

A meeting of the **CABINET** will be held in **THE COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 23 SEPTEMBER 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 2<sup>nd</sup> September 2004.

**Mr A Roberts  
388009**

### **2. FINANCIAL STRATEGY**

To consider the recommendation to be made to full Council on the Financial Strategy, in the light of the comments made by the Overview and Scrutiny Panel (Planning and Finance)

**R Reeves  
388003**

### **3. MONITORING OF THE CAPITAL PROGRAMME 2003/04 AND 2004/05**

To consider a report by the Head of Financial Services on the outturn position for 2003/04, the implications for 2004/05 and proposals to deal with cost variations.

**S Couper  
388103**

### **4. FINANCIAL MONITORING - REVENUE BUDGET**

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

**S Couper  
388103**

### **5. LICENSING ACT 2003: STATEMENT OF LICENSING POLICY**

To consider a report by the Head of Administration on a proposed draft statement of Licensing Policy for the Council.

**R Reeves  
388003**

(The comments of the Licensing and Protection Panel will be reported at the meeting).

### **6. PRINCES STREET / GEORGE STREET URBAN DESIGN FRAMEWORK AND MASTERPLAN**

To consider a report by the Head of Planning Services on consultation responses received in respect of the draft Urban Design Framework and Masterplan for the Princes Street / George Street area and seeking approval for the adoption of a revised framework and masterplan.

**C Surfleet  
388476**

(The Annexes to the report are attached separately to the agenda).

**7. DEFRA CONSULTATION - CLEAN NEIGHBOURHOODS**

To consider a report by the Head of Operations on the recent consultation paper published by the Department for the Environment, Food and Rural Affairs on Clean Neighbourhoods.

**R Ward  
388635**

**8. ANTI SOCIAL BEHAVIOUR ORDERS - DELEGATED AUTHORITY**

To consider a report by the Director of Operational Services seeking delegated authority to apply to the courts for Anti-Social Behaviour Orders.

**S Hansen  
388341**

**9. MOBILE HOME SITE, ST NEOTS - FAILURE OF ELECTRICITY**

To consider a report by the Head of Housing Services seeking approval of a supplementary capital estimate and the expenditure of revenue contingency for urgent replacement works to the electricity supply at the mobile home site.

**S Plant  
388240**

**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 terms proposed by the District Council for the acquisition of land and property and to employees of the District Council.

**11. HIGHWAYS AGENCY**

To consider a report by the Head of Environment & Transport on negotiations with the County Council in respect of the termination of the agency agreement and the consequential impact on the District Council.

**R Preston  
388340**

**12. PROPOSED FOOTWAY: HIGH STREET, CATWORTH**

To consider a report by the Head of Legal and Estates seeking approval to the terms for the acquisition of land in order to implement a new footway project at Catworth.

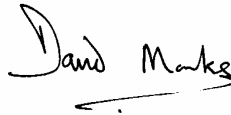
**K Phillips  
388260  
S Bell  
388387**

**13. STAFFING REVIEW - ENVIRONMENT AND TRANSPORT**

To consider recommendations by the Employment Panel in relation to a report by the Heads of Environment and Transport and Personnel Services on the outcome of a staffing review in the Environment and Transport division.

(The decision of the Employment Panel will be reported at the meeting).

Dated this 15 day of September 2004



Chief Executive

Please contact Miss C Harris, Democratic Services Officer, Tel No. 01480 388234, 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](http://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 Council Chamber, Pathfinder House, St Mary's Street, Huntingdon on 2nd September 2004

PRESENT: Councillor D P Holley - Chairman

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

### **33. MINUTES**

Subject to the inclusion of Councillor R L Clarke in the list of attendees, the Minutes of the meeting of the Cabinet held on 15th July 2004 were approved as a correct record and signed by the Chairman.

### **34. COMPREHENSIVE PERFORMANCE ASSESSMENT**

The Cabinet received a report by the Head of Policy to which was appended the final report following completion of the Council's Comprehensive Performance Assessment by the Audit Commission. Copies of the reports are appended in the Minute Book.

In noting the Commission's identification of many more strengths than weaknesses in their "Excellent" rating of the Council's performance, Executive Members emphasised the importance of avoiding complacency, in improving those areas where weaknesses had been discovered and in striving to maintain the high standards of achievement in others. Whereupon and in noting also that a draft Improvement Plan was to be prepared to address these issues, it was

RESOLVED

that the Improvement Plan referred to above be submitted to a future meeting of the Cabinet.

### **35. FINANCIAL STRATEGY**

Consideration was given to a report by the Director of Commerce and Technology (a copy of which is appended in the Minute Book) setting out a range of potential options available in terms of adopting a strategy for managing its finances in the period to 2011/12.

In so doing, Executive Councillors were acquainted with the assumptions made in setting and updating the budget for the current year, Government policies and grant regimes, the work which had been undertaken thus far in reviewing the Council's base budget and Medium Term Plan and the implications of adopting a service or tax-driven alternative. Having reviewed those alternatives the Cabinet expressed a preference initially for a combination, reflecting a

scenario between the options outlined in paragraph 5.2 and 5.7 of the report with Council tax increases approximating to £12 per year. Against that background and in reflecting that the outcomes of the residents' consultation on options for spending on local services and Council tax levels would be available shortly, it was

RESOLVED

- (a) that the report be submitted to the Overview and Scrutiny Panel (Planning and Finance) for comment and the Panel informed of the Cabinet deliberations thus far; and
- (b) that a further report be submitted to the next meeting of the Cabinet.

### **36. REVENUE OUTTURN 2003/04**

A report by the Head of Financial Services was submitted (a copy of which is appended in the Minute Book) which contained details of the outturn of revenue expenditure 2003/04 and the variations between the original and revised budget provision for that year.

The Cabinet also were acquainted with formal determinations undertaken by the Director of Commerce and Technology in accordance with the powers delegated to him. Accordingly, it was

RESOLVED

- (a) that the level of net outturn expenditure in the sum of £15.210million as at 31st March 2004 and details of expenditure carried forward to the current year be noted; and
- (b) that the determinations made by the Director of Commerce and Technology as described in paragraph 3.1 of the report now submitted be noted.

### **37. MEDIUM TERM PLAN REQUESTS FOR RELEASE OF FUNDS**

The Cabinet considered a report by the Head of Financial Services requesting the release of funding for identified schemes included in the Medium Term Plan. Copies of the report and associated justifications are appended in the Minute Book.

RESOLVED

that the release of the funding identified in Annex A to the report now submitted be approved.

### **38. BASE BUDGET REVIEW - PROGRESS**

The Cabinet received a report by the Overview and Scrutiny Panel (Planning and Finance) (a copy of which is appended in the Minute Book) concerning the base budget review. In response and in referring to their deliberations, recorded in Minute No. 04/35, on the potential options contained in the financial strategy, the forthcoming

reviews of the Medium Term Plan and charges for services, Executive Councillors concluded that it would not be essential to conclude the base budget review in the current year. However, it was recognised that, once the Cabinet had had the benefit of the Overview and Scrutiny Panel's comments and the budget and Council Tax levels had been finalised for 2004/05 it would be important to set and to adhere to a programme for reviewing the base in conjunction with the outcomes of the residents' survey. Whereupon, it was

RESOLVED

that, the foregoing comments be conveyed to the Overview and Scrutiny Panel (Planning and Finance) and the Panel's comments on the preferred financial strategy awaited.

**39. ASSET MANAGEMENT PLAN**

The Cabinet received and noted a report by the Head of Legal and Estates (a copy of which is appended in the Minute Book) on the Council's performance against National Property Performance Indicators, which were required by the Office of the Deputy Prime Minister.

RESOLVED

- (a) that the contents of the report be noted; and
- (b) that the performance indicator information contained in Appendix A to the report now submitted be endorsed for submission to the Office of the Deputy Prime Minister.

**40. 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 quarter 1st April to 30th June 2004 by three external fund managers in the matter of investment of the Council's capital receipts.

RESOLVED

that the content of the report be noted.

**41. COUNCIL FUNDING OF MANDATORY DISABLED FACILITIES GRANTS**

Further to Minute No. 03/194, the Cabinet considered a report by the Head of Housing Services (a copy of which is appended in the Minute Book) on the uptake of Disabled Facilities Grants during the first quarter of 2004 and requesting a supplementary capital estimate to allow applications to continue to be processed.

Members reiterated their concerns at the decision by the Government unilaterally to cap its contribution to these grants and thus impose additional financial liabilities on the Council and local tax payers. Whereupon, it was

RESOLVED

- (a) that the contents of the report be noted;
- (b) that a supplementary capital estimate of £492,000 be approved; and
- (c) that a further monitoring report be submitted in November 2004 to reflect the position at the end of the second quarter of the current financial year.

**42. QUARTERLY SUMMARY OF DEBTS WRITTEN-OFF**

The Cabinet received and noted a report by the Head of Revenue Services (a copy of which is appended in the Minute Book) summarising debt which had been written off as irrecoverable during the period April to June 2004.

**43. WASTE PRIVATE FINANCE INITIATIVE (PFI): GOVERNANCE AND PROCUREMENT ISSUES**

*(Councillors I C Bates and R L Clarke declared personal interests in the following item as Members of Cambridgeshire County Council and remained in the meeting for the duration of the discussion and voting thereon).*

The Cabinet gave consideration to a report by the Head of Environment and Transport (a copy of which is appended in the Minute Book) containing an update on progress made by the waste disposal and collection authorities in Cambridgeshire and Peterborough towards delivering the Joint Municipal Waste Strategy. In the absence of evidence that the inclusion of the Council's waste collection services would produce service quality or financial benefits, it had been decided not to include those services in the PFI contract. However, in order to safeguard the Council's position, arrangements were to be made to produce a Statement of Understanding with the County Council for waste disposal and recycling, the terms of which were appended to the report. Accordingly, it was

RESOLVED

- (a) that the decision not to include the District Council's waste collection services within the proposed PFI arrangement be endorsed; and
- (b) that the Director of Operational Services, after consultation with the Leader of the Council on any textual changes, be authorised to sign the Statement of Understanding on behalf of the Council in relation to the partnership roles of collection and disposal authorities.

**44. ENERGY EFFICIENCY: PARTNERSHIP PROPOSAL**

Having considered the terms for a partnership with Enact Energy Management Ltd, to promote energy efficiency, which were set out in



a report by the Head of Environmental Health Services (a copy of which is appended in the Minute Book), it was

RESOLVED

- (a) that the establishment of the partnership be approved; and
- (b) that the Head of Environmental Health Services be authorised to sign a Memorandum of Understanding with Enact Energy Management Ltd on behalf of the District Council.

