / PPSs / Circulars	PPG15; PPG19
RPG6 / draft RPG14	
Structure Plan policies	P1/3
Existing LP policies	En27, En28, En30, En32
Community Strategy	
Best practice guidance	English Partnerships – Urban Design Compendium
Other sources	

Reason for policy approach

The public realm is created by various means such as shop fronts, street furniture, soft/hard landscaping etc. The quality of the public realm created within our towns, district and village centres are strongly influenced by the quality, design and materials used. Shop fronts are frequently changed or renewed and are thus important visual components of both the individual building and the street scene. In order to promote the Council's wider aims of high quality design it is essential that the design and materials that are used in shop fronts and commercial premises relate to the scale, original features of the building and it's surrounding. Solid shutters collectively exert a negative detrimental effect on the appearance of shopping areas outside opening hours by obscuring shop displays, attracting graffiti and diminishing the quality of the building frontages and contributing to a 'fortress' effect. Internal security grilles can now provide adequate protection of most shop fronts and therefore should be used where possible. Although outdoor advertising is useful to commercial premises, it is important to avoid unsightly clutter, which obscure the details of buildings. Particular care is needed for advertisements within conservation area and which affect listed buildings. Street furniture should be sited and designed so that it enhances the appearance of streets. Poorly designed and sited street furniture can cause the street scene to seem cluttered and untidy. Bottle banks and other community bins for refuse and recycled materials should be sited so to minimise visual intrusion and allow clear passage for pedestrians and cyclists.

Alternative approaches

None

POLICY SCOPING: BUILT ENVIRONMENT

Policy area

Accessibility and security

Policy approach

Policies in the plan will indicate that the location and design of development proposals should:

- Enable ease of access to, around and within the scheme for all potential users, including those with disabilities and young children
- Incorporate appropriate and conveniently located facilities that address the needs of potential user groups
- Minimise the extent to which users feel at risk from crime by:
 - enabling passive surveillance of public spaces and parking areas
 - distinguishing clearly between public and private spaces, and maximising the extent to which spaces are controlled (or perceived to be controlled) by occupiers
 - incorporating appropriate security measures, such as lighting and hard and soft landscape treatments

Policy source(s)

PPGs / PPSs / Circulars	Draft PPS1; PPS12; Circular 5/94
RPG6 / draft RPG14	
Structure Plan policies	P1/3
Existing LP policies	En24
Community Strategy	Long-term vision of promoting opportunity for all. Desired outcomes include easy and affordable access to services and facilities, and low crime / fear of crime.
Best practice guidance	<i>Safer Places</i> (ODPM / Home Office, 2004) <i>Planning and Access for Disabled People</i> (ODPM, 1993) <i>Gender Equality and Plan Making</i> (RTPI, 2002)
Other sources	<i>Planning and Diversity: Research into Policies & Procedures</i> (ODPM, 2004)

Reason for policy approach

A key aspect of planning for sustainable development is ensuring that places are accessible and safe to use for all groups in society. Criteria are required to help guide and assess proposals in relation to this objective. In part it requires measures to minimise the risk of crime (and the fear of crime) for all users, but developments must also address any specific requirements of potential user groups, such as disabled people, women, the young, the elderly and minority ethnic communities.

Consideration of access and appropriate facilities in relation to such groups should include the mix of uses in larger schemes (such as the availability of local shops and child care facilities) as well as the design of individual buildings and the layout of external areas. All such decisions will need to be informed by early consultation with potential users.

Alternative approaches

None. Local planning authorities are required to include policies on access, while national guidance (draft PPS1) indicates that community cohesion and the needs of all groups in society should be addressed. A criteria-based policy provides the most appropriate way of indicating how these matters can be considered in the development process.

POLICY SCOPING: BUILT ENVIRONMENT

Policy area

Energy use

Policy approach

Policies in the plan will indicate that:

- All development proposals should aim to maximise the level of energy efficiency achieved through sustainable design and construction, with appropriate consideration given to siting, massing, orientation, internal design, use of materials, insulation and heat recovery (combined heat and power)
- All major developments should wherever possible:
 - achieve an energy efficiency level equivalent to at least a 10% reduction in CO₂ emissions over and above the Building Regulations target CO₂ emissions rate; or
 - provide at least 10% of their predicted energy requirement from on-site renewable energy technology

Policy source(s)

PPGs / PPSs / Circulars	PPS 22
RPG6 / draft RPG14	RPG6 (policy 59); draft RPG14 (policy ENV8)
Structure Plan policies	P1/3
Existing LP policies	
Community Strategy	Specific action to promote the use of renewable energy (target of 12.5% reduction in CO ₂ emissions locally by 2010, over 2000 levels)
Best practice guidance	Companion guide to PPS22 (forthcoming) <i>Sustainable Settlements</i> (University of West of England / LGMB, 1995)
Other sources	<i>Our Energy Future – Creating a Low Carbon Economy</i> (HM Government, 2003)

Reason for policy approach

The Government is committed to a 20% reduction in CO₂ emissions (over 1990 levels) by 2010, and a 60% reduction by 2050. The design and construction of new development can make an important contribution to this objective, both in terms of using energy efficiently and by making appropriate use of renewable energy technology. In this context, it is appropriate to ask that all development schemes incorporate measures to maximise energy efficiency.

The specific requirement for 10% reduction in CO₂ emissions recognises that the objective of reducing reliance on fossil fuels and cutting CO₂ emissions can be addressed by energy efficiency measures that exceed minimum requirements. However, the policy approach also gives the option for 10% of energy needs in major schemes to be met from on-site renewable energy technologies reflecting the range of opportunities that now exist (such as photovoltaic panels, geothermal heating and micro-scale wind power systems).

Alternative approaches

The emerging Regional Spatial Strategy requires DPDs to include policies seeking energy efficiency and the use of renewable energy technology in new developments. For the latter, it sets a threshold of 50 dwellings rather than 10 (the threshold for non-residential developments is the same). This higher threshold could be adopted, but would limit the number of schemes required to utilise renewable technologies. Moreover, the alternative option of a specific level of energy efficiency offered by the policy approach gives flexibility to developers, and should ensure that an unreasonable (and unviable) burden is not being imposed, particularly where residential schemes involve fewer than 50 units.

POLICY SCOPING: BUILT ENVIRONMENT

Policy area

Listed Buildings

Policy approach

Policies in the plan will indicate that:

- Development proposals affecting the fabric or setting of a listed building should:
 - demonstrate a clear understanding of the building’s architectural and historic importance; and
 - not harm the overall condition of the building or any features that contribute to its special interest; and
 - where appropriate, support the long-term preservation of the building and its setting through sensitive restoration, adaptation and re-use
- Proposals for the total or partial demolition of a listed building should not be permitted unless:
 - the building is structurally unsound (for reasons other than deliberate damage or neglect) and is beyond reasonable repair; or
 - it cannot continue in its present use, no viable alternative uses exist, and redevelopment would bring wider public benefits; and, in all cases:
 - detailed proposals for reconstruction or redevelopment have received planning consent

Policy source(s)

PPGs / PPSs / Circulars	PPG15, PPG16
RPG6 / draft RPG14	ENV5 – The Historic Environment (RPG14)
Structure Plan policies	P7/6
Existing LP policies	En1, En2, En3, En4,
Community Strategy	
Best practice guidance	Conservation Issues in Local Plans
Other sources	

Reason for policy approach

Listed buildings are nationally important because they represent the best of our historic and architectural built heritage. There is a presumption in favour of preserving listed buildings and their features of architectural or historic interest. The best way of securing the upkeep of historic buildings and areas is to keep them in active use. As listed buildings are more sensitive to change than other buildings, any alteration, extension or change of use needs to be sensitively designed to ensure that the features that make them special are maintained.

There is rarely a good reason to allow the demolition of a listed building, therefore the Council will resist the demolition of listed buildings unless there are exceptional circumstances.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: BUILT ENVIRONMENT

Policy area

Conservation Areas

Policy approach

Policies in the plan will indicate that:

- Development proposals within or affecting a Conservation Area should:
 - use building forms, materials and details that are characteristic of the area’s historic or architectural quality, or which provide a successful contrast with it
 - retain, and where possible restore, traditional features such as original fenestration, boundary walls, street furniture and paving materials
 - re-use existing structures of historic or visual value wherever possible, in preference to demolition
- Proposals to demolish buildings within conservation areas should be assessed against the same criteria as apply to the demolition of listed buildings

Policy source(s)

PPGs / PPSs / Circulars	PPG15
RPG6 / draft RPG14	ENV5 – The Historic Environment (RPG14)
Structure Plan policies	P7/6
Existing LP policies	En5, En6, En7, En8, En9
Community Strategy	
Best practice guidance	Conservation Issues in Local Plans
Other sources	

Reason for policy approach

Government advice for conservation areas is contained in PPG 15–Planning and the Historic Environment and within Planning (Listed Buildings and Conservation Areas) Act 1990. This legislation indicates that development proposals that are within or would effect the setting of a conservation area should seek to preserve and enhance their special architectural or historic character or appearance.

The purpose of conservation areas is to ensure that changes that take place do so in a manner that preserves and enhances the areas particular architectural or historic character. The character of the conservation area is often an amalgam of different elements such as style of building, the extent of open space, or the amount of tree cover, therefore it is important that these elements are recognised and protected.

The demolition of buildings within conservation areas can have a damaging effect on the area’s character and appearance by leaving unsightly gaps in the street frontage, which can remain for long periods of time. Where a building makes little of no contribution to the street scene, demolition should only be permitted where a full set of plans for the sites redevelopment have been submitted and are considered acceptable. Demolition of existing buildings should only be considered if it could be shown that the redevelopment of the site would make a greater contribution to the street scene.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: BUILT ENVIRONMENT

Policy area

Sites of archaeological interest

Policy approach

Policies in the plan will indicate that development proposals that could affect a site or area of archaeological interest should:

- Be accompanied by a suitable assessment of the nature and significance of any remains, so that their implications for the scheme can be considered
- Not cause harm to remains or their settings which are recognised or identified as being of national importance, and allow for their preservation in situ
- Make satisfactory arrangements for the preservation, recording or removal of other remains, as appropriate to their condition and significance, prior to development taking place

Policy source(s)

PPGs / PPSs / Circulars	PPG16
RPG6 / draft RPG14	RPG6 (policy 40); draft RPG14 (policy ENV5)
Structure Plan policies	P7/6
Existing LP policies	En11, En12, En13
Community Strategy	Specific action to improve access to the countryside and archaeological sites
Best practice guidance	
Other sources	

Reason for policy approach

Archaeological remains/sites are a finite non-renewable resource, which should be protected from damage wherever possible.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: HOUSING

Policy area

Location of housing development

Policy approach

Policies in the plan will indicate that:

- Housing development on unallocated sites should be limited to the following:
 - within the defined limits of Market Towns and Key Centres (Potential Growth): major and minor housing schemes, and residential infilling
 - within the defined limits of Key Centres (Limited Growth): minor housing schemes and residential infilling
 - within the built-up framework of Smaller Settlements: residential infilling
 - within the countryside: limited and specific forms of housing development, as provided for elsewhere in the plan
- The scale of housing development of different types is defined as:
 - Major schemes: 10 or more dwellings
 - Minor schemes: up to 9 dwellings
 - Residential infilling: development of a small plot within the built-up framework (or defined limits) by up to two dwellings, or by up to three dwellings in smaller settlements provided an appropriate mix of unit sizes is secured.

Policy source(s)

PPGs / PPSs / Circulars	PPG3; PPS7
RPG6 / draft RPG14	RPG6 (policies 4, 22); draft RPG14 (policies SS1, SS9, CSR1, GPSR1)
Structure Plan policies	P1/1, P5/5, P9/4, P10/3
Existing LP policies	STR1, STR2, HL8, HL9
Community Strategy	Specific actions of developing policies to promote sustainable communities and achieve targets to meet housing need in a sustainable manner
Best practice guidance	<i>Reducing Transport Emissions Through Planning</i> (DoE / DoT, 1993) <i>PPG13: A Guide to Better Practice</i> (DoE / DoT, 1995) <i>Sustainable Settlements</i> (University of West of England / LGMB, 1995) <i>Planning for Sustainable Development</i> (DETR, 1998)
Other sources	<i>Are Villages Sustainable?</i> (Countryside Agency, 2001)

Reason for policy approach

This policy approach allows an appropriate scale of residential development in settlements of different types, in line with the settlement hierarchy and national / strategic guidance. It enables the widest range of housing development to occur in the Market Towns and Key Centres (Potential Growth), these being the places that offer the best access to shops, services and employment opportunities.

The allowance for 'infilling' in smaller settlements to comprise up to three dwellings reflects that fact that schemes for just two dwellings on infill sites may not always make the best use of land or sit comfortably within the surrounding built form. However, it is subject to the important condition that an appropriate mix of housing units is provided. This reflects the particular need for smaller units in villages, and the fact that such units are more likely to make good use of the land (and suit the character of the surroundings) on small infill sites.

The policy approach does not cover housing intended specifically for agricultural and related workers, the elderly, those in need of institutional accommodation, gypsies and travelling showpeople; policies covering these groups will be included elsewhere in the Housing chapter.

Alternative approaches

A greater amount of development could be permitted in Key Centres (Limited Growth) and Smaller Settlements by allowing major housing schemes in the former, and minor housing schemes in some or all of the latter. Alternatively, the definitions of major and minor housing development could be changed to increase the quantity of development permissible in these locations.

Either approach would lead to a more dispersed form of development contrary to strategic policies which require most new housing to be located in larger settlements. There is no evidence that greater dispersal would have a significant effect in retaining village facilities, and it would be likely to increase the need to travel. The definitions of major and minor housing development proposed above are consistent with those employed nationally by ODPM.

POLICY SCOPING: HOUSING

Policy area

Affordable housing

Policy approach

Policies in the plan will:

- Define affordable housing as that available at a significant discount below market values, so as to be affordable to households who cannot either rent or purchase property that meets their needs on the open market
- Set out the types of housing that may contribute towards the provision of affordable properties, as follows:
 - social rented housing: housing provided, normally by Registered Social Landlords, at below market rents and at levels controlled by the Housing Corporation
 - intermediate housing: housing for people who may not qualify for social rented properties but whose incomes are insufficient to enable them to access market priced housing. This includes:
 - a) intermediate rented housing, where rents should not exceed 30% of net median household incomes in Huntingdonshire (except where provided specifically for key workers, in which case rents should not exceed 30% of the net median household income for the target group)
 - b) low cost home ownership, where housing costs (mortgage and rent) should not exceed 30% of gross median household incomes in Huntingdonshire (except where the properties are provided specifically for key workers, in which case costs should not exceed 30% of the gross median household income of the target group). Low cost home ownership includes both shared equity and discounted market housing
- Indicate that the type of affordable housing most needed within Huntingdonshire is social rented housing

Policy source(s)

PPGs / PPSs / Circulars	PPG3, Circular 6/98
RPG6 / draft RPG14	RPG6 (policy 10); draft RPG14 (policy H2)
Structure Plan policies	P5/4, P9/1
Existing LP policies	AH1, AH2
Community Strategy	Priority action to promote social inclusion by ensuring everyone has access to a decent home
Best practice guidance	<i>Local Housing Needs Assessment: A Guide to Good Practice</i> (DETR, 2000)
Other sources	

Reason for policy approach

It has become increasingly difficult for local people on low to modest incomes to gain access to suitable housing. A growing gap between average earnings and housing costs, a limited supply of new affordable properties and the loss of existing social housing through 'right to buy' / 'right to acquire' provisions have all contributed to this problem. The planning system has a key role to play in making more affordable properties available, through securing contributions from market housing schemes and by enabling rural 'exceptions' sites to come forward.

The purpose of this policy approach is to define the scope of what constitutes 'affordable housing' in Huntingdonshire. Housing needs surveys have shown that the primary requirement in this area is for social rented housing. However, there is a growing number of households who are not eligible for such properties (as their needs are not sufficiently acute), but at the same time cannot afford housing on the open market. Hence the policy approach also allows for 'intermediate' housing, suitable for this group, to contribute to the supply of affordable properties. This will allow a wider needs to be addressed in the interest of creating balanced and sustainable communities, and will also maximise the viability of providing affordable housing (given the limited funds available for supporting the provision of social rented properties).

It is important to set cost ceilings for intermediate housing to ensure that it is accessible to those in need. In principle, it is also reasonable to expect those purchasing such properties to pay slightly more than those who will be renting, as purchasers stand to gain over time from any appreciation in property values. For this reason the cost ceiling for intermediate rented housing is based on net incomes, whereas that for low cost home ownership is based on gross earnings. In both cases the threshold level of 30% is in line with that suggested in the DETR's good practice guidance.

Alternative approaches

None in terms of the broad approach to defining affordable housing: national guidance requires that plans define what constitutes 'affordable housing' within a local authority's area, while proposed changes to PPG3 (issued in 2003) indicate that this should be expressed in terms of the relationship between local income levels and house prices.

An alternative approach to the definition itself would be to make no distinction between net and gross household incomes in relation to intermediate housing for rent or purchase. Indeed, the proposed changes to PPG3 also suggest that affordable housing should not normally be defined in terms of tenure, unless this allows a need to be met that could not be addressed in other ways. However, this would not allow recognition of the fact that some tenures offer the prospect of long-term capital accumulation through increases in the value of the property.

A further variation would be to set the 30% threshold at a higher level, but this would limit the number of households able to access intermediate housing, and not accord with best practice guidance.

POLICY SCOPING: HOUSING

Policy area

Housing density

Policy approach

Policies in the plan will indicate that housing schemes should:

- Have a minimum net density of 30 dwellings per hectare
- On sites within or close to the town centres, or in locations with good access to high quality public transport, have a minimum net density of 40 dwellings per hectare
- On all sites, achieve the maximum density possible consistent with:
 - the settlement hierarchy
 - the character of the site and its surroundings
 - the need to accommodate other uses and residential amenities (such as open space and parking areas)

Policy source(s)

PPGs / PPSs / Circulars	PPG3
RPG6 / draft RPG14	RPG6 (policy 3); draft RPG14 (policy SS16)
Structure Plan policies	P5/3
Existing LP policies	HL6
Community Strategy	Priority action of producing guidance and promoting good practice in support of sustainable communities
Best practice guidance	
Other sources	

Reason for policy approach

Building at moderate to high densities enables best use to be made of development sites, and helps safeguard the countryside from unnecessary development. Where building occurs on a large scale, dense forms of development can also support the ‘critical mass’ of people that may be needed to support local facilities.

Relatively high minimum densities are appropriate in locations that have good access to a range of services, facilities and employment opportunities, as this will help to limit the need to travel (by maximising the amount of housing in relatively sustainable locations).

However, there may be instances where applying the minimum density requirement is not appropriate due to the character of the site and its surroundings; this is a material consideration but would need to be justified through a design statement submitted with a planning application.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: HOUSING

Policy area

Mix of property sizes

Policy approach

Policies in the plan will indicate that:

- Housing developments should incorporate a range of unit types to reflect the economic and social needs of the district, and taking into consideration the changing composition of households
- On major and minor housing schemes (of 3 units or more), at least 40% of the market housing should comprise 1 or 2 bedroom units, and at least 60% of the market housing should comprise units of no more than 3 bedrooms
- Where market housing is proposed on residential infill sites within smaller settlements, schemes for 2 dwellings should include at least 1 unit of no more than 3 bedrooms; and schemes for 3 dwellings should include at least 2 units of no more than 3 bedrooms

Policy source(s)

PPGs / PPSs / Circulars	PPG3
RPG6 / draft RPG14	RPG6 (policy 10); draft RPG14 (policy H2)
Structure Plan policies	P5/4
Existing LP policies	HL5, HL10
Community Strategy	Desired outcomes include a balanced housing market. Priority action to promote social inclusion by ensuring that everyone has access to a decent home
Best practice guidance	
Other sources	

Reason for policy approach

To ensure the private housing market meets the needs of as wide a section of the community as possible, it is important that new development begins to address a significant undersupply of smaller properties within the available the housing stock. One and two-bed units have on average comprised fewer than a quarter of completions during recent years; this contrasts with a general trend towards decreasing average household size, and the identified requirements of local people who wish to move house.

This problem is particularly acute in the Smaller Settlements, and for this reason infill sites in such locations will be expected to make a contribution towards improving housing mix. In Market Towns and Key Centres, schemes of three units or more will be required to include some smaller units.

Alternative approaches

The mix of housing provided could be left to the market, or an appropriate mix could be 'encouraged' by policies. However, experience to date has shown that a lack of intervention, or mere 'encouragement', will be insufficient to secure a significant increase in the supply of smaller units in line with local requirements.

Lower percentage targets for smaller unit provision, or higher site thresholds (e.g. limiting the requirement to major sites only) could be employed. However, these alternatives would not secure the degree of change required to address the identified imbalance in supply: the 40% and 60% targets are well below the requirements identified by the Council's Housing Needs Survey, while many minor and infill housing schemes will occur in rural locations where the need for smaller units is particularly acute.

POLICY SCOPING: HOUSING

Policy area

Alteration or replacement of existing dwellings in the countryside

Policy approach

Policies in the plan will indicate that proposals to alter, extend or replace an existing dwelling in the countryside should:

- Not result in a significant increase in the height or massing of the existing dwelling
- Not entail development where only the site of a previous dwelling remains

Policy source(s)

PPGs / PPSs / Circulars	PPS7
RPG6 / draft RPG14	
Structure Plan	
Existing LP policies	H26, H27, H28
Community Strategy	Desired outcomes include a high quality built and natural environment
Best practice guidance	
Other sources	

Reason for policy approach

To help conserve the character of the countryside, limits need to be placed upon the extent to which existing dwellings may be enlarged. Otherwise, the ability to create much larger properties on existing plots could increase the intrusiveness of built development in countryside locations. For the same reason, new dwellings will be resisted where a previous residential use has in effect been abandoned, such that only the site of the previous dwelling remains.

Alternative approaches

Significant increases in the height or massing of existing dwellings in the countryside could be permitted, as could residential development on plots where a house once stood (but has since been demolished or has collapsed). However, either approach would enable a greater degree of residential development in the countryside; this would be contrary to national guidance (in PPS7) that development in such locations should be strictly controlled, so as to protect the character of the countryside for the sake of its intrinsic character and beauty.

POLICY SCOPING: HOUSING

Policy area

Re-use of buildings in the countryside

Policy approach

Policies in the plan will indicate that proposals to re-use existing buildings in the countryside for housing should:

- Be limited to situations where a business use would either not be viable, or would generate a significantly greater number of vehicular movements in a location remote from existing settlements
- Not necessitate the substantial reconstruction of the building concerned
- Conserve the character of any buildings of historic or visual interest
- Employ landscape and boundary treatments that minimise the impact of domestic use upon the building's setting

Policy source(s)

PPGs / PPSs / Circulars	PPS7
RPG6 / draft RPG14	
Structure Plan policies	
Existing LP policies	H29
Community Strategy	
Best practice guidance	
Other sources	

Reason for policy approach

Huntingdonshire contains large numbers of buildings in the open countryside associated with agriculture and related industries. Changing farming and commercial practices have made some of these buildings redundant, while there is considerable demand for converting the more attractive structures to housing. In general a re-use for employment purposes is preferable, as residential conversions can cause more harm to the character of historic structures, conflict with the objective of limiting residential development in the countryside and utilise premises that might otherwise provide local employment opportunities.

Nevertheless, there are limited circumstances in which converting a building in the countryside to a dwelling is not possible, or is undesirable due to the volume of traffic that might be generated. This policy approach sets out appropriate criteria for judging proposals in those limited circumstances where a residential re-use may be acceptable.

Applicants will be required to demonstrate that re-use or redevelopment for business purposes is not viable or would generate significantly more vehicle movements than a residential use. Where a building is in a ruinous condition, or only its site remains, rebuilding for residential purposes will not be permitted (as this would be tantamount to constructing a new house in the open countryside).

Alternative approaches

The plan could make no allowance for converting buildings in the countryside to residential use, but this could inhibit the productive re-use of buildings that are worthy of retention (where a business use is not viable), or result in an undesirable level of vehicle movements in some situations.

Conversely, re-use for residential purposes could be allowed without restriction, but this would be more likely to harm the character of historic buildings and their setting, and increase the amount of residential development in locations that are remote from employment and services. It would also restrict the supply of premises potentially available for business use in rural areas.

