

A meeting of **HUNTINGDONSHIRE DISTRICT COUNCIL** will be held in the **BURGESS HALL, ST IVO LEISURE CENTRE, WESTWOOD ROAD, ST IVES, PE27 6WU** on **WEDNESDAY, 2 DECEMBER 2009** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

**Time  
Allocation**

**PRAYER**

The Bishop of Huntingdon, Right Reverend Dr David Thomson will open the meeting with prayer.

**APOLOGIES**

**CHAIRMAN'S ANNOUNCEMENTS**

- |    |  |                   |
|----|--|-------------------|
| 1. | <b>MINUTES</b> (Pages 1 - 12)  | <b>2 minutes</b>  |
|    | To approve as a correct record the Minutes of the meeting held on 28th October 2009.   |                   |
| 2. | <b>MEMBERS' INTERESTS</b>  | <b>2 minutes</b>  |
|    | To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 below.   |                   |
| 3. | <b>COUNCIL DEBATE</b>  | <b>75 minutes</b> |
|    | <b>'How can local Councils challenge, encourage and enable residents and businesses to reduce their carbon footprint'</b>  |                   |
|    | (Mr Matt Taylor, Carbon Reduction Systems Co-ordinator at the Low Carbon Innovation Centre at the University of East Anglia will be in attendance to address the Council.)   |                   |
| 4. | <b>EXECUTIVE POLICY ISSUES: EAST OF ENGLAND CHARTER FOR MEMBER DEVELOPMENT</b>   | <b>10 minutes</b> |
|    | Councillor L M Simpson, Deputy Leader and Vice-Chairman of the Cabinet to advise the Council of the requirements of the Charter and District Council's commitment to the development of Members.   |                   |
| 5. | <b>GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES</b> (Pages 13 - 64)   | <b>5 minutes</b>  |
|    | Councillor J M Sadler, Chairman of the Licensing Committee, to present a report by the Head of Democratic and Central Services proposing the adoption by the Council of the Statement of Licensing Principles under the Gambling Act 2005. |                   |

**6. REPRESENTATION OF POLITICAL GROUPS ON DISTRICT COUNCIL PANELS, ETC (Pages 65 - 70) 5 minutes**

To consider a report by the Head of Democratic and Central Services on the representation of political groups on Panels, etc in accordance with Section 15 of the Local Government and Housing Act 1989 and the District Council's Constitution and to vary the membership of the Council's Committees and Panels where appropriate.

**6A PARISH ORDERS (Pages 71 - 74)**

To consider a report by the Head of Democratic and Central Services regarding the making of Parish Orders following the acceptance of the District Council's final recommendations submitted to the Department for Communities and Local Government.

**7. REPORTS OF THE CABINET, COMMITTEES AND PANELS 40 minutes to allow for budget debate**

(a) Cabinet (Pages 75 - 104)

(b) Overview and Scrutiny Panel (Economic Well-Being) (Pages 105 - 108)

(c) Overview and Scrutiny Panel (Environmental Well-Being) (Pages 109 - 112)

(d) Overview and Scrutiny Panel (Social Well-Being) (Pages 113 - 116)

(e) Development Management Panel (Pages 117 - 118)

(f) Licensing and Protection Panel (Pages 119 - 122)

(g) Licensing Committee (Pages 123 - 124)

**8. ORAL QUESTIONS 30 minutes**

In accordance with the Council Procedure Rules (Section 8.3) of the

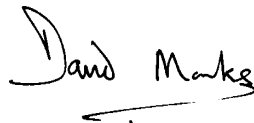
Council's Constitution, to receive oral questions from Members of the Council

9. **LOCAL GOVERNMENT ACT 1972: SECTION 85**

**2 minutes**

The Chief Executive to report on absences of Members from meetings.

Dated this 24th day of November 2009



Chief Executive

**Notes**

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
  - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
  - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
  - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
  - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

**Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.**

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.

*Si vous voulez une traduction de ce document, veuillez nous contacter au 01480 388388 et nous ferons de notre mieux pour satisfaire à vos besoins.*

Jeigu norite gauti šio dokumento išverstą kopiją arba atspausdintą stambiu šriftu, prašau kreiptis į mus telefonu 01480 388388 ir mes pasistengsime jums padėti.

***Jeśli chcieliby Państwo otrzymać tłumaczenie tego dokumentu, wersję dużym drukiem lub wersję audio, prosimy skontaktować się z nami pod numerem 01480 388388, a my postaramy się uwzględnić Państwa potrzeby.***

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# Agenda Item 1

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the COUNCIL held in the Burgess Hall, St Ivo Leisure Centre, Westwood Road, St Ives, PE27 6WU on Wednesday, 28 October 2009.

PRESENT: Councillor J W Davies – Chairman.

Councillors J D Ablewhite, M G Baker,  
K M Baker, I C Bates, J T Bell,  
P L E Bucknell, E R Butler, K J Churchill,  
W T Clough, P H Dakers, Mrs J A Dew,  
D B Dew, P J Downes, J J Dutton,  
R W J Eaton, R S Farrer, A N Gilbert,  
P M D Godfrey, P Godley, J A Gray,  
A Hansard, D Harty, C R Hyams,  
Mrs P A Jordan, L W McGuire, P G Mitchell,  
M F Newman, D J Priestman, P D Reeve,  
Mrs D C Reynolds, T V Rogers, J M Sadler,  
T D Sanderson, M F Shellens, L M Simpson,  
C J Stephens, P A Swales, Ms M J Thomas,  
G S E Thorpe, R G Tuplin, P R Ward,  
J S Watt and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs M Banerjee, Mrs B E Boddington, Mrs K E Cooper, S J Criswell, J E Garner and A Monk.

IN ATTENDANCE: Cllr N Dibben - St Ives Town Council  
Cllr Ms K Dunn - Hilton Parish Council  
Cllr T Hayward - Buckden Parish Council  
Cllr B Henderson - Fenstanton Parish Council  
Cllr N Maggs - Brampton Parish Council  
Cllr Mrs P Muspratt - Hemingford Abbots Parish Council  
Cllr P Seabrook - Kimbolton Parish Council.

### 41. PRAYER

Reverend M Jones, an employee of the District Council, opened the meeting with Prayer.

### 42. CHAIRMAN'S ANNOUNCEMENTS

#### (a) Former Councillor Mrs F Wagstaffe

The Chairman paid tribute to former Councillor Mrs F Wagstaffe, who had died recently, having served as a Councillor for the Ramsey Ward for 26 years. He mentioned that former Councillor Mrs Wagstaffe had been extremely

active in community life in Ramsey and as the Council's representative on Age Concern. Councillor I C Bates, Leader of the Council and Councillors P A Swales, P L E Bucknell, E R Butler, M F Newman and P D Reeve also paid tribute to former Councillor Mrs Wagstaffe's strong-minded character and commended her motivation and desire to serve the interests of the people of Ramsey. After prayer by the Reverend Jones, Members stood and observed a minute's silence in her memory.

**(b) Charity Ball**

The Chairman reminded the Council that his charity ball would take place at the Burgess Hall, St Ives on Friday, 30th October 2009. Having encouraged all Members to attend, the Chairman reported that all proceeds from the event would be donated to MacMillan Cancer Relief, St John's Ambulance Brigade and Magpas.

**(c) Recognitions and Awards**

The Council was informed that the Creative Exchange had won the British Construction Industry award for the best public building category. Additionally, it was announced that the Customer Service Centres in Ramsey and Yaxley had achieved the Customer Service Excellence Award. Congratulations were also extended to the Council's Fraud Team who had been short-listed to the final three in the country for the Institute of Revenues, Rating and Valuation's award for "Excellence in Anti-Fraud".

**(d) Member Development Charter**

The Council was reminded of its commitment to the Member Development Charter and Members were encouraged to attend an explanatory event scheduled on 2nd November 2009 at Buckden Millennium Centre.

**(e) Remembrance Day**

Members were encouraged to represent the Council at forthcoming Remembrance Services on Sunday, 8th November 2009 in their respective Wards.

**43. MINUTES**

Subject to the amendment of the initials for Councillor Reeve from "D P" to "P D" in line 4, paragraph 10 of Minute No. 34 and the first line of Question 1 under Minute No. 39, together with the substitution in the first sentence of the fifth paragraph of Minute No. 36 of the words "Councillor P D Reeve welcomed the proposed adoption of the Core Strategy and, in particular, those initiatives which promoted employment" by the words "Councillor P D Reeve expressed his concern over the proposed adoption of the Core Strategy", the Minutes of the meeting of the Council held on 23rd September 2009 were approved as a correct record and signed by the Chairman.

#### **44. MEMBERS' INTERESTS**

Councillor W T Clough declared a personal interest in Minute No. 46 by virtue of his membership of Buckden Parish Council.

Councillors J J Dutton and C R Hyams declared personal interests in Minute No. 46 by virtue of their membership of Godmanchester Town Council.

Councillor M F Shellens declared a personal interest in Minute No. 46 by virtue of his membership of Brampton Parish Council.

#### **45. COUNCIL PROCEDURE RULES**

The Chairman reminded Members of the decision made by the Council to suspend Council Procedure Rule 11 (Rules of Debate) to enable headline debates and "white paper" proposals to be discussed by Members in an open manner. The Council therefore

RESOLVED

that Council Procedure Rule 11 (Rules of Debate) be suspended for the duration of the discussion on Minute Nos. 46 and 47, during such time, the common law rules of debate be observed by Members and applied by the Chairman.

#### **46. COUNCIL DEBATE**

*(Councillor C R Hyams addressed the Council as both Godmanchester Town Council representative and also as Ward Member for Godmanchester).*

The Chairman invited Councillor D B Dew, Executive Councillor for Planning Strategy and Transport to open the debate on -

"The A14 Ellington to Fen Ditton Improvement Scheme - Public Consultation".

In his opening remarks, Councillor Dew acquainted Members with background to the A14 improvement scheme and drew attention to the wide ranging implications of the road in local, regional, national and European economy terms. Members were reminded that a Special Meeting of the Council would be held on 22nd December 2009, when the Council's response to the proposed improvement scheme would be finalised. Councillor Dew highlighted the importance of the delivery of the improvements, and in particular, the need to segregate local and strategic traffic, with a view to avoiding the problems of traffic congestion and accident levels that were currently being experienced by local residents and communities.

In advance of the debate and receiving the views of affected Town and Parish Councils, the Transportation Team Leader presented a computer simulation of the new route and the proposed arrangements for Huntingdonshire.

Members were informed that an open invitation had been extended to

all Town and Parish Councils in the District to express their views on the proposals so that the Council could take them into account before reaching its own decision. The Chairman therefore invited representatives of Brampton, Buckden, Fenstanton, Godmanchester, Hemingford Abbots, Hilton, Kimbolton and St Ives Councils to address Members, expressing their Council's initial comments on the proposals. Support was generally expressed for the scheme but a number of issues were raised in terms of interchange and access arrangements, air pollution, noise, construction traffic and the impact on local roads. *(Details of the comments by individual councils are available from the Council's Democratic Services Section).*

Councillor J D Ablewhite opened up the debate by expressing his support for the preferred "Orange Route" being proposed by the Highways Agency.

Although having welcomed the proposal as the representative of Godmanchester Town Council, Councillor C R Hyams, in his capacity as Ward Councillor, expressed a wish to see a pelican crossing being included within the proposals for Godmanchester. He also commented upon the restrictions that might be placed on residents travelling into and out of the village due to the potential impact of increased traffic on local roads, in particular, the A1198. Comment was also made upon the funding for future maintenance of local roads, which he believed would deteriorate as a consequence of anticipated increases in traffic.

Having endorsed the views of Buckden Parish Council, Councillor R J West reminded Members of the need to address issues that required attention, namely air quality, noise pollution, visual impact and the risks associated with flooding, which all would have a subsequent impact upon local communities. Although welcoming the proposal for the removal of the existing Huntingdon viaduct, Councillor West reiterated the concerns raised by local Parish Councils on the potential impact on traffic congestion.

Having welcomed the proposal, Councillor K M Baker reported the views of Alconbury Parish Council on the potential impact of the removal of the Huntingdon viaduct on vehicles travelling to Alconbury.

In acknowledging the concerns raised by Members and the Town and Parish Councils with regard to the removal of the existing viaduct, Councillor P L E Bucknell sought clarification on the process for its removal, particularly the impact that works would have upon Buckden and Brampton. Councillor Bucknell questioned what the implications would be for Huntingdonshire, should a decision be made to retain the viaduct in its present position.

In concurring with the concerns raised in respect of the removal of the viaduct, Councillor W T Clough expressed his view that while the A14 improvements would be beneficial in the long term for Buckden, further information should be made available on the de-trunking of the existing route of the road. Councillor Clough went on to emphasise the importance of getting the balance right in terms of satisfying the needs of local communities and in ensuring that adequate transportation links were established within the District. In terms of the proposals relating to the west of Brampton, Councillor P J Downes,



reiterated the concerns made by Brampton Parish Council with regard to the proposed layout of the road where it was proposed to change from a three-lane to a two-lane carriageway. Additionally, Councillor Downes questioned the lack of detail provided in the plans for junctions, particularly on link roads. He suggested that there might be a risk of severe traffic congestion on Brampton Road which could potentially obstruct access to and from Huntingdon Railway Station. In commenting upon the removal of the viaduct, he agreed that Cambridgeshire County Council would not be able to continue to meet the maintenance costs of the current structure in its present form when the road was de-trunked. Councillor Downes concluded by accepting that, it would be difficult to satisfy the needs of all of the residents of Huntingdonshire but that efforts should continue to be made to ensure that the final proposal would benefit the wider local community.

Councillor M G Baker expressed his opinion that the scheme would attract additional traffic to the area, resulting in increases in the level of traffic movement currently being experienced in Huntingdonshire and inherently greater dangers for road users. In representing the smaller village communities in the west of the District, Councillor Baker raised concern at the risks associated with the anticipated traffic increase given the fact that the majority of the slip roads joining the A14 west of the A1 were very short in length. He requested that the issue be addressed in advance of construction works on the new road.

Councillor J A Gray endorsed the views expressed by Councillor Baker and underlined the importance of ensuring that the problems raised by Members be addressed, particularly with regard to the lack of detail provided on the impact of the removal of the viaduct. He also drew Members' need to look ahead and anticipate possible future upgrades to both the A14 and A1 if traffic flows continued to rise.

Councillor Mrs J A Dew placed on record her support for the proposals and commented that works to improve the A14 should not be delayed. This view was echoed by Councillor P H Dakers, who also concurred with the views expressed by Councillor Downes that a balance would have to be struck in favour of the majority when considering the impact of the scheme.

Referring to the economic benefits that the new A14 would bring to the District, Councillor A Hansard highlighted the importance of the route in transport and strategic terms. He also drew attention to the population and growth projections for the District over the forthcoming years and reiterated the view that the commencement of works to the new A14 should begin without any unnecessary delay.

Whilst expressing his support for the scheme, Councillor T V Rogers commented upon the impact that the proposal would have on communities to the north of the A14, bearing in mind that the main aggregate extraction site for the County was located in the Needingworth area. Specific comment was made on the impact that aggregate vehicles would have upon local roads, while construction works were taking place. Councillor Rogers emphasised the need to raise the issue of the routing of vehicles with Cambridgeshire County Council given the implications that this would have upon communities

in terms of increased traffic movement and noise and air pollution.

Councillor M F Shellens reiterated the concerns which had been raised in respect of the proposals for Brampton Road and the lack of detail provided in the plans for the associated junctions. He echoed concerns for the potential for traffic to build up along Brampton Road arising from the removal of the viaduct. Additionally, he commented upon the HGV ban in place within Brampton and the need to ensure that this was effectively enforced. He also urged the Highways Agency to give sufficient consideration to the proposals in the Hinchingsbrooke/Brampton Road area, given the fact that there would be increased pedestrian movement in the event of the relocation of Huntingdonshire Regional College.

Councillor J J Dutton expressed his support for the preferred "Orange Route" but commented that consideration needed to be given to the impact of the junctions and link roads located in Brampton, Huntingdon and Godmanchester.

In noting the issues raised by Members and also commenting on the environmental impact of the proposal, Councillor I C Bates, Leader of the Council, urged that any further views be directed to Officers of the District Council in advance of the Special Meeting.