**45. DISTRICT COUNCIL HEADQUARTERS AND OTHER OFFICE ACCOMMODATION MEMBERS' ADVISORY GROUP**

Reports of the meetings of the District Council Headquarters and Other Office Accommodation Members' Advisory Group held on 29th July and 23rd August 2004 were submitted.

RESOLVED

that the following principles for the Council's new or refurbished headquarters be adopted:

- ◆ the Chief Executive, Directors and their Personal Assistants will be provided with cellular offices, unless agreed otherwise by the Chief Executive;
- ◆ Heads of Service may select either a cellular office or open plan accommodation;
- ◆ below the level of Head of Service the Chief Executive may authorise the provision of cellular office accommodation in exceptional circumstances;
- ◆ 'hot desking' and home working will be actively pursued with appropriate arrangements being put in place to support participating employees;
- ◆ consideration will be given to relocating suitable activities/services to the new depot premises;
- ◆ the Call Centre will not be accommodated in the new headquarters building, but its location may be reviewed at a future date;
- ◆ no provision for smoking areas will be made in the new headquarters building;
- ◆ provision for video conferencing will be incorporated in the new headquarters building;
- ◆ the programme of electronic document management will be accelerated and expanded;
- ◆ catering facilities will be provided by a franchised private sector outlet open to the public and limited subsidy provided to employees initially;
- ◆ car parking will reflect normal standards of provision for office accommodation: there will be a reduction in the existing level of provision;
- ◆ the Customer Service Centre will be located within or in close proximity to the headquarters building, and
- ◆ no public access will be provided to the headquarters

building except to the Council Chamber and public meeting rooms.

**46. HEADQUARTERS AND DEPOT FEASIBILITY STUDY**

In response to a suggestion contained in a report by the Overview and Scrutiny Panel (Planning and Finance) (a copy of which is appended in the Minute Book) that the Council should include relocation to an edge-of-town site among the options being considered for the Council's future headquarters, Executive Councillors –

- ◆ reiterated the reasons for pursuing the three town centre options for the feasibility study in terms of the impact on Huntingdon Town Centre and the convenience of its location to other parts of the District; and
- ◆ emphasised that the edge-of-town option had not been dismissed, but deferred and could be revisited later in the exercise if that course of action was considered appropriate.

RESOLVED

that the aforementioned views be conveyed to Overview and Scrutiny Panel (Planning and Finance).

**47. A141 TRANSPORT CORRIDOR IMPROVEMENTS**

The Cabinet received and noted a report by the Head of Environment and Transport (a copy of which is appended in the Minute Book) on improvements planned by Cambridgeshire County Council to the A141 Huntingdon-March Transport Corridor.

**48. HUNTINGDONSHIRE DESIGN GUIDE**

Having noted responses to consultations on the draft Huntingdonshire Design Guide contained in a report by the Head of Planning Services (a copy of which is appended in the Minute Book) which would form part of the Local Development Framework, it was

RESOLVED

- (a) that the Huntingdonshire Design Guide, as amended by the textual changes referred to in Annex 1, be adopted as Supplementary Planning Guidance to the Huntingdonshire Local Plan and Cambridgeshire and Peterborough Structure Plan; and
- (b) that authority to approve any minor consequential amendments to the text and illustrations that are deemed necessary as a result of the changes referred to in the preceding resolution be delegated to the Head of Planning Services, after consultation with the Executive Member for Planning Strategy.

**49. HUNTINGDONSHIRE LANDSCAPE AND TOWNSCAPE ASSESSMENT**

Having noted responses to consultations on the draft Huntingdonshire Landscape and Townscape Assessment contained in a report by the Head of Planning Services (a copy of which is appended in the Minute Book) which would form part of the Local Development Framework, it was

RESOLVED

- (a) that the revised Huntingdonshire Landscape and Townscape Assessment, as amended by the textural changes referred to in Annex 1 be adopted as Supplementary Planning Guidance to the Huntingdonshire Local Plan; and
- (b) that authority to approve any minor consequential amendments to the text and illustrations that are deemed necessary as a result of the changes referred in the preceding resolution be delegated to the Head of Planning Services, after consultation with the Executive Member for Planning Strategy.

Chairman

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**HUNTINGDONSHIRE DISTRICT COUNCIL**

**CABINET MEETING – 23<sup>RD</sup> SEPTEMBER 2004**

**ITEM 2 – FINANCIAL STRATEGY**

**REPORT MARKED TO FOLLOW**

**FINANCIAL STRATEGY  
(Report by Head of Administration)**

**1. INTRODUCTION**

- 1.1 This report should be read in conjunction with the report by the Director of Commerce and Technology on the Council's Financial Strategy. Item 2 of the Agenda refers.

**2. SUPPORTING INFORMATION**

- 2.1 The Overview and Scrutiny Panel (Planning and Finance) considered the report at their meeting on 14<sup>th</sup> September 2004.
- 2.2 Having been informed of the outcome of the Cabinet deliberations on the matter, the Panel expressed a preference for a combination of a service and tax driven approach as outlined in paragraph 5.7 of the report with Council Tax increases approximating to £12 per year.
- 2.3 In relation to the Cabinet's response to the Panel's comments on progress with the Base Budget Review, Members of the Panel expressed their disappointment that there had been no explicit member involvement to date.
- 2.4 In relation to any potential reductions in service improvements, the Panel emphasised their desire to be involved in the process of identifying any savings.

**3. CONCLUSION**

The Cabinet is invited to note the comments made by the Overview and Scrutiny Panel in formulating their recommendation to Council on the Financial Strategy on 29<sup>th</sup> September 2004.

**Contact Officer:** Claire Harris, Democratic Services Officer ☎ (01480) 388234

**BACKGROUND INFORMATION**

Minutes of the meeting of the Overview and Scrutiny Panel held on 14<sup>th</sup> September 2004.  
Financial Strategy – Report by the Director of Commerce & Technology

## FINANCIAL STRATEGY

(Report by the Director of Commerce and Technology)

## 1 PURPOSE

- 1.1 The purpose of this report is to facilitate discussion of the Council's Financial Strategy and obtain the Cabinet's proposals on key aspects. The report will also be considered by the Overview and Scrutiny Panel (Planning and Finance) on 14 September and Cabinet will have the opportunity to consider their comments on 23 September prior to finalising their own recommendations to Council (29 September).

## 2 BACKGROUND

- 2.1 The Council is debt-free and has high levels of revenue and capital reserves which currently provide significant financial flexibility. However, the Medium Term Plan, approved by Council in February, will dramatically reduce the level of those reserves over the next few years to the extent that very large Council Tax rises would be required in 2008/09 based on the levels of Council Tax increase currently in the plan for the intervening years.
- 2.2 It is also important to note that the Government have capped a number of Authorities in the current year and has introduced the concept of not doing so if the resulting Council Tax is below the average level for the type of Authority. Whilst this year's Council Tax (£94.54) is the 15<sup>th</sup> lowest of the 238 District Councils and over 30% below the average this will not be the position by 2008/09 if the plan proceeds without amendment.
- 2.3 The final budget/MTP approved by February Council, after adjusting for the funding transfer from RSG to specific grants was as follows:

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009
	£M	£M	£M	£M	£M
Budget	16.8	18.9	20.7	22.4	23.9
Total Funding	14.0	14.9	15.8	16.7	23.9
Use of reserves	2.8	4.0	4.9	5.7	0

	£	£	£	£	£
Council Tax	94.54	99.59	105.97	110.73	226.83
Increase %	14.5%	5.3%	6.4%	4.5%	104.8%

### **3. CONTEXT**

3.1 Huntingdonshire District Council's Council Tax for the year 2004/05 was:

- in the lowest 7% of Council Tax levels for all Shire Districts in England (Range £58 to £269, Average £137)
- 8.3% of the total Council Tax bill\* for Huntingdonshire residents (i.e. If the Council were to double the District Council Tax it would only result in an 8.3% increase in the total bill, other things being equal).

\* *The total Council Tax bill includes the amounts set by the County Council, the Fire and Police Authorities and Town or Parish Councils in addition to this Council's charge.*

### **4. UPDATING LAST YEAR'S BUDGET**

4.1 Some of the elements of the Council's finances are broadly outside of its control. Examples include take-up of services, inflation, interest rates, pension contributions and Government Support.

4.2 The Financial Strategy is a longer-term view and within that time frame many of its assumptions will turn out to be inaccurate. This is especially true as local government exists in a dynamic environment of political change, both local and national, and increasing customer expectations. Because of these uncertainties the existence of a strategy becomes more important as, each time there is a significant change, the impact on the Council's plan can be identified and addressed.

4.3 The first step in the process is to review the assumptions that were included in the approved MTP that are outside the Council's control. A number of adjustments need to be made:

- It had been assumed that there would at least need to be a 2.5% increase in employer's pension contribution rates in April 2005 due to recent downturns in equity markets. Whilst the result of the pension fund revaluation will not be known until late this year it is now anticipated that a higher increase will be required but spread over a longer period.
- Changes in interest rate expectations. Now slightly higher for this year and next plus the impact of any changes to the speed with which reserves are utilised.
- Reassessment of existing inflation provisions which have led to reductions until the provision for the new years 2009/10 to 2011/12 is inserted. All are based on 2.5% for general price increases.

4.4 There are also some items that it is difficult to forecast at this stage but will be brought into the MTP at later stages. These include:

- Our assumption as to the speed with which the Council will get its additional Government Support (spread over four years) which may be optimistic, but this is only based on rumour at this stage



pending any Government announcement on “floors and ceilings” for next year. No adjustment has therefore been made at the present time.

- Costs were awarded against the Council resulting from the Alconbury Inquiry but the Council is vigorously disputing the size of the applicant’s initial claim so no provision has been made at this stage.

4.5 The next step is to consider any provision for service variations beyond the level to March 2009 agreed in the MTP. It has been assumed that, given the financial position the Council will be facing in the coming years, there should be no additional provision for revenue developments and £3.5M per year for capital investment (at current prices). No allowance has been made for unavoidable additional costs other than the Contingency Reserve (£126k) agreed as part of last year’s budget. It has been assumed that any additional items that do not meet the criteria for the reserve would need to be funded from savings.