POLICY SCOPING: HOUSING

Policy area

Housing for agricultural and related workers

Policy approach

Policies in the plan will:

- Indicate that development in the countryside to meet the accommodation needs of full-time workers in agriculture, horticulture, forestry or equestrian activities may be allowed, where an essential need for a dwelling to support the business is demonstrated
- Set out the criteria that will be used to assess such proposals, including the requirements that:
 - provision on-site (or in the immediate vicinity) is necessary for the operation of the business
 - no suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity
 - the proposal does not involve replacing a dwelling disposed of recently as general market housing
 - the dwelling is no larger than that required to meet the operational needs of the business
 - the siting and landscaping of the new dwelling ensure that any impact upon the character and appearance of the countryside is minimised
- Indicate that a temporary dwelling may be permitted where these circumstances apply, but the activity has been established recently and needs time to demonstrate that it is financially sound.

Policy source(s)

PPGs / PPSs / Circulars	PPS7
RPG6 / draft RPG14	RPG6 (policy 10)
Structure Plan policies	
Existing LP policies	H23, H24
Community Strategy	
Best practice guidance	
Other sources	

Reason for policy approach

The construction of new dwellings in the countryside to meet the housing needs of workers in agriculture and related land-based occupations requires special justification; it is important to avoid sporadic development in the countryside, and often it will be possible for such workers to live in a nearby town or village.

This policy approach sets out the criteria to be employed where a new dwelling in the countryside is claimed as being necessary. The requirements for clear evidence of need and an appropriate size of dwelling are there to prevent possible abuse of the policy, and comply with national guidance in PPS7. Annex A of the latter gives additional information on how the criteria should be applied.

Alternative approaches

None. This approach is required by national guidance.

POLICY SCOPING: HOUSING

Policy area
Rural exception sites

Policy approach
<p>Policies in the plan will:</p> <ul style="list-style-type: none"> • Indicate that development to meet a local need for affordable housing may be permitted in locations, or on a scale, that would not otherwise be allowed by the plan. • Set out the criteria that will be used to assess such proposals, including the requirements that: <ul style="list-style-type: none"> – the site is within, adjoining or well-related to a Key Village (Limited Growth) or a Smaller Settlement – the village concerned offers at least a basic range of services appropriate to the form of housing to be provided – the impact on adjoining countryside is minimised through careful siting, design and landscaping – a local need for the scale and nature of development proposed is demonstrated – occupation of the affordable dwellings is controlled to ensure that the benefits of affordable housing are enjoyed by subsequent as well as initial occupiers

Policy source(s)	
PPGs / PPSs / Circulars	PPG3
RPG6 / draft RPG14	RPG6 (policy 10); draft RPG14 (policy H2)
Structure Plan policies	P5/5
Existing LP policies	AH5
Community Strategy	Desired outcomes include a balanced housing market. Priority action to promote social inclusion by ensuring that everyone has access to a decent home
Best practice guidance	
Other sources	

Reason for policy approach
<p>Although the settlement hierarchy steers most new housing towards the Market Towns and Key Centres (Potential Growth), it is important to have a mechanism for addressing affordable housing needs that arise within the district's rural areas. Consequently this policy approach allows exceptions to be made to the normal limits on development in such locations.</p> <p>The criteria to be applied will ensure that sporadic development in the countryside is prevented, that occupants of the new properties have access to at least a basic level of facilities appropriate to their needs (helping to limit the need to travel), and that the properties remain as part of the 'affordable' housing stock. The supporting text will make clear that a 'basic range of services' should include a food shop in all cases, and also a primary school where the houses will be occupied by families.</p>

Alternative approaches
<p>No allowance could be made for rural exception sites, but this would not enable identified needs for affordable housing in rural areas to be addressed.</p> <p>Exception sites could be allowed at all rural settlements, regardless of the level of facilities available within them. However, this would mean that some residents of the new properties would not have easy access to a basic level of services and facilities, increasing their need to travel (and contrary to the need to promote a more 'sustainable' pattern of development).</p>

POLICY SCOPING: HOUSING

Policy area

Retirement and sheltered housing

Policy approach

Policies in the plan will indicate that proposals for retirement and sheltered housing schemes should:

- Be located within the defined limits of the Market Towns and Key Centres (Potential Growth and Limited Growth)
- Comprise solely of housing for the elderly if a major scheme (10 or more units) is located within a Key Centre (Limited Growth)
- Enable at least a basic range of services (including a food shop, public house, community hall and place of worship) to be reached on foot along routes that are reasonably level and safe to use
- Enable primary care services to be reached easily for those without access to a car

Policy source(s)

PPGs / PPSs / Circulars	PPG3
RPG6 / draft RPG14	RPG6 (policy 10)
Structure Plan policies	P5/4
Existing LP policies	H43
Community Strategy	Priority actions to promote social inclusion by ensuring that everyone has access to a decent home, and to support initiatives which support older people at home. Specific action to ensure that older people and those with disabilities have access to facilities that promote an active, healthy life
Best practice guidance	<i>Planning for Retirement Housing</i> (POS / Retirement Housing Group, 2003)
Other sources	<i>Planning and Diversity: Research into Policies & Procedures</i> (ODPM, 2004)

Reason for policy approach

The number of elderly people is expected to increase significantly in the period to 2021, and provision needs to be made to help meet their specialist housing needs. Retirement and sheltered housing comprises the following categories of accommodation:

- Developments designed and marketed at the 'early retired', intended to appeal to reasonably active people of 55 years and over
- Sheltered housing designed for less active elderly people, and comprising grouped, self-contained accommodation with an emergency alarm system, usually with communal facilities and a resident warden
- Extra care / very sheltered accommodation for people with higher levels of dependency but who do not require the full nursing care of a registered care home

The policy allows for retirement and sheltered schemes to be developed in Key Centres (Limited Growth) on a scale that would not otherwise be allowed for general housing. This recognises that residents of such developments are more likely to shop locally (and are less likely to travel by car) than other occupiers. Allowing such schemes in all the Key Centres will give opportunities for elderly people to maintain a relatively rural lifestyle, while benefiting from access to a range of essential services and limiting the likely number of car-borne trips. It is also recognised that the provision of communal facilities and support services requires development on a sufficient scale to be viable, so the lack of restriction on unit numbers in the Key Villages (Limited Growth) will enable appropriate provision in these locations.

Alternative approaches

Retirement and sheltered schemes of 10 units or more could be restricted to the Market Towns and Key Centres (Potential Growth), in accordance with the scale of development permitted for general housing under the settlement hierarchy. However, not extending this provision to the Key Centres (Limited Growth) would limit unnecessarily the scope for meeting the housing needs of elderly people wishing to retain a relatively rural lifestyle (given the relatively 'sustainable' nature of retirement and sheltered housing schemes).

Conversely, major retirement or sheltered housing developments could be allowed in all settlements with at least a basic level of services and facilities. However this would not give residents access to as wide a range of facilities as are available in the Key Centres, increasing the likelihood that they would need to travel elsewhere to meet their needs. The scale of development required to ensure that communal / support services are viable could also be incompatible with the form and character of many Smaller Settlements.

POLICY SCOPING: HOUSING

Policy area

Nursing and care homes

Policy approach

Policies in the plan will indicate that proposals for nursing and care homes should:

- Be located within the defined limits of the Market Towns and Key Centres, or within the existing built-up areas of the Smaller Settlements
- Enable shopping, community and medical facilities to be reached easily for those without access to a car, as appropriate to the needs and level of mobility of potential residents

Policy source(s)

PPGs / PPSs / Circulars	PPG3
RPG6 / draft RPG14	RPG6 (policy 10)
Structure Plan policies	P5/4
Existing LP policies	H43
Community Strategy	Priority action to promote social inclusion by ensuring that everyone has access to a decent home. Specific action to ensure that older people and those with disabilities have access to facilities that promote an active, healthy life
Best practice guidance	
Other sources	<i>Planning and Diversity: Research into Policies & Procedures</i> (ODPM, 2004)

Reason for policy approach

Nursing and care homes entail the provision of specialist residential accommodation and care to people in need. This can cover a range of uses such as nursing homes, centres for those with severe disabilities and hostels for social rehabilitation purposes. The nature and mobility of occupiers varies greatly, so it is inappropriate to specify in any detail the level of access to facilities that may be required. Nonetheless, it is important that nursing and care homes are directed towards locations that are 'sustainable', enabling access by non-car modes to relevant facilities and contributing to the best possible quality of life for future residents.

The policy allows for nursing and care homes to be developed in Key Centres (Limited Growth) and Smaller Settlements on a scale that would not otherwise be allowed for general housing. This recognises that specialist accommodation often requires a minimum number of units to be viable, and that a rural location may sometimes be appropriate in addressing the care needs of residents.

Alternative approaches

Nursing and care homes could be restricted to the Market Towns and Key Centres (Potential Growth and Limited Growth). However, this would not enable appropriate forms of development where a rural location is required, and would not necessarily have much impact upon the need to travel by car (given that many residents will have limited mobility or not be drivers). Hence it would limit unnecessarily the scope for meeting these specialised housing needs in suitable locations.

POLICY SCOPING: HOUSING

Policy area
Accommodation for gypsies and travelling showpeople

Policy approach
<p>Policies in the plan will:</p> <ul style="list-style-type: none"> • Indicate that development in the countryside to meet the accommodation needs of gypsies or travelling showpeople may be allowed, where a local need for the scale and nature of development proposed is demonstrated • Set out the criteria that will be used to assess such proposals, including the requirements that: <ul style="list-style-type: none"> – the intended occupants pursue a travelling lifestyle for a significant portion of the year, for the purpose of making their living – adequate schools, shops and other community facilities are within reasonable travelling distance, and can be reached by foot, cycle or public transport – the site is served (or can be served) by adequate water and sewerage connections – there would be no significant adverse effect on the amenity of nearby residents or operations of adjoining land uses – the siting and landscaping ensure that any impact upon the character and appearance of the countryside is minimised, and the development can be assimilated into its surroundings

Policy source(s)	
PPGs / PPSs / Circulars	Circulars 22/91; 1/94
RPG6 / draft RPG14	RPG6 (policy 10)
Structure Plan policies	P5/4
Existing LP policies	H44
Community Strategy	Promote good opportunities for learning. Promote social inclusion by ensuring everyone has access to a good home. Promote vibrant, confident and effective communities.
Best practice guidance	
Other sources	<i>Local Authority Gypsy / Traveller Sites in England</i> (ODPM, 2003)

Reason for policy approach
<p>National guidance indicates that authorities should allocate sites to meet the identified accommodation needs of gypsies, as well as setting out appropriate criteria for making decisions about sites where allocations have not been made. The need for allocations will be considered in the context of preparing an allocations DPD; the policy approach outlined above provides the necessary criteria for dealing with any proposals in the meantime.</p> <p>The criteria reflect those suggested by Circular 1/94, including the test that applicants must be pursuing a nomadic way of life to qualify for gypsy status. It is recognised that gypsy sites may have to be located in the countryside, but decisions about the acceptability of particular locations need to take into account access to essential services, the impact on the settled community in the vicinity and the need to minimise visual intrusion.</p> <p>Organised groups of travelling showpeople are specifically excluded from the definition of ‘gypsies’ used by Circular 1/94, but their way of life and accommodation requirements are similar. Hence it is appropriate to address their requirements within the same policy approach.</p>

Alternative approaches

None. The approach to meeting gypsies' accommodation needs is required by national and strategic guidance, and it would be unreasonable not to make any similar allowance for the needs of travelling showpeople.

POLICY SCOPING: ECONOMY & TOURISM

Policy area

Location of office development

Policy approach

Policies in the plan will indicate that:

- Proposals for large office developments (of at least 500m² gross floorspace, or a site area of 0.5 ha+) on unallocated land should be:
 - limited to sites within the defined limits of the market towns; and
 - situated within the town centres where capacity exists, provided the scale of development is consistent with the function and character of the centre
- Where large office developments cannot be accommodated within a town centre, it should be demonstrated that:
 - no sequentially preferable site is suitable or available (starting with edge of centre sites and locations with good access to high quality public transport, then out-of-centre locations); and
 - the site offers potential to maximise accessibility by walking, cycling and public transport
- Proposals for minor office developments (of less than 500 m² gross floorspace, or a site area of less than 0.5 ha) will be allowed within the defined limits of the Market Towns and Key Centres (Potential & Limited Growth), and within the existing built-up framework of smaller settlements.

Policy source(s)

PPGs / PPSs / Circulars	PPG4; PPG6; draft PPS6
RPG6 / draft RPG14	
Structure Plan	
Existing LP policies	
Community Strategy	
Best practice guidance	
Other sources	

Reason for policy approach

National guidance requires the focus on town centres for further office development to promote their vitality and viability, to maximise the opportunities for people to access such facilities by a choice of means of transport and to reduce social exclusion.

Alternative approaches

POLICY SCOPING: ECONOMY & TOURISM

Policy area

Location of industrial and warehouse development

Policy approach

Policies in the plan will indicate that:

- Proposals for large industrial or warehouse developments (of at least 500m² gross floorspace, or a site area of 0.5 ha +) on unallocated land should be limited to:
 - sites within the defined limits of the Market Towns and Key Centres (Potential & Limited Growth)
 - sites within established industrial estates, distribution and business parks
 - situations where an existing firm requires additional space in order to expand
 - the conversion or redevelopment of suitable existing buildings in the countryside, as provided for elsewhere in the plan
- Proposals for minor industrial or warehouse developments (of less than 500 m² gross floorspace, or a site area of less than 0.5 ha) will be allowed in the same locations, and additionally:
 - within the existing built-up framework of Smaller Settlements
 - as part of farm diversification schemes provided for elsewhere in the plan

Policy source(s)

PPGs / PPSs / Circulars	PPG4, PPS7
RPG6 / draft RPG14	
Structure Plan	
Existing LP policies	E11
Community Strategy	
Best practice guidance	
Other sources	

Reason for policy approach

Directing employment growth to the most sustainable locations will ensure that people have good access to jobs by a choice means of transport. Urban areas can often be the most sustainable location for new employment as they provide more opportunities for people to access them by public transport. However, landowners in rural areas are seeking to re-use redundant buildings and diversify their existing activities. In order to support farmers and landowners it is important that the Council ensures that rural areas are able to provide these opportunities whilst protecting the countryside. Small-scale employment uses within rural areas may prevent out commuting and help rural area maintain their vitality

Alternative approaches

POLICY SCOPING: ECONOMY & TOURISM

Policy area

Redevelopment of office, industrial and warehouse sites

Policy approach

Policies in the plan will indicate that development proposals should not entail the loss of identified industrial estates, distribution and business parks, or of other large sites used (or last used) for such purposes, unless it can be demonstrated that:

- Continued use of site for B1, B2 or B8 purposes is no longer feasible, taking into account the site's characteristics and existing / potential market demand; or
- Use of the site for B1, B2 or B8 purposes gives rise to unacceptable environmental or traffic problems; or
- An alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs

Policy source(s)

PPGs / PPSs / Circulars	PPG3, PPG4
RPG6 / draft RPG14	
Structure Plan policies	
Existing LP policies	
Community Strategy	Desired outcomes include a sustainable, buoyant and balanced local economy. Specific action to ensure that the plan provides sufficient land to meet the needs of existing business and for sustainable business growth
Best practice guidance	
Other sources	<i>Planning for Economic Development</i> (ODPM, 2004)

Reason for policy approach

Government guidance encourages the re-use of industrial and commercial land for housing and mixed-use development, in circumstances where an oversupply of land for business purposes exists, or sites are no longer appropriate for business use. At the same time, the priority given to previously-developed land within larger settlements in finding sites for housing can lead to pressure for re-using industrial and commercial sites even when they are in active use. The premature loss of business land can harm local firms (who may find it difficult to find suitable replacement sites), lead to a loss of local employment, create pressure for development at the edge of settlements, and increase the need to travel to work. The availability of local employment that is suited to the skills of the local workforce is particularly important given high levels of net out-commuting from Huntingdonshire.

This policy approach puts reasonable checks in place to ensure that industrial and commercial sites are not lost prematurely. As well as applying to identified industrial estates, distribution and business parks, it also covers other large employment sites and buildings (where the site area exceeds 0.5ha or the floorspace is greater than 500m²). Where the continued viability of the site for B1, B2 or B8 use is in question, applicants will be required to demonstrate that the site has been marketed at a realistic price for a period of time, or show that physical / operational constraints make it no longer suitable for business use.

Alternative approaches

No restrictions could be placed on the re-use of industrial and commercial land for other purposes, but this could be harmful to local firms and employment opportunities, increase the pressure for development outside urban areas, and increase the need to travel to work.

POLICY SCOPING: ECONOMY & TOURISM

Policy area
Location of tourist facilities

Policy approach
<p>Policies in the plan will indicate that:</p> <ul style="list-style-type: none"> • Proposals for large tourist facilities (of at least 500m² of floorspace, or a site area of 0.5ha +) on unallocated land should be limited to: <ul style="list-style-type: none"> – sites within the defined limits of the Market Towns and Key Centres (Potential & Limited Growth) – situations where an existing business requires additional space in order to expand – the conversion or redevelopment of suitable existing buildings in the countryside, as provided for elsewhere in the plan • Proposals for minor tourist facilities below this threshold will be allowed in the same locations, and additionally: <ul style="list-style-type: none"> – within the existing built-up framework of Smaller Settlements – as part of farm diversification schemes provided for elsewhere in the plan – in association with strategic greenspace enhancement projects – in association with navigable waterways, provided the location adjoins or is well-related to an existing settlement • Proposals for touring caravan and camp sites should be limited to locations that: <ul style="list-style-type: none"> – adjoin or are well-related to an existing settlement – enable the visual impact of development on the surrounding landscape to be minimised • Visitor attractions that could attract large numbers of people should be accessible by a choice of means of transport, and offer good access by non-car modes • Self-catering tourist accommodation should be restricted to holiday and seasonal occupation, to prevent permanent residential use becoming established

Policy source(s)	
PPGs / PPSs / Circulars	PPG21 PPG13 PPG25 PPS7
RPG6 / draft RPG14	E13
Structure Plan	P4/1
Existing LP policies	T07 T06 T09 T08
Community Strategy	
Best practice guidance	
Other sources	Planning for Tourism (National Planning Forum), HDC Tourism Strategy

Reason for policy approach
<p>Visitor accommodation is a vital way of increasing tourist spending in the local economy in both urban and rural areas, as well as playing a useful role in farm diversification. The growing market for short breaks means that there is a steady increase in the number of visitors to Huntingdonshire, as well as a rise in the business visitor market. Accommodation takes many forms, from hotels and bed and breakfast establishments to caravan sites, and business is affected by seasonal variations.</p> <p>Caravan sites should not be permitted in areas at risk from flooding, nor where they will be visually intrusive in the landscape.</p>

Alternative approaches

POLICY SCOPING: ECONOMY & TOURISM

Policy area

Re-use and redevelopment of rural buildings

Policy approach

Policies in the plan will indicate that:

- Proposals to re-use existing buildings in the countryside for business purposes (including tourist accommodation and retailing) should conserve the character of any buildings of historic or visual interest
- Proposals to redevelop existing buildings in the countryside for business purposes (including tourist accommodation and retailing) should:
 - be limited to situations where the existing building is substantially intact
 - not involve a significant increase in the scale of built development
 - not entail the loss of a building of historic or visual interest
- Any proposals to re-use or redevelop an existing building in the countryside for retail purposes should be limited to projects forming part of a farm diversification scheme, and should not exceed 500m² of floorspace

Policy source(s)

PPGs / PPSs / Circulars	PPS7
RPG6 / draft RPG14	
Structure Plan policies	P2/6
Existing LP policies	E10, To3
Community Strategy	
Best practice guidance	<i>Planning for Rural Diversification – A Good Practice Guide</i> (DoE, 1995)
Other sources	

Reason for policy approach

Many buildings in the countryside used for farming and other activities can be re-employed for a variety of purposes, but it is important to ensure that any proposal is appropriate both for the building itself and for the area in which it lies. Huntingdonshire contains large numbers of old farm buildings, mills and other structures that are of historic or visual interest and make an important contribution to the character of the area; any schemes for their re-use should ensure that these qualities are conserved, whether the building is listed or not.

Many proposals for the conversion of modern farm buildings are also received. In such cases particular regard will be had to other policies in the plan concerning the impact of development on its surroundings, including the scale and nature of traffic generated. These considerations apply to all proposals, but are particularly relevant to the re-use of modern buildings in the countryside, as most are large and of utilitarian appearance.

The redevelopment of existing buildings in the countryside may also be permitted – this can range from partial reconstruction to their complete replacement. Given the need to protect the character of the countryside, additional safeguards are needed to ensure that this does not result in an increased scale of development or the loss of buildings that should be retained. Nor will redevelopment be permitted where a building is in a ruinous condition or only its site remains, as this would mean allowing building in locations where the previous structure has, in effect, disappeared (or is in the process of doing so).

Strict limits on re-use or redevelopment for retail purposes are appropriate, given the need to limit unnecessary car-borne trips and sustain the vitality and viability of existing village services. However, farm shops can make a useful contribution to farm diversification schemes and will be permitted provided their scale is limited and there is no conflict with other policies in the plan.

Alternative approaches

None. The re-use or redevelopment of existing buildings in the countryside for business purposes is encouraged by national guidance, subject to appropriate criteria being included in plans or supplementary guidance. The criteria suggested above are appropriate given the need to avoid adverse impacts upon buildings of historic or visual importance, or upon the wider character of Huntingdonshire's rural areas.

POLICY SCOPING: ECONOMY & TOURISM

Policy area

Farm Diversification

Policy approach

Policies in the plan will indicate that developments forming part of farm diversification schemes should:

- Make an ongoing contribution to sustaining the farm business as a whole
- Not involve built development on previously undeveloped sites unless:
 - the re-use or redevelopment of existing buildings on the holding for the intended use is not feasible, or an opportunity exists to demolish an existing structure and re-build in a more appropriate location; and
 - the proposed floorspace does not exceed 500m²; and
 - the siting and landscaping ensure that any impact upon the character and appearance of the countryside is minimised, and the development can be assimilated into its surroundings
- Not involve residential development unless it complies with all other policies in the plan

Policy source(s)

PPGs / PPSs / Circulars	PPS7
RPG6 / draft RPG14	
Structure Plan policies	P2/6
Existing LP policies	Policy To11, E10
Community Strategy	
Best practice guidance	Planning for Rural Diversification – A Good Practice Guide
Other sources	

Reason for policy approach

There is a need to facilitate the diversification of farm-based operations in order to support agricultural businesses and sustain the rural economy. Farm diversification can entail various types of enterprise, such as food processing, farm shops, tourist accommodation, creating workshops for letting to local firms and providing recreation facilities. It is important to ensure that diversification schemes bring long-term and genuine benefits to individual farm operations and the wider rural area.

Diversification will in most cases involve changing the use of land and/or re-using (or redeveloping) existing buildings. Development on new sites will be discouraged unless it is the only feasible option, or enables the clearance and replacement of a badly-sited structure. The policy approach outlined above sets out necessary criteria to ensure that any building on previously undeveloped sites is small in scale and carried out in the most environmentally sensitive manner.

Alternative approaches

Any building on previously undeveloped land in association with farm diversification schemes could be prohibited in order to maximise protection of the countryside from further development. However, this would place a more stringent limitation on the ability of farm businesses to diversify, which in itself could harm the character of the countryside (as healthy farm businesses are necessary if farmers are to be able to maintain their holdings).

POLICY SCOPING: SERVICES & FACILITIES

Policy area

Town centres and primary shopping frontages

Policy approach

Policies in the plan will:

- Define town centres within the Market Towns of St Neots, Huntingdon, St Ives and Ramsey. The town centre boundaries will relate to the areas where relevant commercial activities are concentrated (in terms of floorspace and employment in retail, service, culture and office uses)
- Define primary shopping frontages within the town centres of St Neots, Huntingdon, St Ives and Ramsey where the concentration of A1 retail uses exceeds 70% of ground floor premises
- Indicate that within primary shopping frontages development proposals should:
 - not result in more than 30% of ground floor premises in the primary frontage being in other (non-A1) uses
 - not create an over-concentration of other uses within a particular section of the frontage (measured as a continuous frontage of three or more units in non-retail use)

Policy source(s)

PPGs / PPSs / Circulars	PPG6, draft PPS6
RPG6 / draft RPG14	RPG6 (policy 13); draft RPG14 (policies SS5, E9)
Structure Plan policies	P3/1
Existing LP policies	S1, S12, S13
Community Strategy	Priority action to improve the collective benefits of the town centres (their facilities, competitiveness and appeal)
Best practice guidance	<i>Vital and Viable Town Centres: Meeting the Challenge</i> (DoE, 1994)
Other sources	<i>Huntingdonshire Retail Study</i> (HDC, 2001) <i>Producing Boundaries and Statistics for Town Centres: Interim Report</i> (ODPM, 2004)

Reason for policy approach

Huntingdonshire's town centres perform a variety of functions. As well as providing a wide range of shops and services, they are centres of employment, entertainment and tourism, and a focus for public transport routes. They also offer opportunities for providing housing in locations where the need to travel is minimised. Maintaining the vitality and viability of these centres is important if these functions are to be retained and enhanced.