Councillor Dew thanked all Members and the Town and Parish Council representatives for their contributions to the debate, particularly those who had raised issues requiring further investigation. In his concluding remarks, Councillor Dew reported that he would be asking Officers to investigate the issues raised in time for the Council's Special Meeting on 22nd December and that the challenge now faced by the Council would be to encourage early delivery of a new and enhanced A14 for the benefit of all Huntingdonshire communities.

#### **47. EXECUTIVE POLICY ISSUES: PROGRESS ON THE LOCAL DEVELOPMENT FRAMEWORK**

Councillor D B Dew, Executive Councillor for Planning Strategy and Transport, outlined how the Council was moving forward on the Local Development Framework following the adoption of the Core Strategy by the Council in September 2009. Members were reminded that the Strategy set out the strategic planning framework for the District for the period up to 2026 and was regarded as the principal document within the Local Development Framework.

The Council noted the range of work being undertaken by the Planning Division to direct and manage sustainable growth, including issues relating to housing, employment, retail and other development. A brief outline of the planning policy documents currently being compiled was given, which included the Development Management DPD, the Huntingdon West Area Action Plan, the Gypsy and Traveller DPD and the Planning Proposals DPD. Councillor Dew also reported that consideration currently was being given to the need for an Area Action Plan for St Neots, in light of the anticipated growth projections for the Town in ensuing years. The Council was also advised that the Strategic and Housing Land Availability Assessment, Employment Land Review and Retail Study were currently being updated, and that

design briefs and urban design frameworks were being compiled to support and encourage the development of key sites and locations across the District.

In response to questions raised by Councillor Reeve concerning what he perceived was a lack of democratic accountability on planning matters, particularly those concerning the provision of gypsy and traveller sites within the District, Councillor Dew challenged this assertion by advising Members that all regional policy documents had been endorsed by the East of England Regional Assembly Board, which comprised democratically elected Members. Having particular regard to gypsies and travellers, he reported that national policy had driven the need to identify adequate provision across the District and elsewhere and that a consultation document on the preferred sites in Huntingdonshire would be released early in the New Year.

Various comments were raised on planning policy matters by Councillors Thorpe, Gray, Mitchell, Downes, West and Bucknell to which Councillor Dew responded.

**48. REPRESENTATION OF POLITICAL GROUPS ON DISTRICT COUNCIL PANELS, ETC**

Following a resignation of a Member from a political group since the previous meeting, the Chairman proposed no change be made to current membership arrangements, in the light of further membership changes being required to the Council's Committees and Panels following a by-election for the Huntingdon North Ward on 29th October 2009.

RESOLVED

that no change be made to the current representation on Committees and Panels.

**49. REPORTS OF THE CABINET, PANELS AND COMMITTEE**

**(a) Cabinet**

Councillor I C Bates, Leader of the Council and Chairman of the Cabinet presented the Report of the meeting of the Cabinet held on 22nd October 2009.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Cabinet held on 22nd October 2009 be received and adopted.

**(b) Overview and Scrutiny Panel (Economic Well-Being)**

Councillor J D Ablewhite presented the Report of the

meeting of the Overview and Scrutiny Panel (Economic Well-Being) held on 15th October 2009.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Economic Well-Being) held on 15th October 2009 be received and adopted.

**(c) Overview and Scrutiny Panel (Environmental Well-Being)**

Councillor P M D Godfrey presented the Report of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 13th October 2009.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 13th October 2009 be received and adopted.

**(d) Overview and Scrutiny Panel (Social Well-Being)**

Councillor R J West presented the Report of the meeting of the Overview and Scrutiny Panel (Social Well-Being) held on 6th October 2009.

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In connection with Item No. 23 and in response to a question from Councillor G S E Thorpe regarding the preliminary options which had been identified by the Provision of Play Facilities Working Group who had been tasked by the Panel to make recommendations on achieving an even distribution of play facilities across the District and on how the ongoing revenue costs associated with such facilities would be met, Councillor West responded by informing the Council that discussions were still ongoing with Officers and the Executive Councillor for Operational and Countryside Services in this respect and that Members would be kept informed of progress as necessary.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and

Scrutiny Panel (Social Well-Being) held on 6th October 2009 be received and adopted.

**(e) Development Management Panel**

Councillor P G Mitchell presented the Report of the meeting of the Development Management Panel held on 19th October 2009.

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In connection with Item No. 12, Councillor Mitchell reported upon his intention to raise the matter of monitoring Section 106 Agreements at a forthcoming meeting of the Overview and Scrutiny Panel (Social Well-Being).

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Also in connection with Item 12, Councillor P A Swales commented on highway alterations in Ramsey as part of the Section 106 requirements for the current Tesco's development in the Town and asked the Leader of the Council, the Chairman of the Development Management Panel and Councillor P L E Bucknell to meet representatives of the Town Council and the Community Hall Trust to discuss the impact of the Section 106 proposals on the local infrastructure. Councillor Mitchell accepted the invitation on his part and Councillor P D Reeve also offered his attendance at the meeting in his capacity as County Councillor for the Ramsey Electoral Division.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Development Management Panel held on 19th October 2009 be received and adopted.

**(f) Corporate Governance Panel**

Councillor C J Stephens presented the Report of the meeting of the Corporate Governance Panel held on 22nd September 2009.

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In connection with Item No. 14, Councillor Stephens delivered a brief outline of the work undertaken by the Panel to ensure that appropriate governance arrangements were in place within the Council.

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Whereupon, it was

## RESOLVED

that the Report of the meeting of the Corporate Governance Panel held on 22nd September 2009 be received and adopted.

### 50. ORAL QUESTIONS

In accordance with Council Procedure Rules (Paragraph 8.3 of the Rules) the Chairman proceeded to conduct a period of oral questions addressed to Executive Councillors and Panel Chairmen as follows:-

#### **Question from Councillor J J Dutton to the Executive Councillor for Planning Strategy and Transport, Councillor D B Dew**

In response to a question as to when the Council would begin work on producing a Conservation Statement for Hartford, Councillor Dew replied that although this was regarded as a priority, a shortage in staff resources had meant that work on the statement could not be commenced. An assurance was given by Councillor Dew that work would begin once the staffing issue had been resolved.

#### **Question from Councillor J D Ablewhite to the Executive Councillor for Planning Strategy and Transport, Councillor D B Dew**

In response to a question concerning a proposal to build a large scale housing development in Godmanchester east of the A1198, it was confirmed by Councillor Dew that the Development Management Panel responsible for determining applications for planning permission would be the appropriate body to consider such a plan.

#### **Question from Councillor P D Reeve to the Leader of the Council, Councillor I C Bates**

In response to a question regarding the level of financial and staffing resources expended by the Council over the past 10 years and forecast over the next 5 years on the adoption of the euro currency by the Government, Councillor Bates reported that, to the best of his knowledge, no resources had been spent in this way, nor were there any plans to do so.

#### **Question from Councillor A N Gilbert to the Leader of the Council, Councillor I C Bates**

In response to a question regarding the timing of the counting of votes for the Huntingdon Parliamentary Constituency when the General Election was held in 2010, Councillor Bates undertook to reply to the questioner in writing.

#### **Question from Councillor A Hansard to the Executive Councillor for Housing and Public Health, Councillor K J Churchill**

In response to a question regarding the impact on smaller communities of the impending Neighbourhood Forums in Huntingdonshire, Councillor Churchill replied that the Democratic

Structure Working Group would be reviewing the outcome of a pilot that had taken place in St Neots in September and that consideration would be given to concerns which had been raised at the meeting for discussions to be inclusive and not focused exclusively on the Towns.

**Question from Councillor D Harty to the Leader of the Council, Councillor I C Bates**

In response to a question concerning the increasing number of partnership arrangements entered into by the Council, and the requirement for Members to scrutinise such arrangements, Councillor Bates concurred that such arrangements were increasing. He drew attention to a number of successes already achieved through Cambridgeshire Together, particularly in terms of engaging with a wide variety of partners, including those from the voluntary sector. Additionally, Councillor Bates reported upon the current "Making Cambridgeshire Count" initiative which was seeking to change the way public services were being delivered across the County. Comment was also made upon the positive approach towards engaging with the community through the Neighbourhood Forums and the importance for the Council in continuing to grow and develop its partnership arrangements for the benefit of Huntingdonshire.

**Question from Councillor R S Farrer to the Executive Councillor for Environment and Information Technology, Councillor J A Gray**

In response to a question concerning the level of capital expenditure required and the priority accorded for improvements to Huntingdon Bus Station, Councillor Gray replied that whilst continuing to be open minded about the scheme in light of the Council's current financial situation, he currently was investigating other cost effective means of improving the current facilities.

**Question from Councillor Ms M J Thomas to the Executive Councillor for Planning Strategy and Transport, Councillor D B Dew**

In response to a question regarding the potential for a Master Plan for St Neots to be produced, Councillor Dew replied that consideration for producing Master Plans for certain areas across the District was already underway.

**Question from Councillor R J West to the Executive Councillor for Operational and Countryside Services, Councillor C R Hyams**

In response to a question regarding the potential to extend the CCTV service to other services/businesses in the local area, Councillor Hyams replied that discussions were currently ongoing in this respect.

**Question from Councillor P L E Bucknell to the Executive Councillor for Planning Strategy and Transport, Councillor D B Dew**

In response to a question concerning the adoption of the Cambridgeshire and Peterborough Minerals and Waste Submission Plan by Cambridgeshire County Council and the subsequent impact

of an industrial compost site being proposed in Warboys, Councillor D B Dew undertook to investigate the situation.

**Question from Councillor P A Swales to the Chairman of the Development Management Panel, Councillor P G Mitchell**

In response to a question concerning the receipt and expenditure of Section 106 Agreement income, Councillor Mitchell indicated that he would be requesting the Overview and Scrutiny Panel (Social Well-Being) to investigate the matter further.

**Question from Councillor P G Mitchell to the Executive Councillor for Housing and Public Health, Councillor K J Churchill**

In response to a question regarding the findings of The Place Survey which had identified activities for teenagers as being in need of improvement in Huntingdonshire, Councillor Churchill replied that there currently were a number of initiatives in place which offered activities to teenagers. These included the Fusion holiday scheme, the recently launched Stukeley Skate Park facility, the Yaxley Youth Project and Street Sport activities in anti-social behaviour hotspot areas.

**Question from Councillor R J West to the Executive Councillor for Planning Strategy and Transport, Councillor D B Dew**

In response to a question enquiring about the impact of the Local Development Framework in encouraging local businesses to relocate within the District, Councillor Dew replied that efforts were being made to engage with local businesses on a routine basis.

**51. LOCAL GOVERNMENT ACT 1972: SECTION 85**

The Chief Executive reported that there were no absences of Members from meetings for consideration in accordance with Section 85 of the Local Government Act 1972.

**52. SPECIAL MEETING**

Members noted that a Special Meeting of the Council would take place at 7.00pm on Tuesday, 22nd December 2009 at the Burgess Hall, St Ives to formulate the Council's response to the A14 Improvement Scheme.

The Chairman also announced that he had arranged a Civic Carol Service earlier that evening at 5.00pm at the Parish Church of All Saints, St Ives and he encouraged all Members to attend.

The meeting ended at 10.10pm.

Chairman



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## **Gambling Act 2005 – Statement of Principles**

### **Report by the Head of Democratic and Central Services**

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#### **1. INTRODUCTION**

- 1.1 The Council is the licensing authority for the purposes of the Gambling Act 2005. Section 349 of the Act requires each licensing authority to prepare a statement of principles that it proposes to apply in exercising its functions under the Act. The statement applies for three years after which it must be reviewed and a new statement published.

#### **2. THE STATEMENT**

- 2.1 The existing statement was approved by the Council on 6th December 2006 and came into effect on 31st January 2007.
- 2.2 At the time when the statement was approved, some elements of the Gambling Commission guidance, codes of practice and regulations had yet to be issued. The statement therefore was based on the information available at that time.
- 2.3 All of the regulations and codes of practice have now been issued, together with a third edition of the Gambling Commission's Guidance to Licensing Authorities. The revised statement of principles has had regard to those changes and the draft issued for consultation is attached.
- 2.4 In undertaking its functions and responsibilities under the Act, the licensing authority has to act in accordance with its statement of principles and relevant guidance issued by the Gambling Commission.

#### **3. CONSULTATION**

- 3.1 The draft was issued for consultation after approval by the Chairman and Vice Chairman of the Licensing and Protection Panel. The consultation period began on 11th September with a closing date for comment of 13th November. The consultation on the initial statement in 2006 attracted few responses and only two comments have been received on the current revision, both of which are of a general nature that do not require any amendment to the statement.
- 3.2 Approval of the statement of principles is reserved to full Council and both Cabinet and the Licensing and Protection Panel have endorsed the content of the proposed revision. Following approval by Council

on 2nd December, the new statement will come into effect at the end of January 2010.

#### **4. CONCLUSION AND RECOMMENDATIONS**

4.1 The adoption of a statement of principles is a statutory requirement. The present statement must be reviewed and replaced with effect from January 2010 for a further period of three years.

4.2 It is therefore

#### **RECOMMENDED**

**that the Council approves the statement of principles under the Gambling Act 2005 as attached to this report to come into effect on 31st January 2010 for a period of three years.**

**Contact Officer:** R Reeves, Head of Democratic & Central Services  
☎ 01480 388003

#### **BACKGROUND PAPERS**

Gambling Act 2005

3<sup>rd</sup> Edition of the Guidance to Local Authorities issued by the Gambling Commission.

Existing Statement of Principles under the Gambling Act 2005 approved by the licensing authority.



# **Gambling Act 2005**

## **Statement of Principles**

[www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk)

[mail@huntsdc.gov.uk](mailto:mail@huntsdc.gov.uk)

Tel 01480 388388 Fax 01480 388099 Pathfinder House St Mary's Street Huntingdon PE29 3TN

## **PREFACE**

With effect from 1st September 2007, all gambling and betting in the United Kingdom is unlawful, unless permitted under the Gambling Act 2005 or by way of the national lottery or spread betting. Gambling and betting is regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Huntingdonshire District Council, along with other licensing authorities, is responsible under the Act for the licensing of premises where gambling and betting is taking place, the issue of various permits and certain other activities such as the registration of small lotteries. This document explains how the District Council, as the licensing authority for Huntingdonshire, intends to approach its responsibilities under the Act.

All references in this document to 'the licensing authority' means the Huntingdonshire District Council.

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*This Statement of Principles has had regard to the Gambling Commission's Guidance to Licensing Authorities 3<sup>rd</sup> edition that was published in May 2009. It can be viewed on the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).*

*The Gambling Commission also has issued a number of codes of practice and other explanatory publications in relation to gambling that are referred to in this statement. These also are available on the Commission's website.*

## **PART A**

### **GENERAL**

#### **1. INTRODUCTION**

- 1.1 This Statement of Licensing Principles was approved by the licensing authority at a meeting of Huntingdonshire District Council held on 2nd December 2009 in accordance with section 349 of the Gambling Act 2005 ('the Act'). Copies are available on request from the licensing authority at Pathfinder House, St Mary's Street, Huntingdon, Cambs. PE29 3TN, and can viewed at public libraries in Huntingdonshire and on the Council's website at [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk)
- 1.2 This Statement of Principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its merits and in accordance with the statutory requirements of the Act.

#### **2. HUNTINGDONSHIRE**

- 2.1 Huntingdonshire District Council is one of five district councils situated in the County of Cambridgeshire. Huntingdonshire has a population which is currently estimated at 167,700 and covers an area of 906 square kilometres. Huntingdonshire's population has grown rapidly in recent years and is expected to continue to grow more quickly than in most other districts in the next decade. Nevertheless it remains predominately rural with a number of market towns, the largest of which are St. Neots, Huntingdon and St Ives. A map of the District is attached as Appendix A.
- 2.2 The District is prosperous economically with good communications links. It has higher than average earnings and low unemployment, although relatively small pockets of deprivation exist in some of the market towns.
- 2.3 There are no areas within the District that are considered particularly suitable or unsuitable for the provision of facilities for gambling. Potential operators should refer to the Core Strategy and the emerging Local Development Framework for details about the local planning authority's approach to planning permission for development where such activities may take place by contacting the Planning Division or visiting the authority's website at [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk).