4.6 The final element is the balance between the use of Reserves and increases in Council Tax. The approach determined in last year’s budget has been maintained i.e. to increase the Council Tax by 2.5% per year plus the forecast loss in Government Support until reserves fall to the minimum level. This results in the following position:

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012
	£M	£M	£M	£M	£M	£M	£M	£M
Budget	16.7	18.3	20.4	22.1	24.0	25.6	26.8	28.0
Total Funding	14.0	14.9	15.8	16.7	22.7	25.6	26.8	28.0
Use of reserves	2.7	3.4	4.6	5.4	1.3	0	0	0

	£	£	£	£	£	£	£	£
Council Tax	94.54	99.59	105.97	110.73	204.47	242.66	256.60	270.22
Increase %	14.5%	5.3%	6.4%	4.5%	84.7%	18.7%	5.7%	5.3%

4.7 Annex A provides a summary of the relevant figures. This “New Starting Point” delays some of the 2008/09 tax increase but still requires tax rises of more than 100% over the two years 2008/09 and 2009/10.

## 5. OPTIONS FOR MEMBER CONSIDERATION

5.1 The Council can choose a strategy that is:

- Service Driven – resulting Council Tax levels are accepted
- Tax Driven – services levels are matched to available funds

5.2 If the Service Driven Approach is followed then spending of around £28M is projected for 2011/12 and this requires a Council Tax level of about £270. Existing levels of reserves allow a range of choices as to how these tax increases are spread over the next 7 years. The table in Para. 4.6 has exemplified one approach. Others include a constant percentage increase starting next year which will avoid any significant fluctuation in the trend. This would result in the following:

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012
	£M	£M	£M	£M	£M	£M	£M	£M
Budget	16.7	18.3	20.3	21.9	23.8	25.5	26.7	28.0
Total Funding	14.0	15.6	17.3	19.3	21.5	24.1	26.8	27.9
Use of reserves	2.7	2.8	3.2	2.9	2.7	1.9	0.7	0.6

	£	£	£	£	£	£	£	£
Council Tax	94.54	110.71	129.64	151.81	177.76	208.16	243.76	260.09
Increase %	14.5%	17.1%	17.1%	17.1%	17.1%	17.1%	17.1%	6.7%

**5.3** Alternatively, based on the Government's current attitude to capping, there could be an increase to the expected District Council average next year followed by 2.5% until a further large increase became inevitable. This results in the following:

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012
	£M	£M	£M	£M	£M	£M	£M	£M
Budget	16.7	18.2	20.2	21.8	23.6	25.5	26.8	28.0
Total Funding	14.0	17.1	17.9	18.8	19.4	21.3	26.8	28.0
Use of reserves	2.7	1.1	2.3	3.0	4.2	4.2		

	£	£	£	£	£	£	£	£
Council Tax	94.54	140.00	143.50	147.09	150.76	169.44	256.60	270.22
Increase %	14.5%	48.1%	2.5%	2.5%	2.5%	12.4%	51.4%	5.3%

**5.4** If none of this range of resulting patterns of Council Tax increase are acceptable then inevitably consideration would have to shift to the Tax Driven approach.

**5.5** Tax Driven means working backwards from acceptable levels of Council Tax increase to the necessary reductions in spending levels. Thus one option might be that described in Para. 5.3 (a rise to the District Council average) but with increases maintained at 2.5% per year subsequently. This would result in the following levels of spending reductions being required:

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012
	£M	£M	£M	£M	£M	£M	£M	£M
Budget	16.7	18.2	20.2	21.8	23.7	25.5	26.8	28.0
REDUCTIONS						-0.9	-5.9	-6.5
Reduced Budget	16.7	18.2	20.2	21.8	23.7	24.6	20.9	21.5
Total Funding	14.0	17.1	17.9	18.8	19.4	20.4	20.9	21.5
Use of reserves	2.7	1.1	2.3	3.0	4.3	4.2		

	£	£	£	£	£	£	£	£
Council Tax	94.54	140.00	143.50	147.09	150.76	154.53	158.39	162.35
Increase %	14.5%	48.1%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%

**Note:** Savings will need to continue to rise beyond 2011/12 as base growth exceeds the assumed level of Council Tax increase.

5.6 At the other extreme increases could be pegged to 2.5% plus the forecast loss of Government Grant. This would result in the following position.

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012
	£M	£M	£M	£M	£M	£M	£M	£M
Budget	16.7	18.3	20.4	22.1	23.9	25.6	26.8	28.0
REDUCTIONS					-5.3	-7.5	-8.2	-8.9
Reduced Budget	16.7	18.3	20.4	22.1	18.6	18.1	18.6	19.1
Total Funding	14.0	14.9	15.8	16.7	17.3	18.1	18.6	19.1
Use of reserves	2.7	3.4	4.6	5.4	1.3			

	£	£	£	£	£	£	£	£
Council Tax	94.54	99.59	105.97	110.73	113.50	116.34	119.24	122.22
Increase %	14.5%	5.3%	6.4%	4.5%	2.5%	2.5%	2.5%	2.5%

**Note: Savings will need to continue to rise beyond 2011/12 as base growth exceeds the assumed level of Council Tax increase.**

5.7 Finally, some form of mid-course, such as the current year's concept of £12 per year increase could be used. This would lead to:

	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012
	£M	£M	£M	£M	£M	£M	£M	£M
Budget	16.7	18.2	20.3	21.8	23.6	25.3	26.6	27.9
REDUCTIONS		-0.5	-1.5	-2.0	-2.5	-3.5	-4.0	-4.5
Reduced Budget	16.7	17.7	18.8	19.8	21.1	21.8	22.6	23.4
Total Funding	14.0	15.2	16.6	17.8	19.0	20.4	21.4	22.5
Use of reserves	2.7	2.5	2.2	2.0	2.1	1.4	1.2	0.9

	£	£	£	£	£	£	£	£
Council Tax	94.54	106.54	118.54	130.54	142.54	154.54	166.54	178.54
Increase %	14.5%	12.7%	11.3%	10.1%	9.2%	8.4%	7.8%	7.2%

**Note: Savings will need to increase further to approximately £5.5M post 2011/12**

5.8 This last example also shows savings being commenced before revenue reserves are all used. This could be applied to each option and allows a more considered approach and subsequent fine tuning but does not reduce the ultimate level of savings required.

5.9 None of the levels of savings illustrated would be easy to achieve. They would each require difficult decisions on the relative importance of services as major cuts will be required in service developments already included in the MTP and in existing services. The Customer Consultation Survey will assist members in providing guidance to the officers so they can prepare options for consideration. The base budget review that is already underway will ensure that any over-budgeting is removed and that efficiency improvements are sought but, even then, service cuts will be required with consequent reductions in staffing levels.

## 6. SENSITIVITY

6.1 The new starting point has also been adjusted for changes in some factors, to see if they have a significant impact on the model. The table below shows the factor that has been changed and the resulting level of Band D Council Tax increase over the three significant years.

	Council Tax Increase (Band D)		
	2007/08 %	2008/09 %	2009/10 %
<b>Starting Point (Para 4.6)</b>	<b>4.5%</b>	<b>84.7%</b>	<b>18.7%</b>
<b>With</b> Interest rate variations			
0.25% increase from 2005/06	4.5%	89.8%	15.7%
0.25% decrease from 2005/06	4.5%	79.4%	21.9%
<b>With</b> Inflation variations (2.5% assumed)			
0.25% increase from 2005/06	4.5%	94.7%	15.2%
0.25% decrease from 2005/06	4.5%	74.5%	22.6%

## 7. CONCLUSION

7.1 Cabinet, and subsequently Council, is faced with a difficult set of decisions which revolve around the balance between the level of services and the rate of increase in Council Tax. Fortunately the Council's reserves allow whatever strategy evolves to be carried out in a considered and professional manner to ensure that local people will receive good value services at whatever level is determined.

7.2 Cabinet is invited to consider the information outlined above and ask the Overview and Scrutiny Panel (Planning and Finance) for its comments. Cabinet will then have the opportunity to debate its recommendation to Council at the meeting on the 23 September.

### ACCESS TO INFORMATION ACT 1985

Source Documents:

1. Working papers in Financial Services
2. 2004/05 Revenue Budget and the 2004/09 MTP

**Contact Officer:**

**Steve Couper**, Head of Financial Services

**☎ 01480 388103**

## NEW STARTING POINT

	Budget	Existing Medium Term Plan				Forecast		
	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012
	£000	£000	£000	£000	£000	£000	£000	£000
<b>APPROVED BUDGET and MTP ADJUSTMENTS</b>	<b>16,828</b>	<b>18,880</b>	<b>20,697</b>	<b>22,409</b>	<b>23,923</b>	<b>23,995</b>	<b>23,967</b>	<b>23,937</b>
Employers' pension contributions		-100		200	400	600	600	600
Interest rates	-114	-145	-48	-118	-78	116	269	426
Inflation		-354	-257	-401	-289	861	1961	3061
<b>TOTAL BUDGET</b>	<b>16,713</b>	<b>18,281</b>	<b>20,392</b>	<b>22,091</b>	<b>23,955</b>	<b>25,572</b>	<b>26,796</b>	<b>28,025</b>
<b>FUNDING</b>								
Government Support	-8,731	-9,231	-9,742	-10,265	-10,670	-11,251	-11,502	-11,758
Collection Fund Deficit	14							
Council Tax	-5,308	-5,648	-6,070	-6,406	-11,947	-14,320	-15,294	-16,267
Use of Revenue reserves	-2,688	-3,402	-4,580	-5,420	-1,338	0	0	0

<b>COUNCIL TAX</b>								
Total Band D Equivalents	56,149	56,710	57,278	57,850	58,429	59,013	59,603	60,199
<b>Council Tax Level</b>	<b>£94.54</b>	<b>£99.59</b>	<b>£105.97</b>	<b>£110.73</b>	<b>£204.47</b>	<b>£242.66</b>	<b>£256.60</b>	<b>£270.22</b>
<b>Increase %</b>	<b>14.5%</b>	<b>5.3%</b>	<b>6.4%</b>	<b>4.5%</b>	<b>84.7%</b>	<b>18.7%</b>	<b>5.7%</b>	<b>5.3%</b>

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**CABINET**

**23 SEPTEMBER 2004**

## **MONITORING OF THE CAPITAL PROGRAMME 2003/04 and 2004/05 (Report by the Head of Financial Services)**

### **1. PURPOSE**

- 1.1** This report outlines the outturn position for 2003/04 and the implications for 2004/05. Progress during the current year is also considered and proposals are made for necessary cost variations.
- 1.2** More detailed information on specific schemes can be obtained from the relevant Head of Service.