Defining the town centres provides a clear basis for the operation of policies to guide the location of retail, leisure and business development, and to promote higher residential densities in places with good access to facilities. Identifying primary shopping frontages within the town centres is an important tool in maintaining their attractiveness as shopping destinations, as a concentration of retail facilities contributes strongly to the vitality and viability of a centre. It also helps to ensure the continued availability of a wide range of shops that can be accessed by a choice of transport modes.

A concentration of non-retail uses in primary frontages can have an adverse impact upon their appearance and role as core shopping areas. However, the policy approach does allow for a limited amount of non-retail use within primary frontages, in recognition of the fact that complementary activities (such as food and drink outlets and financial services) can support the attractiveness of these areas so long as they do not come to dominate them.

Alternative approaches

The identification of town centres is required by national and strategic guidance, and it is appropriate to draw their boundaries so as to reflect the role that they perform.

There could be no attempt to designate primary shopping frontages, allowing instead a greater diversity of employment, service and facilities to be located throughout the town centres without distinguishing any particular locality where retail uses should predominate. However, this could reduce the concentration of A1 uses within the core shopping areas, thereby having a detrimental impact on the vitality and viability of both these areas and the town centres as a whole.

POLICY SCOPING: SERVICES & FACILITIES

Policy area

Location of retail and leisure development

Policy approach

Policies in the plan will indicate that:

- Proposals for large retail or leisure developments (of at least 500m² gross floorspace, or a site area of 0.5 ha+) on unallocated sites should be:
 - limited to land within the defined limits of the market towns
 - situated within the town centres where capacity exists, provided the scale of development is consistent with the function and character of the centre
- Where large retail or leisure developments cannot be accommodated within a town centre, it should be demonstrated that:
 - a need exists for the scale and nature of development proposed
 - no sequentially preferable site is suitable or available (starting with edge of centre sites, then out-of-centre locations)
 - the proposal will not have a significant adverse impact upon the vitality and viability of existing town centre retail or leisure facilities
 - the site offers potential to maximise accessibility by walking, cycling and public transport
- Proposals for minor retail or leisure developments (of less than 500m² gross floorspace, or a site area of less than 0.5 ha) will be allowed within the defined limits of the Market Towns and Key Centres, and within the existing built-up framework of Smaller Settlements, provided:
 - the development would not have an adverse impact upon the range of shopping or leisure facilities within the settlement
 - the site offers potential to maximise accessibility by walking, cycling and public transport

Policy source(s)

PPGs / PPSs / Circulars	PPG6, draft PPS6
RPG6 / draft RPG14	RPG6 (policy 13); draft RPG14 (policies SS5, E10)
Structure Plan	P3/1, P3/2
Existing LP policies	S1, S3, S4, S7, S9, S16
Community Strategy	Priority action to improve the collective benefits of the town centres (their facilities, competitiveness and appeal). Specific action to promote each of the market towns, including the provision of suitable premises for larger retailers and enhancing the choice and variety of evening activities
Best practice guidance	<i>Vital and Viable Town Centres: Meeting the Challenge</i> (DoE, 1994)
Other sources	<i>Huntingdonshire Retail Study</i> (HDC, 2001)

Reason for policy approach

Directing large retail and leisure developments to the town centres helps to underpin their vitality and viability, limits the need to travel by car, and means that services and facilities are accessible to those who do not have access to private transport. Where suitable sites within the town centres do not exist, and there is a need for the development, the policy approach requires schemes to be located in the most sustainable locations possible in terms of accessibility. The requirement that any such proposals should not have an adverse impact upon town centre facilities is an important safeguard against harm to the centres of Huntingdonshire's market towns.

Greater flexibility can be allowed in locating smaller retail and leisure developments that are unlikely to have a detrimental impact upon the town centres, will attract fewer numbers of people, and which will in some cases provide for neighbourhood or village shopping needs. Nevertheless, it is still important to locate these facilities where the best opportunities exist to reach them by non-car modes.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: SERVICES & FACILITIES

Policy area

Retention and enhancement of village facilities

Policy approach

Policies in the plan will indicate that development proposals should not entail the loss of the last remaining shop, post office, public house, petrol station or village/church hall in a settlement unless it can be demonstrated that:

- there is no reasonable prospect of the established use being retained or resurrected
- there is little evidence of public support for the retention of the facility

Policy source(s)

PPGs / PPSs / Circulars	PPG6; draft PPS6; PPS7
RPG6 / draft RPG14	RPG6 (policy 12); draft RPG14 (policy SS9)
Structure Plan policies	P3/4
Existing LP policies	S17
Community Strategy	Priority actions to promote social inclusion
Best practice guidance	
Other sources	

Reason for policy approach

Retention of the last remaining shop, post office, public house, petrol station and or meeting place in settlements is important for maintaining access to services (particularly for those without the use of a car), limiting the need to travel and promoting the overall vitality and sustainability of village communities. This policy approach prevents the unnecessary loss of such facilities in cases where a demand for them still exists.

Alternative approaches

National guidance (PPS7) requires local planning authorities to have policies for supporting the retention of key village facilities. The requirement to satisfy the criteria set out in the policy approach could in principle be extended to the proposed loss of any facility of this type in a Smaller Settlement or Key Centre (regardless of whether it is the last remaining). However, this would not be reasonable where several facilities of a particular type exist; the underlying purpose of the policy approach (and the justification for it) is to ensure that people living in rural areas do not suffer the unnecessary loss of key facilities.

POLICY SCOPING: TRANSPORT & UTILITIES

Policy area

Highway access and capacity

Policy approach

Policies in the plan will indicate that development proposals should:

- Be capable of being served by safe and convenient access to the highway network
- Not give rise to traffic volumes that exceed the capacity of the local or strategic highway network
- Not cause harm to the character of the surrounding area as a result of the amount or type of traffic generated

Policy source(s)

PPGs / PPSs / Circulars	
RPG6 / draft RPG14	RPG 14 – Policy T1: Regional Transport Strategy Objective 6: Improve safety and security
Structure Plan	P8/1 – Sustainable Development – Links between land use and transport
Existing LP policies	T18
Community Strategy	
Best practice guidance	
Other sources	

Reason for policy approach

The safety of people using the highway is very important when considering access to new development. It is essential that access to new developments is planned and designed to be safe for all types of user.

Road traffic can have a significant effect on the environment of both rural and urban areas. If the level of traffic generation continues unchecked it can have detrimental social, economic and environmental effects. It is therefore important that the impact on the highway network of traffic generated by new development is considered.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: TRANSPORT & UTILITIES

Policy area

Car and cycle parking

Policy approach

Policies in the plan will indicate that:

- Development proposals should limit the amount of car parking provided to the levels set out in the Council's parking standards
- Indicate that those maximum standards will be broadly in line with the interim standards that accompany the existing Huntingdonshire Local Plan
- Developments requiring public car parking should share facilities where their location and patterns of use permit
- Minimum levels of cycle parking and car parking for people with impaired mobility will be required

Policy source(s)

PPGs / PPSs / Circulars	PPG3; PPG13
RPG6 / draft RPG14	RPG 14: Policy T16: Parking
Structure Plan policies	Policy P8/5
Existing LP policies	Appendix 3: Car Parking Standards, Interim Guidance
Community Strategy	
Best practice guidance	
Other sources	

Reason for policy approach

Availability of car parking can have a significant impact on people's choice of transport. Limiting car parking spaces in new developments alongside encouraging more sustainable forms of transport can reduce car use. Car parking also takes up a lot of space and therefore reduces densities on development.

It is important to set minimum cycle parking standards because the availability of a secure place to park cycles is a key determinant in whether people choose to use this method of transport.

Encouraging the sharing of car parking spaces, particularly in town centres, for uses where the peak demands do not coincide will help reduce the overall number of spaces required.

Alternative approaches

None. This approach is required by national and strategic guidance.

POLICY SCOPING: TRANSPORT & UTILITIES

Policy area
Public paths and cycle ways

Policy approach
<p>Policies in the plan will indicate that development proposals should:</p> <ul style="list-style-type: none"> • Maintain the existing network of rights of way and other public paths / cycle ways • Exploit opportunities to extend, link or improve the quality of existing path and cycle networks where this enables one or more of the following: <ul style="list-style-type: none"> – improved access to the countryside – new circular routes and connections between local and long-distance footpaths / cycle ways – the provision of safe and convenient links to services and facilities – improved connections with public transport interchanges

Policy source(s)	
PPGs / PPSs / Circulars	PPG13
RPG6 / draft RPG14	RPG6 (policy 27); draft RPG14 (policy T12)
Structure Plan policies	P4/2, P8/1, P8/2, P8/8, P8/9
Existing LP policies	R15, T19, T20
Community Strategy	Specific actions of maintaining, improving and expanding routes for pedestrians, cyclists and those with mobility difficulties; improving access to the countryside; and promoting exercise in schools and our communities
Best practice guidance	
Other sources	<p>CROW Act. CCC to produce Rights of Way Improvement Plans.</p> <p>Countryside Agency to publish guidance on improving access to the countryside for disabled people late 2004.</p> <p>The British Horse Society "Ride UK" – creation of the National Bridleroute Network.</p> <p>Sustrans (National Cycle Network)</p> <p>CCC Walking & Cycling Strategy, Huntingdonshire Cycling Strategy - aim to increase cycle use, and encourage initiatives such as 'Safer Routes to Schools'</p>

Reason for policy approach
<p>Public paths and cycle ways are key assets, linking residential areas to services, facilities and places of employment, and providing a wide range of informal recreation opportunities. There is considerable scope for their use to increase. Within Huntingdonshire, 72% of all trips are fewer than five miles in length, and 50% fewer than two miles in length, suggesting that car-borne trips could be reduced if the quality and convenience of routes is improved (along with improvements to associated facilities such as secure cycle parking). In addition, the growing interest in healthier lifestyles and outdoor pursuits places increasing demands upon the existing rights of way and cycle networks, especially in popular parts of the countryside.</p> <p>Against this background it is important to prevent any adverse impact on the existing Rights of Way and cycle networks, unless very good reasons exist for closure or diversion (and suitable alternative routes are provided). Equally, opportunities should be taken to link, extend or improve the quality of footpaths and cycle ways where possible.</p>

Alternative approaches

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POLICY SCOPING: TRANSPORT & UTILITIES

Policy area

Telecommunications

Policy approach

Policies in the plan will indicate that proposals for telecommunications development should:

- Ensure that any impact upon the character and appearance of the surrounding landscape or townscape is minimised through careful siting and design, and by sharing a mast or site where feasible
- Not give rise to significant interference with other electrical equipment in the locality

Policy source(s)

PPGs / PPSs / Circulars	PPG 8
RPG6 / draft RPG14	
Structure Plan policies	P6/5
Existing LP policies	
Community Strategy	Desired outcomes include improved and sustainable infrastructure for communities, easy and affordable access to services and facilities, and a high quality built and natural environment
Best practice guidance	
Other sources	

Reason for policy approach

Modern telecommunications are an important part of life for local communities and make a significant contribution to the national economy. They have a specific role in promoting sustainable communities, by helping to counteract the effects of relative remoteness in rural areas, and limiting the need to travel for work, information/learning and shopping. It is government policy facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. This policy approach reflects this advice by setting out appropriate criteria to guide the location and design of necessary development.

Alternative approaches

None. This approach is required by national guidance.

POLICY SCOPING: TRANSPORT & UTILITIES

Policy area
Renewable Energy

Policy approach
<p>Policies in the plan will indicate that proposals for generating energy from renewable sources such as wind, biomass and solar systems will be supported in principle, but should (whether individually or cumulatively with other schemes):</p> <ul style="list-style-type: none"> • Minimise any adverse impacts upon the environment and amenity through careful siting and design • Not cause harm to sites or areas of national importance for conservation¹, unless it can be shown that the overall value of the site/area would not be compromised, and that any significant harm is outweighed by the wider social, economic and environmental benefits of the scheme • Not cause harm to sites of international importance for conservation², unless no alternative sites exist and development is imperative in the public interest • Where adverse impacts are unavoidable, make provision for appropriate mitigation and compensation measures, such as landscape works and habitat enhancement or relocation <p>¹ In Huntingdonshire, these include Sites of Special Scientific Interest, National Nature Reserves, Scheduled Ancient Monuments, Conservation Areas and Listed Buildings</p> <p>² In Huntingdonshire, these include Special Areas of Conservation and RAMSAR sites</p>

Policy source(s)	
PPGs / PPSs / Circulars	PPS 22
RPG6 / draft RPG14	Draft RPG 14 Policy ENV8 – Renewable Energy and Energy Efficiency
Structure Plan	Policy P7/7 – Renewable Energy Generation
Existing LP policies	None
Community Strategy	Headline target to reduce CO2 emissions and increase the amount of energy generated from renewable sources
Best practice guidance	
Other sources	

Reason for policy approach
<p>Government policy set out in PPS 22 encourages the development of renewable energy developments and encourages local planning authorities to grant permission for these schemes unless the environmental impacts would outweigh the social and economic advantages.</p> <p>A range of matters will need to be considered, including the effects upon amenity such as noise generation, shadow flicker and electromagnetic disturbance, as well as the impact upon the natural and built environment.</p>

Alternative approaches
None. This approach is required by national and strategic guidance.

**LICENSING COMMITTEE
CABINET
COUNCIL**

**8TH DECEMBER 2004
16TH DECEMBER 2004**

20TH DECEMBER 2004

**LICENSING ACT 2003
STATEMENT OF LICENSING POLICY
(Report by Head of Administration)**

1. INTRODUCTION

- 1.1 The Licensing Act 2003 requires the Council in its role as the licensing authority to adopt a statement of licensing policy with respect to the exercise of its functions under the Act. The statement must be approved by the Council prior to 7th January 2005 and the policy will apply for the subsequent period of three years prior to its further review.
- 1.2 The Council approved a draft statement for consultation at their meeting held on 29th September 2004 with a closing date for comments of 26th November 2004.

2. CONSULTATION

- 2.1 228 copies of the draft statement were issued for consultation to relevant authorities and organisations, together with a questionnaire to assist in the analysis of the results. The draft was also published on the Council's website for comment and attracted a number of articles in the local press.
- 2.2 Forty questionnaires and associated comments were returned, together with ten more detailed replies from the Police and from representative bodies involved in the licensing and entertainment industry.
- 2.3 A summary of the replies from the latter bodies, together with comments on the matters raised is attached at Annex A. An analysis of the questionnaire returns is attached as Annex B. As a result of the comments raised, amendments have been made to the draft statement. A copy of the revised statement of licensing policy has been circulated with the agenda.
- 2.4 Once adopted, the policy can be amended by the Council at any time during the ensuing three years, prior to its renewal in 2008. However, if the statement is to be amended, consultation will again be required before any change is adopted.

3. CONCLUSION

3.1 The Licensing Committee and Cabinet are invited to consider the responses received to the consultation exercise and the amendments proposed to the statement of licensing policy prior to their formal consideration by the Council at a special meeting to be held on 20th December.

3.2 It is therefore

RECOMMENDED

that the statement of licensing policy attached as Annex C to this report be approved and implemented with effect from 7th January 2005 for a period of three years.

BACKGROUND PAPERS

Draft statement of licensing policy approved by the Council on 29th September 2004.

Responses received to the consultation exercise held in the Licensing Section.

Contact Officer: R Reeves – Tel: 01480 388003

SUMMARY OF WRITTEN REPRESENTATIONS

Cambridgeshire Constabulary

The Divisional Commander considers the draft Licensing Policy to be clear, concise and acknowledges the matters of concern to the Police. Pleased to see reference to promotion of CCTV, door staff, responsible drink promotions, proof of age and membership of pub watch schemes as contributing to reduction of crime and disorder. Requests that late night refreshment outlets demonstrate how they will achieve the licensing objectives.

Comment

It is not felt that any amendment to the draft is required.

Live Music Forum

Wish to see positive stance and encouragement of live music. Suggest a form of words for inclusion in policy to promote live music, dance and theatre.

Comment

Similar wording was included in draft policy.

Royal Society for the Prevention of Cruelty to Animals

Consider that circuses are a form of regulated entertainment as they include music and dance. Recommend that circuses are not permitted on land owned by the Council.

Comment

It will be a question of fact whether a circus provides regulated entertainment and therefore requires licensing. Permission to hold circuses on land owned by the Council is not a matter for the Licensing Committee and the Statement of Licensing Policy.

Campaign for Real Ale – (Huntingdonshire Branch)

Operating schedules should show room divisions, adequate seating and tables and the position of toilets and bars to prevent congestion, over-crowding and faster consumption of alcohol. Support longer opening hours but stress that opening hours are at the discretion of the premises within their licences. Shops and supermarkets should be subject to the same scrutiny in terms of the impact of alcohol supply for consumption on the premises and the presumption in the policy to permit shops to sell alcohol during their normal trading hours should be reviewed. Irresponsible drinks promotions should be avoided. Policies should discourage the rapid turnover of licensees. Temporary events notices should be subject to 20 working days notice prior to the event.

Comment

Draft regulations require plans to show internal walls and bars. Representations made by CAMRA that plans should also show furniture and seating and toilet areas. Shops and supermarkets will be subject to scrutiny by responsible authorities and opening hours can be restricted in appropriate circumstances. The draft policy includes references to irresponsible drinks promotions. No suggestions made by CAMRA as to how the policy can discourage turnover of licensees. Minimum of 10 working days notice for the submission of temporary events notices is specified in the Act.

Campaign for Real Ale

In addition to the above, applicants should be expected to have obtained planning permission and building control approval before submitting applications. The licensing system should act independently of the planning system. The policy should not seek to impose a limit on the number of licensed premises.

Comment

Draft policy complies with guidance issued by the Secretary of State in terms of separation of planning and licensing regimes and that applications for premises licences should normally be from businesses with planning consent. The policy does not include a statement of cumulative effect and applications will be determined on their merits.

Musicians' Union

Pleased to note commitment to live music in draft policy.

Association of Licensed Multiple Retailers

Draft policy is fair, well balanced, clear, concise and easy to follow and understand. Reference to the term Council should be replaced where appropriate by the term licensing authority. Should include reference to licensing objectives as being only matters to be taken into account in determining an application and that any conditions must be necessary to achieve objectives. Welcome recognition of positive objectives of reform. Paragraph 2.6 should include reference to the fact that if no representations are received, the application must be granted in the terms sought with no additional conditions. There is no legal basis for requirement that planning consent is sought first nor that in its absence the licensing authority would refuse an application. The first sentence in paragraph 5.4 should be removed. The policy should make reference to specific exemptions for incidental music. It should be made clear that operating schedules are not required for applicants seeking to convert existing permissions under the transitional arrangements. Whilst a risk assessment is recommended best practice, it is not an absolute requirement and an applicant cannot be obliged to undertake an assessment. Paragraph 7.5 should make it clear that the licensing authority must grant an application in the terms sought in the absence of any relevant representations. The statement of licensing policy does not specifically relate to the transitional arrangements. Committee Members should not hear cases relating to their own ward. It is unnecessary to list certain licensed premises which will give rise to particular concern in respect of children in paragraph 14.2.

Comments

Where appropriate the term Council has been replaced by the term licensing authority. It is not considered necessary to qualify the licensing objectives and the references to conditions. The reference in the policy to planning permission mirrors guidance issued by the Secretary of State. An annex comprising exempted entertainment has been added to the policy. Risk assessments are good practice and not mandatory. The question of Ward Members being involved in hearings that affect their wards will be dealt with in the sub-committee procedure rules. The statutory guidance issued by the Secretary of State requires the statement of policy to highlight areas that will give rise to a particular concern in respect of children.

British Institute of Inn Keeping

The policy should encourage the licensing authority to take a positive view of those who invest in training. The term licensee should not be used in the document as leading to confusion as to whom this applies. In paragraph 3.4, the Act does not permit the licensing authority to make any determination as to the suitability or otherwise of the operating schedule – this is a matter for responsible authorities. The same comment applies to paragraph 7.2. Neither the Act nor the draft regulations make any requirement to show the amount of seating in premises. The Council is commended for the clear and useful explanation of its enforcement and prosecution policy.

Comment

The term licensee has been amended where appropriate. The comments with regard to paragraphs 3.4 and 7.2 are acknowledged and changes made to the policy. The reference to seating mirrors the wording in the statutory guidance issued by the Secretary of State.

British Beer and Pub Association

Welcomes the Council's positive approach to licensing and recognition of cultural and social contribution made by the trade and its importance as a local employer. The wording of paragraph 3.4 is excessive particularly in the case of a conversion of a licence. Similar remarks with regard to Section 7. It should be made clearer that where no representations are received, conditions cannot be imposed that are not volunteered. Although a risk assessment is the best way of deciding the content of an operating schedule, a requirement to carry out a risk assessment goes beyond the provisions of the Act. The licensing authority should have evidence assess references to reputations and known associations for under-aged drinking and drug taking in paragraph 14.2. The Council should be more explicit in supporting the application of proof of age schemes. In Annex C, the Council should refer to itself as responsible authority rather than local authority. Names and addresses of appropriate consultees and responsible authorities should be included in an appropriate Annex to the policy. It should be made clear that mandatory conditions cannot be applied. Whilst supporting the Portman Group Code of Practice, this should not be a licence condition. Annex F comprising the licensing enforcement policy requires updating.

Comment

See above with regard to paragraph 3.4 and Section 7. Paragraph 13.2 makes it clear that conditions cannot be imposed unless they are volunteered or result from representations. Risk assessments are good practice but not mandatory. The reference to under-aged drinking and drug taking mirrors the statutory guidance. The model conditions include reference to proof of age cards but to reinforce this message, this has been added to paragraph 14.4. The definitions in Annex C comply with the legislation. A list of addresses is contained in Annex G. The reference to the Portman Group Code of Practice is contained in the pool of conditions recommended in the statutory guidance. The Council's Enforcement Policy has been amended in Annex F.

Spirit Group Limited

As per British Beer and Pub Association.

Tables of results – Licensing Policy consultation survey

1. Do you think that the licensing policy is sufficient to ensure that the licensing objective will be achieved when the council considers applications?

Prevention of crime & disorder?

		Frequency	Percent
Valid	yes	23	60.5
	no	6	15.8
	don't know	8	21.1
	Total	37	97.4
Missing	System	1	2.6
Total		38	100.0

Public safety?

		Frequency	Percent
Valid	yes	22	57.9
	no	8	21.1
	don't know	7	18.4
	Total	37	97.4
Missing	System	1	2.6
Total		38	100.0

The prevention of public nuisance?

		Frequency	Percent
Valid	yes	21	55.3
	no	12	31.6
	don't know	5	13.2
	Total	38	100.0

The protection of children from harm?

		Frequency	Percent
Valid	yes	26	68.4
	no	5	13.2
	don't know	6	15.8
	Total	37	97.4
Missing	System	1	2.6
Total		38	100.0

If you have answered no, it would be helpful if you could say why

- Whilst all four objectives are admirable, I would question the possibility of any being 100% attainable. A more realistic objective would be to aim for: a reduction of crime and disorder, improved public safety, a reduction in public nuisance and to aim to protect children from harm. However, I realise that the wording is taken from primary legislation so your hands may be tied on this point
- Not enough information and advertising outside the district
- I feel that the policy will not consider cumulative impact well enough
- On behalf of the Hilton Parish Council, we believe the present situation in St Ives in particular (as our nearest Township) is almost out of control; we do not see from the document how this will be substantially improved by the measures stated
- It is not clear that the rate of noise and danger presently experienced would be reduced only that they might leave place later with consequent great inconvenience.
- With the caveat that it will be effective only if applied with rigor and monitored properly
- Lack of information and insufficient experience of new regulations
- The penalties imposed need to be far stricter

- For premises for the consumption of alcohol, there is a need to discourage large single room premises and encourage multi-room premises, room partitions and separated areas and as well as adequate amounts of seating and tables as these are all features that will support achievement of all four of the licensing objectives
- Longer licensing hours will almost certainly result in nuisance over even longer periods during the day
- There is little provision to restrict under-age drinking at temporary events.
- Public nuisance in the small hours will be encouraged.