#### **3. GAMBLING COMMISSION**

- 3.1 The Gambling Commission was established by the Gambling Act 2005 to regulate all commercial gambling. It has an overriding obligation to pursue and have regard to the licensing objectives described in section 5 below and to permit gambling so far as it thinks it reasonably consistent with them. The Commission has published a Statement of Principles on how it will approach its regulatory and other functions. The Commission also provides independent advice to the government about the incidence of gambling, the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

3.2 The Commission has issued guidance to licensing authorities under section 25 of the Act about the manner in which they should exercise their licensing functions and, in particular, the principles to be applied. The 3<sup>rd</sup> edition was issued in May 2009. The licensing authority is required to take account of the guidance in producing this statement of principles and in undertaking its responsibilities under the Act.

3.3 The Commission also has issued codes of practice under section 24 of the Act about the way in which facilities for gambling are provided. These are referred to later in this statement.

3.4 The Gambling Commission can be contacted at -

The Gambling Commission  
Victoria Square House,  
Victoria Square  
Birmingham  
B2 4BP.

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
e-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

#### **4. LICENSABLE ACTIVITIES**

4.1 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery.

'Gaming' means playing a game of chance for a prize.

'Betting' means making or accepting a bet on the outcome of a race, competition or any other event or process, the likelihood of anything occurring or not occurring, or whether anything is or is not true.

A 'lottery' is an arrangement where persons are required to pay in order to take part in the arrangement, during the course of which one or more prizes are allocated by a process or processes which relies wholly on chance.

4.2 Certain permitted and exempt gambling is defined in the Act without the need for a licence or permit. Private gaming in a private dwelling and on a domestic occasion is exempt from licensing or registration providing that no charge is made for participating, only equal chance gaming takes place and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same company is also exempt. Non-commercial gaming and betting (where no part of the proceeds is for private gain) may be subject to certain exemptions.

4.3 Further advice is available on what is licensable, permissible or exempt from the licensing authority's licensing section at the above address or by telephoning 01480 387075.



## **5. THE LICENSING OBJECTIVES**

5.1 In exercising most of its functions under the Gambling Act 2005, the licensing authority must have regard to the three licensing objectives defined in the Act. These are -

- ◆ preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ◆ ensuring that gambling is conducted in a fair and open way; and
- ◆ protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.2 The licensing authority acknowledges that, in accordance with Section 153 of the Act and in exercising its functions in relation to premises licences and occasional and temporary use notices, it should aim to permit the use of premises for gambling in so far as it thinks it is -

- (a) in accordance with any relevant code of practice issued by the Gambling Commission (i.e. as found in the Commission's *Licence Conditions and Codes of Practice*);
- (b) in accordance with any relevant guidance issued by the Gambling Commission (referred to in paragraph 3.2 above);
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
- (d) in accordance with the authority's statement of licensing principles (i.e. this document).

## **6. LICENSING AUTHORITY FUNCTIONS**

6.1 Under the Act, the Gambling Commission is responsible for the issue of operating licences and personal licences.

6.2 The licensing authority is responsible for -

- ◆ the licensing of premises where gambling activities are to take place by issuing premises licences;
- ◆ issuing provisional statements;
- ◆ regulating members' clubs that wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits;
- ◆ issuing club machine permits to commercial clubs;
- ◆ granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- ◆ receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- ◆ issuing licensed premises gaming machine permits for premises licensed to sell and supply alcohol for consumption on licensed premises, under the Licensing Act 2003, where there are more than two machines;
- ◆ registering small society lotteries below prescribed thresholds;
- ◆ issuing prize gaming permits;
- ◆ receiving and endorsing temporary use notices;

- ◆ receiving occasional use notices;
- ◆ providing information to the Gambling Commission regarding details of licences issued (see section below on information exchange);
- ◆ maintaining registers of the permits and licences that are issued by the authority; and
- ◆ exercising its powers of compliance and enforcement under the Act in association with the Gambling Commission and other relevant responsible authorities.

6.3 The licensing authority will not be involved in the licensing of remote gambling which is the responsibility of the Gambling Commission through the issue of operating licences.

## 7. STATEMENT OF PRINCIPLES

7.1 The licensing authority is required by the Act to publish a statement of the principles which it proposes to apply when exercising its functions. This statement must be published at least every three years. The first statement came into effect in January 2007 and this 2<sup>nd</sup> statement will come into effect on 14<sup>th</sup> January 2010. The statement will be reviewed and revised from time to time, subject to consultation on those parts that are revised and the statement then will be re-published.

7.2 A wide variety of premises in Huntingdonshire will require a licence or a permit to permit gambling to take place, including tracks, betting shops, bingo halls, pubs, clubs and amusement arcades.

7.3 To meet the licensing objectives, the licensing authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities. The authority will avoid duplication with other regulatory regimes so far as is possible. These include, for example, other legislative requirements in terms of health and safety at work, fire safety, planning and building control.

In determining its policy, the licensing authority has had regard to the Gambling Commission's guidance and given appropriate weight to the views of those that it has consulted. In determining the weight given to particular representations, the factors taken into account have included –

- who is making the representations in terms of their expertise or interest;
- the relevance of the factors to the licensing objectives;
- how many other people have expressed the same or similar views; and
- how far the representations relate to matters that the licensing authority should be including in the statement of principles.

7.4 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the licensing authority may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.

- 7.5 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate. However the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits. When applying these principles, the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.
- 7.6 The three licensing objectives contained in the Act are referred to more specifically below.

### **Preventing gambling from being a source of crime and disorder**

- 7.7 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling or being associated with providing such facilities.
- 7.8 Anyone applying to the licensing authority for a premises licence (other than in the case of tracks if the gambling is to be provided by others) will have to hold an operating licence from the Commission before a premises licence can be issued. Therefore the authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability do arise, the authority will bring those concerns to the attention of the Commission.
- 7.9 If an application for a licence or a permit is received in relation to premises which are in an area noted for particular problems with organised crime, the licensing authority will consider, in consultation with the police and other relevant authorities, whether special controls need to be applied to prevent those premises from being a source of crime.
- 7.10 There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The licensing authority does not therefore intend to use the Act to deal with general nuisance issues relating for example to parking problems, which can be dealt with under existing alternative powers.
- 7.11 Issues of disorder will only be dealt with under the Act if the disorder amounts to activity that is more serious and disruptive than mere nuisance and it can be shown that gambling is a source of that disorder. For example, a disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor that could be taken into account is how threatening the behaviour was to those who see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.12 When making decisions in this regard, the licensing authority will give due weight to any comments by the police.

### **Ensuring gambling is conducted in a fair and open way**

- 7.13 The Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be either a matter for the management of the gambling business or will relate to the suitability and actions of an individual. These issues will be addressed by the Commission through the operating and personal licensing regimes respectively. However if the licensing authority suspects that gambling is not being conducted in a fair and open way, this will be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.
- 7.14 Because track betting operators do not require an operating licence from the Commission, the licensing authority may require conditions to be attached to the licence, in certain circumstances, relating to the suitability of the environment in which betting takes place.

### **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

- 7.15 With limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are adult only environments.
- 7.16 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting category D gaming machines.
- 7.17 When considering whether to grant a premises licence or permit, the licensing authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs and tracks.
- 7.18 In seeking to protect vulnerable persons, the licensing authority will regard them as people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to mental health needs, a learning disability or substance misuse relating to alcohol or drugs.
- 7.19 Children (defined in the Act as under 16s) and young persons (16 and 17 year olds) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as a person aged 18 or over. In summary -

- ◆ betting shops cannot admit children and young persons;
- ◆ bingo clubs may admit children and young persons but must have policies to ensure that they do not gamble on the premises, except on category D machines;
- ◆ adult entertainment centres cannot admit children and young persons;
- ◆ family entertainment centres and premises with a premises licence under the Licensing Act 2003 that includes the sale of alcohol can admit children and young persons but they may not play category C machines which are restricted to adults;
- ◆ clubs with a club premises certificate under the Licensing Act 2003 can admit children and young persons but they must have policies to ensure that they do not play machines other than category D machines; and
- ◆ tracks will be required to have policies to ensure that children and young persons do not participate in gambling other than on category D machines.

7.20 The licensing authority will treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable persons will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

7.21 The licensing authority acknowledges that it is subject to the Human Rights Act and in particular –

Article 1 Protocol 1 – peaceful enjoyment of possessions, in accordance with which a licence is considered a possession in law which a person should not be deprived of except in the public interest

Article 6 – right to a fair hearing

Article 8 – respect for private and family life and in particular the removal or restriction of a licence affecting a person's private life

Article 10 – right to freedom of expression.

The licensing authority will consider whether, in the light of relevant representations, exceptions to those articles should be made in any particular case.

## **8. RESPONSIBLE AUTHORITIES**

8.1 The Act defines a number of public bodies as responsible authorities that must be notified of applications submitted for premises licences and who are entitled to make representations to the licensing authority if they are relevant to the licensing objectives and who can call for a review of an existing licence. These are -

- ◆ a licensing authority in whose area the premises are situated in whole or in part (i.e. Huntingdonshire District Council and any neighbouring authority where a premise straddles the district boundary);
- ◆ the Gambling Commission;
- ◆ the chief officer of police (i.e. Cambridgeshire Constabulary);
- ◆ the fire and rescue authority (i.e. Cambridgeshire Fire and Rescue

- Service);
- ◆ the local planning authority (i.e. Huntingdonshire District Council);
  - ◆ the local environmental health authority (i.e. Huntingdonshire District Council);
  - ◆ HM Revenues and Customs; and
  - ◆ a body designated by the licensing authority to advise about the protection of children from harm (see below)
- 8.2 The Secretary of State may also prescribe any other person as a responsible authority.
- In relation to a vessel, the following are also responsible authorities -
- the Environment Agency
  - the British Waterways Board
- 8.3 The licensing authority is required by regulations to state the principles it will apply in exercising its duty to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. Those principles are -
- ◆ the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
  - ◆ the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 8.4 The licensing authority has designated the Office of Children and Young People's Services of Cambridgeshire County Council for this purpose.
- 8.5 The contact details of all the responsible authorities are set out in Appendix B and available on the licensing authority's website at [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk).
- 8.6 Any representations by a responsible body in relation to their own functions cannot be taken into account unless they are relevant to an application itself and the licensing objectives. In this regard, the licensing authority generally will not take into account representations which are not deemed to be relevant, such as -
- ◆ there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account);
  - ◆ the premises are likely to be a fire risk (because public safety is not a licensing objective);
  - ◆ the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives);
  - ◆ the premises will cause crowds to congregate in one area causing noise and nuisance (because this can be dealt with under other legislative powers and public nuisance is not a licensing objective).
- 8.7 Each representation will be considered on its own individual merits.

## 9. INTERESTED PARTIES

9.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:

9.2 “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities;  
or
- (c) represents persons who satisfy paragraph (a) or (b)”.

9.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. These are:

9.4 Each case will be decided upon its merits. The authority will have regard to the examples contained in the Gambling Commission’s guidance to licensing authorities (paragraphs 8.14 to 8.16 inclusive), i.e.

### (a) **Persons living close to the premises**

‘The factors that licensing authorities should take into account when determining what ‘sufficiently close to the premises’ means (in each case) might include -

- ◆ the size of the premises;
- ◆ the nature of the premises;
- ◆ the distance of the premises from the location of the person making the representation;
- ◆ the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- ◆ the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

‘For example, it could be reasonable for an authority to conclude that ‘sufficiently close to be likely to be affected’ could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.’

### (b) **Persons with business interests that could be affected**

'It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be affected by the premises' under consideration. For example, an operator in a particular sector (be it casino, bingo, betting etc.) should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. The licensing authority should be satisfied that the relevant business is likely to be affected. In this respect, licensing authorities should bear in mind that the 'demand test' in the 1963 and 1968 Acts has not been preserved in the 2005 Act. Factors that are likely to be relevant include -

- ◆ the size of the premises;
- ◆ the 'catchment' area of the premises (i.e. how far people travel to visit); and
- ◆ whether the person making the representation has business interests in that catchment area that might be affected.

- 9.5 The licensing authority will give the terminology 'has business interests' the widest possible interpretation and include partnerships, charities, faith groups and medical practices in that category.
- 9.6 Interested parties can include trade associations and trade unions, and residents' and tenants' associations. The licensing authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 9.7 Interested parties can be persons who are democratically elected such as councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor or MP represents the ward or constituency likely to be affected. Likewise town and parish councils likely to be affected will be considered to be interested parties. Other than these, the licensing authority will generally require written evidence that a person or body (e.g. an advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities. A letter from one of those persons requesting the representation will be sufficient.
- 9.8 If an interested party wishes to approach a councillor to ask him/her to represent their views then care should be taken that the councillor is not part of the Licensing Sub Committee dealing with the licence application. The licensing authority has adopted a Members' Licensing Code of Good Practice which forms part of its constitution which is available on the authority's website at [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk). If in doubt, an interested party should contact the licensing section for further information.



9.9 The licensing authority will not consider representations that are frivolous or vexatious or which relate to demand or need for gambling facilities. A decision on whether representations are frivolous or vexatious will be made objectively and if a representation is rejected, the interested party making the representation will be informed of the reason in writing. A vexatious representation is generally one that is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally one that is lacking in seriousness or is unrelated to the licensing objectives, Gambling Commission guidance or this statement of licensing principles.

9.10 In the absence of regulations to the contrary, representations should in general -

- ◆ be made in writing (including by electronic communication);
- ◆ indicate the name and address of the person or organisation making the representation;
- ◆ indicate the premises to which the representation relates;
- ◆ indicate the proximity of the premises to the person making the representation. A sketch map or plan would be helpful; and
- ◆ clearly set out the reason(s) for making the representation.

## **10. EXCHANGE OF INFORMATION**

10.1 The licensing authority is required to include in its statement the principles to be applied by the authority in exercising its functions under sections 29 and 30 of the Act with regard to the exchange of information between it and the Gambling Commission and its functions under section 350 of the Act with regard to the exchange of information between it and the other bodies listed in Schedule 6 to the Act.

10.2 The principle that the licensing authority will apply is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to the content of the document '*Advice to licensing authorities on information exchange with the Gambling Commission*' issued by the Gambling Commission which contains information about the protocols by which the information exchange is managed and sets out the nature of the returns that the authority is required to forward to the Commission each quarter. The paper is available at the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## **11. COMPLIANCE AND ENFORCEMENT**

11.1 A licensing authority is required by regulation under the Act to state the principles to be applied by the authority in exercising its functions under Part 15 of the Act with regard to the inspection of premises and its powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

In terms of compliance and enforcement activity, the Commission and the licensing authority are required to act in a proportionate manner to reflect the Regulators Compliance Code which is a central part of the Government's better

regulation agenda. The code is available at [www.berr.gov.uk/files/file45019.pdf](http://www.berr.gov.uk/files/file45019.pdf).

- 11.2 The licensing authority will have regard to the Commission's approach to compliance in the document '*Compliance and Enforcement Policy Statement*' and will endeavour to be -
- ◆ proportionate: the authority will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised;
  - ◆ accountable: the authority will justify its decisions and be subject to public scrutiny;
  - ◆ consistent: rules and standards will be joined up and implemented fairly
  - ◆ transparent and open: licence conditions will be simple and user friendly; and
  - ◆ targeted: regulation will be focused on the problem and side effects minimised.
- 11.3 The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 11.4 The licensing authority will adopt a risk-based approach to compliance and enforcement. In so doing, it will review existing records and risk assessments, including those supplied by the Commission and other responsible authorities. This will guide the pattern of visits to premises and the reaction to complaints. The risk assessment will be reviewed in the light of visits undertaken. Complaints, information and intelligence received by the licensing authority relating to gambling premises will also inform the general risk rating of premises.
- 11.5 The main enforcement and compliance role for the licensing authority in terms of the Act will be to ensure compliance with the premises licences and other permissions which it has authorised. The Gambling Commission will be the enforcement body for operating and personal licences and concerns about manufacture, supply or repair of gaming machines will be referred by the authority to the Commission. The licensing authority will work with the Commission to identify and investigate organised or persistent illegal activity.
- 11.6 Having regard to the principle of transparency, the licensing authority's enforcement and prosecution policies are available upon request from the authority's licensing section.