### **2. 2003/04 OUTTURN**

**2.1** The final budget position for 2003/04 is built up as follows :-

	Gross	External Contribs.	Net
	£000	£000	£000
<b>Capital Budget</b>			
Approved February 2004	9,712	1,219	8,493
Additional Revenue salaries charged to capital	91		91
Ramsey Roof Funded from R&R Fund	267		267
Country Parks Tractor transfer from revenue	19		19
Additional items funded from external contributions	1,341	1,341	0
Schemes deferred from previous years	266		266
Supplementary approval - Henbrook	48		48
<b>Adjusted Total</b>	<b>11,744</b>	<b>2,560</b>	<b>9,184</b>
<b>Revenue Adjustments</b>			
Savings			
• Salaries recharged to Capital	-91		-91
• Country Parks Tractor	-19		-19
Use of R&R Fund	-267		-267

**2.2** Gross Capital expenditure in 2003/04 amounted to £8,400k compared to an adjusted budget total of £11,744k, as shown below:

	Gross	External Contribn s	Net
	£000	£000	£000
Capital Budget (as adjusted above)	11,744	2,560	9,184
Actual Capital Spending	8,400	2,560	5,840
<b>Variation</b>	<b>-3,344</b>	<b>-</b>	<b>-3,344</b>
<b>Reasons for variation</b>			
Net Project delays/deferrals to 2004/05	-3,038		-3,038
Previously reported savings (May Cabinet)	-341		-341
Additional costs (see para. 2.3 below)	135		135
Inflation Allowance (not allocated)	-100		-100

- 2.3 The table below shows the breakdown of the additional scheme costs now reported:-

	<b>£000</b>
<b>St Ives Town Centre – Environmental Improvement</b> – This increase is due to extra work needed to complete the scheme and claims from the contractor. There are further outstanding claims with the contractor, which are still being disputed, so this may not be the final figure.	27
<b>CCTV – Extra Cameras New Areas</b> – The extra cost of necessary upgrading of the Control Room to allow for the new cameras to be accommodated has resulted in this overspend.	21
<b>CCTV – Vehicle Mounted Unit</b> – The vehicle has not cost as much as budgeted.	-18
<b>Hinchingbrooke Country Park – Phase 2</b> – This project was reported as an underspend in 2002/03 (-£13k), in error, as the final payment of £15k had not been included.	15
<b>St Ivo Leisure Centre – Fitness Equipment</b> – Replacement of previously leased equipment. Revenue budget will be reduced to meet this cost over three years.	14
<b>Pathfinder House – Lift Upgrade</b> – Contract was finalised with a cost saving	-11
<b>Disabled Facilities Grants</b> – Cabinet approved the principle of increasing spending in 2003/04 to maximise the amount eligible for 60% grant before the grant level became cash limited from April 2004. (Gross Cost £225k)	90
<b>Other Minor Savings</b>	-3
<b>TOTAL EXTRA COST</b>	<b><u>135</u></b>

- 2.4 The net revenue impact of the extra costs will be £6k in 2004/05 and future years. In 2004/05 this will be more than compensated for by the delayed/deferred expenditure.

- 2.5 The additional external contributions were:

	<b>£000</b>
<b>New Acorn Oxmoor Project</b> – Grants from ODPM	968
<b>St Neots Leisure Centre Car Park</b> – Work carried out on behalf of the school	202
<b>Disabled Facilities Grants</b> – Extra grant (see above)	126
<b>Contributions towards IT projects</b> – work on behalf of other local authorities	45
<b>TOTAL EXTRA CONTRIBUTIONS/INCOME</b>	<b><u>1,341</u></b>

### 3. MONITORING OF THE 2004/05 PROGRAMME

- 3.1 The approved 2004/05 Gross Capital programme of £15,344k, has been increased by £3,038k, as a result of work being carried over from 2003/04, by £288k through subsequently approved supplementary bids (Kent Road £243k and Server Room £45k) and £147k transferred from revenue resulting in a total of £18,817k. Annex A below shows the individual schemes position with comments from the Project Managers.
- 3.2 Two IT projects have been identified as certain to be delayed for another year - the Elections System Application Review (£38k) and part of the Voice and Data Infrastructure project (£50k).



- 3.3 The Medium Term Plan process is now underway and this may result in amendments to the capital programme with schemes being deleted, varied or delayed.

#### 4. CONCLUSION

- 4.1 The large and varied Capital Programme for 2003/04 was substantially completed but there have been delays to various projects for the reasons highlighted in Annex A. Most of these delays will be for less than 6 months. Those schemes with the longest delays result from problems of identifying or agreeing sites. High inflation on some types of works is also creating delays due to amending designs and subsequent re-tendering.

- 4.2 Additional costs have arisen on the schemes shown above and will result in an extra £6k revenue impact.

- 4.3 Changes to the 2004/05 programme, some of which have been highlighted above, are beginning to emerge and these and others will be consolidated through the Medium Term Plan process which is now underway.

#### 5. RECOMMENDATION

- 5.1 It is **RECOMMENDED** that Cabinet:

- a) note the capital outturn for 2003/04.
- b) approve the extra capital spending shown in para. 2.3 above
- c) note the position on individual schemes as shown in Annex A

#### BACKGROUND PAPERS

Capital programme and monitoring working papers  
Previous Cabinet and Committee reports on capital expenditure

#### CONTACT OFFICER

Steve Couper, Head of Financial Services ☎ 01480 388103

## Active Schemes 2004/05

	Approved Date	COMPLETION		Slippage (weeks)	NET EXPENDITURE £000's			COMMENTS
		Deferral (weeks)	Approved 2004/05		Approved Total	Projected Variance		
<b>PORTFOLIO: Finance</b>								
<b>Administration</b>								
03/999.02 VAT Exempt Capital (04/05)	31-Mar-05	0	0	0	90	90	0	SC
<b>Total for Portfolio</b>					90	90	0	
<b>PORTFOLIO: Housing &amp; Young People</b>								
<b>Housing Support</b>								
01/039.02 Disabled Facilities Grants (04/05)	31-Mar-05	0	0	0	320	320	0	EM
00/141.02 HRAs and RENs (04/05)	31-Mar-05	0	0	0	277	277	0	EM
>> Social Housing Grant (Contingency) (04/05)		0	0	0	1000	1000	0	Muir - Roman Way
<b>Planning Policy &amp; Conservation</b>								
>> 02/078/B Huntingdon Town Centre Regen - CAPS Scheme	30-Mar-04	0	0	0	22	94	-94	RPb This scheme is being offered up for deletion in MTP as the joint funding for the scheme cannot be found.
<b>Total for Portfolio</b>					1619	1691	-94	
<b>PORTFOLIO: Leader</b>								
<b>Economic Development</b>								
03/365/A Huntingdon Boatyard Improvements	28-Feb-04	0	43	43	75	100	0	KP Consultants appointed to assess possibilities for site
02/239/B New Industrial Units	28-Feb-04	0	43	43	270	540	0	KP Land identified in St Ives. Acquisition commenced July 2003. Programme revised and consequential slippage identified. Conceptual Feasibility Study prepared. awaiting instruction to proceed. On hold awaiting member decision.
<b>Information Technology</b>								
03/301.00 Customer First - Programme Wide	31-Mar-05	0	0	0	121	630	0	CH Revised Customer First programme submitted to MTP
<b>Office Accommodation</b>								
03/300/A Pathfinder House Imps and One Stop Shop	31-Mar-06	0	0	0	250	9600	0	RP

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Active Schemes 2004/05

	Approved Date	COMPLETION Deferral (weeks)	Slippage (weeks)	NET EXPENDITURE £000's			COMMENTS
				Approved 2004/05	Approved Total	Projected Variance	
>> 01/128/A	30-Mar-04	0	26	0	90	-17	RP Essential works only being undertaken on Pathfinder House pending decision on future refurbishment. Works carried out at Little Paxton and Huntingdon Tourist Information Centre. Audit carried out in accordance with new DDA guidance
<b>Planning Policy and Conservation</b>							
03/358/A	31-Mar-05	0	0	50	50	0	MS
				<b>Total for Portfolio</b>	766	11010	-17
<b>PORTFOLIO: Leisure</b>							
<b>Leisure Events and Facilities</b>							
02/058/A	31-Mar-05	0	0	10	20	0	PJ
00/999.02	31-Mar-05	0	0	105	105	0	SB
<b>Leisure Policy and Development</b>							
00/001/B	01-Mar-02	0	113	30	60	0	JP NOF bid accepted
<b>Parks and Open Spaces</b>							
446	31-Mar-05	0	0	205	205	0	Discussions with the Hunts Local Football Partnership
>> 01/074/A	30-Dec-04	0	0	13	90	0	SM
>> 01/121/A	30-Nov-03	0	47	0	119	0	SM Outstanding works identified. Shelter installed. Bases installed. Scheme landscaping completed. Scheme progressing.
03/369.01	31-Mar-04	0	26	0	46	0	SM Schemes delayed
03/369.02	30-Nov-04	0	0	47	47	0	SM
467	31-Mar-05	0	0	100	100	0	Design Work by Bedford Design Group.
>> 01/107/A	30-Dec-03	0	52	0	40	0	SM Order placed. Design proposals of fabricator assessed and agreed. Fabrication in progress.
>> 02/004.01	31-Mar-04	0	30	0	64	-32	SM Schemes dependant on Partnership Funding. Criteria to be revised.
02/004.02	31-Mar-05	0	0	46	46	0	SM