2. Do you think the policy should do more to promote tourism in Huntingdonshire?

	Frequency	Percent
yes	8	21.1
no	22	57.9
don't know	7	18.4
Total	37	97.4
missing	1	2.6
	38	100.0

If you have answered yes, please indicate what measures you think should be included in the policy

- I think that the policy should actively encourage the opening of additional premises selling food for on or off premise consumption. i.e. that the presumption should always be that a license WILL be granted for such premises provided they comply with all relevant aspects of the licensing requirements
- More information and advertising outside the district
- Arising out of the new regional tourism strategy produced by EEDA/EETB we feel more could be done within the new policy framework to promote top quality premises
- The provision for small restaurants and teashops to hold a licence should be promoted more in the business sense of tourism
- Your policy assumes that music and drink licences will help tourism. The types of tourists needed are daytime tourists. The bulk of licensed restraints for example are closed during the day
- Notice that the tourism in St Neots is, according to the Civic Trust document, not of a kind that requires late opening. (See pg 16 of the Civic Trust report)
- But ensure the Town is cleaned up and all the gum is removed, better toilet facilities and the access gate in St Germain street be removed. Also ensure that the police stop the skateboarding and cycling in public areas. More police presence on the streets
- Make Huntingdon more attractive for tourists. It needs to be seen to be a safe place to shop and the town centre is in drastic need of upgrading. It is fairly dismal with little or no character
- I think many of the points in the policy will encourage promotion that will attract tourist's anyway e.g. public venue licenses for cultural events.
- For an effective alcohol strategy it is essential that there is partnership working, leadership from the top and a joined up approach it will not work without this. Is there an alcohol strategy in Huntingdonshire linked to the new licensing legislation.

3. Do you think that the council should hold regular open meetings, well publicized amongst local communities, at which the public can express whether the licensing objectives are being met?

	Frequency	Percent
yes	34	89.5
no	3	7.9
don't know	1	2.6
Total	38	100.0

If you have answered no, it would be helpful if you could say why

- Those meetings should be at venues throughout the district
- This would be open to exploitation by a minority of people who wish to object to something or other. Inevitably, as is always the way with such things, the majority who ARE happy with the way things are wouldn't be represented
- Yes, but with the option to send written comments
- We feel this is essential
- The majority of the general public would not be interested in the objectives.

4. Do you think that the council is right in requiring an applicant to carry out risk assessments before preparing an operating schedule and addressing the promotion of the licensing objectives, with special regard to the pool of conditions?

	Frequency	Percent
yes	31	81.6
no	2	5.3
don't know	4	10.5
Total	37	97.4
missing	1	2.6
	38	100.0

If you have answered no, it would be helpful if you could say why

- You are in great danger of losing all the voluntary section by imposing mole work onto an outstretched community who do not get paid
- Makes application process complicated and expensive
- Yes, but this needs a caveat. The pub companies and similar organisations with full commercial resources will have few problems here. I am concerned about the voluntary/community sector who do not have equivalent resources. There is mention in the consultation paper of a light touch administration for community activities. This is an area where HDC could offer a lot of help by producing appropriate light touch guidelines to assist the myriad of small community organisations which could otherwise be seriously restricted by their lack of professional resources, not to mention time and cash.

5. Do you think that there is any other advice that the council can give to the organizer of temporary events in addition to that in paragraph 8.2 to reduce the impact the event and concern to others?

	Frequency	Percent
yes	6	15.8
no	23	60.5
don't know	7	18.4
Total	36	94.7
missing	2	5.3
	38	100.0

If yes, please specify

- You are giving existing licence holders the right to create a monopoly of the area.
- In the case of large outdoor events, it should be obligatory for organisers to pay for police presence 24 hours out of 24
- The measures seem to do little to address the binge drinking culture in St Ives and elsewhere

- Para 8.2 does not mention temporary events. However, since the effect, cumulative or otherwise, of a temporary event is by definition temporary it will need consideration in the normal way
- Open-air events create the greater likelihood of annoyance especially given the power of modern day amplification. Such events should be allowed only in very restricted circumstances
- It would be more effective if this information were easily accessible. Many people are unaware of the changes in licensing
- The paragraph is vague about what the 'certain circumstances' are thus potential organisers may not know that there is this exemption and when and if it applies to them
- Will temporary music events have limited hours to prevent disturbance to local residents
- Church premises/halls are used for social events e.g. wedding receptions, birthday parties. Would these be subject to this cumulative impact approach?

6. Do you agree that shops, stores and supermarkets that sell alcohol should be able to sell alcohol in line with their normal trading hours?

	Frequency	Percent
yes	28	73.7
no	8	21.1
don't know	2	5.3
Total	38	100.0

If you have answered no, it would be helpful if you could say why

- The availability of alcohol throughout outlets, which are not able to control consumption, is too wide already. Normal trading hours can mean 24hrs. The amount of under age selling is unlikely to reduce and already constitutes a serious problem
- Should be limited in the same way as licensed premises
- If stores continue to sell alcohol in their normal trading hours, shops in small villages will find it very difficult to deal with the underage children who badger customers to buy alcohol for them. In our village, most of the underage drinkers obtain their alcohol from the local village shop, which is open quite late
- If shops are only open until around 10pm, I think it is ok – but I don't think alcohol should be available 24 hours per day in supermarkets that may have these opening hours
- The term normal trading hours is too imprecise. It would be appropriate to limit trading at the end of the day to 'say' 7pm or such time, as most licensed premises in the vicinity are open for business.

7. Do you think the council is right in not adopting a policy of cumulative impact?

	Frequency	Percent
yes	20	52.6
no	7	18.4
don't know	10	26.3
Total	37	97.4
missing	1	2.6
	38	100.0

If you answered no, please indicate where you think the cumulative impact should be and explain why you think this is necessary

- If you ignore cumulative impact at the first stage. It is always more difficult to correct it once precedents are established

- 8.7 says there is no evidence. There can be no evidence of conditions which do not yet obtain. In St Neots the effect of all town centre premises adopting later open hours would be cumulative and it would be difficult to refuse anyone application. However people do gather outside off-licences (see 8.4) (also see reply 1)
- Cumulative impact is a very difficult area but one that will have to be faced sooner or later. A draft policy should be prepared now in order to establish a sound basis for the future
- More clarification required
- The cumulative impact statement should be included as in paragraph 8.1 onwards across the board
- We will have to wait and see, but I would have thought the town centre problems in St Ives, for instance, might indicate an emerging need for such a policy
- Excessive concentration of pubs/clubs/sex shops would be detrimental
- As long as planning policy covers this. If not then we feel there should be a cumulative impact policy
- In certain residential parts of towns in the Council area, problems of nuisance have been a result of concentrations of premises that would be regulated by the licensing policy, particularly premises for the late night supply of hot food. There should therefore be the option for cumulative impact policies in such predominantly residential areas, for example the East Street/Quadrant area of St Ives
- It is desirable that a policy is in place to allow changes to the existing licensing conditions attached to premises should negative impacts arise subsequent to issue of the licence.

8. Is the council correct to encourage and promote a broad range of entertainment, particularly live music, dancing theatre and traditional history/plays?

	Frequency	Percent
yes	37	97.4
no	1	2.6
Total	38	100.0

If you have answered no, it would be helpful if you could say why

- But with this policy they will make it very difficult for charity organisations to actually do this
- It is wrong to equate live music with theatre and plays. (I feel that this is being done to fudge the issue of discordant and loud music)
- Will the requirements for double-glazing, air conditioning, closed doors still apply? What enforcement will occur – this is particularly applicable to licensed premises in villages where musical events take place
- What complaints procedure will be available to prevent re-occurrence of unacceptable nuisance on public places given a general license for temporary events?

9. Do you think the council is right in not fixing pre-determined closing times by zoning areas or engineering staggered closing hours?

	Frequency	Percent
yes	26	68.4
no	5	13.2
don't know	5	13.2
Total	36	94.7
missing	2	5.3
	38	100.0

If you have answered no, it would be helpful if you could say why

- The council should zone areas
- Closing times should be fixed especially in built up areas where there is housing
- In residential village situations – where homes are close to licensed premises a zoning scheme or a final closing hour would be preferable to residents
- Late night opening hours and hours during which amplified music is permitted should be restricted for premises in predominantly residential areas in order to prevent nuisance. Zones should be defined in certain residential areas with limits on the latest times for amplified music and trading (say 11pm) in order to avoid adverse impacts on the licensing objectives
- Unless pre-determined times are specified, no effective control is available to avoid nuisance outside the premises
- It is to the public good that the licence reflects the need to minimise anti-social behaviour e.g. limiting extended drinking patterns by individuals.

10. Is the council right in not limiting access by children to premises unless it is necessary for the prevention of physical, moral or psychological harm to them?

	Frequency	Percent
yes	31	81.6
no	4	10.5
don't know	2	5.3
Total	37	97.4
missing	1	2.6
	38	100.0

If you have answered no, it would be helpful if you could say why

- The prevention of harm to children cannot be policed once permission has been given. It would place an impossible burden on anyone giving permission for them to a) know whether harm is reoccurring b) whether they are drinking alcohol. Under-age drinking in St Neots is rife as the police know well
- The licensing act is too blunt a tool in that it lumps all children under the age of 16 together. There is a need to consider younger children and whether they should be allowed on premises at any time accompanied or otherwise
- Yes, but! This will need careful monitoring. If allowing children onto premises helps to promote a more responsible culture, then well and good. However, if it introduces children to a hard drinking culture, then they have been put at hazard
- Children should be protected from smoke (Now not waiting for possible new legislation) especially when attending for lengthy periods such as watching live soccer matches
- Different parts of premises should be available for use by children with responsible adults e.g. within restaurant area, but not at the bar. The license should reflect that position.

11. Do you think that there are any other alternatives to those in paragraph 14.4 which can limit the access of children to licensed premises to prevent harm to them?

	Frequency	Percent
yes	5	13.2
no	25	65.8
don't know	6	15.8
Total	36	94.7
Missing	2	5.3
	38	100.0

If you have answered yes, it would be helpful if you say why

- There should be defined responsibilities for accompanying adults and these should be displayed. There should be age banding for young people under 18. The term 'children' is too vague. What 15 year old would admit to being a child?
- Licensed premises should provide alternative entertainment for children which is away from the bar area
- Any premises where smoking is permitted
- There must be physical delineation of the different areas e.g. doors, partitions to avoid children being subject to unacceptable behaviour.

12. Do you think that the policy strikes the right balance between greater freedom and flexibility for licensed premises and their activities with the protection of residents and other business interests?

	Frequency	Percent
yes	15	39.5
no	10	26.3
don't know	11	28.9
Total	36	94.7
missing	2	5.3
	38	100.0

If you have answered yes, it would be helpful if you say why

- I think the policy covers all aspects involved in having a licensed premise and benefits all who can gain from it
- Not enough information and advertising outside the district
- Policy seems in line with the new regional tourism strategy produced by EEDA and EETB (East of England Tourist Board)
- As this is a new enterprise the outlining draft policy is as good as it can be
- It does give licensed premises flexibility, but what flexibility is given to local residents!
- The trouble is that we do not know what will happen. Commercial pressure will very likely make single licences open later than they would wish, to the detriment of their lifestyles. Can Sandy not be protected in the same way?
- Yes as long as the staff and other resources are available to monitor and enforce it
- The policy has appeared to allow longer licensed hours to suit today's lifestyle without the current sudden close shop, yet the needs of local residents that do not necessarily attend are maintained by the controlling, policing and even licensing authorities
- No, we retain some concerns about the protection of residents in a village environment
- Yes in so far as commercial activities are concerned, but I remain concerned about the consideration of how to enable such amateur activities, which are frequently the mainstay of community fundraising activities, without undue cost, limitation or loss of existing flexibility
- Hopefully it strikes the balance of policy. We will only know when it's up and running.
- There should be clearer definitions relating to Town/City premises when compared with village premises
- The Council should have the discretion to impose conditions where appropriate to promote the licensing objectives. Section 13.2 only allows conditions to be imposed if representations have been received. This places an inappropriate burden on residents particularly to scrutinise and respond to applications, and an inappropriate balance in favour of applicants as well as an undue reliance on them to regulate themselves – the need for a fair risk assessment and appropriate conditions in support of the licensing objectives are likely to conflict with their commercial objectives

- The policy has to attempt to be all things for all people. It should be possible (with consultation) to protect residents without restraining business to the extent that activities become impractical
- The policy is biased towards the enhancement of commercial interests, and not towards the protection of residents. The liberation will exacerbate the problems of unacceptable behaviour that exists at present.

13. Do you have any additional comments about the Statement of Licensing Policy?

- I find the provisions in section 8, especially section 8.3 to be potentially damaging to every town centre. Every town centre has its share of problems at the weekends and could potentially be designated an area of cumulative impact. If the presumption then became that the applications for new licenses were rebutted, it would stifle the provision of new facilities for the public, restrict competition and thus at the same time reward the owners of the existing premises that have contributed to the original problem. I therefore particularly welcome the statement in 8.7
- It is very difficult to see from the statement how the policy is going to deal with the present occasional licence, which is the backbone to entertainment in the rural areas of the district. This area needs to be addressed as a matter of urgency. You do even include public halls in Q.1.6
- Although much is sound, I do feel that an overall HDC policy of doing anything to fill premises up and increase revenue will hold sway
- I fear that the result of the new provisions will be more drinking and more noise during the night hours. Increased choice always impacts on others. In particular something needs to be included about open-air events, transport provisions, toilets, increased costs (see page 14 of the civic trust report)
- It is vital that town and parish councils play an active part in the licensing process. We suggest that town councils are consulted in much the same way as they are over planning applications and be given the opportunity to recommend approval or refusal of a licence application
- Well balanced, if it can be policed adequately
- The status of village halls needs to be clarified and also needing clarification is whether the performance of live music on private premises for village parties will need a temporary event licence
- More willing to make a more informed response in 6 months time when the policy has been seen in action
- I believe the policy should be reviewed after the first 6 months and annually thereafter for the first three years in order to 'fix' any unforeseen problems without undue delay.
- I understand the haste with which the consultation document has had to be prepared and the fact that it is primarily aimed at the commercial sector. However, the lack of information about how community groups will be treated is concerning and, as time permits, we would be most appreciative of insight into your thinking in these areas.
- All applications should be clearly advertised where all residents know where to find them in order to register objections to applications
- Does the supply of alcohol (6.1 7.1) mean for sale only?
- Do voluntary organisations holding wine and cheese fund raising events for example have to be licensed?
- Para 10.3 - how will interested parties be notified of applications? – Not all have access to computers (10.6)
- The businesses should be given a certain amount of leeway if the activities attempt to benefit the majority
- This policy is wholly dependent on effective enforcement, regulations and monitoring. Have the necessary resources to do this been made available prior to commencement of the policy? Who will be responsible for carrying out these three duties?
- The licensing policy is well laid out for covering business organisations but not for the small community halls/clubs. It is appreciated that strict rules are required, but these

would deter small community halls/clubs from organising entertainment/functions for the public.

14. Are you?

	Frequency	Percent
rep or member of licensed trade	3	7.9
local business	1	2.6
local community group	13	34.2
resident	8	21.1
other	7	18.4
Total	32	84.2
missing	6	15.8
	38	100.0

15. Are you?

	Frequency	Percent
A resident of Huntingdon, Ramsey, St Neot's or ST Ives	8	21.1
resident elsewhere	5	13.2
live within 1 mile of a town centre	1	2.6
live within 1-5 miles of a town centre	6	15.8
work but do not live in district	3	7.9
Total	23	60.5
missing	15	39.5
	38	100.0

16. The type of premises you regularly use

	Frequency	Percent
public house without entertainment	1	2.6
public house with entertainment	2	5.3
theatre	1	2.6
Total	4	10.5
missing	34	89.5
	38	100.0

17. Gender

	Frequency	Percent
male	18	47.4
female	5	13.2
Total	23	60.5
missing	15	39.5
	38	100.0

18. Age

	Frequency	Percent
18-24	1	2.6
25-29	1	2.6
30-39	4	10.5
45-59	13	34.2
60-74	4	10.5
Total	23	60.5
missing	15	39.5
	38	100.0

19. Do you have a disability?

	Frequency	Percent
yes	1	2.6
no	22	57.9
Total	23	60.5
missing	15	39.5
	38	100.0

20. What is your ethnic group?

	Frequency	Percent
British	21	55.3
Other White	1	2.6
African	1	2.6
Total	23	60.5
missing	15	39.5
	38	100.0

- I fail to see the relevance of this question to this questionnaire

THE LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

7TH JANUARY 2005

Licensing Section, Administration Division,
Huntingdonshire District Council, Pathfinder House, St Mary's Street,
Huntingdon, Cambridgeshire, PE29 3TN
www.huntingdonshire.gov.uk

CONTENTS

Section		page
1	INTRODUCTION	1
2	PRINCIPLES OF THE LEGISLATION	1
3	LICENSING OBJECTIVES	2
4	STATEMENT OF LICENSING POLICY	3
5	CO-ORDINATION WITH OTHER POLICIES	4
6	ACTIVITIES TO BE LICENSED	4
7	APPLICATIONS AND OPERATING SCHEDULES	5
8	CUMULATIVE IMPACT	7
9	LIVE MUSIC, DANCING AND THEATRE	9
10	AUTHORISED PERSONS, INTERESTED PARTIES AND RESPONSIBLE AUTHORITIES	9
11	DETERMINATION OF APPLICATIONS	10
12	OPENING HOURS	11
13	CONDITIONS	11
14	CHILDREN	12
15	CHILDREN AND CINEMAS	13
16	APPEALS	13
17	ENFORCEMENT	14
18	TEMPORARY EVENTS NOTICES	14
19	CONTACT POINTS	15
ANNEX A	GUIDANCE AND BEST PRACTICE	16
ANNEX B	CONNECTIONS BETWEEN THE STATEMENT OF LICENSING POLICY AND OTHER RELEVANT POLICIES	17
ANNEX C	EXEMPTIONS	18
ANNEX D	GLOSSARY OF TERMINOLOGY	20
ANNEX E	DELEGATION OF FUNCTIONS	24
ANNEX F	POOL OF LICENSING CONDITIONS	25
ANNEX G	LICENSING ENFORCEMENT POLICY	36
ANNEX H	CONTACT POINTS	46

PREAMBLE

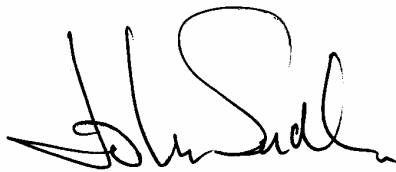
This Statement of Licensing Policy has been prepared by Huntingdonshire District Council acting as the licensing authority under the Licensing Act 2003 to assist in the implementation and administration of the licensing of the sale and supply of alcohol, certain forms of entertainment and the provision of late night refreshment.

The Statement was approved by the licensing authority on 20th December 2004 and came into operation on 7th January 2005 for a period of three years. It will be kept under review throughout that time by the licensing authority.

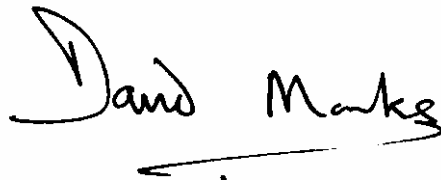
The Act introduces greater flexibility for the entertainment industry, which can have a positive impact upon local communities in Huntingdonshire. This is balanced by tougher controls for the police and the licensing authority and an opportunity for other businesses and residents to raise concerns in the event of those greater freedoms having an adverse effect on our communities.

The licensing authority consulted widely on this Statement and took into account the views submitted in its adoption.

If you wish to make further comments on the statement or wish the contents to be reviewed, please contact the Licensing Section, Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN.



Cllr John Sadler
Chairman
Licensing Committee



David Monks
Chief Executive

HUNTINGDONSHIRE DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

1. INTRODUCTION

- 1.1 The Licensing Act 2003 has introduced fundamental changes to the law relating to the licensing of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. It brings together six previously separate licensing procedures into a unified system of regulation and has transferred the licensing of the sale and supply of alcohol to local authorities. Huntingdonshire District Council will be the authority responsible for the licensing of such activities within the District of Huntingdonshire and is referred to in this statement as the licensing authority.
- 1.2 The Licensing Act requires the Secretary of State to issue guidance to licensing authorities on the implementation and administration of the legislation and each authority to prepare a statement of licensing policy based upon the legislation and the Secretary of State's guidance. In publishing this statement, the licensing authority has consulted widely with interested parties and has given the views received appropriate weight in determining its policy.
- 1.3 Secondary legislation in the form of statutory instruments has still to be made on the implementation of the legislation and the procedure for the determination of applications. Any changes required as a result of the issue of secondary legislation will be addressed in an amendment to this statement.

2. PRINCIPLES OF THE LEGISLATION

- 2.1 The Act requires all parties involved in the licensing and provision of regulated activities to have regard to four statutory objectives –
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.2 However the modernisation of the legislation extends more widely than the statutory objectives and there are other key aims which are of fundamental significance for all involved in licensed activities. These include –
- the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet their customers' expectations;
 - greater choice for consumers, including tourists, about where, when and how they spend their leisure time;

- the encouragement of more family friendly premises where younger children can be free to go with the family;
- the further development within communities of our rich culture of live music, dancing and theatre, both in rural and urban areas;
- the regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring; and
- the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.

2.3 The Act introduces a lighter touch administration for those businesses and community activities which enhance leisure opportunities and our cultural heritage. Those businesses that meet the licensing criteria without an adverse impact upon the communities in which they are situated can expect no unnecessary interference. However where licence holders fail to meet the licensing objectives, there are opportunities for residents who are adversely affected to bring their concerns to the licensing authority and licence holders and their employees can expect a sharp focus on enforcement.

2.4 This can be best achieved through partnership working between all involved from the Council itself, other regulatory bodies such as the police, fire authority, environmental health and health and safety, the private sector providing leisure opportunities and local residents and community groups. All have an equally vital role to play in promoting the licensing objectives.

2.5 The licensing authority will hold regular open meetings, well publicised amongst local communities, at which the community can express whether it feels that the licensing objectives are being met.

2.6 Licensing is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events within the meaning of the legislation and the conditions to be attached to the required authorisations will focus on those matters which are within the control of individual licensees. They will relate to the direct impact of the activities taking place at the licensed premises on members of the public living or working in the vicinity of the premises. The licensing legislation is not the primary mechanism for the general control of anti-social behaviour and nuisance by individuals who are not in the vicinity of the licensed premises and therefore beyond the direct control of the licence holder and his employees.

2.7 The Act complements and does not duplicate existing legislation. The licensing authority may therefore not impose conditions on a licence which are already dealt with by other current legislation.

3. LICENSING OBJECTIVES

3.1 This statement of licensing policy is concerned with the promotion of the four licensing objectives –

- the prevention of crime and disorder

- public safety
 - the prevention of public nuisance
 - the protection of children from harm.
- 3.2 Each objective has equal weight. In carrying out its licensing functions, the licensing authority will have regard to the licensing objectives, the Guidance issued by the Secretary of State and this statement of licensing policy. So far as is possible, the licensing authority will avoid duplication with other regulatory regimes, for example fire safety and health and safety at work.
- 3.3 Equally, applicants are required to have regard to the licensing objectives, the Secretary of State's Guidance and this statement and to demonstrate in their application and operating schedule how they will achieve those objectives and how they have met the requirements of other relevant regulatory regimes. Other guidance and best practice which is commended by the licensing authority to applicants is listed in Annex A.
- 3.4 An applicant will be required to demonstrate in his/her application and accompanying operating schedule that suitable measures and controls will be implemented and maintained to achieve the licensing objectives relevant to the nature of the premises, the locality in which it is situated and the type of activity to be licensed.

4. STATEMENT OF LICENSING POLICY

- 4.1 This statement will come into effect from 7th January 2005. It will remain in force for a period of three years and will be subject to review at the end of that period with a view to a new statement being adopted with effect from January 2008. During the period in which it is in force, the licensing authority will keep the policy under review and may make such revisions to it as may be considered appropriate. If any revision is made, the licensing authority will publish a statement of the revisions or the revised statement of licensing policy in such a manner as to bring it to the attention of the bodies referred to below and the general public.
- 4.2 In preparing this statement, the licensing authority has consulted Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service, such persons as are considered to be representative of holders of existing justices' on and off licences and such other persons considered to be representative of businesses and residents in the District. Comments were welcomed from any interested party and member of the public and were given due weight in the adoption of this policy.
- 4.3 In considering any revision of the policy and in its review after three years, the licensing authority will consult with the above parties and with such persons as are considered to be representative of the holders of premises and personal licences and club registration certificates issued by the licensing authority.