## **12. CONSULTATION**

- 12.1 The licensing authority has consulted widely upon this statement before its confirmation and adoption by the authority. A list of those persons consulted is provided at Appendix C, including the following statutory consultees required by the Act -
- ◆ the Chief Officer of Police;
  - ◆ one or more persons who appear to the authority to represent the

interests of persons carrying on gambling businesses in the authority's area;

- ◆ one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

12.2 The consultation took place between 14th September and 13th November 2009. A full list of comments made and their consideration by the authority is available on request to the licensing section on 01480 387075 and via the Council's website at [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk).

12.3 The policy was approved at a meeting of the Council held on 2nd December 2009 and will be published via the authority's website thereafter. Copies have been placed in public libraries in the District and are available at the authority's offices at Pathfinder House, St Mary's Street, Huntingdon, Cambs, PE29 3TN.

12.4 Any comments with regard to this statement of principles should be addressed to the authority's Licensing Manager by e-mail at [greg.peck@huntsdc.gov.uk](mailto:greg.peck@huntsdc.gov.uk) on or by writing to the above address. This statement of principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

### **13. DECLARATION**

13.1 In producing this statement of licensing policy, the licensing authority declares that it has had regard to the licensing objectives contained in the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

## PART B

### PREMISES LICENCES

#### 14. GENERAL PRINCIPLES

- 14.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and associated regulations, as well as specific mandatory and default conditions which are defined in regulations issued by the Secretary of State. The licensing authority may exclude default conditions and attach others where this is believed to be appropriate.
- 14.2 The licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it -
- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
  - (b) in accordance with any relevant guidance issued by the Gambling Commission;
  - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
  - (d) in accordance with the authority's statement of principles (subject to (a) and (c) above).
- 14.3 The authority is aware of the Gambling Commission's guidance which states that "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see the section on Casinos below) and that unmet demand is not a criterion for a licensing authority.

#### 15. DEFINITION OF "PREMISES"

- 15.1 Premises are defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However it is possible for a single building to be subject to more than one premises licence, provided they relate to different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 15.2 The licensing authority will take particular note of the Gambling Commission's guidance to authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the authority will be aware –

- of the need to protect children from being harmed by gambling. In practice this means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating;
- that entrances and exits to and from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. In this context, it should not normally be possible to access the premises without going through another licensed premises or premises with a permit; and
- that customers should be able to participate in the activity named on the premises licence.

In considering whether two or more proposed premises are separate, the licensing authority will have regard to the following circumstances -

- whether a separate registration for business rates is in place for the premises;
- whether the premises' neighbouring premises are owned by the same person or someone else;
- whether each of the premises can be accessed from the street or a public passageway; and
- whether the premises can only be accessed from any other gambling premises.

### **Provisional Statements**

- 15.3 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that a reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. It will be a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. Requiring a building to be complete also ensures that the authority can inspect it fully, if necessary, as can other responsible authorities with inspection rights.
- 15.4 A person therefore may make an application to the authority for a provisional statement in respect of premise that he/she expects to be constructed, expects to be altered or expects to acquire a right to occupy. It should be noted that, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account in the grant of a premises licence unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances. The authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters -
- ◆ which could not have been raised by objectors at the provisional

- statement stage; and
- ◆ which, in the opinion of the authority, reflects a change in the applicant's circumstances.

Having regard to a recent case where the Court held that an operator can apply for a premises licence in respect of premises that have still to be constructed or altered, the licensing authority will deal with an application in a two stage format. The first stage will establish the principle of whether the authority considers the premises should be used for gambling and the second will determine whether appropriate conditions can be applied if the licence is to be granted that will cater for the situation whereby they are not in a state in which gambling can take place.

### **Location**

- 15.5 The licensing authority is aware that the question of demand cannot be considered with regard to the location of premises but that location may be a consideration insofar as it relates to the licensing objectives. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon with regard to areas where gambling premises should not be located, this statement will be updated. It should be noted that this policy does not preclude any application from being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

### **Duplication with other regulatory regimes**

- 15.6 In determining applications, the licensing authority has a duty to consider all relevant matters and not take into account irrelevant matters such as those not related to gambling and the licensing objectives. The authority therefore will seek to avoid any duplication with other statutory or regulatory systems wherever possible, including planning. The authority will not consider whether premises are likely to be granted planning permission or building regulations approval in its consideration of an application. It will however listen to and consider carefully any concerns about conditions which are not able to be met by licence holders due to planning restrictions, should such a situation arise.

### **Licensing objectives**

- 15.7 The grant of a premises licence must be reasonably consistent with the licensing objectives.

### **Conditions**

- 15.8 The Secretary of State has set mandatory and default conditions that must be attached to premises licences.

The following mandatory conditions will apply to all premises licences -

- the summary of the terms and conditions of the premises licence issued

- by the licensing authority must be displayed in a prominent place on the premises;
- the layout of the premises must be maintained in accordance with the plan that forms part of the premises licence; and
- neither National Lottery products nor tickets in a private or customer lottery may be sold on the premises.

There are also mandatory conditions attaching to each type of premises licence controlling access between premises.

The licensing authority may decide if there are clear regulatory reasons for doing so to exclude default conditions from a premises licence and may substitute it with one that is either more or less restrictive

Any conditions attached to a licence by the licensing authority will be proportionate to the circumstances that they are seeking to address and will be -

- ◆ relevant to the need to make the proposed building suitable as a gambling facility;
- ◆ directly related to the premises and the type of licence applied for;
- ◆ fairly and reasonably related to the scale and type of premises; and
- ◆ reasonable in all other respects.

15.9 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures that the licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signs for adult only areas etc. Specific comments are made in this regard under some of the licence types referred to below.

15.10 The licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

15.11 The authority will ensure that where category C or above machines are provided in premises to which children are admitted -

- ◆ all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective in preventing access other than through a designated entrance;
- ◆ only adults are admitted to the area where these machines are located;
- ◆ access to the area where the machines are located is supervised; and
- ◆ the area where these machines are located is arranged so that it can be observed by the staff or the licence holder.

- 15.12 The licensing authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's guidance, the authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas that they are not permitted to enter.
- 15.13 The authority acknowledges that there are conditions that cannot be attached to premises licences which are -
- ◆ any condition which makes it impossible to comply with an operating licence condition;
  - ◆ conditions relating to gaming machine categories, numbers, or method of operation;
  - ◆ conditions which provide that membership of a club or body be required which is specifically prevented by the Act; and
  - ◆ conditions in relation to stakes, fees, winnings or prizes.

#### **Door Supervisors**

- 15.14 The licensing authority will consider whether there is a need for door supervisors in terms of the licensing objectives of protecting children and vulnerable persons from being harmed or exploited by gambling and of preventing premises becoming a source of crime. Door supervisors at casinos or bingo premises are not subject to the licensing regime of the Security Industry Authority (SIA) if they are supplied in-house by the licence holder. Door supervisors who work in such premises and are contracted by the licence holder must be licensed by the SIA. The licensing authority therefore may find it necessary to impose specific requirements for door supervisors working at casinos or bingo premises which are licensed in recognition of the nature of their work in terms of searching individuals, dealing with potentially aggressive persons, etc.
- 15.15 For premises other than casinos and bingo premises, operators and the licensing authority may decide that the supervision of entrances/machines is appropriate in particular cases. A decision will need to be taken as to whether supervisors in such circumstances will need to be SIA licensed as it will not be automatically assumed that they need to be.

#### **Credit**

- 15.16 Section 177 of the Act does not prevent the licensee from permitting the installation of cash dispensers (ATMs) in casinos and bingo premises. Such machines may accept credit and debit cards providing that the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service provider and does not profit from the arrangement nor make any payment in connection with the machines.



## **16. ADULT GAMING CENTRES**

16.1 Adult gaming centres may provide category B, C and D machines. (a summary of machine provisions by premises and the various categories of machine are defined in Appendices D and E respectively which can be found at the end of this statement.) The licensing authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

16.2 Mandatory conditions set by the Secretary of State will attach to adult gaming centre premises licences.

Currently there are no default conditions specific to adult gaming centre premises licences. The licensing authority therefore will expect applicants to offer their own measures to meet the licensing objectives which may cover issues such as -

- ◆ proof of age schemes;
- ◆ CCTV;
- ◆ supervision of entrances/machine areas;
- ◆ physical separation of areas;
- ◆ location of entry;
- ◆ specific opening hours;
- ◆ self-barring schemes; and
- ◆ provision of information leaflets/helpline numbers for organisations such as GamCare.

16.3 This list is not mandatory, nor exhaustive, and is merely indicative of possible examples of the measures that may be taken.

## **17. LICENSED FAMILY ENTERTAINMENT CENTRES**

17.1 Licensed family entertainment centres may provide category C and D machines. The licensing authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

17.2 Mandatory conditions set by the Secretary of State will attach to licensed family entertainment centre premises licences.

Currently there are no default conditions specific to licensed family entertainment centre premises licences. The authority therefore will expect applicants to offer their own measures to meet the licensing objectives which may cover issues such as -

- ◆ CCTV;

- ◆ supervision of entrances/machine areas;
- ◆ physical separation of areas;
- ◆ location of entry;
- ◆ specific opening hours;
- ◆ self-barring schemes;
- ◆ provision of information leaflets/helpline numbers for organisations such as GamCare; and
- ◆ measures/training for staff on how to deal with suspected truant school children on the premises.

17.3 This list is not mandatory, nor exhaustive, and is merely indicative of possible example of the measures that may be taken.

17.4 The authority will refer to the Gambling Commission's website to view any conditions that apply to operating licences covering the way in which employees will prevent access to the area containing category C machines by under 18s and challenge children or young persons who attempt to play the machines.

## **18. CASINOS**

18.1 The licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. If the authority decides to pass such a resolution in the future, it will update this policy statement with details of that resolution. Huntingdonshire is not a District that has been chosen for the issue of a casino premises licence.

18.2 However the authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators who will want to run the casino. In such circumstances, the authority will comply with the provisions of Schedule 9 of the Gambling Act 2005 and any regulations made thereunder.

## **19. BINGO PREMISES**

19.1 Bingo is a class of equal chance gaming that will be permitted on premises licensed for the supply of alcohol and in clubs, provided that it does not exceed certain thresholds. Rules are laid down in the Act about the playing of bingo in those premises within exempt gaming allowances but where these are exceeded, a bingo operating licence will be required from the Gambling Commission. The holder of a licence can provide any type of bingo game, including both cash and prize bingo.

19.2 Prize bingo is subsumed within the allowances for prize gaming in adult entertainment centres, both licensed and unlicensed family entertainment centres and travelling fairs (or premises with a prize gaming permit). Commercial bingo halls will require a bingo premises licence from the licensing authority and amusement arcades providing bingo will require a prize gaming permit, also from the authority.

19.3 Where children are allowed to enter premises licensed for bingo, they are not

permitted to take part in gambling, other than on category D machines.

Mandatory conditions set by the Secretary of State will attach to bingo premises licences. One default condition also has been set by the Secretary of State.

- 19.4 The Gambling Commission has developed a statutory code of practice to help clubs and institutes to comply with the full range of statutory requirements for gaming. The *Code of Practice for gaming in clubs and premises with an alcohol licence* is available on the Commission's website.

## **20. BETTING PREMISES**

- 20.1 Any person wishing to operate a betting office will require a betting premises licence from the licensing authority. Children and young persons will not be permitted to enter premises with a betting premises licence.
- 20.2 Premises with a betting premises licence also will be able to provide up to four gaming machines of category B, C or D and some betting machines (i.e. machines designed or adapted for use to bet on future real events). In considering the number of betting machines and the nature and circumstances in which they are to be made available, the authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.
- 20.3 Mandatory conditions set by the Secretary of State will attach to betting premises licences. One default condition also has been set by the Secretary of State.

Where certain bookmakers have a number of premises within the area and in order to ensure that any compliance issues are recognised and resolved at the earliest stage, the operators are encouraged to provide the authority with the name and contact details of a single named point of contact who should be of a senior capacity. The authority will contact that person first should any compliance or other issues arise.

## **21. TRACKS**

- 21.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. In addition to horse racecourses and dog tracks, this can include a variety of other sporting or competitive venues where betting facilities are provided. The restriction that only one premises licence can be issued for any particular premises at any one time does not apply to a track.
- 21.2 Track operators are not required to hold an operators licence issued by the Gambling Commission. Therefore a premises licence for a track that is issued by the licensing authority is likely to contain requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting. A track operator has an important role to play in ensuring that betting areas are properly administered and supervised.

- 21.3 Although primarily there will be a betting premises licence for a track, there may be a number of other licences, provided each licence relates to a specified area of the track. The authority will have particular regard to the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas that they are not permitted to enter.
- 21.4 The authority will expect the applicant for a betting premises licence for a track to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Although children and young persons will be permitted to enter track areas where facilities for betting are provided on days when horse and/or dog racing takes place, they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 21.5 Mandatory conditions set by the Secretary of State will attach to track premises licences. Default conditions also have been set by the Secretary of State.
- 21.6 Specific guidance on the responsibilities of track premises licence holders in relation to the promotion of socially responsible gambling on their premises can be found in the *Advice to track premises licence holders* document available on the Gambling Commission's website.

#### **Gaming machines**

- 21.7 A betting premises licence in respect of a track does not give any automatic entitlement to use gaming machines. However where a licence holder has a pool betting operating licence issued by the Commission and intends to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded, unless they are category D machines. A licence holder will also be able to provide up to two gaming machines automatically if he/she holds a premises licence under the Licensing Act 2003 that includes the sale of alcohol.

#### **Betting machines**

- 21.8 Betting operators may install betting machines or bet receipt terminals on tracks. There is no restriction on the number of bet receipt terminals that may be in use but operators must supervise such terminals to prevent them being used by those under 18 years of age.

#### **Condition on rules being displayed**

- 21.9 It is a mandatory condition of a track premises licence that the rules that govern the betting are prominently displayed in or near the betting areas or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed on the race-card or made available in leaflet form from the track office.

#### **Applications and plans**

- 21.10 In order to gain a proper understanding of what it is being asked to license, the licensing authority will require an applicant to submit detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). Plans for tracks need not be of a particular scale but should be drawn to scale and be sufficiently detailed to include the information required by the regulations. .

## **22. TRAVELLING FAIRS**

- 22.1 Category D machines and equal chance prize gaming may be provided at travelling fairs without a permit, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair. The licensing authority will monitor the activities at travelling fairs to ensure that such gambling does not exceed the level at which a permit is required.
- 22.2 The authority will also monitor whether a fair falls within the statutory definition of a travelling fair by not exceeding the 27 days statutory maximum for land to be used as a fair in each calendar year. This applies to a piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The authority will work with its neighbouring authorities to ensure that land which crosses the District boundaries is monitored so that the statutory limits are not exceeded.

## **23. REVIEWS OF PREMISES LICENCES**

- 23.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities at any time. However it is a matter for the licensing authority to decide whether a review is to be carried out. In so doing, the authority will have regard to whether the request -
- ◆ is frivolous or vexatious;
  - ◆ is substantially the same as previous representations or requests for a review in respect of the premises;
  - ◆ will certainly not cause the authority to alter, revoke or suspend the licence;
  - ◆ is in accordance with any code of practice issued by the Gambling Commission;
  - ◆ is in accordance with any relevant guidance issued by the Gambling Commission;
  - ◆ is reasonably consistent with the licensing objectives; and
  - ◆ is in accordance with the authority’s statement of licensing policy.
- 23.2 The authority itself can initiate a review of a licence for any reason which it thinks is appropriate.