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Active Schemes 2004/05

		Approved Date	COMPLETION		Slippage (weeks)	NET EXPENDITURE £000's			COMMENTS
			Deferral (weeks)	Approved 2004/05		Approved Total	Projected Variance		
<b>Leisure Centres</b>									
00/022/A	CCTV - Improvements at Leisure Centres	31-Jul-05	0	0	0	20	80	0	SB 20k slipped from 2003/04 for Sawtry. Estimated completion of Sawtry July 2005. 5k to be slipped for improvements at SNLC when site design is finalised.
01/135.01	Leisure Centres - Disabled Facilities (03/04)	31-Mar-04	0	26	0	0	30	0	SB £19k carried forward from 03/04 pending return of Disabled provision reports on all Centres.
02/134.01	Leisure Centres - Future Maintenance (04/05)	31-Mar-05	0	0	0	803	803	0	SB Tenders out in stages. RLC/SLC returns 9/7, HLC/SNLC returns 23/7, SILC returns 10/8
02/259/A	Ramsey - New Multi Activity Area	30-Nov-02	0	82	0	0	221	0	SB Pitch construction commenced April 04. Completion due July 04 Projected opening 20th July.
03/424/A	Ramsey Leisure Centre - Creche, Office &	31-Jan-05	0	0	0	200	200	0	PJ Modifications to original plan now incorporated. Scheme now projected at £308k combining both schemes (L260 and L261) and increasing resultant revenue.
03/338/A	Ramsey Leisure Centre - Impressions Expansion	31-Mar-05	0	0	0	100	100	0	PJ See L261
02/262/B	Sawtry - Fitness Studio	30-Mar-05	0	13	0	444	630	0	SB Tenders being prepared. Car park to proceed (subject to planning 17/5/04) in advance of building work. Still issues to be resolved on Parking esp Schools financial contribution Estimated commencement Oct 04, completion July 05
02/134.04	St Ivo Leisure Centre - Changing Rooms	01-Jun-04	0	0	**	0	92	0	Part of Condition Survey Work to take place from Easter 2004 Work commenced on schedule. 10 week programme. Completed on
02/134.06	St Ivo Leisure Centre - Hammer Cage	30-Nov-03	0	30	**	0	22	0	Completed June 04
02/134.05	St Ivo Leisure Centre - Sports Hall Floor	31-Mar-04	0	4	**	0	56	0	Part of Condition Survey Single supplier (Granwood) to overlay floor. Work to take place in Easter 2004 to correspond with pool changing room work. Reopened 05 May 04
>>	02/134.07 St Ivo Leisure Centre - Squash Crts Roof Underline	31-Mar-04	0	13	**	0	17	0	Roof complete on schedule - replacement lighting still outstanding

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Active Schemes 2004/05

	Approved Date	COMPLETION Deferral (weeks)	Slippage (weeks)	NET EXPENDITURE £000's		COMMENTS	
				Approved 2004/05	Projected Variance		
>> 03/333/A St Neots Leisure Centre - Creche & Kitchens	30-Nov-03	0	69	0	272	0	PJ Tenders came in 100K over expected.
<b>Total for Portfolio</b>				2123	3465	-32	
<b>PORTFOLIO: Planning Strategy</b>							
<b>Car Parks</b>							
00/014/A Environmental Imps - Ph 5	30-Jan-05	0	0	21	102	0	CA
02/017/B Fenstanton Car Park	30-Dec-03	0	52	0	22	0	CA planning permission now received
<b>Economic Development</b>							
>> 00/999 Hunt Town Cent Dev - HDC Estate Advice	30-Mar-04	0	52	24	100	0	EW
>> 01/077/A Hunt Town Cent Dev - Planning Dev Issues	30-Mar-04	0	52	480	1119	0	MS Completion date quoted relates only to activity in 2003/04. The scheme runs to 2005/06.
>> 02/162/B St Ives Town Centre CAPS Scheme	03-Mar-06	52	0	12	86	-86	MS This scheme is being offered up for deletion in MTP as the joint funding for the scheme cannot be found.
<b>Environmental Improvements</b>							
03/431.01 Area Joint Committee Small Scale Imps (03/04)	31-Mar-04	0	8 **	0	103	0	CA
03/431.02 Area Joint Committee Small Scale Imps (04/05)	30-Mar-05	0	0	103	103	0	CA
<b>Information Technology</b>							
01/045/A Electronic Document Imaging Pilot in Planning	31-Mar-03	104	0	0	27	0	JT Peripheral equipment/software evaluated - purchase independent upon requirements generated by
<b>Planning Policy and Conservation</b>							
02/224/A Town Centre Developments	28-Feb-04	0	0	31	268	0	RPb Completion date quoted relates only to activity funded in 2003/04. The scheme runs to 2006/07.
<b>Public Transport Support</b>							
483 Rural Bus Stop Provision	28-Feb-05	0	0	25	25	0	
<b>Transportation</b>							
03/352.00 AJC - Safe Routes to School (03/04)	28-Feb-04	0	30	0	50	0	StB
03/366/A Cycle Route - Views Common, Huntingdon	30-Oct-03	0	57	0	55	0	StB Delay due to Great Crested Newts
00/037.02 Cycle Safety Storage Racks (04/05)	31-Mar-05	0	0	15	18	0	StB

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Active Schemes 2004/05

	Approved Date	COMPLETION Deferral (weeks)	Slippage (weeks)	NET EXPENDITURE £000's			COMMENTS	
				Approved 2004/05	Approved Total	Projected Variance		
>> 02/277/B	Huntingdon Bus Station - Imps and Refurbishment	31-Jan-04	0	21 **	0	40	0	RP Combined with St Ives Bus Station to be let as one contract.
03/361.00	Huntingdon Market Town Transport Strategy (03/04)	28-Feb-04	0	12 **	0	70	0	StB
03/361.01	Huntingdon Market Town Transport Strategy (04/05)	31-Mar-05	0	0	70	70	0	StB
01/095.01	Local Transport Plan (03/04)	31-Mar-04	0	13 **	0	85	0	StB
01/095.02	Local Transport Plan (04/05)	05-Feb-30	0	0	85	85	0	StB
02/132/A	Railway Stations - Improvements (04/05)	28-Feb-05	0	0	15	15	0	StB
01/152.01	Safe Cycle Routes (03/04)	31-Jan-04	0	16 **	0	100	0	StB
01/152.02	Safe Cycle Routes (04/05)	31-Mar-05	0	-13	105	105	0	StB
>> 02/278/B	St Ives Bus Station - Waiting Rm & Pub Cons Imps	30-Oct-03	0	34 **	0	30	0	RP Project being combined with Huntingdon Bus Station as one contract. See notes on Huntingdon Bus Station improvements
02/250.02	St Neots Transport Strategy (04/05)	31-Mar-05	0	0	72	93	0	StB Mill common cycleway
				<b>Total for Portfolio</b>	1058	2771	-86	
<b>PORTFOLIO: Public Health &amp; Community Safety</b>								
<b>CCTV</b>								
00/020.00	CCTV - Camera Replacements (03/04)	28-Feb-04	0	34	0	74	0	SH Cabinet has released funds.
00/020.01	CCTV - Camera Replacements (04/05)	28-Feb-05	0	0	74	74	0	SH
<b>Crime Reduction</b>								
00/036.02	Crime and Disorder - Lighting Improvements (04/05)	30-Mar-05	0	0	21	21	0	SH
<b>Watercourses</b>								
	Henbrook, St Neots - Retaining Wall	30-Mar-04	0	30	48	48	0	
				<b>Total for Portfolio</b>	143	217	0	
<b>PORTFOLIO: Resources Etc.</b>								
<b>Information Tech</b>								
03/301.30	Customer First - Technical Infrastructure	31-Mar-07	0	0	956	1907	0	
<b>Information Technology</b>								
03/301.20	Customer First - People and Facilities	31-Mar-07	0	0	186	367	0	CH
03/301.10	Customer First - Transaction Delivery	31-Mar-07	0	0	81	172	0	DW
03/375/A	Desktop Rationalisation (03/04)	31-Mar-04	39	0	0	100	0	Project cannot be finalised until E-Financials upgrade complete

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Active Schemes 2004/05

	Approved Date	COMPLETION		Slippage (weeks)	NET EXPENDITURE £000's			COMMENTS
		Deferral (weeks)	Approved 2004/05		Approved Total	Projected Variance		
03/301.04	31-Mar-04	104	0	0	38	38	0	Deferred to 2005/06 at request of Head of Service
>>	01/082.01	17	0	0	0	15	0	MO Proposal agreed by eCAG 30-Apr-04
	01/082.02	0	0	0	45	45	0	MO
	IC T Server Room Extension	0	0	**	74	74	0	
03/301.04	31-Mar-04	0	30	0	0	72	0	Delayed due to data migration problems
03/301.11	31-Mar-05	0	0	0	29	128	0	CH
	Operations Business System	0	0	0	75	75	0	
>>	03/301.08	152	0	0	25	174	0	CG Delayed by one month due to unplanned absence of staff
	Personnel/Payroll System							Data migration for local plans/listed buildings delayed due to legislation changes/pending improvements to suppliers software
03/301.04	31-Mar-04	0	52	0	0	35	0	Awaiting consultants report
	Planning Application Review							£50k for integration with the Contact Centre in 2004-05. Remainder dependant upon results of an infrastructure review
03/301.04	31-Mar-04	52	0	0	0	23	0	
494	31-Mar-07	0	0	0	100	200	0	
<b>Total for Portfolio</b>					1609	3425	0	

PORTFOLIO: Waste Management & Streetscene

Environmental Improvements

02/050/A	Great Whyte, Ramsey - Env Imp Ph 2	0	0	0	21	175	0	CA
02/241/B	Heart of Oxmoor	0	0	0	450	800	0	MS
01/049/A	Huntingdon Town Centre - Phase 2	0	0	0	189	1066	0	CA
02/051/A	Little Whyte, Ramsey - Env Imps	0	0	0	21	124	0	CA
01/104.01	Oxmoor Environmental Improvements (03/04)	0	17	0	0	53	0	CA
01/104.02	Oxmoor Environmental Improvements (04/05)	0	0	0	63	63	0	CA
02/240/B	Oxmoor Kent Road Improvements	0	0	0	653	1037	0	CA
01/157.02	Small Scale Imps - District Wide (04/05)	0	0	0	82	82	0	CA

Operations Services

462	Godmanchester Nursery	0	0	0	13	13	0	
03/313/A	New Refuse Collection Round	0	0	**	155	310	-31	RW New round in operation from April 2003.
03/304/A	Refuse/Green Waste Collection	52	0	0	2169	2409	0	RW Scheme roll out approved in three phases July 2004/Oct 2004/April 2005

## Active Schemes 2004/05

	COMPLETION			NET EXPENDITURE £000's			COMMENTS
	Approved Date	Deferral (weeks)	Slippage (weeks)	Approved 2004/05	Approved Total	Projected Variance	
02/192.02 Vehicles Fleet Replacement (04/05)	31-Mar-05	0	0	48	48	0	RW
<b>Public Conveniences</b>							
01/163/A General Improvements-Public Cons	01-Feb-04	0	34	0	36	0	CA Budget being used to complete feasibility studies to support project 03/302/A. Scheme out for public consultation Spring 04
03/302/A New Public Conveniences	31-Mar-06	0	0	300	1200	0	CA Awaiting outcome of Summer 2004 consultation on council tax and priorities before final decision on project programme.
<b>Public Transport Support</b>							
03/400.00 Bus Shelters - Extra Provision (03/04)	31-Jan-04	0	26	0	33	0	CA
03/400.01 Bus Shelters - Extra Provision (04/05)	30-Dec-04	0	0	33	33	0	CA
<b>Transportation</b>							
00/003.01 Accessibility Improvements/Signs (03/04)	28-Feb-04	0	34	0	60	0	CA
00/003.02 Accessibility Improvements/Signs (04/05)	28-Feb-05	0	0	30	30	0	CA
<b>Waste Management</b>							
02/279/B Joint Waste Management Contract Procurement	30-Mar-04	52	0	50	120	0	RP Deferred by MTP bid 02/240/B.
<b>Total for Portfolio</b>				4277	7692	-31	
<b>Total all Portfolio</b>				11685	30361	-260	



**ANNEX: MTP - CAPITAL SCHEMES MONITORING REPORT - DEFINITIONS**

**Active Schemes 2004/05** All schemes with approved funding (gross or net) in the year to which the report relates or which have a predicted 'current' or 'actual' completion date within the year.