5. CO-ORDINATION WITH OTHER POLICIES

- 5.1 In preparing this statement of licensing policy, the licensing authority has had regard to and consulted with those involved in other relevant strategies and policies in relation to local crime prevention, planning, transportation, economic development, tourism, race equality, and other plans for the management of town centres and the night-time economy. A schedule listing the relevant policies is attached as Annex B.
- 5.2 The licensing authority will ensure the proper co-ordination and integration of such strategies and policies to ensure that they are complementary and mutually supportive. The licensing authority will also monitor the impact of any change in those strategies and policies on this licensing policy and will undertake a revision of this policy if that is considered appropriate.
- 5.3 Arrangements will be made for the licensing authority's Licensing Committee to receive, where appropriate, reports on the needs of the local tourist economy for the District to ensure that these are reflected in the deliberations of the Committee. The Committee will be apprised of the employment situation in the District and the need for new investment and employment where appropriate.
- 5.4 Applications for premises licences for permanent commercial premises should normally be from businesses with planning permission for the property concerned. The licensing regime will thus be separated from the planning and building control regimes to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning application and similarly the granting by the Licensing Committee of a variation of a licence which involves a material alteration to a building will not relieve an applicant from the need to apply for planning permission or building control permission where this is required. The Licensing Committee will, where appropriate, provide regular reports to the Development Control Panel on the situation regarding licensed premises in the District, including the general impact of alcohol related crime and disorder.
- 5.5 The licensing authority recognises its responsibilities under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000. The impact of this policy upon race relations in the District will be monitored through the Council's race equality scheme.

6. ACTIVITIES TO BE LICENSED

- 6.1 The following activities are required to be licensed under the Licensing Act 2003 -
- the sale by retail of alcohol,
 - the supply of alcohol by or on behalf of a club to a member of the club,
 - the provision of regulated entertainment, and
 - the provision of late night refreshment.

- 6.2 Regulated entertainment includes facilities to enable people to take part in music and dancing and –
- a performance of a play,
 - an exhibition of a film,
 - an indoor sporting event,
 - a boxing or wrestling entertainment,
 - a performance of live music,
 - any playing of recorded music,
 - a performance of dance, and
 - any similar entertainment to the playing of live or recorded music or dance
- where the entertainment takes place in the presence of an audience.
- 6.3 Certain activities are not regarded as regulated entertainment and are exempt for the purposes of the Act. A list of exempt entertainment is attached at Annex C.
- 6.4 Late night refreshment means the supply of hot food or drink to members of the public between the hours of 11.00 p.m. and 5.00 a.m., whether for consumption on or off the premises. It includes the provision of refreshment from vehicles while they are stationary.
- 6.5 The Act requires a premises licence or a club premises certificate to be obtained where any of the licensable activities are to take place (including the open air). Such licences and certificates are of unlimited duration unless where otherwise stated in the licence or certificate. Where the sale of alcohol is to take place, a personal licence must be obtained which is of ten years duration. Special arrangements are introduced for temporary events which require the service of a temporary events notice upon the licensing authority.
- 6.6 A glossary of relevant terminology is contained at Annex D.

7. APPLICATIONS AND OPERATING SCHEDULES

- 7.1 Any person (including a business or an individual over the age of 18 years) may apply for a premises licence either on a permanent basis or for a time-limited period to carry out licensable activities on the premises (which includes the open air). An application must be accompanied by the required fee, an operating schedule, a plan of the premises in a prescribed form and, if the application involves the supply of alcohol, the written consent of the person who is to be the designated premises supervisor. The fees, forms and plans will be prescribed in secondary legislation. In submitting an application, an applicant must have regard to this statement of licensing policy.

- 7.2 The operating schedule forms a crucial part of the completed application. It should include sufficient information to enable the responsible authorities and any interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory. For example, it should include a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with a number of screens and a bar, or a restaurant, or a public house with a number of bars, a dining area and a garden open to customers). Where alcohol is to be sold for consumption on the premises, the application should show the amount of seating to be provided. Where dancing is to be provided, the operating schedule should describe the type of dancing in broad terms and whether the dancing is to be provided by professional performers or involves members of the public or both. It should also disclose whether the dancing is to include striptease or lap dancing.
- 7.3 An operating schedule must also set out the following details –
- the relevant licensable activities to be undertaken on the premises;
 - the times during which the licensable activities are to take place (including the days of the week, the times of day, whether those times are different on different days, whether different times will apply in different seasons or holiday periods);
 - any other times when the premises are open to the public;
 - where the licence is only required for a limited period, what that period is;
 - where the activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
 - where the activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both; and
 - the steps that the applicant proposes to take to promote the licensing objectives.
- 7.4 An applicant should carry out a risk assessment in preparing an operating schedule to identify what risks are posed to employees, to persons attending the premises and members of the public who live and work in the vicinity of the premises and to demonstrate what action will be taken to alleviate those risks.
- 7.5 An applicant will be required to advertise the application in a format to be prescribed in secondary legislation and the licensing authority will consider any representations received from appropriate bodies and persons described in Section 10 below. If any representations are received from such a body or person, the application will be heard by the licensing authority's Licensing Committee. It is important therefore for an applicant to include in the application as much information as possible to satisfy those bodies and persons to pre-empt any representations that they may otherwise make which would result in a hearing before the Licensing Committee. All parties are expected to work in partnership together to ensure that the licensing objectives are promoted collectively and to minimise the burden on the

licensing authority and applicants. Applicants are encouraged to seek the views of the licensing authority, the police and the fire authority before formally submitting applications. Having completed drafts of their operating schedules, applicants may wish to consult with appropriate bodies to minimise subsequent representations on their part, for example with the police on matters relating to crime and disorder and with the Council's Environmental Health Division on noise nuisance.

8. CUMULATIVE IMPACT

- 8.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area, for example the cumulative impact on crime and disorder or public nuisance in a town centre as a result of a large concentration of licensed premises in that part of the District.
- 8.2 If after considering the available evidence and consulting relevant individuals and organisations, the licensing authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact in the statement of licensing policy, a special policy will be included in the statement that the licensing authority will generally refuse new applications for premises licences whenever relevant representations are received about the cumulative impact on the licensing objectives.
- 8.3 The effect of the special policy is to create a rebuttable presumption that applications for new premises licences will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated to the licensing authority's satisfaction that the operation of the premises will not add to the cumulative impact already being experienced. This presumption does not however relieve responsible authorities or interested parties of the need to make relevant representations before the licensing authority can consider giving effect to the special policy on cumulative impact.
- 8.4 A special policy is not absolute and the circumstances of each application will be considered individually by the licensing authority, with licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives being granted. It would also not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. A special policy is intended to address the impact of a concentration of licensed premises selling alcohol for consumption on the premises which may give rise to large numbers of people on the streets who have been drinking alcohol in a particular area.
- 8.5 A special policy will not be used as a ground for revoking an existing premises licence or certificate when relevant representations are received about problems with those premises. By its nature, cumulative impact refers to the concentration of many premises in a particular area. Identifying an individual premises in the context of a review would be arbitrary.
- 8.6 The steps to be taken in considering whether to adopt a special policy in the statement of licensing policy will be –
- the identification of concern about crime and disorder or public nuisance;

- consideration as to whether crime and disorder and public nuisance are rising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - consultation with the police, the fire authority, representatives of the holders of premises and personal licences and club premises certificates and of businesses and residents in the area as part of a general consultation required in respect of the whole statement of licensing policy;
 - subject to that consultation, inclusion of a special policy about future premises licences or club registration certificate applications from that area within the terms of the statutory guidance and the statement of licensing policy; and
 - publication of the special policy as part of the statement of licensing policy as required by the Act.
- 8.7 On the evidence available to it, the licensing authority is of the opinion that a special policy on cumulative impact should not be included in this statement of licensing policy.
- 8.8 The absence of a special policy does not prevent any responsible authority or interested 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.
- 8.9 Notwithstanding the absence of a special policy on cumulative impact, there are other mechanisms both within and outside the licensing regime that are available to address the minority of consumers who behave badly and unlawfully once they have left licensed premises. These include –
- planning controls;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other Divisions of the Council;
 - the provision of CCTV surveillance in town centres, the existence of taxi ranks, the provision of public conveniences, street cleaning and litter controls;
 - the power of the Council to designate parts of the District as places where alcohol cannot be consumed publicly;
 - police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - the confiscation of alcohol from adults and children in designated areas;

- police powers to close down instantly for up to 24 hours licensed premises or temporary events on the grounds of disorder or likely disorder or noise emanating from the premises causing a nuisance; and
 - the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
- 8.10 These may be supported by other local initiatives that seek to address the problem.

9. LIVE MUSIC, DANCING AND THEATRE

- 9.1 In carrying out their licensing function, the licensing authority will take into account the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays for the wider benefit of communities. This will be balanced against a concern to prevent disturbance in neighbourhoods. To ensure a thriving cultural diversity, the licensing authority will consider establishing a policy of seeking premises licences for public spaces within the community themselves. This could include village greens, market squares, parks and other public areas. Performers and entertainers would then not be obliged to obtain a licence or submit a temporary events notice to enable them to give a performance in those areas.
- 9.2 When applications for premises licences are submitted from one part of the Council, the Licensing Committee and officers with delegated powers will consider such matters from an entirely neutral standpoint.

10. AUTHORISED PERSONS, INTERESTED PARTIES AND RESPONSIBLE AUTHORITIES

- 10.1 Three key groups have important roles in the context of applications, inspection, enforcement and reviews of premises licenses.
- 10.2 'Authorised persons' are bodies empowered by the Act to carry out inspection and enforcement roles. These include licensing officers of the Council, fire authority inspectors, inspectors responsible for the enforcement of the Health and Safety at Work legislation (usually officers of the Council) and environmental health officers. The police are not regarded as an authorised person as they have separate powers under the Act to carry out their duties. Other authorised officers may be prescribed in secondary legislation from time to time by the Secretary of State.
- 10.3 'Interested parties' are the bodies or individuals who are entitled to make representations to the Council on applications for the grant, variation or review of premises licences. Interested parties may themselves also seek a review of a premises licence. This group includes –
- a person living in the vicinity of the premises in question;
 - a body representing persons living in the vicinity such as a residents association;

- a person involved in a business in the vicinity of the premises in question; and
 - a body representing persons involved in such businesses such as a chamber of trade or commerce.
- 10.4 Any of these individuals or groups may request a representative to make representations on their behalf. However a councillor who is making representations on behalf of an individual or group who is also a member of the licensing authority's Licensing Committee will declare an interest under the Council's code of conduct for members and will not take part in the decision-making process in respect of that application or licence.
- 10.5 The licensing authority will determine whether or not representations are relevant representations and will interpret whether a person resides or a business takes place in the vicinity of the premises which has been licensed or is the subject of an application.
- 10.6 The licensing authority will provide information on its website and in such other means as are considered appropriate to advise interested parties how they can make representations to it.
- 10.7 'Responsible authorities' include public bodies that must be notified of applications and that are entitled to make representations to the Council in relation to an application for the grant, variation or review of a premises licence. All representations made by responsible authorities are relevant representations if they concern the effect of the premises on the licensing objectives. Responsible authorities include the chief officer of police, the local fire authority, the local enforcement agency for the Health and Safety at Work etc. Act 1974 (which may be the Council or the Health and Safety at Work Executive), the Council in its role as the authority responsible for environmental health and for planning, and any body that represents those who are responsible for or interested in matters relating to the protection of children from harm and is recognised by the Council as being competent to advise it on such matters. In the case of the latter, the body recognised by the Council is Cambridgeshire County Council's Social Services. In relation to a vessel that is licensed for the sale of alcohol, this will also include the Environment Agency and the British Waterways Board.

11. DETERMINATION OF APPLICATIONS

- 11.1 Responsible authorities and interested parties may make representations to the licensing authority about an application for a premises licence and for a review of a licence that has been issued.
- 11.2 If no representations are received or there are no objections from the police to an application for a personal licence or a notice for a temporary event, the process of determining applications will be of an administrative nature and will be dealt with by officers. Where representations are received and unless they are considered to be repetitious, vexatious or frivolous, the Act requires a hearing to be convened of the Licensing Committee or a sub committee of that committee which will determine the application or the review of an existing licence.

- 11.3 In the interests of the efficient administration of the licensing procedure, the licensing authority will delegate decision-making to its Licensing Committee, sub committee(s) and officers in accordance with the Act and secondary legislation as set out in Annex E. However the statement of licensing policy will be approved by the licensing authority and the Licensing Committee will receive regular reports on decisions made by officers so that they can maintain an overview of the general situation with regard to licensing within the District.

12. OPENING HOURS

- 12.1 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening hours. Arbitrary restrictions that would undermine the principle of flexibility will be avoided by the licensing authority. The licensing authority will not fix predetermined closing times for particular areas through a zoning of the District, nor seek to engineer staggered closing times by setting quotas for particular closing times. Licensees are under no obligation to remain open during the whole of the permitted hours specified in the premises licence, club registration certificate or temporary events notice.
- 12.2 The licensing authority will generally permit shops, stores and supermarkets to sell alcohol in line with their normal trading hours, unless there are exceptional reasons why to do so would hinder the achievement of the licensing objectives. Similarly the licensing authority will not take into account the question of any rights of employees working on licensed premises in terms of the closing hours which are addressed in employment legislation.
- 12.3 Applicants will be required to demonstrate in their operating schedule how the hours that they propose to be open for the sale of alcohol, the provision of regulated entertainment or the supply of late night refreshment will promote the licensing objectives.

13. CONDITIONS

- 13.1 A key concept of the Licensing Act is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Disproportionate and overly burdensome conditions will be avoided by the licensing authority where there is no need for such conditions. Conditions may only be imposed where they are necessary for the promotion of one or more of the licensing objectives and not for other purposes.
- 13.2 Conditions that are necessary for the promotion of the licensing objectives should emerge initially from the risk assessment which should be undertaken by an applicant or club before submitting an application for a licence or certificate. These will be translated into the operating schedule which will be the subject of scrutiny by responsible authorities and interested parties. Where relevant representations are not received as a result of the advertisement of the application, it is the duty of the licensing authority to grant the application for a licence or certificate, subject only to those conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the Act. The licensing authority may not impose any other conditions unless its discretion has been engaged by the making of

relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised.

13.3 The only conditions that may be attached to a licence or certificate by the licensing authority are those which are necessary and proportionate for the promotion of the licensing objectives. If other existing legislation places certain statutory responsibilities on an employer or operator of premises, it will not be necessary to duplicate this requirement by imposing the same or similar duties under the premises licence or club premises certificate. Standard conditions will therefore not be imposed by the licensing authority but Annex F contains pools of conditions from which necessary and proportionate conditions may be drawn in particular circumstances.

13.4 Applicants for premises licences and for club premises certificates should carry out risk assessments before preparing their operating schedules and addressing in those operating schedules how they will promote the licensing objectives, with special regard to the matters referred to in the pool of conditions attached at Annex F.

14. CHILDREN

14.1 Under the Licensing Act, it is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on the premises under a premises licence, club premises certificate or under the authority of a temporary events notice. It is also an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5.00 a.m. at similarly licensed premises. This does not automatically permit unaccompanied children under the age of 18 to have free access to licensed premises, even if they are accompanied by an adult. Subject to the Act and any licence or certificate conditions, it will be a matter for the discretion of the person managing the premises as to whether they admit children.

14.2 The licensing authority will not therefore seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. General principles will not be applied in such circumstances and the licensing authority will consider the individual merits of each application. However the following areas will give rise to particular concern in respect of children which will include premises –

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association for drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines); and

- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 14.3 Applicants for a premises licence or club registration certificate should demonstrate in their application and operating schedule how they propose to promote the licensing objectives in respect of the admission of children to the premises.
- 14.4 Alternatives that may be considered for limiting the access of children where that is necessary for the prevention of harm to them include any or a combination of the following factors –
- limitations on the hours when children may be present;
 - limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - age limitations (below 18);
 - requirements for accompanying adults;
 - full exclusion of those people under 18 from the premises when any licensable activities are taking place; and
 - production of proof of age cards before any sale of alcohol takes place.
- 14.5 The licensing authority also commends to the operators of licensed premises and clubs The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks which seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years of age or older.

15. CHILDREN AND CINEMAS

- 15.1 In the case of premises giving film exhibitions, the licensing authority will expect licensees and clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified by the British Board of Film Censors or in exceptional circumstances by the licensing authority itself.

16. APPEALS

- 16.1 An appeal against the decision of the licensing authority may be made to the magistrates court within a period of 21 days beginning with the day when the appellant was notified by the licensing authority of a decision. An appeal may be made by an applicant if an application for a licence or certificate or for the variation of such a licence or certificate is refused by the licensing authority. An interested person or responsible authority may also submit an appeal if they make relevant representations to the licensing authority and the application or variation upon which they made those representations is approved.

- 16.2 In order to provide applicants, responsible authorities and interested parties with sufficient information to enable them to decide whether they wish to appeal against a decision, the licensing authority will give comprehensive reasons for its decisions and will supply copies of those reasons to those parties who are entitled to appeal against a decision.
- 16.3 In hearing an appeal against a decision of the licensing authority, the magistrates court will have regard to this statement of licensing policy and to the Guidance issued by the Secretary of State but is entitled to depart from the statement or Guidance if it is considered to do so because of the individual circumstances of any case.

17. ENFORCEMENT

- 17.1 Enforcement will be appropriate and proportionate and at the discretion of the licensing authority and the police as the enforcing authorities. A principle of risk assessment and targeting will prevail and inspections will be undertaken when they are considered necessary which will help to concentrate resources on problem areas.
- 17.2 In order to provide for an efficient deployment of resources, the licensing authority will develop with the police a protocol on enforcement issues.
- 17.3 The licensing authority have also signed the local government enforcement concordat and have adopted a code of practice for licensing enforcement which is attached at Annex G.

18. TEMPORARY EVENTS NOTICES

- 18.1 Permission is not required for a temporary event in certain circumstances. However the organiser of an event is required to give notice to the licensing authority and to the police at least ten working days prior to the event being held. Although the licensing authority is unable to attach any terms, limitations or restrictions on the carrying on of licensable activities at such events under a temporary events notice, the organisers should have regard to such other legislative requirements as may apply to such events and the impact of the event upon others that may give rise to concern.
- 18.2 The licensing authority will therefore provide local advice about the following matters to event organisers –
- proper respect for the concerns of local residents;
 - other legislative requirements regarding health and safety, noise pollution or the building of temporary structures;
 - other necessary permissions, for example, with regard to road closures or the use of pyrotechnics or lasers in public places;
 - the impact of any local byelaws; and
 - the need to prevent anti-social behaviour by those attending.

18.3 The police may object to the event taking place for reasons of preventing crime and disorder which may arise because of concerns about the scale, location or timing of the event. If the police issue an objection notice, a hearing must be held by the licensing authority. The police also have powers to close an event for up to 24 hours without notice where the activity is in their opinion disorderly, likely to become disorderly or cause disturbance by excessive noise. To alleviate the possibility of police intervention, event organisers are encouraged not to rely on the minimum notice of 10 days but to contact the licensing authority and the police at the earliest possible opportunity about their proposals.

19. CONTACT POINTS

19.1 The names and addresses of relevant authorities and bodies are given in Annex H.

GUIDANCE AND BEST PRACTICE

Various guidance and best practice has been issued which are relevant to the licensing activities regulated under the Licensing Act 2003. Some has been commended to licensing authorities in the Guidance issued by the Secretary of State.

The licensing authority similarly commends the following documents to those involved in licensable activities and other interested parties –

The Government's Together Campaign and Action Plan "Together: Tackling Anti-Social Behaviour" (www.together.gov.uk)

The Government's Alcohol Harm Reduction Strategy (www.dcms.gov.uk)

"Alcohol and Crime: Taking Stock" by Ann Deehan, Home Office Crime Reduction Research Series No 3 (1999) (www.crimereduction.gov.uk/drugsalcohol8.htm)

The National Pubwatch Good Practice Guide (www.uniquepubs.com/pubwatch)

The Government's Safer Clubbing Guide (www.drugs.gov.uk)

The Anti-Social Behaviour Act 2003

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book") ISBN 0 7176 2453 6

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 7176 15804

The Guide to Safety at Sports Grounds (The Stationery Office 1997) ("The Green Guide") ISBN 0 11 300095 2

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network (www.streetartsnetwork.org/pages/publications)

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Noise Council Code of Practice on Environmental Noise Control at Concerts

Home Office guidance on the preparation of race impact assessments (www.raceimpact.homeoffice.gov.uk)

HSE Guide The Radiation Safety of lasers used for display purposes [HS/(G)95] and BS EN 60825: Safety of laser products)

British Standards CP 1007 (Maintained Lighting for Cinemas)

**CONNECTIONS BETWEEN THE STATEMENT OF LICENSING POLICY AND
OTHER RELEVANT POLICIES**

The Council has developed either individually or in partnership with other authorities and organisations a range of policies and strategies which impact upon the licensing objectives and this statement of licensing policy. These include –

Huntingdonshire Community Strategy

Huntingdonshire Local Plan 1995

Huntingdonshire Local Plan Alteration 2002

Huntingdonshire Community Safety Strategy 2002-05

Cambridgeshire Local Transport Plan 2004-11

Huntingdonshire Taxi Strategy 2003

County of Culture – Cultural Strategy for Cambridgeshire 2002-05

Huntingdonshire District Council Marketing Strategy for Tourism 2004-07

Huntingdonshire District Council Race Equality Strategy

Copies of the policies and strategies are available on request from the Council or by viewing the Council's website on www.huntsdc.gov.uk .

EXEMPTIONS

The following activities are not regarded as Regulated Entertainment and are therefore exempt for the purposes of the Act:-

Exhibition of a Film

If the sole or main purpose of the entertainment is to demonstrate any product, advertise any goods or services, or provide information, education or instruction.

If the entertainment consists of or forms part of an exhibit put on show for any purposes of a museum or gallery.

Live Music or the Playing of Recorded Music

If the entertainment is incidental to some other activity which is not in itself within the description of Regulated Entertainment or the provision of entertainment facilities.

Television or Radio Receivers

If the entertainment consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990.

Religious Services and Places of Worship etc

If the entertainment is for the purposes of, or for the purposes incidental to, a religious meeting or service or at a place of public religious worship.

Garden Fetes etc

If the entertainment is at a garden fete, function or event of a similar character, unless the fete, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain (as defined in the Lotteries & Amusements Act 1976).

Morris Dancing etc

If the entertainment is a performance of morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or facilities for enabling persons to take part in such activities.

Vehicles in Motion

If the entertainment is on premises consisting of or forming part of a vehicle and at a time when the vehicle is not permanently or temporarily parked.

Small Venues providing Unamplified, Live Music

Where,

- a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of music entertainment; and
- the premises are used primarily for the consumption of alcohol on the premises; and
- the premises have a capacity of up to 200 persons; and
- the music entertainment comprises unamplified, live music or facilities to enable persons to take part in that music; and
- the entertainment takes place between 8.00 am and midnight;

any condition imposed on the premises licence or certificate which relates to the provision of the music entertainment will not have effect unless it was imposed on the grounds of preventing crime and disorder and/or public safety.

This exemption will not apply if a licence or certificate has been the subject of a review and has been modified by the licensing authority to include a statement disapplying this exemption to the licence or certificate.

GLOSSARY OF TERMINOLOGY

Licensable Activities and Qualifying Club Activities

- **Are defined in the Licensing Act as:**
 - (a) the sale by retail of alcohol;
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - (c) the provision of regulated entertainment;
 - (d) the provision of late night refreshment.
- **For those purposes the following licensable activities are also qualifying club activities:**
 - (a) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;
 - (b) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place;
 - (c) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

Regulated Entertainment

- **Is defined as:**
 - (a) A performance of a play
 - (b) An exhibition of film
 - (c) An indoor sporting event
 - (d) A boxing or wrestling entertainment
 - (e) A performance of live music
 - (f) Any playing of recorded music
 - (g) A performance of dance
 - (h) Entertainment of a similar description to that falling within paragraph e), f) or g)

where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003.

Entertainment Facilities

➤ **Are defined as:**

Facilities for enabling persons to take part in entertainment of a description falling within those mentioned above for the purpose, or for purposes which include the purpose, of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003.

Interested Party

➤ **Is defined as:**

- (a) a person living in the vicinity of the premises;
- (b) a body representing persons who live in that vicinity;
- (c) a person involved in a business in that vicinity;
- (d) a body representing persons involved in such businesses.