## PART C

### PERMITS AND TEMPORARY & OCCASIONAL USE NOTICES

#### 24. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 24.1 If a premises does not hold a premises licence but wishes to provide category D gaming machines, application be made to the licensing authority for a gaming machine permit. However the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 24.2 The Act states that a licensing authority may prepare a statement of principles that it proposes to consider in determining an application for a permit, including the suitability of an applicant for a permit. A statement has not been prepared but in considering applications, the authority will have regard to the licensing objectives and to matters relating to child protection issues.
- 24.3 An application for a permit may be granted only if the authority is satisfied that the premises will be used as an unlicensed family entertainment centre and the chief officer of police has been consulted on the application. As an unlicensed family entertainment centre will not require an operating licence or be subject to scrutiny by the Commission, the authority will wish to be satisfied as the applicant's suitability before granting a permit. In so doing, the authority will require an applicant to demonstrate -
- ◆ a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre;
  - ◆ that the applicant has no relevant convictions;
  - ◆ that employees are trained to have a full understanding of the maximum permissible stakes and prizes; and
  - ◆ that there are policies and procedures in place to protect children from harm.
- 24.4 Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will be considered on their merits but they may include appropriate measures and training for staff with regard to suspected truant school children on the premises, and how they would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises.
- 24.5 An application for the renewal of a permit may be refused by the authority only on the grounds that an authorised officer of the authority has been refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with the licensing objectives.

## 25. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 25.1 Provision is made in the Act for premises licensed to sell alcohol for consumption on the premises to be entitled to have 2 gaming machines of categories C and/or D on the premises. The licence holder needs to give notice to the licensing authority of his intention to make gaming machines available for use and pay the prescribed fee. However the authority can remove the automatic authorisation in respect of any particular premises if -
- ◆ provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - ◆ gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that the gaming machines have been made available in a way that does not comply with the requirements as to the location and operation of gaming machines);
  - ◆ the premises are mainly used for gaming; or
  - ◆ an offence under the Gambling Act has been committed on the premises.
- 25.2 If more than 2 machines are required, application must be made to the licensing authority for a licensed premises gaming machine permit. The authority must consider the application based upon the licensing objectives, the guidance issued by the Commission and such matters as it thinks relevant. The authority will determine such matters on a case by case basis but generally it will have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. An applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures could include the adult only machines being in sight of the bar or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signs may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 25.3 Some licence holders with alcohol licensed premises may wish to apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an adult gaming centre premises licence.
- 25.4 It should be noted that the authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached to a permit.
- 25.5 Certain other forms of gambling may take place in alcohol-licensed premises. A statutory code of practice *The Code of Practice for equal chance gaming in clubs and premises with an alcohol licence* has been issued by the Gambling Commission and is available on the Commission's website. A summary of the gaming entitlements for clubs and pubs is also reproduced as Appendix F which can be found at the end of this statement.

## 26. PRIZE GAMING PERMITS

- 26.1 Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
- 26.2 Prize gaming may be provided in bingo premises as a consequence of a bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, provided that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 26.3 The licensing authority may prepare a statement of principles that it proposes to apply in exercising its functions in relation to prize gaming permits which may specify particular matters that the authority proposes to consider in determining the suitability of an applicant for a permit. The statement will require an applicant to set out in the application the types of gaming that is intended to be offered and to demonstrate -
- ◆ that he/she understands the limits to stakes and prizes that are set out in regulations; and
  - ◆ and that the gaming offered is within the law.
- 26.4 The authority will also consider any child protection issues and have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place for this purpose.
- 26.5 In making its decision on an application for a permit, the authority does not have to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 26.6 There are conditions in the Act with which the holder of a permit must comply but the authority cannot attach conditions. The conditions specified in the Act are -
- ◆ the limits on participation fees, as set out in regulations, must be complied with;
  - ◆ all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - ◆ the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-



- monetary prize); and
- ◆ participation in the gaming must not entitle the player to take part in any other gambling.

## **27. CLUB GAMING PERMITS AND CLUB MACHINE PERMITS**

- 27.1 Members clubs (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit. A club gaming permit will enable the premises to provide up to 3 gaming machines of categories B3A, B4, C or D (subject to only one B3A machine), equal chance gaming and games of chance as set out in regulations. A club machine permit will enable the premises to provide up to 3 gaming machines of categories B3A, B4, C or D.
- 27.2 Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. The latter cover bridge and whist clubs. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 27.3 The licensing authority may refuse an application only on the grounds that -
- ◆ the applicant does not fulfil the requirements for a members or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
  - ◆ the applicant's premises are used wholly or mainly by children and/or young persons;
  - ◆ an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - ◆ a permit held by the applicant has been cancelled in the previous ten years; or
  - ◆ an objection has been lodged by the Gambling Commission or the police.
- 27.4 There is also a fast-track procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under this procedure there is no opportunity for objections to be made by the Commission or the police and the grounds upon which an authority can refuse a permit are reduced, as follows -
- ◆ that the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act;
  - ◆ that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - ◆ that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 27.5 Statutory conditions on both club gaming and club machine permits will require that no child uses a category B or C machine on the premises. A permit holder is also required to comply with the *Gaming Machine Permits Code of Practice*

issued by the Commission on the location and operation of machines and which can be viewed on its website.

## **28. TEMPORARY USE NOTICES**

- 28.1 A temporary use notice may be given to the licensing authority by the holder of an operating licence stating his intention to carry on one or more specified activities. There are a number of statutory limits with regard to temporary use notices, including a requirement that the same set of premises may not be the subject of a temporary use notice for more than 21 days in any period of 12 months. The definition of premises includes any place and the meaning of premises and set of premises will be questions of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a set of premises, the authority will have regard, amongst other things, to the ownership, occupation and control of the premises.
- 28.2 The authority will consider whether to give a notice of objection to the person giving the temporary use notice having regard to the licensing objectives.

## **29. OCCASIONAL USE NOTICES**

- 29.1 Where betting is to be provided on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. Tracks include, not only a horse racecourse or a dog track, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place.
- 29.2 The licensing authority has little discretion with regard to occasional use notices but will ensure that the statutory limit of 8 days in a calendar year is not exceeded and whether the person giving the notice is permitted to avail him/herself of the notice within the definition of a track.

**PART D**  
**LOTTERIES**

**30. GENERAL**

- 30.1 Huntingdonshire District Council is the local authority responsible for the registration of societies to run small society lotteries. Registration is the responsibility of the Council as the local authority as opposed to the licensing authority. For convenience however and to ensure consistency, the Council is referred to as the licensing authority for the purposes of this section of the statement of principles.
- 30.2 To comply with the definition of a small society lottery in the Gambling Act, a society must be 'non-commercial' and the size of the lottery must be within certain limits.
- 30.3 A non-commercial organisation is a small society for the purposes of the Act if it is established and conducted –
- for charitable purposes;
  - for the purpose of enabling participation in, or supporting sport, athletics or a cultural activity; or
  - for any other non-commercial purpose other than that of private gain.
- 30.4 The proceeds of any lottery must be devoted to the above purposes as it is not permissible to establish a lottery whose sole purpose is to facilitate lotteries.
- 30.5 With regard to the size of the lottery, the total value of tickets to be put on sale in a single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If an operator plans to exceed either of these values they may need to be licensed with the Gambling Commission to operate large lotteries instead.
- 30.6 The Commission has produced an advisory document *Lotteries and the Law* and a leaflet for fundraisers, both of which are available on the Commission's website. The documents will provide advice to enable potential applicants to establish what type of lottery they plan to operate. The licensing authority has produced its own guidance *Guidance in relation to Small Society Lotteries* which is available on its website.
- 30.7 Participation in a lottery is a form of gambling and societies that register should conduct their lotteries in a socially responsible manner and in accordance with the Act. As the minimum age for participation in a lottery is 16, societies will be required to implement effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for checking the age of potentially under-age purchasers of lottery tickets and taking action where there attempts to purchase tickets.

30.8 There are a number of offences in relation to lotteries. If a society running small lotteries fails to comply with any of the conditions of running such lotteries, it will be operating in an illegal manner, irrespective of whether it is registered with the licensing authority or not. Although small society lottery operators may be prosecuted by the Commission, the police or the licensing authority, it is likely that alleged offences will be investigated by the authority. The authority will take a risk based approach towards its enforcement responsibilities but the following criteria is likely to affect the risk status of an operator –

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns; and
- breaches of the limits for small society lotteries.

30.9 The licensing authority considers that the following scenarios will give reason or the investigation of the particular circumstances of a society –

- making a late return of a statement;
- making no returns at all within a year of registration;
- failure to pay the annual fee when it becomes due;
- reports of sales of lottery tickets to persons under the age of sixteen;
- reports of sales of lottery tickets by persons under the age of sixteen;
- reports of societies running lotteries without being registered;
- reports of tickets being sold in a street;
- indications that a society has breached permissible limits; and
- reports of a misappropriation of funds.

**DISTRICT OF HUNTINGDONSHIRE**




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## RESPONSIBLE AUTHORITIES


### The Licensing Authority

The Licensing Section  
Huntingdonshire District Council  
Pathfinder House  
St Mary's Street  
Huntingdon  
PE29 3T

 01480 387075  
Fax 01480 388099  
E-mail [Licensing@huntsdc.gov.uk](mailto:Licensing@huntsdc.gov.uk)


### The Chief Officer of Police

The Licensing Section  
Cambridgeshire Constabulary  
Chatteris Police Station  
East Park Street  
Chatteris  
PE16 6LD

 01354 606504


### Cambridgeshire Fire and Rescue Service

Fire Safety Department  
Huntingdon Fire Station  
Hartford Road  
Huntingdon  
PE29 3RH

 01480 433297


### Local Planning Authority

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

 01480 388423/  
01480 388424


### Local Environmental Health Authority

Head of Environmental and Community Health  
Huntingdonshire District Council  
Pathfinder House  
St Mary's Street  
Huntingdon  
PE29 3TN

 01480 388302


### **HM Revenues and Customs**

National Registration Unit  
Portcullis House  
21 India House  
Glasgow  
G2 4PZ

 0845 302 1448  
Text 0845 302 1452

### **Child Protection Services**

Audit Manager  
Child Protection and Review Unit  
Castle Court  
Shire Hall  
Cambridge  
CB3 0AP

 01480 372439



## LIST OF CONSULTEES

### **Association of British Bookmakers Ltd**

Norris House  
4 Norris Street  
LONDON  
SW1Y 4RJ

### **BACTA**

Mr L MacLeod-Miller  
Alders House  
133 Aldersgate Street  
LONDON  
EC1A 4JA

### **Bingo Association**

Lexham House  
75 High Street  
NORTH DUNSTABLE  
LU6 1JF

### **British Beer and Pub Association (Midland Counties)**

Mr R Matthews  
PO Box 3876  
KIDDERMINSTER  
DY11 5YR

### **British Greyhound Racing Board**

Mr R Hayler  
Policy Officer  
Proctor House  
1 Proctor Street  
LONDON  
WC1V 6DW

**British Holiday and Home Parks Association**

6 Pullman Court  
Great Western Road  
GLOUCESTER  
GL1 3ND

**Business in Sport and Leisure**

Andy Sutch  
CEO  
12 Thronton Road  
East Sheen  
LONDON  
SW14 8NS

**Chambers of Trade/Commerce in Huntingdonshire**

**Cambridge and District Chamber of Commerce and Industry**

John Bridge, Chief Executive  
Enterprise House  
The Vision Park  
HISTON  
Cambridge  
CB24 9ZR

**Cambridgeshire Business Services (Business Link)**

Steve Clarke, Partnership Director  
Export House  
Minerva Business Park  
LYNCHWOOD  
Peterborough  
PE2 6FT

**Cambridgeshire Constabulary**

Please see details in Appendix B

**Cambridgeshire County Council**

Shire Hall  
Castle Hill  
CAMBRIDGE  
CB3 0AP

**Cambridgeshire Fire & Rescue Service**

Please see details in Appendix B

**GAMCARE**

2<sup>nd</sup> Floor  
7 – 11 St John's Hill  
LONDON  
SW11 1TR

**Greater Cambridge Partnership**

Martin Garratt, Partnership Director  
The Partnership Office  
RES 1219  
Shire Hall  
CAMBRIDGE  
CB3 0AP

**HM Revenues & Customs**

Please see details in Appendix B

**Huntingdonshire Business Against Crime**

Mrs Collette Betts  
23A Chequers Court  
HUNTINGDON  
PE29 3LZ

**Huntingdonshire Business Network**

PO BOX 513  
HUNTINGDON  
Cambs  
PE29 2YR

**Huntingdonshire Citizens Advice Bureau**

6 All Saints Passage  
HUNTINGDON  
PE29 5AL

**Huntingdonshire Primary Care Trust**

The Priory  
Priory Road  
ST IVES  
PE27 4BB

**Huntingdon Racecourse**

Ms S Hodgkinson  
CEO  
Thrapston Road  
Brampton  
HUNTINGDON  
PE28 4NJ

**Office of Children & Young Peoples Services**

Please see details in Appendix B

**St Ives Chamber of Commerce and Industry**

**Town Parish Councils in Huntingdonshire**

**The Local Environmental Health Authority**

Please see details in Appendix B

**The Local Planning Authority**

Please see details in Appendix B

**Town Centre Partnerships in Huntingdonshire**

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## SUMMARY OF MACHINE PROVISIONS BY PREMISES

Premises type	Machine Category						
	A	B1	B2	B3	B4	C	D
<b>Large casino</b> (machine/table ration of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
<b>Betting premises and tracks occupied by pool better</b>		Maximum of 4 machines categories B2 to D					
<b>Bingo premises</b>				Maximum of 8 machines in category B3 or B4		No limit on category C or D machines	
<b>Adult gaming centre</b>				Maximum of 4 machines in category B3 or B4		No limit on category C or D machines	
<b>Family entertainment centre</b> (with premises licence)						No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)						No limit on Category D machines	
<b>Clubs and miners' welfare institute</b> (with permits)				Maximum of 3 machines in Categories B3A or B4 to D*			
<b>Qualifying alcohol-licensed premises</b>						1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol-licensed</b> (with gaming machine permit)						Number of category C-D machines as specified on permit	
<b>Travelling fair</b>						No limit on category D machines	
		<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>

\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machines can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

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## SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of Machine	Maximum stake (from June 2009)	Maximum prize (from June 2009)
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

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## SUMMARY OF GAMING ENTITLEMENTS FOR CLUBS AND PUBS

	<b>Members' club or MW institute with club gaming permit</b>	<b>Bridge or whist club</b>	<b>Members' club or commercial club with club machine permit</b>	<b>Members' club, commercial club or MW institute without a club gaming permit</b>	<b>Pubs and other alcohol-licensed premises</b>
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Cribbage &amp; dominoes</b> No limit <b>Poker</b> £100 per premises per day <b>Other gaming</b> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per game <b>Other gaming</b> No limit
<b>Maximum participation fees – per person per day</b>	<b>Bridge and/or whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £3 (commercial club) £1 (members' club)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £1	No permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided.

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## **Representation of Political Groups on District Council Panels, etc.**

### **Report by the Head of Democratic and Central Services**

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#### **1. INTRODUCTION**

- 1.1 Members will recall that the Local Government and Housing Act 1989 and associated Regulations describe arrangements for achieving a balance on Panels etc, to reflect the representation of political groups and independent Members on the District Council. The Act requires the District Council to review the representation of different political groups at the time when the Authority holds its Annual Meeting - or on subsequent occasions when the constitution of political groups on the Council changes for any reason.

#### **2. PRINCIPLES OF PROPORTIONALITY**

- 2.1 In performing the duty to review representation, the Council must, so far as reasonably practicable, only determine the allocation of seats having regard to the following principles -

- ◆ that not all the seats are allocated to the same political group;
- ◆ that the majority of seats are allocated to the political group which forms a majority of the Council's membership; and
- ◆ that the number of seats allocated is in the same proportion as is borne by the number of Members of a political group to the membership of the Council.

- 2.2 Currently it is open to the Council to approve alternative arrangements otherwise than in accordance with the principles of proportionality providing that the alternative arrangements are approved without any Member voting against them.

#### **3. CONSTITUTION OF POLITICAL GROUPS**

- 3.1 Following the by-election in the Huntingdon North Ward on 29th October 2009, the constitution of political groups on the District Council has varied as follows:-

<b>Name of Group</b>	<b>No. of Members</b>
Conservative	37
Liberal Democrat	11
Independents	2

3.2 The membership of groups in proportion to the total membership of the Council is therefore as follows:-

	%
Conservative	71.15
Liberal Democrat	21.15
Independent Members	3.84
Other	3.84

#### 4. LOCAL GOVERNMENT ACT 2000

4.1 Members are reminded that under the Local Government Act 2000, the proportionality requirements do not apply to the Cabinet and the Standards Committee nor to any Sub-Groups or Sub-Committees, etc which either of them may appoint. It is therefore open to the Council to determine the membership of those bodies, irrespective of the composition of political groups and their membership. However, the Standards for England believe that Standards Committees should include appropriate political representation which has the support of all political parties.