		COMPLETION			NET EXPENDITURE £000's			COMMENTS
		Approved Date	Deferral (weeks)	Slippage (weeks)	Approved 2003/04 Total	Approved Total	Projected Variance	
<b>PORTFOLIO:</b>	<b>ENVIRONMENT</b>							
<b>CCTV</b>								
019	CCTV - Alarm Actuated Camera Position	31-Dec-02	0	0	40	40	0	
<i>Project appraisal reference</i>	<i>Name of scheme</i>	<i>The date given for the completion of the project in the original project appraisal or in a subsequently approved revised project appraisal.</i>	<i>The currently predicted or actual (for completed schemes) time in weeks by which completion will vary from the approved date.</i>	<i>The currently predicted or actual time in weeks by which completion will vary from the approved date or extend beyond the period for which a 'deferral' has been authorised.</i>	<i>Net amount included in MTP for the current year together any approved slippage from the previous year.</i>	<i>The overall net cost of the scheme based on historic actuals and future approved.</i>	<i>The projected difference between the approved total net cost of the scheme and the actual net expenditure to deliver the scheme.</i>	<i>Brief narrative describing any deferral, slippage or financial variance.</i>
<i>Projects are allocated to portfolio holders and then grouped by function.</i>		<i>For appraisals that relate to an annually recurring sum the approved date is assumed as the end of March for the year being reported on.</i>	<i>To qualify as a 'deferral' the delay/acceleration must have been approved in advance by a project board (which includes a Chief Officer).</i>	<i>Schemes where deferral/slippage is based on an 'actual' completion date are distinguished in the report by **.</i>		<i>For annually recurring sums this is the current year funding only. These are indicated in the report by #.</i>		





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**CABINET**

**23 September 2003**

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

### **1. 2004/05 Budget – As at September 1st 2004**

**1.1** Expenditure and income to date has been reviewed together with preliminary discussion of potential base review reductions and possible MTP deferrals or deletions. Though the likely outturn for the year cannot be predicted with any certainty at this stage, the forecast reduction is in the region of £591k plus £320k that will need to be deferred to the following year.

**1.2** The main variations are:

	Income £000	Expenditure £000	Recharge to capital £000	Net Expenditure £000
<b>Original Budget</b>	-35,412	+52,725	-485	+16,828
Unspent budget brought forward 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	-50			
Housing Benefits subsidy	-70			
Car Parking	89			
Deferred start of the Green waste scheme		-75		
Pay award 2004 effect and related adjustments		+150		
Additional recharges of staff to Capital			+50	
Leisure Centres		+50		
Other expected savings and potential MTP reductions/deferrals. (details will emerge as part of the base budget review and this year's review of the MTP)	30	-570		
	-96	-445	+50	-591
Expenditure deferred to future years				
Housing Surveys		-50		
Local Plan		-200		
Application of additional planning grant		-70		
		-320		-320
Total variations	-96	-765	+50	-911
	+0.6%	-2.4%		
<b>Forecast net spending</b>				<b>+16,877</b>

- 1.3** The £591k forecast underspendings include two categories of item:
- One-off reductions (delays in on-going programmes or particular circumstances in the current year that will not continue)
  - Potential permanent budget reductions including schemes that may be deleted in the review of the MTP.
- 1.4** The Base Budget review is currently underway and a report will be made to Overview and Scrutiny and Cabinet in the autumn. This will establish a set of approved budget reductions which will feed into this year's review of the MTP.

## **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)

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

**1. INTRODUCTION**

- 1.1 The Licensing Act 2003 fundamentally changes the licensing of certain forms of entertainment and the sale of alcohol in England and Wales. The Act requires the Secretary of State to issue guidance to local authorities on the discharge of their functions under the Act. That guidance was issued in July 2004 and regulations have been made which sets the first appointed day for the receipt of applications by the Council as 7th February 2005.
- 1.2 This is the first of a series of reports which the Council will need to consider in relation to the implementation of the Act prior to the first appointed day.

**2. BACKGROUND**

- 2.1 The Act makes the Council responsible for the licensing of the following activities:-
- (a) the sale and supply of alcohol;
  - (b) the provision of certain forms of entertainment (the majority of which are currently licensed by the Council under separate licensing regimes);
  - (c) the provision of late night entertainment;
  - (d) the licensing of gaming machines on premises licensed for the sale and supply of alcohol.
- 2.2 In carrying out its licensing functions the Council must promote the following objectives specified in the Act –
- (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 2.3 In addition to the Act and the guidance, a series of statutory instruments have yet to be made covering such issues as the functions of the Licensing Committee, prescribed forms, the level of fees and public notice of applications. It was envisaged that the draft

regulations would be issued for consultation in August with a two months period for comment but these have yet to be published.

- 2.4 The Act requires the Council to establish a Licensing Committee to carry out all of its functions under the Act with the exception of the approval of the Statement of Licensing Policy which is reserved to the Council itself.

### **3. TIMESCALE**

- 3.1 The Act requires the Council to publish a Statement of Licensing Policy with respect to the exercise of its functions which will be valid for a period of three years. In so doing the Council are required to consult with the police and fire authorities, existing licence holders and representatives of businesses and residents in the area.

- 3.2 Regulations have been made which require the Statement to be operational from 7th January 2005 as a result of which the following timescale has been drawn up for the purposes of the consultation exercise –

Licensing and Protection Policy Consideration of draft for consultation	20th September 2004
Cabinet Consideration of draft for consultation	23rd September 2004
Council approval of draft for consultation	29th September 2004
Circulation of draft for comment	4th October 2004
End of consultation period	12th November 2004
Consideration of replies by Licensing and Protection Panel	To be agreed
Consideration of replies by Cabinet	25th November 2004
Approval of policy by Council	8th December 2004

- 3.3 An extensive distribution list for consultation purposes has been compiled with some organisations specifically having requested an opportunity to comment on the formulation of the policy. A copy of the list is available on request from the Council's Democratic Services Section. The draft policy will also be published on the Council's website and an article will be included in the next edition of Business Wide notifying business interests of the consultation period.

### **4. STATEMENT OF LICENSING POLICY**

- 4.1 A draft Statement of Licensing Policy is attached at Annex A which has been prepared having regard to the provisions of the Act and the guidance issued by the Secretary of State. A questionnaire for consultation purposes has also been prepared for circulation with the draft to assist with the evaluation of replies.



## **5. CONCLUSION**

- 5.1 The Act will introduce a significant new responsibility for the Council. Further reports on its detailed implementation will be submitted to the Panel in the period leading up to the first appointed day and as the required statutory instruments are made by Parliament.

## **6. RECOMMENDATION**

- 6.1 The Panel and Cabinet are invited to consider the attached draft Statement of Licensing Policy and consultation questionnaire and to formulate recommendations to Council on their approval.

## **BACKGROUND PAPERS**

Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003.

Requests for consultation on formulation of Licensing Policy – available from Democratic Services Section.

**Contact Officer: Mr R Reeves, Head of Administration**  
**☎ (01480) 388003**

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## 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.
- 1.2 The Licensing Act requires the Secretary of State to issue guidance to local authorities on the implementation and administration of the legislation and each licensing authority to prepare a statement of licensing policy based upon the legislation and the Secretary of State's guidance. In publishing this statement, the Council 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 yet to be made on the implementation of the legislation and the procedure for the determination of applications. Any amendment required as a result of the issue of secondary legislation will be reflected in 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 licensees or premises fail to meet the licensing objectives, there are opportunities for residents who are adversely affected to bring their concerns to the Council and licensees 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 Council 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 licensee and his employees.

2.7 The Act complements and does not duplicate existing legislation. The Council 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 Council 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 Council 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 Council to applicants is listed in Annex A.
- 3.4 **An applicant will be required to provide evidence to the Council's satisfaction 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 7<sup>th</sup> 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 Council will keep the policy under review and may make such revisions to it as may be considered appropriate. If any revision is made, the Council 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 Council 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 are welcome from any interested party and member of the public and have been 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 Council 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 Council.

## 5. CO-ORDINATION WITH OTHER POLICIES

- 5.1 In preparing this statement of licensing policy, the Council 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 Council will ensure the proper co-ordination and integration of such strategies and policies to ensure that they are complementary and mutually supportive. The Council 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 Council'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 Council 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 –

- 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 a play, and
- any entertainment of a similar description to the above.

6.3 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.

6.4 The Act requires a premises licence or a club registration 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. 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 Council.

6.5 A glossary of relevant terminology is contained at Annex C.

## **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 Council 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 Council 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 Council'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 Council and applicants. Applicants are encouraged to seek the views of the Council, 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 Council 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 Council 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 Council'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 Council 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 Council, 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 registration

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 Council 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 Council 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 Council 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 Council'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 Council 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 Council 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 Council 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 Council will delegate decision-making to the Licensing Committee, sub committee(s) and officers in accordance with the Act and secondary legislation as set out in Annex D. However the statement of licensing policy will be approved by the Council 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 Council. The Council 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 Council 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 Council 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 Council 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 Council 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 Council 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 Council 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 registration certificate. Standard conditions will therefore not be imposed by the Council but Annex E 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 registration certificates will be required to 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 E.**

#### **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 registration 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 Council 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 Council 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; and
- full exclusion of those people under 18 from the premises when any licensable activities are taking place.

14.5 The Council 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 Council 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 Council itself.**

## **16. APPEALS**

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

**16.2 In order to provide applicants and interested parties with sufficient information to enable them to decide whether they wish to appeal against a decision, the Council 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 Council, 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 Council 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 Council will develop with the police a protocol on enforcement issues.**

17.3 The Council have also signed the local government enforcement concordat and have adopted a code of practice for licensing enforcement which is attached at Annex F.