Responsible Authority

➤ **Is defined as:**

- (a) the Chief Officer of Police for any Police area in which the premises are situated;
- (b) the Fire Authority for any area in which the premises are situated;
- (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated;
- (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated;
- (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
- (f) a body which:

- (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters.
- (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated;
- (h) in relation to a vessel:
- (i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities
 - (ii) the Environment Agency
 - (iii) the British Waterways Board, or
 - (iv) the Secretary of State
 - (v) a person prescribed for the purpose of this subsection.

Temporary Event

➤ **Is defined as:**

The use of premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place and limited to events involving less than 500 people.

Provision of Late Night Refreshment

➤ **Is defined as:**

The provision of hot food refreshment or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11.00pm and 5.00am, or;

At any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Hot Food or Hot Drink

➤ **Is defined as:**

Food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:

- (a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
- (b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
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
Application for transfer of premises licence		If a police objection	All other cases
Cancellation of interim authority notice		If a police objection	
Application to review premises licence/club premises certificate		All cases	
Agreement that hearing is unnecessary where relevant representations received			All cases, after consultation with Chairman or Vice-Chairman
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases, after consultation with Chairman or Vice-Chairman
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Proceedings for contravention of the provisions of the Act			All cases, after consultation with Chairman or Vice-Chairman

POOL OF LICENSING CONDITIONS

1. Pool of Conditions

Guidance issued by the Secretary of State outlines a number of conditions that may be used to promote the licensing objectives. Whilst this list is not exhaustive it is an indication to applicants of the conditions that may be considered appropriate in individual cases.

It should be noted that the Licensing Act 2003 creates the following offences and conditions do not therefore need to be attached to licences and certificates:

- (a) knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk;
- (b) knowingly to allow disorderly conduct on licensed premises;
- (c) for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported; and
- (d) to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

2. Conditions relating to Crime and Disorder

(a) Door Supervisors

Conditions relating to the provision of door supervisors and security may be valuable in:

- (i) preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- (ii) keeping out excluded individuals (subject to court bans or bans imposed by licence holder);
- (iii) searching and excluding those suspected of carrying illegal drugs or carrying offensive weapons and;
- (iv) maintaining orderly queuing outside venues

Where door supervisors are to be a condition of a licence they are required to be licensed by the Security Industry Authority in line with the Security Industry Act 2000.

(b) Bottle bans

Glass bottles and glasses may be used as weapons inflicting serious harm during incidents of disorder. Conditions may include:

- (i) No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar
- (ii) No customer carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

In appropriate circumstances conditions may exempt bottles containing wine or similar sold for consumption with a table meal by customers who are seated in a separate area set aside from the bar area.

(c) CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions may include:

- (i) The need to have CCTV cameras on the premises
- (ii) The precise positioning of each camera
- (iii) The requirement to maintain cameras in good working order
- (iv) The requirement to retain recordings for an appropriate period.

(d) Other conditions that may be considered relevant to promote the reduction of crime and disorder may include:

- (i) Text/radio pagers connecting premises with the local police
- (ii) Restriction on drinking areas
- (iii) Capacity limits
- (iv) Proof of age cards
- (v) Crime prevention notices
- (vi) Signage at or immediately outside the premises
- (vii) Use of plastic containers and toughened glass
- (viii) Open containers not to be taken from the premises
- (ix) Irresponsible drinks promotions
- (x) An appropriate ratio of tables and chairs to customers based on the capacity of premises used exclusively or primarily for the "vertical" consumption of alcohol (HVDDs).

3. Conditions relating to the protection of children from harm

(a) Age Restrictions – specific

- (i) The hours of day during which age restrictions may or may not apply. For example, the fact that adult entertainment may be present at premises in the evening does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- (ii) Types of event or activity where consideration for age restrictions may be appropriate include "Happy Hours" or drinks promotion nights or activities of an adult nature.
- (iii) Types of event or activity in respect of which no age restriction may be needed, for example family entertainment or non-alcohol events for young age groups.

(b) Age Restrictions – Cinemas

- (i) In the event that the Council decides to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Council that it intends to exhibit 28 days before it is proposed to show it. This will enable the Council time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- (ii) When films are classified, by either the British Board of Film Censors as specified in the licence or the Council they will be classified in the following way:
 - U – Universal, suitable for audiences aged four years and over
 - PG – Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A – Passed only for viewing by persons aged over 12 years or older or persons younger than 12 years when accompanied by an adult.
 - 15 – Passed only for viewing by persons aged 15 years and over
 - 18 – Passed only for viewing by persons aged 18 years of age and over
- (iii) Conditions may require that immediately before any exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- (iv) A condition that where the Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises to make people aware of the classification attached to any film or trailer.

(c) Conditions relating to children`s access to theatres and performances especially for children.

- (i) Types of event or activity where consideration of age restrictions may include activities of an adult nature.
- (ii) Conditions may require a sufficient number of adult staff on the premises to ensure the well being of children on the premises during any emergency
- (iii) Where performances are presented especially for unaccompanied children in theatres and cinemas, conditions requiring an attendant be stationed in any area occupied by the children, in the vicinity of each exit or subject to a minimum of one attendant per 50 children or part thereof on each level occupied by children.

(d) Children in performances

- (i) Venue – The backstage facilities should be large enough to accommodate safely the number of children taking part in any performance

- (ii) Fire safety – All chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- (iii) Special effects – It may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights which may trigger adverse reactions especially with regard to children.
- (iv) Care of Children - Children performing at such premises should be kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises.

(e) Proof of Age cards

Conditions may be attached to premises where alcohol is sold requiring the production of proof of age cards before any sale of alcohol takes place.

(f) Drinks Promotions

The Portman Group operates a code of practice on the naming, packaging and promotion of Alcoholic Drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. By means of its website and in the trade press it issues bulletins notifying retailers of products that breach this code and asks them not to re-stock or display any such product or point of display material until such time as the code is complied with.

In certain circumstances it may be appropriate to attach conditions requiring premises to comply with the Portman Group Code of Practice.

4. Conditions relating to the prevention of public nuisance.

- (a) Consideration may be given to conditions that ensure that:
 - (i) Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This may be achieved by doors and windows at the premises being closed, secondary glazing, entrance lobbies or the use of noise limiters on amplification equipment.
 - (ii) Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
 - (iii) The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in the surrounding areas are restricted.
 - (iv) The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
 - (v) Noxious smells from the licensed premises are not permitted (subject to existing legislation not providing adequate measures) so as to cause a nuisance to nearby properties and the premises are properly vented.

- (vi) Flashing or particularly bright lights on or outside licensed premises but any such condition must be balanced against the benefits of providing lighting to promote the prevention of crime and disorder.

(b) Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance:

- (i) Conditions may be placed on premises restricting (other than where they are protected by the transitional provisions of the Act) the hours during which premises are permitted to be open to the public or to members and their guests.
- (ii) Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times
- (iii) Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

5. Conditions Relating to Public Safety (including fire safety)

Conditions relating to public safety will be those that are necessary to promote the objective of public safety for individual premises or clubs. They should not duplicate other legal requirements. Equally the attachment of conditions to a premises licence or club premises certificate will not relieve employers of the statutory duty to comply with the requirements of Health and Safety legislation and the requirements under the management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Conditions enforcing these arrangements will therefore be unnecessary.

Where existing legislation does not provide adequately for the safety of the public consideration may be given to conditions covering:

a) Disabled people

- (i) Adequate arrangements to enable their safe evacuation in the event of an emergency.
- (ii) Disabled people on the premises are made aware of those arrangements

b) Escape routes

- (i) All exit doors are easily openable without the use of a key, card, or similar means
- (ii) Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- (iii) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff
- (iv) All fire doors are maintained effectively self closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).

- (v) Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut.
- (vi) The edges of treads of steps and stairways are maintained so as to be conspicuous.

c) Safety Checks

- (i) Safety checks are carried out before the admission of the public and details of such checks are kept in a log book.

d) Curtains, Hangings, Decorations and Upholstery

- (i) Hanging, curtains and temporary decorations are maintained in a flame- retardant condition
- (ii) Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1, and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.
- (iii) Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs, or fire fighting equipment.
- (iv) Temporary decorations are not used without prior notification to the licensing authority and fire authority.

e) Accommodation limits

- (i) Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded.
- (ii) The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

f) Fire action notices

- (i) Notices detailing the actions to be taken in the event of a fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.
- (ii) In the case of an outbreak of fire the fire brigade must be called at once to any outbreak, however slight and the details recorded in a Fire Log Book – to be kept available for inspection by the licensing authority or an authorised officer.
- (iii) The local Fire Control Centre is notified as soon as possible if the water supply to any fire extinguishing equipment is cut off or restricted.

g) Access for emergency vehicles and first aid.

- (i) Access for emergency vehicles is kept clear and free from obstruction.
- (ii) Adequate and appropriate supply of first aid equipment and materials is available on the premises.

- (iii) At least one suitably trained first-aider shall be on duty when the public are present and if more than one suitably trained first-aider that their respective duties are clearly defined.

h) Lighting

- (i) In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- (ii) Fire safety signs are adequately illuminated.
- (iii) Emergency lighting is not altered.
- (iv) Emergency lighting batteries are fully charged before the admission of the public, guests and members.
- (v) In the event of failure of normal lighting where the emergency lighting has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged. If the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left is one hour.

i) Temporary electrical installations

- (i) Temporary electrical wiring and distribution systems shall comply with the recommendations of applicable British Standards 7671 or 7909.
- (ii) Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

j) Indoor sports entertainments

- (i) If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- (ii) Where a ring is being used, it is constructed by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant.
- (iii) At any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- (iv) At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times.

k) Alterations to premises

- (i) Alterations that make it impossible to comply with an existing condition to premises should be notified to the licensing authority.
- (ii) The holder of the premises licence or club premises certificate should apply for a variation to the existing licence or certificate should any alterations make it impossible to comply with any existing condition.

l) Special effects

- (i) Any special effects including dry ice machines, cryogenic fog, smoke machines, fog generators, pyrotechnics, fireworks, real flame, firearms, motor vehicles, strobe lighting machines, lasers or explosives should be stored so as to minimise any risk to the safety of the audience, the performers and staff.
- (ii) Use of certain special effects may be used subject to prior notification of the licensing authority or inspection by the fire authority

6. Theatres, Cinemas, Concert Halls and Similar Places (Promotion of Public Safety)

In addition to the points made in Section 5 there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1-100	One
101-250	Two
251-500	Three
501-750	Four
751-1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to –
- (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special Effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS/(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or (inspection by) fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety Curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	Two	One
501-1000	Three	Two
1001-1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable Films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

HUNTINGDONSHIRE DISTRICT COUNCIL LICENSING ENFORCEMENT POLICY

The Council's licensing enforcement policy which was approved by the Licensing and Protection Panel on 17th September 2002 and subsequently adopted by the Council has been amended, as appropriate, and applied to the enforcement of the Licensing Act 2003 by this annex to the statement of licensing policy.

LICENSING ENFORCEMENT POLICY

1. INTRODUCTION

- 1.1 The purpose of this policy is to express the commitment and intention of Huntingdonshire District Council ("the licensing authority") to the principles of consistent and effective enforcement legislation relating to those licensable activities defined in the Licensing Act 2003 and defined in Appendix 2 attached.
- 1.2 The policy sets out what businesses and others can expect from the Council's licensing officers and commits the licensing authority to good enforcement policies and procedures. It is designed to set out the arrangements by which the principles of the Enforcement Concordat, to which the licensing authority is a signatory, will be incorporated into actions.
- 1.3 Officers who carry out licensing enforcement on behalf of the licensing authority are authorised in accordance with the licensing authority's scheme of delegation. Appropriate means of identification will be carried.

2 GENERAL PRINCIPLES

- 2.1 The licensing authority will ensure the effective implementation of national and local policies, to comply with all legislative requirements and fulfil the statutory duties imposed on the licensing authority.
- 2.2 The licensing authority will protect the public by reacting promptly to complaints about issues that are within the licensing authority's remit and by delivering a balanced programme of inspection, education and enforcement designed to achieve compliance with relevant legislation in an equitable, practical and consistent manner.
- 2.3 The licensing authority recognises that most businesses and individuals want to comply with the law and officers will, therefore, take care to help them meet their legal obligations without unnecessary expense, whilst taking firm action, including prosecution where appropriate against those who flout the law or act irresponsibly. Prosecutions will be taken in line with the prosecution policy set out Appendix 1 to this policy.
- 2.4 The licensing authority recognises the importance of the precedents set by case law and Government guidance and will draw upon them to ensure that effective standards of enforcement are consistently applied
- 2.5 Authorised officers will have regard to this policy when carrying out their assigned duties.

- 2.6 Departures from these policy guidelines will be exceptional and only following agreement with the Head of Administration, or in his absence, the Central Services Manager.
- 2.7 Where there are issues of dual or joint enforcement responsibilities with other enforcement agencies such as the police and fire authority, consultation will, except in emergencies, take place with them prior to any enforcement action being initiated.
- 2.8 The licensing authority will ensure that its officers are competent with respect to the enforcement duties they have been authorised to carry out.

3 PRINCIPLES OF ENFORCEMENT

- 3.1 The enforcement of legislation is guided by the principles of the Enforcement Concordat to which the licensing authority is a signatory. This commits the licensing authority to good enforcement policies and procedures. The principles of the Enforcement Concordat are incorporated into the following:

3.2 Standards

- 3.2.1 The licensing authority is accountable to the local electorate for its actions and omissions. This means that it will have clear policies and standards against which it can be judged.

3.3 Openness

- 3.3.1 The licensing authority will provide information and advice in plain language on the law that it enforces and will disseminate this as widely as possible. It will also be open about how it sets about its work, including any charges that are made for specific activities. Officers will discuss general issues, specific compliance failures or problems with individuals or businesses experiencing difficulties.

3.4 Helpfulness

- 3.4.1 The licensing authority believes that prevention is better than cure and that its role therefore involves actively working with individuals and the business community, especially small and medium-sized enterprises, to advise and assist on compliance. It will provide a courteous and efficient service and the staff will identify themselves by name. Officers will provide a contact point and telephone number for further dealings with the licensing authority and will encourage business to seek advice/information from them. Applications for approval of establishments, licences, registration, etc, will be dealt with efficiently and promptly. The licensing authority will ensure that, wherever practicable, its enforcement services are effectively co-ordinated to minimise any unnecessary overlaps and time delays.

3.5 Complaints about the service

- 3.5.1 The licensing authority has a complaints procedure that is accessible to businesses and the public. The licensing authority will also make available the procedure for a complaint to be made to the Local Government Ombudsman that the licensing authority has acted with maladministration. This is without prejudice to any statutory rights of appeal that are available to businesses or members of the public which will be explained in writing by the licensing authority.

3.6 Proportionality

- 3.6.1 As far as the law allows, the licensing authority will take account of the circumstances of each case and the attitude of the person committing the offence when considering action. Both those whom the law protects and those on whom it places a duty expect that compliance action taken by the licensing authority should be proportionate to the risks posed to the public and to the seriousness of any breach of legislation.
- 3.6.2 In dealing with small businesses, voluntary and community organisations the licensing authority will make a particular effort to assist them in meeting their legal obligation without incurring unnecessary expense.
- 3.6.3 Some legal requirements are specific or mandatory, i.e. there is no room for discretion or individual interpretation. However, others require action in line with the principles of “reasonableness” or “appropriateness” and the regulatory system often includes the concept of proportionality through such principles. Deciding what is reasonable or appropriate to control risks involves the exercise of judgement and, when the law permits, discretion by licensing officers based on sound professional judgement. Where agreement cannot be reached, the final determination of what is reasonable in particular circumstances may ultimately be made by the Courts.
- 3.6.4 Some risks may be so serious that they cannot be permitted irrespective of the economic consequences, whilst at the other extreme, some risks may be so trivial that it may not be worth spending more to reduce them. In general, risk-reducing measures must be weighted against the associated costs, unless the cost of a particular action is excessive compared with the benefit of the risk reduction in terms of its magnitude of probability.

3.7 Consistency

- 3.7.1 Consistency of approach does not mean uniformity; it means taking a similar approach in similar circumstances to achieve similar ends. In dealing with enforcement issues the licensing authority will take a consistent approach in the service tendered, the use of powers, issuing of authorisations, decisions on whether to prosecute and responses to complaints.
- 3.7.2 The licensing authority recognises that in practice consistency is not a simple matter. Officers are faced with many variables such as the severity of the issue, the attitude and competence of the individual/management and the associated previous history of compliance. These factors may vary between individuals/businesses which otherwise appear similar. Decisions on enforcement are matters of sound professional judgement as to when the licensing authority, through its officers, will exercise discretion. It will continue to develop arrangements to promote consistency in the exercise of discretion. These will include effective arrangements for liaison with other enforcing agencies.

3.8 Transparency

- 3.8.1 Transparency means helping proprietors of businesses and the public to understand what is expected of them and what they should expect from the licensing authority. It also means making clear why an officer intends to or has taken a particular course of action. This means distinguishing between compulsory requirements on the one hand and advice and guidance about what is desirable, but not compulsory, on the other.

- 3.8.2 This document sets out the general policy framework within which the licensing authority will operate. Those with whom the licensing authority deals need to know what to expect when an officer visits and what rights of complaint are open to them.
- 3.8.3 In the case of informal enforcement action the officer will advise on the legal requirements, explain why a particular course of action is recommended, and if asked, distinguish legal requirements from best practice advice. Officers will, if asked, confirm any advice in writing.
- 3.8.4 In the case of a refusal of an application for a licence or registration, the reasons for the refusal will be given in writing and the appeals procedure explained.

3.9 Targeting

- 3.9.1 Targeting means making sure that resources are targeted primarily on those whose activities give rise to the most serious problem, or where hazards are least well controlled, and that action is focused on the those who are responsible and who are best placed to control it.
- 3.9.2 The licensing authority will prioritise compliance inspections in accordance with a risk rating system based on a combination of the factors which determine the likely compliance of that business with statutory requirements and the potential risk of non-compliance to the public.
- 3.9.3 The priorities for visits in response to complaints from the public will take into account the nature and severity of the allegations.
- 3.9.4 Where formal enforcement action is necessary, it will be directed against the person by whose act default or sufferance the breach occurred. Where several individuals share responsibility, the licensing authority will take action against those who can be shown to be in breach.

4 METHODS OF ESTABLISHING COMPLIANCE

4.1 Education

- 4.1.1 The licensing authority will make every effort to provide information both to members of the general public and businesses concerning the legislation for which the licensing authority is the enforcing authority.
- 4.1.2 The information will be made available through the licensing authority's website, leaflets, at public buildings, upon request or given at the time of an inspection.
- 4.1.3 Where a requirement for information becomes evident either through problems in a particular area of enforcement or because of requests then specific information will be made available in such a way as to inform those in need.

4.2 Investigations

- 4.2.1 Information on possible offences is often the result of complaints from members of the general public who have witnessed events or whose lives are being adversely affected by the actions or inactions of others.

- 4.2.2 Provided that it will not prejudice their inquiries, Officers will identify themselves at the premises at the time of entry and will show their licensing authority identification.
- 4.2.3 The licensing authority will respond to, and where appropriate, commence investigations into complaints within 3 working days. The response time may vary according to the nature of the allegation and its severity.
- 4.2.4 The person, business or land owner subject to complaint may be informed of the complaint prior to, part way through or at the end of the investigation as may be considered appropriate depending upon such facts as the nature of the complaint, the need for covert surveillance and the risk of intimidation of the complainant.
- 4.2.5 Complainant's details will not be released without either the complainant's permission or following a legal requirement to do so. This will be decided this on a case-by-case basis.
- 4.2.6 The complainant will be kept informed as considered appropriate of progress with the investigation and of the eventual outcome.
- 4.2.7 Where it has been considered appropriate to advise the alleged offender that an investigation is in progress that person will be kept advised of the progress of the investigation. At the end of the investigation, they will be informed of the outcome and whether the licensing authority will take any further action.
- 4.2.8 Where as a result of an investigation action of an informal or formal nature may be taken the alleged offender will be advised as soon as practicable upon completion of the investigation
- 4.3 **Routine inspections**
- 4.3.1 Under normal circumstances, routine compliance visits will be arranged in advance. Spot check visits may be made without prior warning particularly when information has been obtained suggesting a breach of the law.
- 4.3.2 The main purpose of a compliance visit to land or premises is to ensure the requirements of the law are being met.
- 4.3.3 Officers will make the purpose of the inspection clear at the start of the visit with the person in charge at that time. Inspections will normally involve discussions with local management or the person in operational control of the business, activity or land at the time of the visit. At the conclusion of all inspections officers will normally offer to discuss, as may be appropriate, the findings and follow this up in writing.
- 4.3.4 The licensing authority have a number of leaflets or guidance notes that may assist in the understanding of legal requirements which will normally be provided free of charge. Some written information may be available from other sources and where this is the case the officer will supply details as to where the information can be obtained. Letters can be translated into other languages and interpreters can be used if considered appropriate.
- 4.3.5 Action of an informal or formal nature may be taken as a result of an inspection and the alleged offender will be advised as soon as practicable upon completion of the investigation

5 ENFORCEMENT OPTIONS

5.1 There are a number of enforcement options available where contraventions of the law have been identified. This part of the policy provides detailed guidance on when each of the options may be considered. The options are:-

- take no action;
- take informal action;
- use formal cautions;
- revoke an authorisation, permit or licence;
- prosecute (can sometimes be taken in addition to serving notices);
- co-ordinate action with other agencies;
- any combination of the above.

5.2 Generally, enforcement will be undertaken in a graduated approach, unless immediate action is required. In the first instance, a discussion of requirements will take place with the operator or licensee or other person by whose act default or sufferance the breach occurred.

5.3 No Action

5.3.1 Where an inspection, observation or investigation reveals that, on the basis of evidence, there is a breach of legislation then no further action will be taken if after taking into account all relevant circumstances enforcement would be disproportionate or otherwise inappropriate. Confirmation of the results of the investigation will be given to any complainant and to the person or business complained of if they had previously been made aware of the investigation.

5.4 Informal Action

5.4.1 Informal action may consist of any of the following:

- advice
- verbal warnings
- warning letter requesting action and setting out the consequences of failure to comply with legal requirements.

5.4.2 Officers will use informal procedures as long as they believe such actions will secure compliance with the requirements of legislation within a timescale judged reasonable depending upon the relevant facts.

5.4.3 Offences of a less serious nature may be dealt with in a number of appropriate ways including advice, verbal warning, observations, follow up letter, a re-visit or any combination of these. Persistent failures will result in more formal enforcement action.

5.4.4 Where an officer offers verbal advice following an inspection, then if requested it will be confirmed in writing.

5.4.5 While the action taken by the officer will depend on the circumstances of any particular case, for guidance purposes only, the licensing authority considers that informal action is likely to be appropriate in the following circumstances:

- a) The offence is not serious enough to warrant formal action e.g. an offence which can be immediately remedied and poses no risk;
 - b) From the past history, it can reasonably be expected that informal action will achieve compliance; or
 - c) There is reason to be confident that the breach will be dealt with promptly without the need for formal action.
- 5.4.6 Informal letters sent following inspections will distinguish legal requirements from advice, give a time period for compliance and state the offences being committed. They will also give the details of who to contact if there are any queries, or issues the recipient wishes to discuss.
- 5.4.7 If significant contraventions of legal requirements are found, then rather than taking immediate formal action the officer may arrange for a further visit to be carried out to determine compliance. The time period between the original inspection and any revisit will be proportionate to the risks identified. Such informal action will not necessarily preclude formal action.

5.5 Formal action

5.5.1 When considering formal enforcement, account will be taken of:-

- the extent of non-compliance
- the risk(s) posed
- failure to hold or apply for a licence or certificate;
- failure to apply for a variation of a licence or certificate;
- failure to apply for the transfer of a licence or certificate;
- failure to submit an appropriate notice;
- failure to comply with an informal approach to remedy breaches of legislation;
- cumulative breaches of legislation
- any act of obstruction

5.5.2 Formal action can include any of the following actions that are considered appropriate under the circumstances:-

- revocation of a licence or certificate,
- a formal caution,
- prosecution for the offence,
- obtaining an injunction.

5.5.3 **Licences and certificates**, where these are revoked, the reason for the action and the appeal mechanisms will be set out in writing to the offender at the time the action is taken.

5.5.4 **A formal caution** may be considered as an alternative to a prosecution when the following conditions are fulfilled. Refusal will result in the matter being re-considered for prosecution taking account of a person's unwillingness to accept a formal caution.

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction if a prosecution were to be taken as an alternative; and
- the suspected offender must admit the offence; and
- the suspected offender must understand the significance of a formal caution, give an informed consent to being cautioned and will be advised to seek legal advice prior to agreeing to receive a formal caution.