4.2 The following requirements of the Act also need to be adhered to by the Council in determining the membership of Panels, etc -

- ◆ the Cabinet may not include either the Chairman or Vice-Chairman of the Council;
- ◆ Overview and Scrutiny Panels may not comprise any Member of the Cabinet;
- ◆ the Standards Committee may not include the Leader, although it must include one Cabinet Member within its membership but that person may not Chair the Committee; and
- ◆ the Leader, Deputy Leader and any Member of the Cabinet shall not be elected as Chairman of any Committee or Panel other than any that may be appointed by the Cabinet.

4.3 The Constitution also provides for the Development Management Panel, Licensing and Protection Panel, the Employment Panel and the Licensing Committee to include the relevant Executive Councillor within their respective membership. Following the recent review of the democratic structure, the membership of the Corporate Governance Panel shall include the Executive Councillors whose portfolios include finance and corporate governance in an ex-officio capacity. **Every Member of the Council shall be appointed to serve on a minimum of one Overview and Scrutiny Panel, Committee or Panel of the Council or the Cabinet.**

## 5. PROPORTIONALITY

- 5.1 Excluding the Cabinet and Standards Committee the aggregate number of seats on Panels remains at 80, notwithstanding the change in the number of Overview and Scrutiny Panels. Using the proportionality percentage referred to in paragraph 3.2 and rounding up or down as appropriate, produces the following entitlement -

	<b>Seats</b>	
Conservative Group	56.92	57
Liberal Democrat Group	16.92	17
Independent Members	3.07	3
Other	3.07	3

- 5.2 Applying the principles of the Act and, similarly, rounding the figures as necessary, gives the distribution as set out in the Appendix.
- 5.3 The principles of proportionality apply similarly to advisory/sub-groups appointed or nominated by panels and regard must be given to the following examples of entitlements to seats:-

No. of Members on Sub-Group, etc	Proportion of Members from Political Groups			Other
	Cons	Lib Dem	Indep	
3	2	1	0	0
4	3	1	0	0
5	4	1	0	0
6	4	2	0	0
7	5	2	0	0
8	6	2	0	0
9	7	2	0	0
10	7	2	1/0	0/1

- 5.4 However, the Cabinet may not delegate any of its functions to non-Cabinet Members. Therefore any Sub-Group of the Cabinet that is exercising any decision-making powers delegated to it by the Cabinet must include only Cabinet Members. This does not prevent any Advisory Group appointed by the Cabinet that has no decision-making powers and whose terms of reference are merely advisory from including non-Cabinet Members. However, if a Member of an Overview and Scrutiny Panel is appointed to an Advisory Group by the Cabinet, that person will have a prejudicial interest and will be required to leave the room in the event of the Scrutiny Panel of which he or she is a member scrutinising any decisions or recommendations of that Advisory Group.
- 5.5 It should be noted that the 2000 Act requires the appointment of a minimum of one Cabinet Member to a Joint Committee exercising executive functions. Other Members may be appointed to a Joint Committee and the political balance requirements do not apply although circumstances will vary as to whether those Members can vote on executive decisions.

## **6. CONCLUSION**

- 6.1 Although invited to determine the allocation of seats on District Council Panels to political groups and to the non-aligned Members in accordance with the distribution in paragraphs 5.2 and 5.3 above, the Council may decide to defer to the next meeting in December, further variation of Panel memberships pending the outcome of the by-election in Huntingdon North Ward.
- 6.2 As the proportionality requirements do not apply to the Cabinet and Standards Committee it is for the Council to determine their membership.
- 6.3 The opportunity otherwise is available currently to allocate seats in accordance with an alternative arrangement, provided this arrangement is approved by the Council with no Member voting against.

**Contact Officer:** Christine Deller, Democratic Services Manager  
☎ (01480) 388007

## **BACKGROUND PAPERS**

Local Government and Housing Act 1989  
Local Government Act 2000  
District Council Constitution



APPENDIX

	No. of Seats*	No. of Ex-officio	Title of Ex-officio	Cons	Lib Dem	Indep	Other	Cons	Lib Dem	Indep	Other
Corporate Governance Panel	7	2 max	Executive Cllrs for Finance and Governance	4.98	1.48	0.26	0.26	5	2	0	0
Development Management Panel	16	1	Not defined	11.38	3.38	0.61	0.61	11	3	1	1
Elections Panel	7	0		4.98	1.48	0.26	0.26	5	2	0	0
Employment Panel	8**	1	Not defined	5.69	1.69	0.30	0.30	6	2	0	0
Licensing & Protection Panel/ Committee	12	1	Not defined	8.53	2.53	0.46	0.46	8	2	1	1
Overview & Scrutiny Panel (Economic Well-Being)	10	0		7.11	2.11	0.38	0.38	7/8	2	1/0	0/1
Overview & Scrutiny Panel (Environmental Well-Being)	10	0		7.11	2.11	0.38	0.38	7/8	2	1/0	0/1
Overview & Scrutiny Panel (Social Well-Being)	10	0		7.11	2.11	0.38	0.38	7/8	2	1/0	0/1
<b>Total</b>	<b>80</b>			<b>56.89</b>	<b>16.89</b>	<b>3.03</b>	<b>3.03</b>	<b>57</b>	<b>17</b>	<b>3</b>	<b>3</b>

Standards	7	0		5.07	1.37	0.27	0.27	5	2	0	0
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\* the allocation of these seats must be balanced so that the total entitlement to seats on each group is not exceeded.

\*\* pending further review

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## **Parish Orders**

### **Report by the Head of Democratic and Central Services**

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#### **1. INTRODUCTION**

- 1.1 The District Council concluded its review of parish boundaries and electoral arrangements in January 2008. Following consideration of the final recommendations, the Department for Communities and Local Government has issued a Statutory Instrument - The Huntingdonshire (Parishes) Order 2009 - which comes into effect on 1st April 2010.

#### **2. COUNCIL ORDERS**

- 2.1 The Council at its meeting held on 20th February 2008 agreed to make appropriate orders under the Local Government and Rating Act 1997 to change the size of membership of certain Councils unaffected by the boundary changes.

- 2.2 Although the review was concluded under the latter Act, this has been repealed and replaced by the Local Government and Public Involvement in Health Act 2007. This continues to allow the Council the discretion of making appropriate local orders in relation to parish councils.

- 2.3 Arising from the changes to parish boundaries and the new scale of parish council representation agreed by the Council as part of its review, it is now necessary for local orders to be made, where appropriate, in respect of the parishes affected by the boundary changes to

- ◆ Change the size of various parish councils' membership;
- ◆ Alter the number of councillors to be elected for wards of parishes; and
- ◆ Establish new parish councils.

#### **3. WYTON-ON-THE-HILL PARISH**

- 3.1 As part of the parish review, the parish of Houghton and Wyton will be split to form a new parish of Wyton-on-the-Hill. Previously the parish was warded with 9 councillors representing Houghton and Wyton Ward and 4 councillors representing the Airfield Ward. The Council has been directed by the Order to create a new parish council for the new parish.

3.2 The Parish Council of Wyton-on-the-Hill will consist of 7 parish councillors in accordance with the agreed ratio and an election will take place on 6th May 2010. Councillors will hold office for a period of five years to bring the next election into line with District Council elections for the Ward of Upwood and The Raveleys in which the new parish will be situated.

3.3 The parish of Houghton and Wyton will retain a Parish Council with a membership of 9 councillors.

#### **4. OFFORD CLUNY AND OFFORD D'ARCY PARISHES**

4.1 The parishes of Offord Cluny and Offord D'Arcy were grouped under a common Parish Council of Offord Cluny and Offord D'Arcy with effect from 1st May 2008 consisting of 11 councillors. This Order was approved at the meeting of the Council held on 20th February 2008 as a temporary expedient to formalise the parishes as one body. The Huntingdonshire (Parishes) Order 2009 has abolished the parishes of Offord Cluny and Offord D'Arcy as separate parishes and constituted a new parish of Offord Cluny and Offord D'Arcy.

4.2 Again the District Council is directed by the Order to create a parish council for the new parish. The Parish Council of Offord Cluny and Officer D'Arcy will consist of 11 councillors and an election will take place on 6th May 2010 as part of the normal cycle of meetings.

#### **5. WARESLEY AND TETWORTH PARISHES**

5.1 The parishes of Waresley and Tetworth have been amalgamated by the Order into a new parish of Waresley-cum-Tetworth. A parish council currently exists for Waresley consisting of 5 councillors, and the Council is directed to establish a new parish council for Waresley-cum-Tetworth. This will retain the same level of membership.

5.2 An election will take place on 6th May 2010. The normal cycle of elections for the existing Parish Council of Waresley would require a further election in 2011. However there will also be an election for one of the two district councillors for the Ward of Gransden and The Offords in 2010 and the cycle of meetings for the new Parish of Waresley-cum-Tetworth will be changed to coincide with that four yearly cycle.

#### **6. CONCLUSION**

6.1 As a result of the conclusion of the parish review, the Council is therefore

#### **RECOMMENDED**

**to make orders under the relevant legislation to -**

- (a) reduce the membership of Fenstanton Parish Council from 15 to 13 councillors for the election of parish councillors on 5th May 2011;
- (b) increase the membership of Huntingdon Town Council from 16 to 19 councillors of whom 8 shall be elected by the East Ward, 4 by the North Ward and 7 by the West Ward for the election of councillors on 5th May 2011;
- (c) reduce the membership of The Stukeleys Parish Council from 13 to 9 councillors for the election of parish councillors on 6th May 2010;
- (d) increase the membership of St. Ives Town Council from 16 to 17 councillors of whom 7 shall be elected by the East Ward, 7 by the South Ward and 3 by the West Ward for the election of councillors on 3rd May 2012;
- (e) increase the membership of St. Neots Town Council from 18 to 21 councillors of whom 5 shall be elected by the Eaton Ford Ward, 4 by the Eaton Socon Ward, 7 by the Eynesbury Ward, 4 by the Priory Park Ward and 1 by the East Ward for the election of councillors on 5th May 2011;
- (f) establish a Parish Council of 7 councillors for the parish of Wyton-on-the-Hill and arrange for an election for the new Council on 6th May 2010, the councillors to hold office until the normal date for election in 2015 and elections held every four years thereafter;
- (g) retain a Parish Council for the parish of Houghton and Wyton of 9 councillors;
- (h) establish a Parish Council for the parish of Offord Cluny and Offord D'Arcy of 11 councillors and for an election for the new Council on 6th May 2010; and
- (i) establish a Parish Council for the parish of Waresley-cum-Tetworth of 5 Councillors and arrange for an election for the new Council on 6th May 2010 with elections every four years thereafter.

**Contact Officer:** Lisa Jablonska, Central Services Manager  
☎ 01480 388004

### **BACKGROUND PAPERS**

Correspondence on File F&GP/E/4 held in the Office of the Head of Democratic and Central Services.

Local Government and Rating Act 1997.

Local Government and Public Involvement in Health Act 2007.

Minutes and Report of the meeting of the Council - 20th February 2008.

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## **Cabinet**

### **Report of the meeting held on 19th November 2009**

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#### **Matters for Decision**

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#### **42. BUDGET AND MEDIUM TERM PLAN**

In conjunction with the Overview and Scrutiny Panel (Economic Well-Being) and by way of a report by the Head of Financial Services (reproduced as an Appendix) the Cabinet has reviewed the draft 2010/2011 budget, the medium term financial plan for the period up to 2014/2015 and the longer term financial plan forecast for 2023/2024. Final approval of the proposals will be dealt with by Council at its meeting on 17th February 2010.

In considering the views of the Overview and Scrutiny Panel (Economic Well-Being), Members concurred with the Panel that the level of spending proposed for Huntingdon bus station appears to be excessive and that investigations should take place into the possible refurbishment options. In that respect the Executive Councillors for Environment and Information Technology and for Planning Strategy and Transport agreed to re-visit this proposal. In the meantime, the Cabinet

#### **RECOMMEND**

**that the draft Budget and Medium Term Plan, appended to the report now submitted, be approved to assist in the production of the Budget for 2010/2011, revised Medium Term Plan 2014/2015 and the Financial Strategy 2023/2024.**

#### **43. HUNTINGDON WEST AREA ACTION PLAN PROPOSED SUBMISSION**

The Cabinet has considered the content of the proposed submission document for the Huntingdon West Area Action Plan along with the responses received on the proposals set out in the statement of consultation (both documents have been circulated to Members under separate cover, Members are requested to bring their copy to the meeting).

The area Action Plan seeks to set a framework for the area west of Huntingdon town centre to help deliver planned growth and regeneration.

Having noted the timetable for the submission of the Action Plan to the Secretary of State, the Cabinet has authorised the Head of Planning Services, after consultation with the Executive Councillor for Planning Strategy and Transport, to make any minor amendments to the submission document and to approve the Statement of Consultation, Sustainability Appraisal, Habitat Regulations Assessment and Equality Impact Assessment prior to their publication. The Cabinet has also authorised the Head of Planning Services, after consultation with the Executive Member for Planning Strategy and Transport, to complete the final submission.

The Cabinet therefore

#### **RECOMMEND**

**that the Huntingdon West Area Action Plan Proposed Submission document be approved and adopted by the Council, subject to the authorisations to the Head of Planning Services referred to above.**

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#### **Matters for Information**

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#### **44. STATEMENT OF GAMBLING PRINCIPLES**

Further to Item No. 74 of their Report submitted to the meeting of the Council held on 6th December 2006, the Cabinet has reviewed the contents of a revised Statement of Principles under the Gambling Act 2005. The Statement has been updated to take into account the latest Regulations and guidance issued by the Gambling Commission. A separate report on the subject appears elsewhere on the Agenda for the Council to consider.

#### **45. CAR PARKING REVIEW 2009**

Further to Item No. 75 of their Report to the meeting of the Council held on 16th April 2008, the Cabinet has been advised of the findings of the Members' Car Parking Working Group into the impact of the revised charging arrangements and other operational changes that came into effect on 1st October 2008 following the review of the Council's car parking policy.

In so doing, the Cabinet has approved the Group's recommendations for further change as part of a revised off-street parking places order for implementation from 1st June 2010. In considering the Group's conclusions, specifically the need to review the season ticket scheme given the eligibility anomalies relating to town boundaries, Executive Councillors have expressed disappointment that the Group, had not considered in greater depth the opportunity to address environmental issues and changes to travel patterns through the car parking strategy. However, Members acknowledged that the Group's work constituted an interim review and therefore has invited them to



consider issues such as encouraging the use of low emission vehicles, public transport, cycling and walking as part of the next scheduled review of the car parking action plan in 2010.

With regard to the Group's recommendations to introduce charging at Cambridge Street and the Riverside Park, St Neots with some free parking for a two hour period at the Riverside to support its recreational use, Executive Councillors have expressed concern over the lack of detail for the management of such arrangements.

In discussing the Overview and Scrutiny (Environmental Well-Being) Panel's response to the Group's proposals, the Cabinet has reiterated the need for representations to be made to Cambridgeshire County Council over the potentially adverse effects on the District Council's parking income and policies should they proceed with their decision to permit parking at the new Cambridgeshire Guided Bus Scheme "Park and Ride" site free of charge.

**46. DRAFT CAMBRIDGESHIRE INTEGRATED DEVELOPMENT PROGRAMME**

The Cabinet has noted the work of Cambridgeshire Horizons and Cambridgeshire local authorities in producing an integrated development programme.

The programme brings together the various planning documents available to identify infrastructure needs of the area on a sub-regional basis. The exercises are a valuable tool in determining strategic and local infrastructure along with levels of tariff and their viability that can guide future development.

**47. TRAVELLERS TRANSIT SITE PROVISION**

Further to Item No. 18 of their Report to the meeting of the Council held on 24th June 2009, the Cabinet has considered the contents of the East of England Plan Policy on Gypsy and Travellers. Particular reference was made to the requirement for Councils to make provision for transit sites. Given the likelihood that some kind of provision will be required in the District and in recognising the advantages of maintaining a formal, well managed site, the Cabinet has supported the principle of searching for a transit site in the District. With this in mind, Executive Councillors have instructed Officers to consider further the logistics of providing a site and to prepare a bid for a Government grant at the appropriate time.