## **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 Council and to the police at least ten working days prior to the event being held. Although the Council 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 Council 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 Council. 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 Council and the police at the earliest possible opportunity about their proposals.**

## 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 Council 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](http://www.together.gov.uk))

The Government's Alcohol Harm Reduction Strategy ([www.dcms.gov.uk](http://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](http://www.crimereduction.gov.uk/drugsalcohol8.htm))

The National Pubwatch Good Practice Guide ([www.uniquepubs.com/pubwatch](http://www.uniquepubs.com/pubwatch))

The Government's Safer Clubbing Guide ([www.drugs.gov.uk](http://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](http://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](http://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

## 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. 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

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	



## 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 Council 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 Council 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 Council.
- (ii) The holder of the premises licence or club registration certificate should apply for a variation to the existing licence 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 Council 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:

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
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:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>
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:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>	<b>Minimum number of other staff on the premises who are available to assist in the event of an emergency</b>
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 following policy was approved by the Licensing and Protection Panel on 17th September 2002 and subsequently adopted by the Council.

# HUNTINGDONSHIRE DISTRICT COUNCIL

## ADMINISTRATION DIVISION LICENSING ENFORCEMENT POLICY

### 1. INTRODUCTION

- 1.1 The purpose of this policy is to express the commitment and intention of Huntingdonshire District Council ("the Council") to the principles of consistent and effective enforcement legislation relating to the various forms of licensing listed in Annex 2 to this report.
- 1.2 The policy sets out what businesses and others can expect from the Council's licensing officers and commits the Council 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 Council is a signatory, will be incorporated into actions.
- 1.3 Officers who carry out licensing enforcement on behalf of the Council are authorised in accordance with the Council's Scheme of Delegation. Appropriate means of identification will be carried.

### 2 GENERAL PRINCIPLES

- 2.1 The Council will ensure the effective implementation of national and local policies, to comply with all legislative requirements and fulfil the statutory duties imposed on the Council.
- 2.2 The Council will protect the public by reacting promptly to complaints about issues that are within the Council'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 Council 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 Annex 1 to this report.
- 2.4 The Council 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 Council 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 Council is a signatory. This commits the Council to good enforcement policies and procedures. The principles of the Enforcement Concordat are incorporated into the following:

#### **3.2 Standards**

- 3.2.1 The Council 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 Council 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 Council 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 Council 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 Council 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 Council has a complaints procedure that is accessible to businesses and the public. The Council will also make available the procedure for a complaint to be made to the Local Government Ombudsman that the Council 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 Council.

### **3.6 Proportionality**

- 3.6.1 As far as the law allows, the Council 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 Council 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 Council 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 Council 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 Council 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 Council, 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 Council. 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 Council will operate. Those with whom the Council 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 Council 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 Council 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 Council will make every effort to provide information both to members of the general public and businesses concerning the legislation for which the Council is the enforcing authority.
- 4.1.2 The information will be made available through the Council's web-site, 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 Council identification.
- 4.2.3 The Council 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 Council 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 Council 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 Council 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, registration, authorisation, or permit;
  - failure to notify the enforcing authority of the transfer of a licence authorisation or permit;
  - 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, registration, authorisation or permit,
  - a formal caution,
  - prosecution for the offence,
  - obtaining an injunction.
- 5.5.3 **Licences, registrations, authorisations or permits**, 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 the Annex 1 to this report.

## 6 AUTHORISATIONS OF PROSECUTIONS

6.1 Through its Scheme of Delegation, the Council has delegated authority to prosecute to designated officers after consultation with the appropriate Council Member(s).

6.2 In consultation with his/her supervising officer and, where appropriate, the Council's legal adviser, the investigating officer(s) will gather appropriate evidence and prepare the case on behalf of the Council. 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 Council'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 local authority have a variety of powers available to them for the purpose of discharging the functions of the enforcing authority. These include, in appropriate cases as permitted by statute, the power of entry to relevant premises at any reasonable time (or at any time if it appears that there is serious problem), to inspect documents and to inspect vehicles and taxi meters.

- 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 Council 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 Council 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 authority to make a decision to prosecute is generally set out in the Council's Scheme of Delegation. It is usually delegated to the Executive Director of Central Services or Head of Administration after consultation with the Chairman and Vice-Chairman of the Licensing & Protection Panel.

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

## LICENSING LEGISLATION

(NOTE: THE FOLLOWING SCHEDULE WILL BE AMENDED TO REFLECT THE CHANGES INTRODUCED BY THE LICENSING ACT 2003)

### BETTING, GAMING AND LOTTERIES

#### **Betting, Gaming and Lotteries Act 1963**

Track betting  
Pool promoters

#### **Gaming Act 1968**

Amusements with prizes (gaming by means of machines)

#### **Lotteries and Amusements Act 1976**

Lotteries  
Amusements with prizes

### ENTERTAINMENTS

#### **Licensing Act 1964**

Certificates of suitability

#### **Private Places of Entertainment (Licensing) Act 1967**

Private places of entertainment

#### **Theatres Act 1968**

Theatres

#### **Late Night Refreshment Houses Act 1969**

Late night refreshment houses and night cafes

#### **Local Government (Miscellaneous Provisions) Act 1982**

Public entertainment by means of public music, dancing or sporting activities  
Public musical entertainment in the open air  
Sex establishments

#### **Cinemas Act 1985**

Cinemas

### HACKNEY CARRIAGE AND PRIVATE HIRE

#### **Town Police Clauses Act 1847**

#### **Local Government (Miscellaneous Provisions) Act 1976**

Hackney carriage vehicles and drivers  
Private hire operators, vehicles and drivers

### TRADING AND COLLECTIONS

#### **Police, Factories, etc (Miscellaneous Provisions) Act 1916**

Street collections

**House to House Collections Act 1939**

House to house collections

**Local Government (Miscellaneous Provisions) Act 1982**

Acupuncture, tattooing, ear piercing and electrolysis

Street trading



## 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](mailto:Greg.Peck@huntsdc.gov.uk)  
[John.Frampton@huntsdc.gov.uk](mailto:John.Frampton@huntsdc.gov.uk)

This information is available on the Council's website at [www.huntingdonshire.gov.uk](http://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  
Hinchingsbrooke Park  
Huntingdon  
PE29 6NP

Chief Fire Officer  
Cambridgeshire Fire and Rescue Service  
Hinchingsbrooke 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 Council are also required to serve a copy on the Chief Officer of Police as above.

**CABINET**

**23<sup>RD</sup> SEPTEMBER 2004**

**PRINCES STREET/GEORGE STREET  
URBAN DESIGN FRAMEWORK AND MASTERPLAN  
(Report by Head of Planning Services)**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to advise the Cabinet of the responses to the draft Urban Design Framework and Masterplan for the Princes Street/George Street area and to consider the Council's response. A revised document is recommended for adoption as Interim Planning Guidance (IPG).

**2. BACKGROUND**

- 2.1 The Urban Design Framework amplifies the advice provided in earlier documents relating to the disposal and re-development of the County Council-owned land in the Princes Street area, notably the 'Development Guidelines' adopted as Supplementary Planning Guidance in July 2002. The Framework provides more specific guidance on matters relating to site analysis, promotes high quality design and provides options for re-development in the form of a phased Masterplan.
- 2.2 The adoption of the Framework and Masterplan as IPG is an important step towards achieving the most appropriate form of re-development for this important town centre site and it will ensure that forthcoming schemes will be of a high architectural and urban design quality.
- 2.3 The draft document was approved for a period of public consultation on 6<sup>th</sup> May 2004. As part of the consultation exercise, a public exhibition was held over a 3 day period in the Commemoration Hall in July 2004. Over 200 members of the public attended and 58 questionnaire responses were received. The exhibition material was also displayed in Huntingdon library. A notice was published in the Hunts Post and residents and businesses in the immediate area were informed of the proposals by a leaflet delivered to each premises. In addition, formal consultation with the statutory agencies and the Town Council was undertaken.

**3. THE CONSULTATION RESPONSE**

- 3.1 Over 125 written responses were received from statutory agencies, local organisations, businesses and members of the public. A summary of the respondents is contained within Annex 1. Many responses have expressed positive interest in the benefits of developing the town centre but a number of significant concerns have also been raised. A full summary of comments received is presented in Annex 2 and 3. A summary of questionnaire responses received at the public exhibition is provided in Annex 4.

- 3.2 The most significant concerns relate to issues of parking, building height, tree loss and the impact of development on the historic character of the area. Both these and the other concerns expressed have been fully considered and addressed either in the form of amendments to the document or, where amendments are not considered appropriate, in the form of a reasoned response.
- 3.3 The issue of the bus station arose in responses received. It is interesting to note that despite the number of written objections to its relocation, a greater number of questionnaire responses favoured its relocation and the re-development of the site.
- 3.4 If the proposed responses and amendments contained within Annex 2 and 3 are acceptable to Cabinet, they will then be incorporated into the revised, adopted document.

#### **4. RECOMMENDATION**

- 4.1 That the Cabinet considers the responses to comments presented in Annex 2 and 3 and agrees to adopt the revised Urban Design Framework and Masterplan, incorporating the specified changes, as Interim Planning Guidance.
- 4.2 That any minor consequential amendments to the text and illustrations that are necessary as a result of these changes be delegated to the Head of Planning Services, in consultation with the Executive Member for Planning Strategy.

#### **BACKGROUND INFORMATION**

Draft Princes Street/George Street Urban Design Framework and Masterplan  
Report to Cabinet 6<sup>th</sup> May 2004  
Civic Trust Regeneration Unit 'Huntingdon Town Centre: A Vision and Strategy for Growth and Quality' 2000  
John Martin Associates 'A Vision for Re-development Part 1: Context and Part 2: Development Guidelines' 2002

**Contact Officer: Chris Surfleet**  
**Urban Design Officer**  
**☎ 01480 388476**

**CABINET**

**23<sup>rd</sup> SEPTEMBER 2004**

## **DEFRA CONSULTATION – CLEAN NEIGHBOURHOODS (Report by Head of Operations)**

### **1. INTRODUCTION**

- 1.1 This report informs cabinet of The Clean Neighbourhoods consultation which has been published by DEFRA following a two year period of consultations and policy development on measures to improve the environment and liveability.
- 1.2 The deadline for responses to the consultation is 24<sup>th</sup> September 2004.

### **2. BACKGROUND**

- 2.1 The Government plans to introduce the measures outlined in its latest consultation at the next available opportunity. Most of the measures have already been widely consulted on and the Government is now inviting some views on specific questions.
- 2.2 The proposed measures are aimed at providing local authorities with more enforcement powers to deter offenders and demonstrate that a clean, safe and green local environment is as much a priority for the council and local agencies as it is for residents and businesses.
- 2.3 The measures proposed in the consultation paper cover a wide range of environmental and quality of life issues. The consultation is divided into eight sections. The following is a summary of the main proposals within each section.