The purpose of a caution is to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the Courts;
- reduce the chances of repeat offences.

A Formal Caution may only be administered by the Head of Administration or the Central Services Manager

5.5.5 **Injunctions** may be sought when the normal criminal process has proved or is likely to prove to be unlikely to remedy the problem that is occurring or likely to occur. It will be used only in exceptional circumstances.

5.5.6 **Prosecution.** Every case will be judged on its merits and in accordance with the prosecution policy set out in Appendix 1 to this policy.

6 AUTHORISATIONS OF PROSECUTIONS

6.1 Through its Scheme of Delegation, the licensing authority has delegated authority to prosecute to designated officers after consultation with the Chairman, or in his absence, the Vice-Chairman of the Licensing Committee.

6.2 In consultation with his/her supervising officer and, where appropriate, the licensing authority's legal adviser, the investigating officer(s) will gather appropriate evidence and prepare the case on behalf of the licensing authority. Where, having considered all the evidence, it is considered that a prosecution may be warranted, a written report will be prepared for consideration and authorisation. Following written authorisation to proceed, the licensing authority's legal service will instigate the prosecution. Regard will be had to the requirements of Police and Criminal Evidence Act 1984(PACE) and the Criminal Procedure and Investigation Act 1996 (CPIA).

7. POWERS OF AUTHORISED OFFICERS

7.1 Authorised officers of the licensing authority have a variety of powers available to them for the purpose of discharging the functions of the licensing authority. These include, in appropriate cases as permitted by the Licensing Act 2003, the power of entry to relevant premises at any reasonable time (or at any time if it appears that there is serious problem).

7.2. If it is believed that entry may be refused, or entry by force may be necessary a warrant to enter will be sought from a Justice of the Peace. Refusal of entry, as permitted by the law, is obstruction and will lead to prosecution in all but exceptional circumstances.

HUNTINGDONSHIRE DISTRICT COUNCIL

PROSECUTION POLICY

In keeping with its preventative role, the licensing authority will use a variety of means to ensure that the law, which it is required to enforce, is complied with within the Huntingdonshire District. These means will include education, advice, guidance, warning letters, cautions and prosecution.

The licensing authority will use discretion in deciding whether to initiate a prosecution and recognises that the decision to prosecute is significant and could have far reaching consequences on the offender. Before deciding to recommend a prosecution, they will take account the criteria set out below.

The power to make a decision to prosecute is generally set out in the licensing authority's scheme of delegation. It is delegated to the Head of Administration (or in his absence the Central Services Manager) after consultation with the Chairman and Vice-Chairman of the Licensing Committee.

In determining whether or not to institute legal proceedings the public interest will be of paramount consideration. The following matters will be taken into account in addition to any other matter that may be considered relevant in any particular case.

The licensing authority will determine whether the evidence available is sufficiently reliable, admissible and substantial to provide a realistic prospect of conviction, having regard to the evidential and public interest tests set down in the Code for Crown Prosecutors and any other prosecution code or government guidance for the time being relevant to the case under consideration. Such consideration will include:-

- the general record and attitude of the offender;
- the attitude and reliability of any witnesses;
- the gravity of the offence (including where the alleged offence involves a flagrant breach of the law such that public safety is put at risk);
- the failure by offenders to comply with lawful written directions of Officers provided the offenders have been given reasonable opportunity to comply with those directions;
- whether it is desirable to deter others from similar failures to comply with the law;
- whether it is more appropriate after consideration of all the circumstances and on being satisfied of a person's guilt and the offender accepting that guilt to offer a formal caution in accordance with guidance laid down in Home Office Circular 18/1994 as may be amended from time to time.

This prosecution policy also relates to the prosecution of individuals and individual managers or directors where the licensing authority consider that a conviction is warranted and it can be shown that the offence was committed with their consent or connivance or to have been attributable to neglect on their part.

Having decided to prosecute, the policy of the licensing authority is to proceed without any unnecessary delay. Once the prosecution has been determined by a court of law, the licensing authority will contact all its witnesses to inform them of the outcome.

LICENSING ACT 2003

1. The sale by retail of alcohol.
2. The supply of alcohol by or on behalf of a club to, or to the order or, a member of the club.
3. The provision of regulated entertainment.
4. The provision of late night refreshment.
5. Machines used for gaming in premises with a premises licence.

CONTACT POINTS

Further information on application forms, operating schedules, the statement of licensing policy and advice as to whether or not activities need to be licensed can be obtained from –

The Licensing Section,
Huntingdonshire District Council,
Pathfinder House
St Mary's Street
Huntingdon
Cambs
PE29 3TN

Telephone – 01480 388010/388209
Fax. – 01480 388099
E-mail – Greg.Peck@huntsdc.gov.uk
John.Frampton@huntsdc.gov.uk
Charlotte.Taylor@huntsdc.gov.uk

This information is available on the licensing authority's website at www.huntingdonshire.gov.uk.

Completed applications and temporary events notices should be sent to –

Licensing Section
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
Cambs
PE29 3TN

The Secretary of State will prescribe by regulations that an applicant must give notice of his application to each responsible authority and such other persons as may be prescribed within the prescribed period. In advance of the regulations, the bodies to which notice is to be given are anticipated to be –

The Chief Constable of Police
Cambridgeshire Constabulary
Hinchbrooke Park
Huntingdon
PE29 6NP

Chief Fire Officer
Cambridgeshire Fire and Rescue Service
Hinchbrooke Cottage
Brampton Road
Huntingdon
PE29 2NA

The Head of Environmental Health Services
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
Cams
PE29 3TN

Director General
The Health and Safety Executive
Rose Cottage
2 Southwark Bridge
London
SE1 9HS

The Head of Planning Services
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
Cams
PE29 3TN

The Director of Social Services
Cambridgeshire County Council
Shire Hall
Cambridge
CB3 0AP

The Environment Agency
Kingfisher House
Goldhay Way
Orton Goldhay
Peterborough
PE2 5ZR

The British Waterways Board
Willow Grange (HQ)
Church Road
Watford
Herts
WD17 4QA

Or

Ground Floor (SE)
Witan Gate House
500-600 Witan Gate
Milton Keynes
MK9 1BW

Those organisers serving a temporary events notice upon the licensing authority are also required to serve a copy on the Chief Officer of Police as above.

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CABINET

16TH DECEMBER 2004

**URBAN DESIGN FRAMEWORK
ANGLIAN HOUSE, HUNTINGON
(Report by HEAD OF PLANNING SERVICES)**

1. INTRODUCTION

- 1.1 This Urban Design Framework has been produced to present the planning policy context and design parameters that should be used to guide future re-development proposals of the existing Anglian Water Group (AWG) headquarters.
- 1.2 Cabinet is asked to consider the Framework and approve it for consultation purposes. Once representations have been received and considered, the document will be adopted as interim planning guidance and used when considering development proposals.

2. BACKGROUND

- 2.1 The site to which the Framework applies includes the offices currently occupied by AWG and associated land mainly used for car parking. For the purposes of considering this site in context, the Framework also includes an area to the rear of High Street, the small St Germain Street car park and the courtyard area in front of the County Council's Probation Service.
- 2.2 Anglian House was purpose built in 1985 on the site of the former Grammar School. The town park was formed at a similar time to its north-east side. Although a relatively attractive office building, the cross-shape layout of Anglian House is an inefficient use of space and creates a very poor environment in certain locations around its perimeter. The replacement of this building is therefore one of the options considered in the Framework.
- 2.3 The Framework looks closely at the advantages that re-development would allow and makes recommendations for proposed uses, ensuring that proposals enhance the vitality and viability of the town centre.

3. THE PROPOSALS

- 3.1 The Framework recognises the opportunities that the site provides to achieve the following:-
- replacement of Anglian House with buildings of more appropriate layout, form and scale;
 - improvement of pedestrian links between the town centre and town park;
 - improvement of environment within the park;

- delivery of a mix of uses;
- creation of a high quality re-development that improves the wider townscape.

3.2 Indicative concept plans are illustrated in the Framework.

4. CONCLUSION

4.1 Production of an Urban Design Framework is best practice and will help to secure the most appropriate form of development if the Anglian House site is to be re-developed. If Cabinet approves the document, there will be a period of consultation with the local and statutory bodies. Any comments or changes will be brought back to the Cabinet before it is adopted.

5. RECOMMENDATION

5.1 That the Cabinet approves the Framework as a basis for further discussion and consultation

BACKGROUND INFORMATION

'A Vision for Redevelopment - Development Guidelines' Civic Trust February 2002.

Contact Officer: Richard Probyn
 **01480 388430**

CABINET MEETING

16th DECEMBER 2004

LAND AT CALIFORNIA ROAD HUNTINGDON

(Joint Report by the Head of Legal and Estates & the Head of Housing Services)

1. PURPOSE

- 1.1 To seek approval for the disposal of Council-owned land to Huntingdonshire Housing Partnership Limited (HHP) for the purpose of providing affordable housing.

2. BACKGROUND

- 2.1 In March 2004 the Council sold two small areas of amenity land near California Road to HHP. This land is being developed in conjunction with other land owned by HHP for the provision of 7 new dwellings. A covenant was imposed to ensure the land was used for affordable housing and the Council also received nomination rights.
- 2.2 HHP have now identified similar areas in California Road at the following locations:-
- ❖ 0.24 acres (976m²) of amenity land situated between Milton Close and Shelley Close; and
 - ❖ 0.20 acres (815m²) of amenity land situated between Tennyson Close and Byron Close
- 2.3 These sites are shown edged black on plans A & B appended to this Report.
- 2.4 Two planning applications have recently been submitted on behalf of HHP for the development of each site in conjunction with the adjoining garages and land. Each site will accommodate 7 dwellings of affordable housing for rent.

3. PROPOSED TERMS

- 3.1 It is proposed to dispose of the freehold of the Council land to HHP on the following terms:-
- an agreed consideration (negotiations are proceeding);
 - the development to be in accordance with the approved schemes comprising a total of 14 dwellings;
 - use of the sites to be restricted to the construction of dwellings for the provision of rented housing managed by a registered social landlord;
 - the Council to receive 100% nomination rights for initial lettings and 75% of all re-lets;
 - a requirement to complete the development by 31st March 2006 unless otherwise agreed.

4. CONCLUSIONS

- 4.1 HHP is prepared to proceed on the above terms and has applied for the necessary grant funding from the Housing Corporation.
- 4.2 The valuation of the Council's land will take into account any constraints associated with the sites, initial site development costs and also the restrictions to be imposed on the future use of the land.

5. RECOMMENDATIONS

- 5.1 That Cabinet approves the sale of the land on the terms set out in Section 3 above.
- 5.2 That the Director of Central Services be authorised to approve the consideration after consultation with the Executive Councillors for Resources Welfare and I.T. and Finance.

Background Papers:-

Planning applications 0403130 and 0403132.

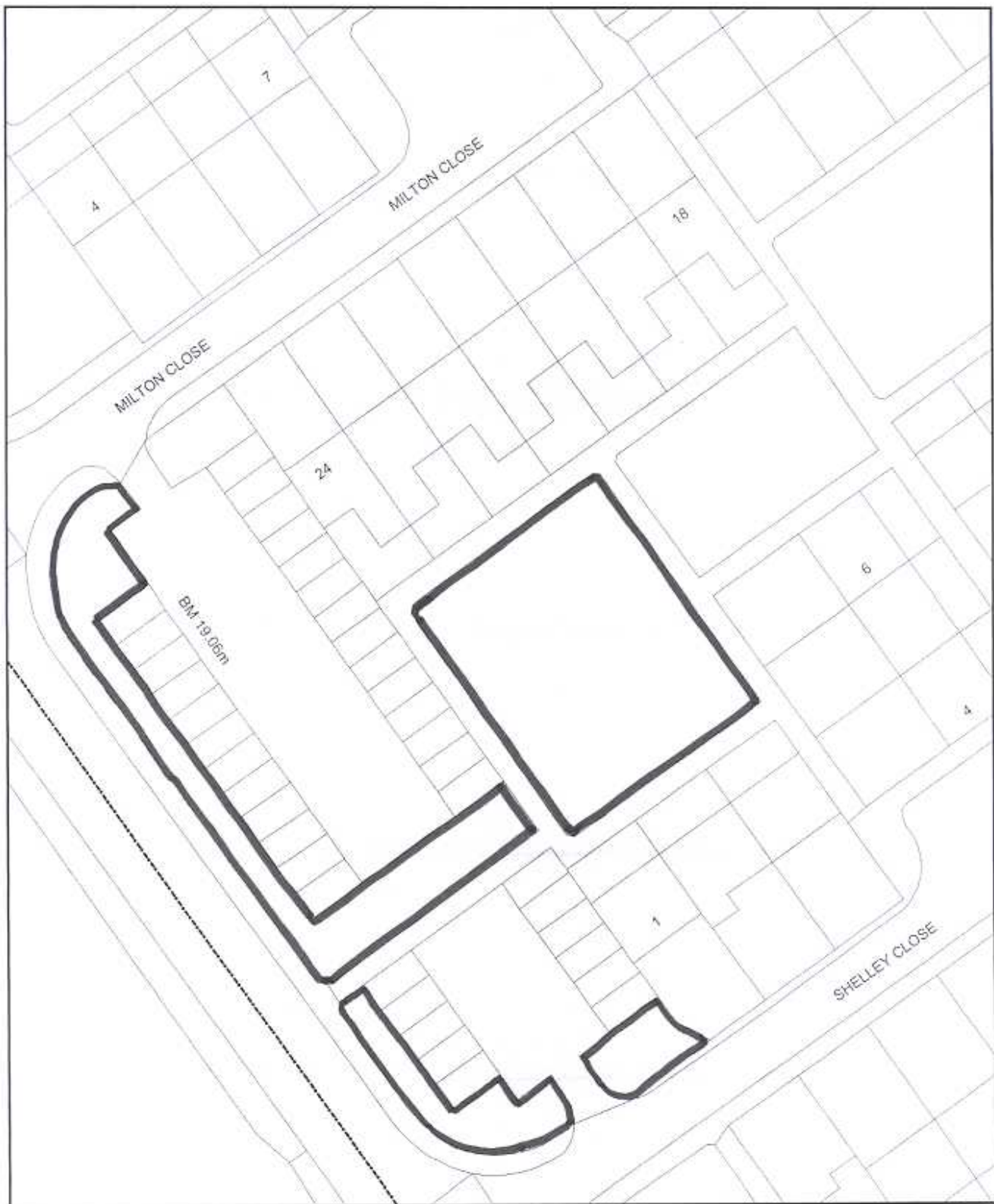
Contact Officers:

Keith Phillips – Estates & Property Manager - ☎ 01480 388260

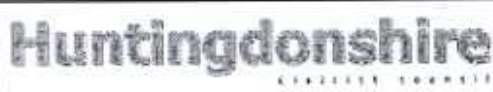

Frank Mastrandrea – Policy & Enabling Officer - ☎ 01480 388208

Land at California Road, Huntingdon

A



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Land at California Road, Huntingdon

B.



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CABINET

16TH DECEMBER 2004

OPEN SPACE AND RECREATION LAND, ST NEOTS (Report by the Head of Legal & Estates)

1. PURPOSE

- 1.1 To consider a request from St Neots Town Council for the District Council to transfer to it areas of land held for local open space and recreational purposes in the Town.

2. BACKGROUND

- 2.1 An earlier request to transfer land at Riversmead, St Neots was considered by Cabinet on 25th November 2004. The report, a copy of which is appended, was deferred for further information. In that respect Members' attention is drawn to the contents of paragraphs 3.2 and 3.3 post, which outline the agreement reached between the District Council and St Neots Town Council in 1974 with regard to ownership of and responsibility for maintenance of the areas of land in question.

- 2.2 The Town Council have now identified four further areas which they have been maintaining since 1974 as follows:-

Shady Walk recreation area (4562 sq m)
Dukes Road/Kings Road play area (3020 sq m)
Brickhills open space (19,500 sq m)
Garden of Rest, New Street/Tan Yard. (684 sq m)

- 2.3 These parcels of land are shown edged black on the appended plans. All the areas of land referred to are used as open space and there are no proposals for any changes.

3. RESPONSIBILITY FOR OWNERSHIP OF LAND

- 3.1 In conjunction with the reorganisation of local government in 1974, discussions took place between the District Council and successor Town Councils to consider the discharge of concurrent leisure functions, ie functions which would be discharged by both tiers of authority, and the distribution of assets.

- 3.2 In the Transfer of Property Order associated with that reorganisation, legal provision was made for assets to be distributed according to the functions of the successor authorities. Thus, for example, in St Neots, Council housing previously owned by the Urban District Council transferred to Huntingdonshire District Council and the (then) allotments on Huntingdon Road to the Town Council. Where concurrent (leisure) functions were concerned, authorities were expected to agree transfer arrangements based on their expectations with regard to future responsibilities for the discharge of those

functions and, with them, responsibility for the ownership and maintenance of assets. The conclusion then reached sought to reflect the local affinity of (smaller) recreational areas within the Towns in which they were located in contrast with facilities that were regarded as of District-wide significance.

- 3.3 As a consequence of the aforementioned discussions, the Riverside Park and Priory Park were accorded District-wide status and a list of other local parks, recreation grounds and open spaces was identified as the responsibility of the Town Council. These included the land at Riversmead and the sites referred to in paragraph 2.2 ante.
- 3.4 The Parks Section of the District Council's Community Services Division acknowledges that the Town Council has been responsible for these areas of land for many years and has no objections to the transfer request.

4. IMPLICATIONS

- 4.1 There would appear to have been a clear intention in 1974 to transfer responsibility for these areas of land to the Town Council.
- 4.2 The Town Council has confirmed that it will accept restrictions on the use of the land as set out in 5.1 below.

5. CONCLUSION

- 5.1 By way of confirmation of the arrangements agreed in 1974, it is proposed that the areas of land referred to in 2.1 and 2.2 above be transferred to the Town Council on the following terms:-

In the case of the Riversmead land —

- for the sum of £1;
- on the basis that it will be used for recreational and amenities purposes only; and
- subject to consent for the grant of a lease of part to the Reserve Forces and Cadets Association for East Anglia for the construction of a headquarters building.

In the case of each of the four further areas of land —

- for the sum of £1 each; and
- on the basis that the sites will be used for open space purposes only.

6. RECOMMENDATIONS

- 6.1 Cabinet is invited to approve the disposal of the land referred to above on the terms and conditions outlined in this report.

BACKGROUND INFORMATION

Estates File ref: Gen.42

Contact Officer: Keith Phillips, Estates & Property Manager ☎ (01480) 388260

LAND AT RIVERSMEAD, ST NEOTS
(Report by the Head of Legal and Estates)

1. PURPOSE

- 1.1 To consider a request from St Neots Town Council for the District Council to transfer to it an area of land at Riversmead, St Neots. The land is shown edged black on plan A and hatched black on plan B (appended).

2. BACKGROUND

- 2.1 The subject land comprises a recreation area of about 2.9 acres accessed off Riversmead, St Neots. The land was included in a 30-acre parcel of land acquired in 1947 for residential development. Most of the area was then developed with Council housing.
- 2.2 The Town Council has been responsible for the land since local government reorganisation in 1974 and now wishes to grant a lease on part. However, it has transpired that the Deeds are still held by the District Council.
- 2.3 There are also five other similar areas where the Town Council has been maintaining land since 1974. The ownership arrangements for these are being researched with a view to submitting a report to Cabinet in December 2004.
- 2.4 There is a degree of urgency concerning the land at Riversmead as the lease is required to facilitate the construction of a headquarters building for the Reserve Forces and Cadets Association for East Anglia. Funding for this project is only available until the end of the current financial year and it is necessary to start work on site as soon as possible. The proposed development was submitted to planning in March this year as a government application under Circular 18/84. In May the Head of Planning Services informed the applicants that no objections had been raised to the proposed development.

3. RESPONSIBILITY FOR/OWNERSHIP OF THE LAND

- 3.1 In conjunction with the reorganisation of local government in 1974 discussions took place between the District Council and successor Town Councils to consider the discharge of concurrent leisure functions and the distribution of assets. The conclusions then reached sought to reflect the local affinity of (smaller) recreational areas with the Towns in which they were located in contrast with facilities that were regarded as of District-wide significance.
- 3.2 As a consequence of the discussions referred to in the preceding paragraphs, the Riverside Park and Priory Park were accorded District-wide status and a list of other local parks, recreational grounds and open spaces was identified for transfer to the Town Council.

3.3 The Parks Section of the District Council's Community Services Division acknowledges that the Town Council has been responsible for this land for many years and has no objection to the transfer request.

4. IMPLICATIONS

4.1 There would appear to have been a clear intention in 1974 to transfer the land at Riversmead to the Town Council.

4.2 The Town Council has confirmed that it will accept a restriction in relation to the use of the land for recreation/amenity purposes only.

5. CONCLUSION

5.1 It is proposed that the land at Riversmead be transferred —

- ◆ for the sum of £1.00;
- ◆ on the basis that it will be used for recreational and amenity purposes only; and
- ◆ subject to consent for the grant of a lease on part to the Reserve Forces and Cadets Association for East Anglia.

6. RECOMMENDATIONS

6.1 Cabinet is invited to approve a disposal of the land at Riversmead on the terms and conditions outlined in this report.