**48. THE REGIONAL SPATIAL REVIEW –  
THE EAST OF ENGLAND PLAN 2031 –  
RESPONSE TO THE EERA OPTIONS CONSULTATION**

Further to Item No. 4 of their Report to the meeting of the Council held on 20th June 2008, the Cabinet has endorsed the Council's response to proposals put forward by the East of England Regional Assembly (EERA) on four possible growth scenarios for the region for the period up to 2031, as part of the ongoing review of the Regional

Spatial Strategy. Having regard to the relevant economic, environmental and other considerations, the Cabinet has concluded that the only viable option and scale of potential future growth that can be supported, even though it will be extremely challenging to deliver, is scenario 1. This scenario “rolls forward” the housing growth rates established by the current Regional Plan for another 10 years and will be the highest level of growth that most Councils within the region considered can accommodate. For Huntingdonshire this scenario will require the delivery of approximately 550 homes a year in order to meet a 20 year target of 11,080 and is in line with the spatial vision set out in the adopted Core Strategy.

At the same time, the Cabinet has requested that Officers continue to work with all of the Cambridgeshire Authorities to produce a co-ordinated joint response on behalf of the County. The Executive Councillor for Planning Services and Transport has been authorised to agree alterations to the Council's position, submit any amended response to EERA and to liaise with the other Cambridgeshire Authorities.

#### **49. 10:10 CLIMATE CHANGE CAMPAIGN**

The Cabinet has authorised the Leader of the Council and the Chief Executive to formally register the Council's support for the 10:10 Climate Change Campaign. The campaign is a community wide project which targets individuals, companies and institutions to pledge a reduction in their carbon footprint by 10% during 2010. In backing the campaign, the Cabinet supports its promotion throughout the District.

#### **50. ENFORCEMENT POLICIES**

In conjunction with the Licensing and Protection Panel (Item No. 12 of their Report refers) the Cabinet has been acquainted with the implications of the Regulatory Enforcement and Sanctions Act 2008.

The Act is an important element in delivering the Government's commitment to the implementation of the Hampton agenda on regulatory reform and the reduction of the burden on businesses. It delivers a number of distinct but related policy areas relating to the advancement of Hampton's vision of a national and local regulatory system that is risk based, proportionate and effective.

The Act has established a Local Better Regulation Office to promote better regulation and co-ordination between local authorities and central government and minimise the burdens of regulation on compliant businesses. It seeks to establish a primary authority scheme to improve consistency of advice and enforcement which will prove resource intensive for those Councils nominated by businesses to be their primary authority.

**51. LAND ADJACENT TO THE GRAND CINEMA, RAMSEY**

*(The following item was considered as a confidential item under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.)*

Further to Item No. 22 of their Report to the meeting of the Council held on 27th June 2007, the Cabinet has approved terms for the disposal of land adjacent to the former Grand Cinema site in Ramsey and has authorised the Director of Central Services, after consultation with the Executive Councillors for Finance and for Resources and Policy to approve terms for the shared use of the proposed new County Council premises.

I C Bates  
Chairman

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## **BUDGET AND MEDIUM TERM PLAN 2010-2015 DRAFT PROPOSALS**

**(Report by the Head of Financial Services)**

### **1 PURPOSE**

- 1.1 This report allows the Cabinet to review the draft 2010/11 budget, the Medium Term Financial Plan (MTP) to 2014/15 and the longer term financial forecast to 2023/24. It will also be considered by Overview and Scrutiny on the 12 November and their comments will be available at the Cabinet meeting.
- 1.2 Once these drafts have been approved by Council in December, they will be used to produce the final budget and MTP for the following 4 years for formal consideration and approval by Council in February.

### **2. BACKGROUND**

- 2.1 For a number of years it has been forecast that there is a need to find additional sources of income or make budget savings. During the summer our financial forecast was revised and this was considered by Cabinet in September. The Forecast confirmed that the previously forecast gap between income and expenditure is becoming a reality. Our accounts for last year showed that we needed to draw £1.2m from our reserves. This was a slightly lower deficit than planned and left revenue reserves of £19m. Over the next few years these reserves will fall rapidly. For 2009/10 we forecast that we will have to draw £3.3m from our revenue reserves while collecting £7m in Council Tax and £12.6m in central government funding.
- 2.2 Our financial plan approved by Council in February 2009 set a target for the Council to identify £500k of savings in order to 'balance' the budget for 2010/11. This target is in addition to the impact of the recession and the worsening outlook for central government funding. In order to address this target, officers and Executive Members have been reviewing their current budgets, existing MTP schemes and plans for the coming 5 years. This has resulted in a number of proposals to reduce expenditure.
- 2.3 However, as usual, a number of issues have arisen which have generated a need to provide for additional expenditure.

These have been reviewed by the Chief Officers' Management Team and, where necessary, included in this report.

- 2.4 Details of the main items of savings, re-phasing and additional expenditure are set out in annex A.

### 3. SUMMARY

- 3.1 The key points in this paper are:

**This draft budget will be reviewed and adjusted as necessary prior to submission to Cabinet and then Council for formal approval in February 2010.**

**Prospects for generating income from central government grant, Council Tax and charges to users are all substantially reduced from that expected in February 2009. The forecast increase in Council Tax is reduced from 4.99% to 2.49%. In total the Council Tax and Revenue Support Grant income available to the Council in 2011/12 (the first year of the new Government Spending Review) is expected to be £567k lower than in the approved MTP (before the adjustment on Concessionary fares referred to below).**

**The draft budget includes substantially reduced provision for price and wage rises in recognition of reduced inflation and funding pressures.**

**The draft budget for 2010/11 recognises substantial efficiencies that have been made in waste recycling £235k and leisure centres £591k. It also proposes: making some of the existing free car parks subject to a charge, transferring responsibility for public conveniences to town councils and modest reductions in a number of other service budgets.**

**The Council will continue to ensure that any staff vacancies are properly reviewed before they are filled in order to ensure value for money. This has led to decisions to delay the filling of posts, filling them on a temporary basis or restructuring in order to reduce costs.**

**The forecast for later years is substantially affected by two significant events. The three yearly revaluation of the Local Government Pension scheme is expected to identify a reduced level of funding. This shortfall will result in the Council having to make additional payments into the scheme. These additional payments are forecast at £180k in 2011/2 and £800k per year by 2014/15.**

We now expect responsibility for the Concessionary Bus Fares scheme to be transferred to the County Council in April 2011. Whilst this will reduce our net expenditure by £0.9m we forecast that a £1.4m reduction will be applied to our revenue support grant based on recent Government exemplifications (Annex B).

Additional spending restrictions are anticipated in future years. Whilst £2m of grants to fund the construction of new affordable homes is provided over the next four years; this is a lower level than had previously been included in the Forecast. Expenditure on the Arts Service will be substantially reduced by 2012/13. Whilst some grant funding will be retained the Council will no longer provide summer concerts, arts diaries or administer any events.

Whilst the budget does not require additional spending cuts for 2010/11, the forecast for later years sets a target to identify further savings of £1M, £2.5M and £5.7M in the following 3 years.

In 2010/11 we expect to draw £4.9m from our revenue reserves – slightly less than included in the plan approved in February. Revenue reserves will drop to a minimum acceptable level in 2013/14.

As ever these forecasts are an attempt to see into an uncertain future. We cannot predict all future events and therefore some significant risks to the Council are highlighted in Paragraph 6.

#### 4. MTP VARIATIONS

4.1 The following table summarises the variations from the Budget/MTP approved in February:

	REVENUE						NET CAPITAL					
	2009/ 2010 £000	2010 2011 £000	2011 2012 £000	2012 2013 £000	2013 2014 £000	2014 2015 £000	2009/ 2010 £000	2010 2011 £000	2011 2012 £000	2012 2013 £000	2013 2014 £000	2014 2015 £000
<b>APPROVED (February 2009)</b>	23,378	25,286	25,687	25,306	23,149	24,001	17,796	6,056	4,957	6,666	6,374	5,263
<b>Proposed variations:</b>												
Rephasing	264	567	85	-57	-142	-181	-1,685	-1,309	530	350	514	214
Saving	-954	-776	-1,389	-1,560	-1,631	-1,672	-1,553	3,446	-709	-2,830	-606	231
Extra Cost	456	1,028	-50	132	-72	-39	-395	1,360	3,070	-466	-1,150	3,870
Capital to Revenue	351	332	226	216	216	162	-346	-282	-181	-186	-171	-117
Revenue to Capital	-292	-322	-332	-302	-302	-302	292	322	332	302	302	302
Technical	-148	-185	129	180	248	263		-77	-50	-29	-38	-5,302
<b>Total Variations</b>	<b>-323</b>	<b>644</b>	<b>-1,331</b>	<b>-1,391</b>	<b>-1,683</b>	<b>-1,769</b>	<b>-3,687</b>	<b>3,460</b>	<b>2,992</b>	<b>-2,859</b>	<b>-1,149</b>	<b>-802</b>
<b>Proposed New Plan</b>	<b>23,221</b>	<b>26,100</b>	<b>24,526</b>	<b>24,085</b>	<b>21,636</b>	<b>22,402</b>	<b>14,109</b>	<b>9,516</b>	<b>7,949</b>	<b>3,807</b>	<b>5,225</b>	<b>4,461</b>

- 4.2** “Savings” items are significant ranging from £954k to £1,672k per year by the end of the MTP period. Some have initial periods with a net cost before overall surplus is achieved after taking account of the costs of financing any capital investment
- 4.3** Some rephasing schemes result in additional costs where income generation is delayed.
- 4.4** The following table summarises the capital schemes by service area. The difference from the totals in table 4.1 is due to adjustments to the capital inflation provision.

<b>CAPITAL</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Public Conveniences		100				
Environmental Health		20	30			
Economic Development	821	618	762	398		
Community Initiatives		11				
Parks and Open Spaces	205	131	62	73	67	60
Leisure Centres	3,205	4,185	918	375	625	691
Community Facilities	12	55	69	69	69	69
Community Safety	144	105	104	105	100	107
Housing Services		-168				
Private Housing Support (including Social Housing Grant)	1,351	1,690	1,490	1,490	1,490	1,490
Housing Benefits	31					
Transportation Strategy	414	1,296	346	296	288	214
Public Transport	58	957	-109	-108	42	
Car Parks	24	460	3,000	36	120	31
Environmental Improvements	344	-1,597	242	635	739	222
Environmental Strategy	271	90	-365	84	94	94
Operations Division	825	218	768	1,249	857	1,009
Customer Service Centre and Offices	5,031	-115	2	-1,810		
IT related	1,029	793	460	492	412	432
Other	142	307	60	43	73	69
Technical	202	283	206	643	245	515
<b>TOTAL</b>	<b>14,109</b>	<b>9,439</b>	<b>8,045</b>	<b>4,070</b>	<b>5,221</b>	<b>5,003</b>

- 4.5** Annex A outlines the significant elements included in these revenue and capital variations and a detailed schedule showing all variations is available on the Council’s website under “Council Finance” in the A-Z list and then pick the “2009 MTP Review”. Annex B shows the assumptions retained from the Financial Forecast Report and the additional adjustments now allowed for including pension contribution rates and concessionary fares. Annex C shows the draft MTP with all of the proposed variations integrated.
- 4.6** The relevant appraisal forms can also be found on the Council’s website and on the intranet via a link on the



Members' page. The final budget report in January will highlight those schemes that will require further approval from COMT or Cabinet before proceeding.

## 5 OVERALL POSITION

5.1 The table below sets out revised net revenue expenditure and funding forecasts. Annex D provides further detail of the variations and is projected for the whole forecast period.

REVENUE SUMMARY	FORECAST	BUDGET	MTP			
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
	£000	£000	£000	£000	£000	£000
2009/10 BUDGET/MTP	23,378	25,286	25,687	25,306	23,149	24,001
<b>Total variations</b>	<b>-506</b>	<b>-247</b>	<b>-2,023</b>	<b>-1,947</b>	<b>-2,463</b>	<b>-3,640</b>
<b>NEW FORECAST</b>	<b>22,873</b>	<b>25,039</b>	<b>23,664</b>	<b>23,359</b>	<b>20,686</b>	<b>20,361</b>
<b>FUNDING</b>						
Use of revenue reserves	-3,251	-4,863	-4,145	-3,618	-716	0
<b>Reserves remaining EOY</b>	<b>16,342</b>	<b>11,479</b>	<b>7,334</b>	<b>3,716</b>	<b>3,000</b>	<b>3,000</b>
Government Support	-12,572	-12,958	-12,077	-12,045	-12,011	-12,154
Collection Fund Deficit	-27	0	0	0	0	0
Council Tax	-7,022	-7,218	-7,443	-7,697	-7,959	-8,207
<b>COUNCIL TAX LEVEL</b>	<b>£121.15</b>	<b>£124.17</b>	<b>£127.26</b>	<b>£130.43</b>	<b>£133.68</b>	<b>£137.01</b>
<b>£ increase</b>		<b>£3.02</b>	<b>£3.09</b>	<b>£3.17</b>	<b>£3.25</b>	<b>£3.33</b>

Use of Revenue Reserves	3,251	4,863	4,145	3,618	716	0
Unidentified spending adjustments still required	0	0	1,000	2,500	5,689	6,772
<b>Total Budget Deficit</b>	<b>3,251</b>	<b>4,863</b>	<b>5,145</b>	<b>6,118</b>	<b>6,405</b>	<b>6,772</b>

## 6 RISKS

6.1 The Financial Forecast, by its very nature, takes a long-term view and, within that time frame, many of its assumptions will turn out to be imprecise. We will regularly review the latest information.

6.2 Some significant uncertainties and the dates when they may be clarified by are set out below:

Risks and Unknowns	Timescale
Impact of St Ives Guided Bus	By Spring 2010
Government capping decision	May each year
Length and depth of recession – impact on interest rates, pay inflation, house building, Council income and expenditure.	ongoing
Government grant totals for 2011/12 to 2013/14 (may be delayed by election)	November 2010
Grant formula changes (may be delayed by election)	November 2010
Changes regarding responsibility for Concessionary Fares	November 2010
Pension Scheme revaluation	December 2010

### **6.3 Other risks include:**

- interest rates or inflation may turn out to be significantly different to the assumptions in this report.
- the possibility of further VAT refunds and receiving compound rather than simple interest on these and the refunds already agreed.
- the potential for costs relating to “orphan” contaminated land sites.
- changes in employer’s pension contributions from April 2011 being different to those assumed
- changes in Government Grant being different to those assumed due to the economic situation and changes in the formula from April 2011.
- the recession becoming more severe and prolonged.
- difficulty in delivering the savings already identified or the spending targets inherent in this plan.
- further high priority service developments or unavoidable spending requirements emerging.
- the potential for the statutory Disabled Facilities Grants budget to be exceeded if occupational therapists reduce the backlog.
- recycling gate fees changing as a result of movement in economic indices.
- additional costs if Civil Parking Enforcement introduced
- insufficient provision for the costs of replacing wheelie bins at the end of their useful life.
- occupational therapists carrying out a higher value of Disabled Facilities Grants than provided in the capital programme.
- turnover of staff remaining low and hence the turnover allowance in the staffing budget not being achieved.

**6.4** All risks will be reviewed again before the final budget report and adjustments made where possible.

## **7. CONCLUSIONS**

**7.1** As usual we cannot be certain of all the issues and opportunities that the Council will face in the coming years. However the scale of the financial challenge that the Council faces is increasingly clear and immediate. Action is proposed in this draft budget. Substantial further action will be required in coming years.

**7.2** The savings identified in this report provide a good contribution towards our eventual target and discussions will be continuing with Executive Councillors to agree proposals for future years.

**7.3** The Council will need to be comfortable with the level of risk inherent in the MTP (including the achievement of the spending adjustments) when it considers its prudential borrowing limits in February.

**7.4** The current volatility in the economy means that the impact on services and interest rates and will need to be monitored over the coming weeks and may result in amendments being proposed to this draft plan before it is formally adopted in February.

## **8. RECOMMENDATIONS**

**8.1** Cabinet are asked to:

- Recommend this draft Medium Term Financial Plan to Council as the basis for the production of the 2010/11 budget, the revised MTP for 2011/12 to 2014/15 and the financial plan to 2023/24.