#### **Section 1 - Crime and Disorder**

- An amendment to section 6 of the Crime and Disorder Act 1998, to ensure that Crime and Disorder Reduction Partnerships include the quality of the local environment when developing strategies.

#### **Section 2 - Litter Graffiti and Fly-posting**

- The power for local authorities to designate any land as a Litter Control Area, without the need for approval by the Secretary of State;
- Extension of Cleansing Notices beyond London;
- Inclusion of graffiti and fly-posting in Litter Control Areas and extension of graffiti removal notices to include fly-posting;
- Strengthening of fly-posting legislation to ensure all beneficiaries can be prosecuted;
- Extension of the offence of dropping litter to all types of land, including aquatic environments;
- Extension of the Code of Practice on Litter and Refuse to include standards for fly-posting, graffiti, fly-tipping, nuisance vehicles and chewing gum;
- Extension to authorities outside London of powers to prevent the distribution of free literature;

- The definition of chewing gum and smoking related materials as litter, to clarify that authorities can prosecute and issue fixed penalty notices for the dropping of these materials;
- The power to require clean-up provisions when granting a special events licence;
- The power for authorities to recover from owners the cost of recovering, storing and disposing of abandoned shopping and luggage trolleys, even where the owner does not accept their return.

### **Section 3 - Waste and Contaminated Land**

This section covers contravention of waste regulations and fly-tipping offences.

- Powers for local authority or Environment Agency officers to immediately seize and impound a vehicle involved in fly-tipping.
- New powers for local authorities to issue (hypothecated) fixed penalty notices for the following offences:
  - to businesses failing to produce waste transfer notices (£300 FPN)
  - to waste carriers failing to produce registration details (£300 FPN)
  - to householders and businesses that leave their waste out for collection outside the times specified by the local authority (£100 FPN for each incident)
- Raising the maximum fine for fly-tipping offences from £20,000 to £50,000;
- An amendment to section 59 of the EPA 1990 to extend responsibility for clearing illegally dumped waste to land owners as well as occupiers;
- A proposal to replace the current waste management licencing system with a new waste permitting regime;
- A new requirement for developers and contractors to produce a Site Waste Management Plan for all projects above the value of £200,000. This would be trialled for one year before becoming statutory, after which a FPN of £300 could be issued.

### **Section 4 - Nuisance Vehicles**

This section covers all vehicles that are deemed to be causing a nuisance, not just those that are abandoned.

- A new power to allow local authorities to immediately remove from the highway, from land to which the public has access and from private land (if it is there without permission of the owner), any nuisance vehicle.
- A nuisance vehicle is deemed to be one which:
  - Has no authorised keeper
  - Is abandoned
  - Is not displaying a current tax disc
  - Is causing a nuisance or is detrimental to the amenity of an area
- Fixed penalty notices (hypothecated) or fines (maximum £2,500);
- The power for local authorities to destroy or otherwise dispose of any vehicles not reclaimed.

### **Section 5 - Dogs**

- A streamlined approval system for confirming specific dog byelaws, with model byelaws and procedures
- Local authorities to be the sole body responsible for receiving stray dogs.

## Section 6 - fixed Penalty Notices

- A power for local authorities to set the level of fixed penalty notices, within national minimum and maximum levels for offences relating to:
  - Litter
  - Dog fouling
  - Night time noise
  - Graffiti
  - Fly-posting
  - Free literature distribution
  - Waste collection placement
  - Site Waste Management Plans
  - Nuisance Vehicles

## Section 7 - Nuisance

- Extension of statutory nuisances to include artificial light and nuisance from insects;
- New measures to reduce noise nuisance including:
  - Extending the requirement (available in London) for those with burglar alarms to register key-holders with the police;
  - The power to issue FPNs for noise nuisance at night to operators of licenced premises as well as private individuals.

## Section 8 - General Public Space

- The establishment of the Commission for Architecture and the Built Environment (CABE) on a statutory basis;  
New powers to enable local authorities to gate nuisance alleyways

### 3. FUNDING & RESOURCES

- 3.1 The proposals in the consultation document provide a wide range of additional enforcement powers to local authorities to assist in maintaining and caring for the local environment. Once provided, there will be an expectation that these new powers will be used.
- 3.2 As with previous consultations on the subject of environmental enforcement issues, DEFRA have undertaken partial regulatory impact assessments for the new powers and have concluded that in all cases, their introduction and use will be 'cost neutral'.
- 3.3 As a result of their assessments, no additional funding will be provided to support an enhanced enforcement role and there is a danger that we will not be able to make full use of the proposed new powers highlighted in the document because of the lack of resources, although public expectation that the powers will be used will be raised by the publicity given to their introduction.
- 3.4 In it's initial response to the proposals, the LGA has commented as follows.

***'The LGA broadly welcomes the proposals in the consultation, particularly those on fly-tipping, waste and nuisance vehicles. The measures proposed will provide local authorities with much needed***

*extra “tools” to maintain and care for the environment. We would stress however, the need for extra non ring-fenced money for the environment. However much we welcome these proposed changes, the lack of any new money to support an enhanced enforcement role is disappointing. There is a danger that some local authorities will not be able to make full use of the proposed new powers highlighted in the document because of the lack of resources. Councils are now expected to deliver wholesale changes to waste collection and waste disposal activities, as well as significant improvements in street scene management, but the 2004 Spending Review has failed to close the vast funding gap in this area.’*

#### 4. PROPOSED RESPONSE

- 4.1 In addition to providing individual responses to specific questions posed in the consultation, it is intended to reiterate the comments made in our response to previous consultations on this topic, emphasising the fact that whilst we welcome and support any changes that assist us in caring for the local environment, the lack of additional funding provision to support the use of these new powers, places a further burden on the district.

#### 5. RECOMMENDATION

- 5.1 That the Cabinet be requested to:
- (a) endorse the proposed consultation response; and
  - (b) support the response by the Local Government Association to the consultation document.

#### Background Papers

DEFRA consultation - Clean Neighbourhoods – July 2004

DEFRA consultation - Statutory directions to the Environment Agency and waste collection authorities on the unlawful disposal of waste. February 2004.

DEFRA consultation – Fly Tipping Strategy. March 2004

**CONTACT OFFICER** - Robert Ward, Head of Operations Division  
☎: 01480 388635



CABINET

23 SEPTEMBER 2004

## **ANTI SOCIAL BEHAVIOUR ORDERS – DELEGATED AUTHORITY (Report by Director of Operational Services)**

### **1. INTRODUCTIONS**

- 1.1 This report seeks delegated authority for the application of Anti Social Behaviour Orders (ASBOs).

### **2. BACKGROUND INFORMATION**

- 2.1 The Crime and Disorder Act 1998 gave local authorities and the police the power to apply for ASBOs to address the growing public concern about individuals or groups who cause alarm, distress or harassment within the community.
- 2.2 The Anti Social Behaviour Act 2003 strengthened the powers of the 1998 Act and demonstrated the government's desire to further tackle anti-social behaviour.
- 2.3 An ASBO is an order of the court designed to put an end to persistent and serious anti-social behaviour that can make life a misery for the community. The prohibitions in the order should protect people from further anti-social acts by the offender in the locality.
- 2.4 At present an ASBO needs the authority of the Council, which requires a report to Cabinet.

### **3. DEALING WITH ANTI-SOCIAL BEHAVIOUR**

- 3.1 The Council have established effective partnership mechanisms to deal with complaints of anti-social behaviour. There are four area based multi-agency problem solving groups and an anti-social behaviour forum which co-ordinates the work of the area based groups.
- 3.2 When a complaint is received there is a process of evidence gathering and then the matter is taken to the local problem solving group for a plan of action to be agreed. This may include applying for an ASBO.
- 3.3 It is important that complaints are dealt with speedily to ensure the situation does not worsen. Delegated authority to apply for ASBOs is sought to reduce any possible delays in dealing with cases of anti-social behaviour.

## 5. RECOMMENDATION

It is recommended that Cabinet:

**delegate to the Director of Operational Services, in consultation with the Executive Councillor for the Public Health and Community Safety, the power to apply to the courts for ASBOs in accordance with the provisions of The Crime and Disorder Act 1998 and The Anti Social Behaviour Act 2003.**

## BACKGROUND INFORMATION

Anti-Social Behaviour Strategy – Location Environment & Transport 3<sup>rd</sup> Floor  
Pathfinder House

**Contact Officer: Sonia Hansen**  
Development & Community Manager  
**☎ 01480 388341**

**CABINET**

**23 SEPTEMBER 2004**

## **MOBILE HOME SITE, ST NEOTS – FAILURE OF ELECTRICITY SUPPLY (Report by the Head of Housing Services)**

### **1. PURPOSE OF REPORT**

- 1.1 To advise Cabinet of the failure of the electricity supply to the mobile home site, the steps taken to rectify the problem, and to seek approval of a supplementary capital estimate and the expenditure of revenue contingency for the necessary urgent replacement works.

### **2. BACKGROUND INFORMATION**

- 2.1 The mobile home site in St Neots is owned by the Council and managed by HHP under a management agreement. Residents on the site own their mobile home and pay a ground rent for the pitch. There are 50 pitches on the site.
- 2.2 The utility company provides electricity to a meter on the site and supplies are provided to each mobile home through cables owned by the Council.
- 2.3 On 31 August the electricity supply to some of the mobile homes failed. HHP arranged for an emergency inspection by the utility company who confirmed that the problem lie within the Council's cables and not with the supply to the their meter.
- 2.4 As power could not be restored immediately, two generators were brought in to restore temporary power to each mobile home. In the following days, contractors were used to identify and rectify the fault. As the cause of the fault could not be identified, and to limit escalating costs, a quotation for the replacement of the cables has been sought.

### **3. IMPLICATIONS**

- 3.1 The estimated capital costs for replacement of the cables and for HHP to manage the project are £60k.
- 3.2 The estimated revenue cost to cover works already carried out to provide temporary power supplies together with aborted attempts to identify the fault plus continuing to provide generators until the works are completed is £20k.

### **4. CONCLUSIONS**

- 4.1 The cause of the fault could not be cost effectively identified and the cables supplying electricity therefore have to be replaced. Temporary power is being supplied to each mobile home during this period and residents are being kept informed of progress.



# Agenda Item 11

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# Agenda Item 12

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# Agenda Item 13

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