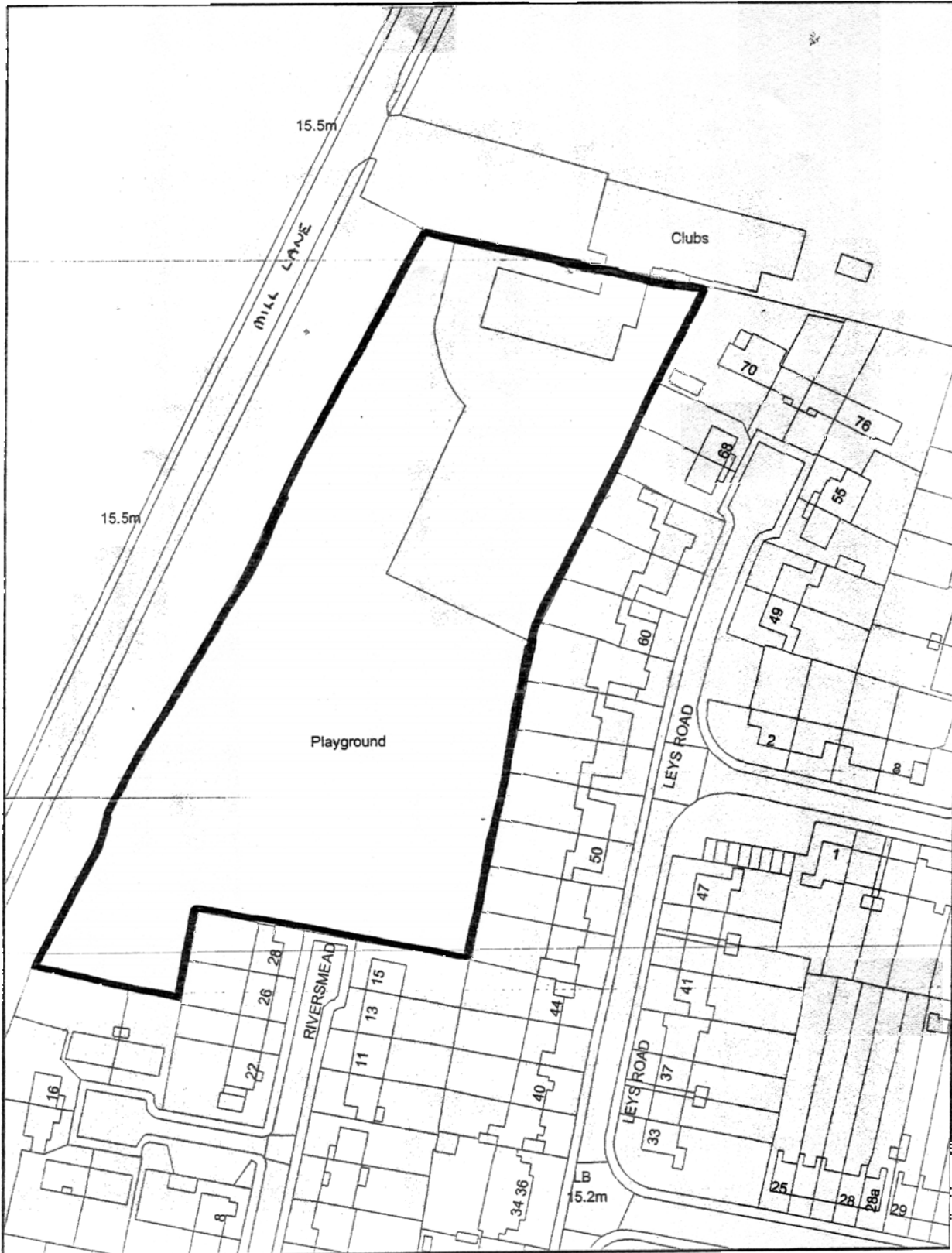
Background Papers

Estates File Ref. Gen.42

Contact Officer: Keith Phillips, Estates & Property Manager
☎ (01480) 388260

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Land at Riversmead, St Neots



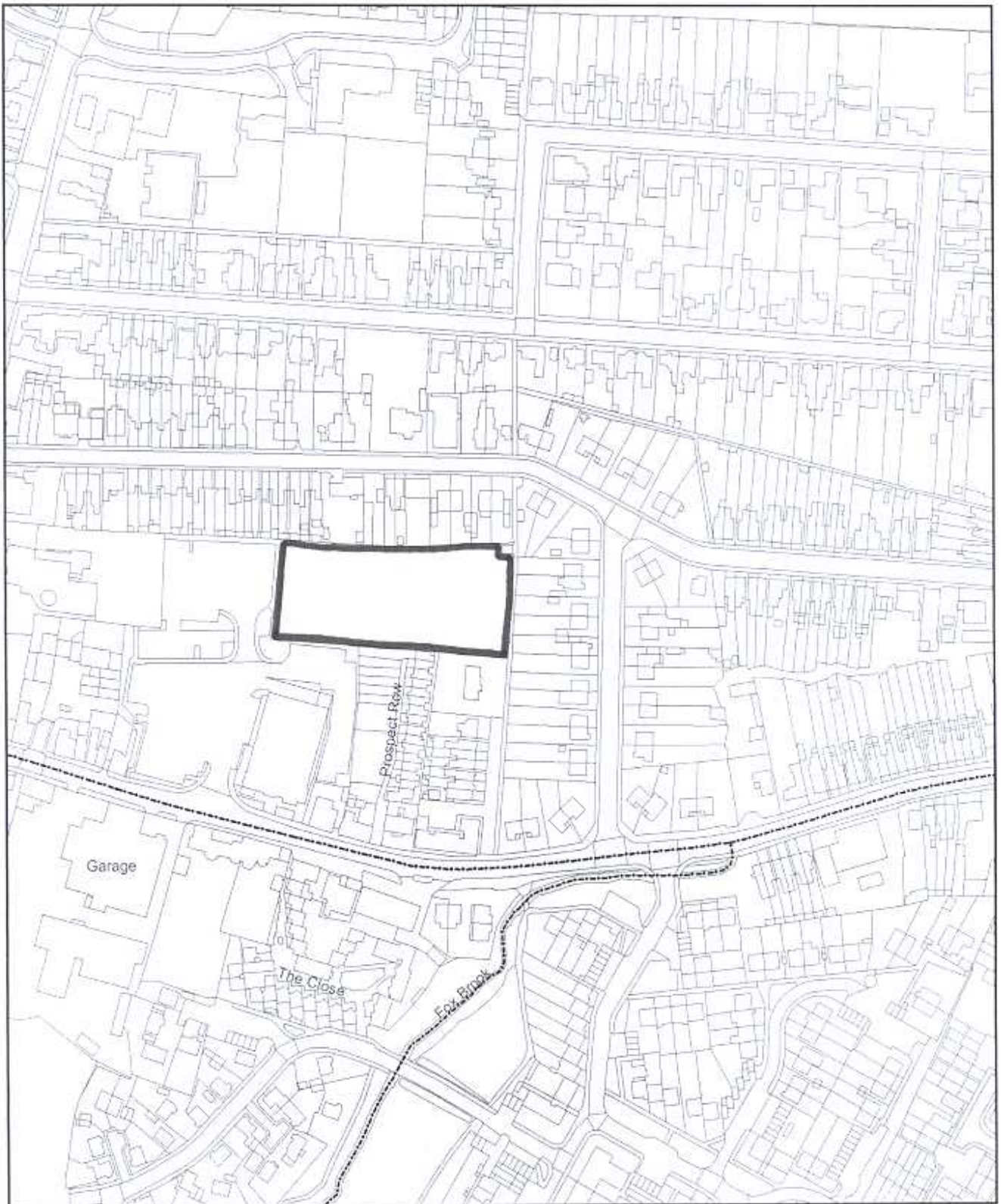
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Land at Riversmead, St Neots




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Shady Walk Recreation Ground, St Neots

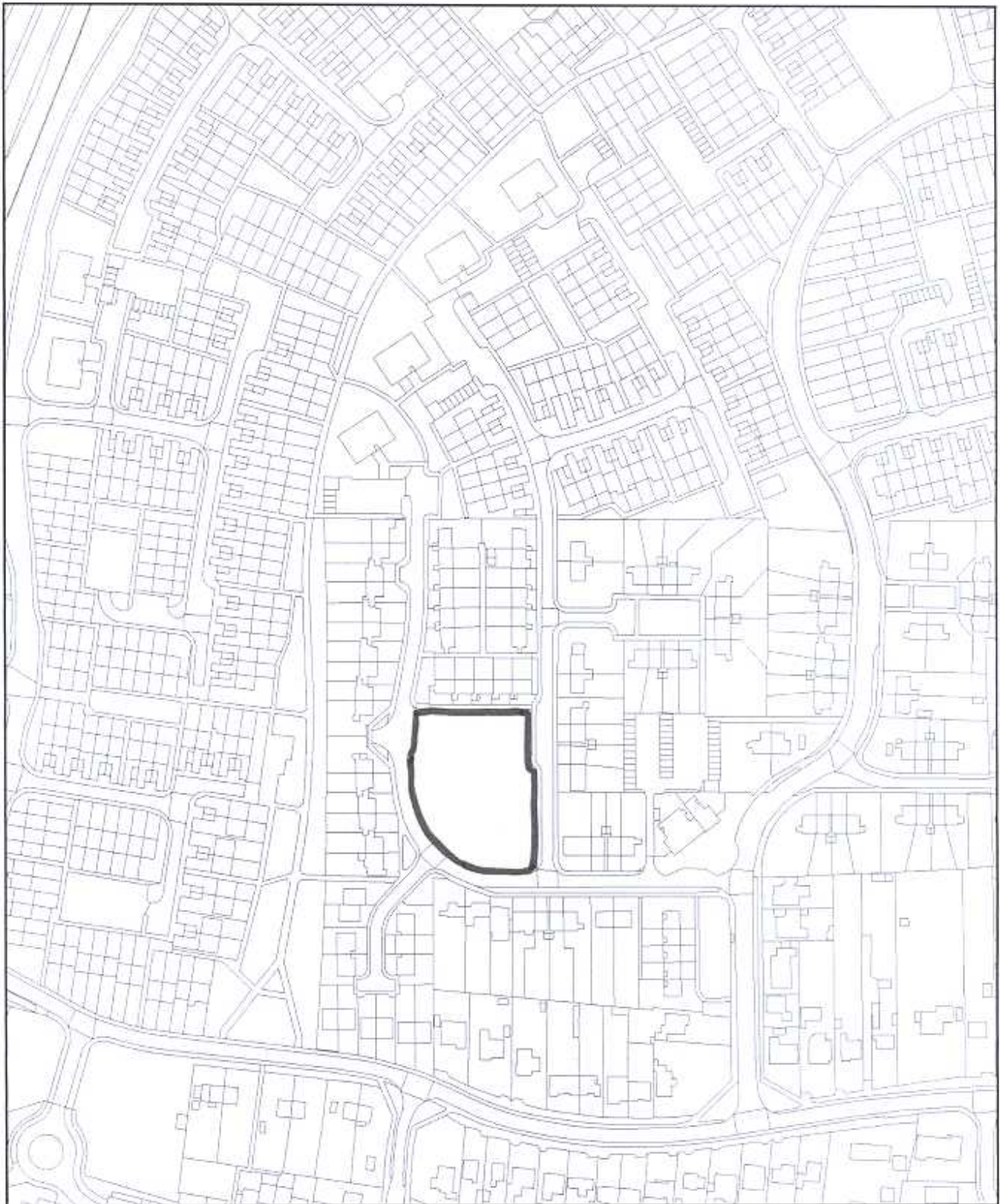


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Dukes Road/Kings Road Play Area, Eaton Socon

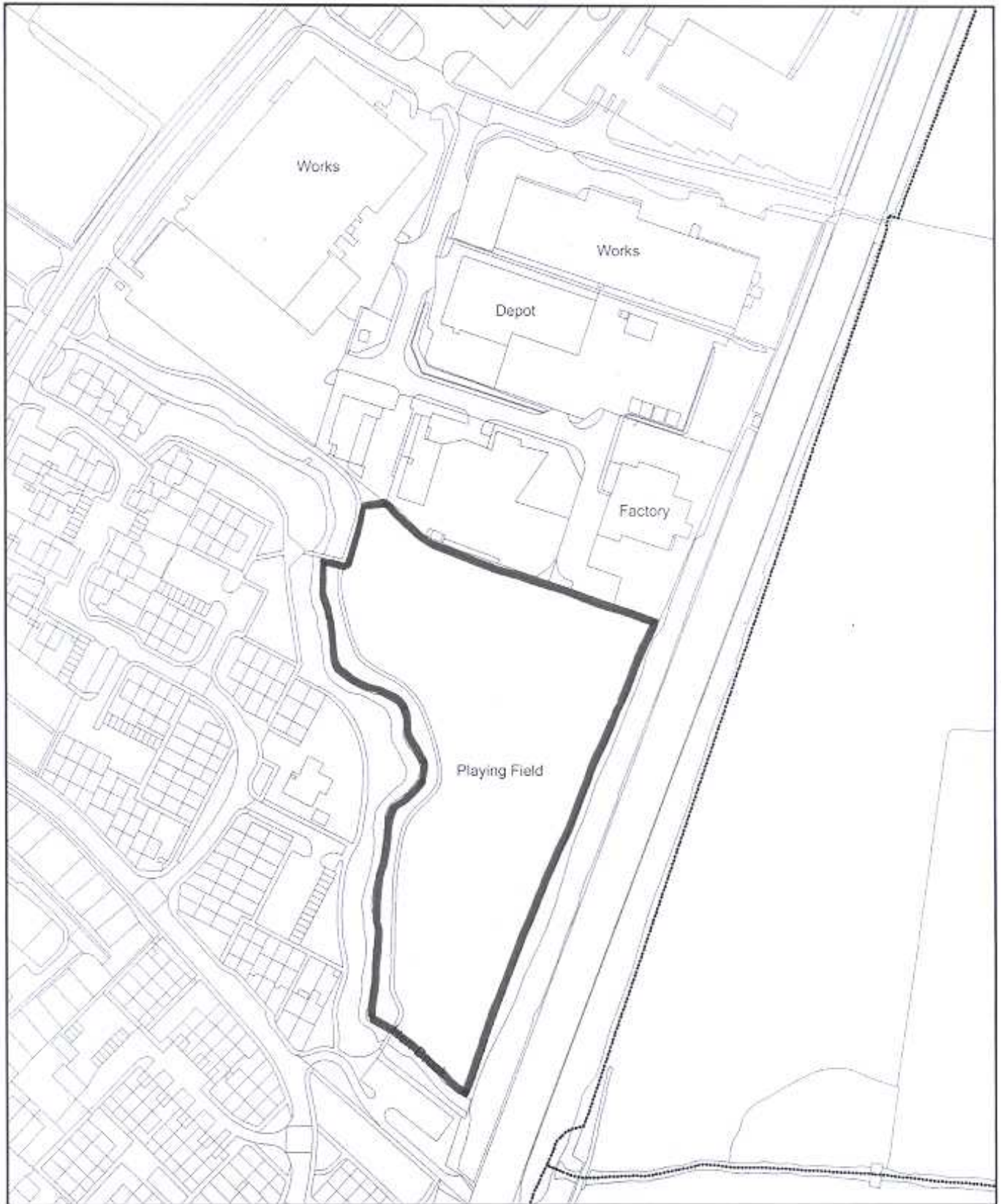


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Huntingdonshire *****	Parish: Dukes Road/Kings Road Play Area, Eaton Socon	Scale: 1:2500	
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Brickhills Open Space, St Neots

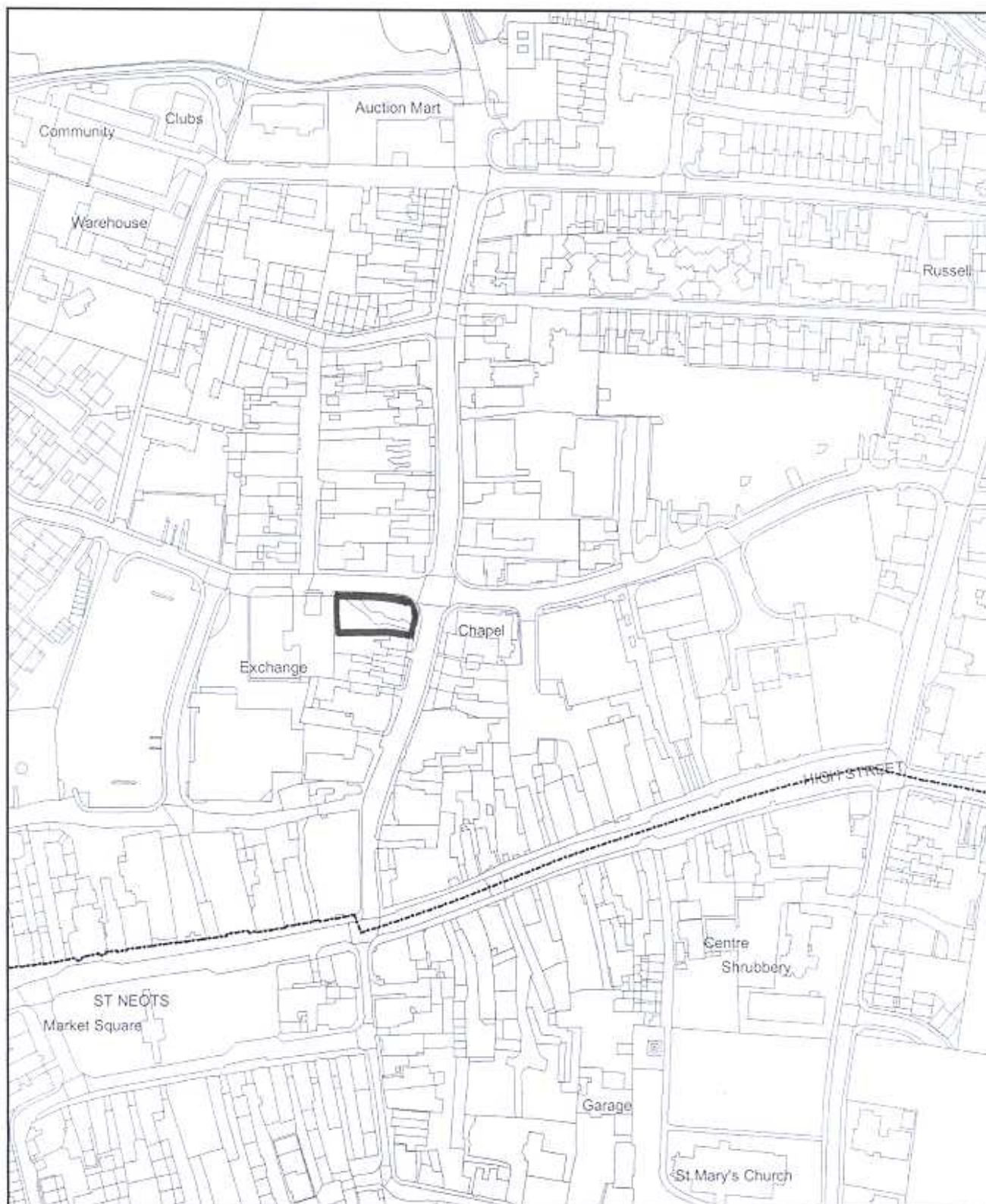


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Huntingdonshire <small>HUNTINGDONSHIRE DISTRICT COUNCIL</small>	Parish: Brickhills Open Space, St Neots	Scale: 1:2500	
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Garden of Rest, New Street/Tan Yard, St Neots



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Huntingdonshire <small>HUNTINGDONSHIRE DISTRICT COUNCIL</small>	Parish: Garden of Rest, New Street/Tan Yard, St Neots	Scale: 1:2500 
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CABINET

16TH DECEMBER 2004

WETLAND AT LITTLE PAXTON MILL (Report by the Countryside Services Manager)

1. INTRODUCTION

This report recommends that the District Council accept the offer of two acres of wet grassland beside the River Great Ouse at Little Paxton Bridge.

2. BACKGROUND INFORMATION

2.1 This parcel of land was bought by the property company, Fasha Property Holding Limited, and is surplus to their requirements.

2.2 The wetland is to the north of St Neots Common, which is a Site of Special Scientific Interest (SSSI). It has had substantial wildlife interest, but this has been degraded over recent years through illicit grazing. This has caused concern to many residents.

2.3 There is no commuted sum with the transfer of this land, but it is expected to generate income of £160 per year from grazing (based on St Neots Common) and £100 from the fishing rights on the river. There is also the potential to raise revenue from mooring rights.

2.4 English Nature have offered a grant of £7,000 towards interpretation boards, habitat management and fencing. These tasks will be undertaken by volunteers.

3. CONSULTATION

3.1 Local Community Groups such as The Friends of Paxton Pits and The St Neots Bird and Wildlife Club have visited the site and are very enthusiastic to help with the management. Ward Councillors for Priory Park and Little Paxton have been kept informed of the proposals and approve of the overall plan.

4. IMPLICATIONS

4.1 The limited income from the site will enable a volunteer group of local residents to be involved in the management of the site so that there is no net cost to the District Council.

4.2 The main work of the volunteers will be in the first 3 years when fencing and habitat management will need to be undertaken.

4.3 The volunteers will be supervised and supported by Countryside Services and additional support is expected from the Wildlife Trust.

5. RECOMMENDATION

That Cabinet authorises the transfer of the land to the District Council.

Contact Officer: Pat Knight
Countryside Services Manager
☎ 01480 388442

**OVERVIEW AND SCRUTINY
(PLANNING & FINANCE)**

14TH DECEMBER 2004

CABINET

16th December 2004

**BEST VALUE REVIEW : IMPROVING ACCESS TO SERVICES
(Report by Director of Commerce and Technology & Head of Policy)**

1. Introduction

1.1 The Access to Services Best Value Review was one of the early reviews which examined wide-ranging (or cross-cutting) themes based on the Council's objections rather than individual services.

1.2 The services included in the review were —

◆ **physical access (or channels) to services —**

- receptions and offices
- telecommunications
- website and electronic communications
- mobile or community based services

◆ **strategic or policy approach —**

- Communications & Consultation Strategy
- Equalities Strategy

1.3 Issues associated with transportation were excluded from the scope of the review as they were being dealt with by a separate Best Value Review.

2. Review Process

2.1 The adopted process for undertaking a review of this nature is —

- ◆ to scope the review, carry out initial investigations and prepare an "As Is Statement" drawn from relevant service plans, strategies and policies;
- ◆ to discuss with a Member Group, appointed by the Overview & Scrutiny Panel, the "As Is Statement" and to agree the objectives of the review;
- ◆ to carry out a 5Cs analysis (compare, consult, compete, challenge and collaborate);
- ◆ to discuss progress of the review with the Member Group (during the review Members allocated to the review met on three occasions to undertake the "light touch" review of progress); and

- ◆ to agree with Members a final report and improvement plan for submission to the Overview & Scrutiny Panel and Cabinet.

2.2 When this review started, a number of initiatives were already under way, which meant that it was not practicable or appropriate to follow the standard process. Specifically, the Access Project (latterly the Customer First Programme) was already underway. Its remit matched the scope of the Best Value Review in terms of the physical access or channels to our services. It was decided that this project would effectively carry out the investigations and the 5Cs analysis and that the Customer Service Strategy – a key output from that project – would form the “As Is Statement”. In addition, work was already underway to revise and enhance both the Communications & Consultation and Equalities Strategies to ensure that the Council had the right strategic direction in terms of the way it provided and communicated information about services.

2.3 The Customer Service Strategy, adopted by the Council in June 2003, provided a Service Improvement Plan for the ways in which we provide access to our services. The Strategy is now being implemented through the Customer First Programme and Members – via the Programme Board, the Overview & Scrutiny Panels and the Cabinet – have been involved in decisions about implementation of the improvements to the way we provide access to our services. The Customer First Programme includes provision for regular monitoring and evaluation by Members.

2.4 In late 2002 and early 2003, the Council adopted revised and enhanced Equalities and Communications & Consultation Strategies, including detailed action plans. Since that time, work has continued to deliver the action plans and to continually improve and update our strategic approach in line with new requirements and best practice. Early in 2005 the Council will be invited to review both the Strategy documents and to adopt new action plans.

2.5 The recent Comprehensive Performance Assessment highlighted issues associated with the way the Council provides access to services, communications and aspects of equality as areas for development. These issues have been included in the recently agreed Improvement Plan and will provide an opportunity for Members to review progress in the achievement of these improvements.

3. Conclusion

3.1 Due to the timing of the review and the initiatives that were already under way, the Access to Services Best Value Review did not follow the established pattern for other Best Value Reviews. It was decided early in the process that it would be inefficient to slavishly follow a process, in parallel with existing work that was already being undertaken.

- 3.2 The Access Project used consultation and gathered significant information about local people's preferences for accessing services; it initiated a challenging and competitive element to identifying the best ways in which we can improve access, undertook extensive comparison with the work of other local authorities and public bodies; and identified means of collaboration to improve services. The resultant Customer First Programme effectively provides a Service Improvement Plan for the way we can improve the processes of providing better access to our services.

4. Recommendations

- 4.1 In these circumstances, Members are asked to "sign off" the Access to Services Best Value Review.

Contact Officers – David Oliver – 388101
 - Ian Leatherbarrow – 388005

BACKGROUND PAPERS

Customer Service Strategy available from the Head of IMD, C Hall, 01480 388116

Equality Strategy and Communications and Consultation Strategy: available from Head of Policy, 01480 388005

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CABINET

16th DECEMBER 2004

FINANCIAL MONITORING – REVENUE BUDGET (Report by the Head of Financial Services)

1. Budget Monitoring

- 1.1 Expenditure and income to date has been reviewed together with the identification of base budget reductions and likely MTP deferrals or deletions. Though the likely outturn for the year cannot be predicted with certainty at this stage, the forecast reduction is in the region of £820k plus £450k on schemes that will need to be deferred to next year. The main variations are shown in the table below:

	Income £000	Expenditure £000	Recharge to capital £000	Net Expenditure £000
Original Budget	-35,412	+52,725	-485	+16,828
Items deferred from 2003/04		+960		+960
	-35,412	53,685	-485	+17,788
Less reimbursed expenditure	+21,335	-21,335		0
	-14,077	+32,350	-485	+17,788
Income Variations				
Development Control	-50			
Land Charges	-45			
Investment interest**	-450			
Housing Benefits subsidy	-70			
Car Parking	90			
Deferred start of the Green waste scheme		-75		
Licensing Act		+50		
Pay award 2004 effect and related adjustments		+200		
Additional recharges of staff to Capital			-50	
Leisure Centres		+50		
Vehicle replacements – leases capitalised		-50		
Insurance premiums		+90		
Various staff savings		-160		
MTP reductions		-105		
Other expected savings	-35	-210		
	-560	-210	-50	-820
Expenditure deferred to future years				
Housing Surveys		-50		
Customer first		-130		
Local Plan		-200		
Application of additional planning grant		-70		
		-450		-450
Total variations	-560	-660	-50	-1270
	-4.0%	-2.0%		
Forecast net spending				+16,518

** £600k less interest payable on Alconbury fees and a 2003/04 adjustment

1.2 The £820k forecast underspendings include four categories of item:

- Increased costs which will be reviewed to see if any additional MTP variations are required
- One-off reductions (delays in on-going programmes or particular circumstances in the current year that will not continue)
- Potential deletions from the MTP
- Permanent budget reductions resulting from the Base Budget Review as previously reported to Cabinet.

2. RECOMMENDATION

2.1 It is recommended that the Cabinet note the likely spending variations.

ACCESS TO INFORMATION ACT 1985

Source Documents:

1. Cabinet and Council Reports
2. Budgetary control files.

Contact Officers: *Graham Dolan, Accountancy Manager* (01480 388106)
Steve Couper, Head of Financial Services (01480 388103)

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