### **Annexs**

- A** Explanation of main MTP variations
- B** Assumptions: Additional and from the Forecast Report
- C** Draft MTP
- D** Overall Financial Summary

### **ACCESS TO INFORMATION ACT 1985**

Source Documents:

1. Working papers in Financial Services
2. 2009/10 Revenue Budget
3. Financial Forecast Report
4. Summary and Forms on <http://www.huntsdc.gov.uk/> - look for Council Finance in the A-Z list and then choose "2009 MTP Review"

### **Contact Officer:**

**Steve Couper**, Head of Financial Services ☎ 01480 388103

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## SUMMARY OF SIGNIFICANT BUDGET VARIATIONS

### **Refuse and Recycling**

Following a shared procurement exercise undertaken jointly with Fenland and Cambridge City Councils significant savings are expected in the recycling of dry waste. These savings amount to £259k next year and £235k p.a. thereafter. The sum payable is dependant on changes in an index of recycled materials.

### **Public Conveniences**

The contract for cleaning the District's 9 public conveniences will come to an end at the end of March 2010. From 1<sup>st</sup> April 2010 the District plans to transfer responsibility for cleaning and maintaining these toilets to Town Councils. Discussions with the five town Councils affected are at an early stage. Should the Town Councils decide that they do not want to assume responsibility for these conveniences they will be closed and alternative uses will be investigated. Transferring responsibility will save the District Council £156k of revenue costs per year from next year. The capital programme includes provision for new public conveniences at the new Huntingdon Bus Station (£75k) and Ramsey Library (£25k).

### **Planning Policy and Conservation**

Provision for Local Development Framework examinations (£500k spread over three years), preparations for the introduction of the Community Infrastructure Levy (£60k) and a reduction in Conservation Grants from £57k to £37k per year.

### **Economic Development**

A reduction of £2M in the Housing Growth Funding available for Huntingdon West. Although the number of enquiries and letting of smaller units have increased in the last three months, the recession has had an impact on income from rents for commercial properties. The potential reduction of £80k over two years is based on an analysis of the current portfolio which shows three of the larger premises vacant at the same time and a "churn" of small business as a result of liquidations/closures and new start-ups.

£25k for St Neots Sustainable Urban Extension - Supplementary Plan and £30k for Huntingdon Town Centre - Retail Strategy Support are also included on the basis that most of the cost will be saved in later years. Significant capital schemes previously approved include Huntingdon Town Centre Development and the construction of new starter units in St Ives.

### **Parks and Open Spaces**

Reductions in provision for the Huntingdon Riverside scheme of £550k, Year 5 provision for Play Equipment & Safety Surface Renewal £60k. Extra Housing Growth Fund money for St Neots Green Corridor £210k. Extra maintenance funds for Pavilions £8 per year.

### **Leisure Policy and Development**

Substantial reduction in the Arts Development Service producing a £135k saving by 2012/13.

### **Leisure Centres**

Significant extra capital investment in St Neots (£1.949M) and St Ives (£1.955M) is included but these redevelopments are expected to generate a revenue return more than sufficient to cover the cost of the capital investment and the extra running costs to make a positive contribution to the Leisure Centre Savings Target.

Provision is made for the receipt of a County Council contribution to capital maintenance costs which has been delayed and continuation of the capital maintenance provision to 2014/15.

Adjustments have been made to the savings target to reflect the MTP variations but also a delay in their achievement resulting in extra costs of £300k this year and £392k next year which is redeemed in later years

### **Community Safety**

A recent staffing restructuring will generate savings of £72k per year from next year.

### **Housing Services**

The negative figure in 2010/11 is the capital receipt from the sale of the mobile homes which were purchased to minimise the relocation costs while the contaminated land was dealt with on the site.

### **Private Housing Support**

Social Housing Grant investment has been adjusted to £500k per year for remainder of MTP period. £25k per year from 2011/12 to continue to fund Safer Homes Scheme following end of grant support. One-off capital saving of £92k relating to Decent Homes scheme. Capital provision for Disabled Facilities Grants and Repairs Assistance is retained and extended to include 2014/15.

### **Transportation Strategy**

The Capital programme retains a range of programmes, a number providing joint funding with the County Council, which have been extended to 2014/15. £537k is included in 2010/11 as a contribution to the St Neots Pedestrian Bridge.

### **Public Transport**

The Council faces increased costs resulting from the usage of the concessionary bus fare scheme. These additional costs of £365k per year rising to an estimated £400k next year as a result of St Ives Guided Bus. Capital provision mainly relates to the Huntingdon Bus Station redevelopment.

### **Car Parks**

Capital funding for car park repairs (£237k) over 3 years from 2012/13. Additional funding (£1.5M) included to provide a total of £3.3M for extra car parking in Huntingdon Town Centre to allow redevelopment to take place. This results in additional revenue costs initially but converting to a scheme surplus when parking demand has risen sufficiently. £40k per year assumed loss of car parking income at St Ives due to Guided Bus car park being free.

Provision for introducing charging at car parks which are not currently charged for is assumed to commence in June 2010 with the net increase in income rising from £100k to £125k in a full year. The Car Park Working Party is to consider which car parks and relevant charges.

### **Environmental Improvements**

Capital contribution from County Council towards Heart of Oxmoor delayed to 2010/11 due to market conditions delaying sale of the related housing land.

### **Environmental Strategy**

Various projects resulting in additional revenue spending of £335 and capital spending of £150k over the MTP period.

A Building Efficiency Improvements scheme is also included which is partly grant funded and forecast to create eventual savings of £40k per year after allowing for financing costs. Part of this scheme is likely to be undertaken in Leisure Centres and so the saving has been discounted by 50% to avoid double counting with the Leisure Centres saving target.

### **Administrative Services**

The impact of the recession and continuing competition from the private sector has resulted in a reduction in income from property searches. This has been offset recently by an increase in the number of searches received, which is likely to continue as the property market recovers and Government announcements on changes to statutory charges for personal searches. Land Charges income is anticipated to fall by up to £50k on this year's approved budget.

### **Democratic Representation**

An adjustment is needed to reflect the Council's decision to maintain the existing system of election by thirds as opposed to the proposal for all-out elections included in the approved MTP.

**Offices**

Savings of £489k capital leading to a revenue saving due to accommodating staff in new buildings so that Castle Hill House can be sold. This sale, together with that of the site fronting St. Mary's Street, results in the large negative capital value (-£1,810k) in 2012/13.

**IMD related**

Considerable efforts are being made to generate economies in the IMD budget. This has already resulted in savings of £52K on the approved 2009/10 budget and further significant ongoing savings are currently under investigation. These will be included in the final budget report in January and should cover the shortfall in web based advertising and contribute towards the Council's 'unidentified savings target'.

Funding future PC replacements from capital rather than revenue will switch £252k pa of costs from revenue to capital.

**Other**

A restructuring of Central Services staff has realized a saving of £105k. Further capital expenditure savings are expected on Document Centre equipment replacements (£67k) but extra provision is made for Multi-functional Devices (£43k) and Scanning Equipment (£51k).

**Technical**

Transfer of staff overheads from capital to revenue as a result of a change to the accounting rules is partly offset by extra staff time on capital schemes. Some of these adjustments are on individual schemes under individual services. A total refund of VAT in 2009/10 of £780k is expected and there is potential for a higher sum.

Provision is included for capital inflation as the MTP is produced at a 20010/11 price base. VAT partial exemption was reintroduced this year after a two year break and some adjustment has been made to the previously forecast cost.

Investment interest, inflation, cost of borrowing and the outstanding spending adjustments target are all included within this section



## ASSUMPTIONS

Starting point for this year's review:

APPROVED BUDGET / MTP	09/10 £M	10/11 £M	11/12 £M	12/13 £M	13/14 £M	14/15 £M	15/16 £M	16/17 £M	17/18 £M	18/19 £M
Net Spending	23.4	25.8	27.2	28.5	29.6	30.8	32.4	33.7	35.0	36.5
Less unidentified reductions		-0.5	-1.5	-3.2	-6.5	-6.8	-7.5	-7.9	-8.2	-8.7
Net Funding required	23.4	25.3	25.7	25.3	23.1	24.0	24.9	25.8	26.8	27.8
<b>Funding</b>										
Government support	-12.6	-12.9	-13.5	-14.0	-14.4	-14.7	-15.1	-15.5	-15.9	-16.3
Council Tax	-7.0	-7.4	-7.8	-8.3	-8.8	-9.3	-9.8	-10.3	-10.9	-11.5
<b>Deficit met from Reserves</b>	<b>-3.8</b>	<b>-5.0</b>	<b>-4.4</b>	<b>-3.0</b>						

### Revised Assumptions

#### Pensions

Employer's pension contributions are based on the valuation made by the independent actuary and the next one is due in late 2010 and will provide the new rates for 2011/12 onwards. It will be significantly affected by the market value of equities when the valuation is carried out but it is becoming clear that increases must be allowed for. In deciding the phasing of these the actuary will balance the need for the Fund to be 100% funded as soon as possible with the need to spread this payment so that it is affordable in the current economic circumstances.

It has therefore been assumed that the contribution rate will rise by 1% per year for 6 years starting in 2011/12. There is a risk that the actuary will determine a different amount and his decision should be available next November.

#### Concessionary Fares

It is likely that Concessionary Fares will be transferred to the County Council from April 2011. Whilst we will save the amounts we are currently spending (including the estimated increase in the MTP) our Grant will be reduced and the County's increased so they can afford to provide the service. Unfortunately this will not be based on what we spend but a generalised formula. The impact based on the latest exemplification from the DCLG Grant Working Party would be as follows:

Concessionary Fares	11/12 £000	12/13 £000	13/14 £000	14/15 £000	15/16 on £000
Saved Spending					
Base (net of special grant)	457	457	457	457	457
MTP Variation	400	400	400	400	400
Saved Spending	<b>-857</b>	<b>-857</b>	<b>-857</b>	<b>-857</b>	<b>-857</b>
Estimated Lost Grant (phased)	1,414	1,564	1,714	1,864	2,011
<b>Total Impact</b>	<b>+557</b>	<b>+707</b>	<b>+857</b>	<b>+1,007</b>	<b>+1,154</b>

Because of the size of the grant loss the impact will be phased due to the “floors and ceilings” which have previously disadvantaged the Council.

### Service Variations

Provision for capital spending has been reduced from 2015/16 onwards to £5.125M per year (cash prices) to reflect the proposed bid levels for 2014/15. This represents a reduction of £270k.

### Assumptions unchanged from the forecast report.

### Government General Grant

It is expected that the amount to be distributed will be a real terms cut for District Councils because of the economic situation and the perceived priorities of Education and Social Services. The forecast assumes just a 1% cash increase per year over the next review period (2011/12 to 2013/14) and that this will then increase to a 2½% cash increase per year.

The formula changes are too complex and uncertain to model so no assumed change has been made but the risk is most certainly on the downside.

The Government has a system of protections still in place for those authorities which they have calculated should be receiving less grant. Unfortunately this is funded by those authorities that are due to receive increases in grant like Huntingdonshire and so this Council has now lost over £6M, including interest. The table below shows the change in assumptions on the level of grant:

<b>GRANT* FUNDING</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>
	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>	<b>£M</b>
<b>Current Approved Plan</b>										
True grant forecast	13.2	13.4	13.7	14.0	14.4	14.7	15.1	15.5	15.9	16.3
Less withheld to protect others	-0.6	-0.4	-0.2							
<b>Total</b>	<b>12.6</b>	<b>12.9</b>	<b>13.5</b>	<b>14.0</b>	<b>14.4</b>	<b>14.7</b>	<b>15.1</b>	<b>15.5</b>	<b>15.9</b>	<b>16.3</b>
<b>Proposed Plan</b>										
True grant forecast	13.2	13.4	13.5	13.6	13.8	14.1	14.5	14.8	15.2	15.6
Less withheld to protect others	-0.6	-0.4	-0.2							
<b>Total</b>	<b>12.6</b>	<b>13.0</b>	<b>13.3</b>	<b>13.6</b>	<b>13.8</b>	<b>14.1</b>	<b>14.5</b>	<b>14.8</b>	<b>15.2</b>	<b>15.6</b>
<b>LOSS (-)</b>		<b>+0.1</b>	<b>-0.2</b>	<b>-0.4</b>	<b>-0.6</b>	<b>-0.6</b>	<b>-0.6</b>	<b>-0.7</b>	<b>-0.7</b>	<b>-0.7</b>

\*Grant includes Revenue Support Grant and NNDR which are *in aggregate* distributed in line with the grant formula.

## Tax Base

TAX BASE	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
	£	£	£	£	£	£	£	£	£	£
<b>Band D Properties</b>										
Number	57,960	58,134	58,483	59,009	59,540	59,897	60,257	60,618	60,982	61,348
% increase		0.3%	0.6%	0.9%	0.9%	0.6%	0.6%	0.6%	0.6%	0.6%

## Council Tax Level

The forecast has been based on only raising Council Tax levels by 2.49% per year. This will be reviewed in the light of the latest information when the tax is formally set next February for 2009/10.

The impact on the Council's income is shown below:

COUNCIL TAX	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
<b>Current Approved Plan</b>										
Council Tax level	£121.15	£127.20	£133.55	£140.21	£147.21	£154.55	£162.26	£170.36	£178.86	£187.79
Council Tax Income	£7.0M	£7.4M	£7.8M	£8.3M	£8.8M	£9.3M	£9.8M	£10.3M	£10.9M	£11.5M
<b>Proposed Plan</b>										
Council Tax level	£121.15	£124.17	£127.26	£130.43	£133.68	£137.01	£140.42	£143.92	£147.50	£151.17
Council Tax Income	£7.0M	£7.2M	£7.4M	£7.7M	£8.0M	£8.2M	£8.5M	£8.7M	£9.0M	£9.3M
<b>Reduction in income</b>		<b>-£0.2M</b>	<b>-£0.4M</b>	<b>-£0.6M</b>	<b>-£0.8M</b>	<b>-£1.1M</b>	<b>-£1.3M</b>	<b>-£1.6M</b>	<b>-£1.9M</b>	<b>-£2.2M</b>

## Use of Revenue Reserves

£16.6M is available to cover the current and forecast funding deficits on a temporary basis and thus give the Council time to phase in the necessary spending adjustments over the next few years.

## Inflation

The biggest item will always be pay inflation and this forecast is based on 1% for April 2010, 2% for 2011 and 2.5% thereafter. This should not be taken as an assumption that the actual award will be at or even around these levels but simply a current estimation that general pay rises may be at these sorts of level. This change has a significant impact on spending levels.

Inflation on some other areas has also been adjusted and the table below highlights the differences over the next three years:

	From To	09/10 10/11	010/11 011/12	11/12 12/13
<b>pay prices</b>		1% from 3%	2% from 3%	2.5% from 3%
expenditure		2% from 3%	2% from 2.5%	2% from 2.5%
fees & charges		2% from 3%	2% from 2.5%	2% from 2.5%
<b>electricity</b>		5% from 38%	5% no change	5% no change
<b>gas</b>		5% from 40%	10.0% no change	10.0% no change
<b>fuel</b>		5% from 10%	7.5% from 10%	10% no change

### Interest Rates

The Council has been largely protected from the fall in interest rates through having a number of investments locked into higher rates. As these come to an end over the coming year our returns will fall but will initially be offset, in part, by low borrowing rates. It has been assumed for the purpose of the forecast that borrowing will be for a mix of periods and current long period borrowing rates are significantly higher than short ones as the market is assuming generally higher rates within the next two years. In practice, there will be some opportunity to achieve lower investment rates by borrowing short until long term rates dip.

The table below shows the assumed interest rates used in the forecast:

Average Rates	2009/10	2010/11	2011/12	2012/13
<b>Investment</b>	3.8%	2.0%	4.5%	4.5%
<b>Borrowing</b>	0.7%	1.7%	4.2%	4.6%

Bid No.	Scheme	REVENUE										NET CAPITAL						CAPITAL GRANTS & CONTRIBUTIONS					
		2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015				
		£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000			
		22,743	22,742	22,742	22,743	22,743	22,743	22,743	22,743	22,743	22,743												
	<b>Refuse and Recycling</b>																						
	Recycling Gate Fees	17	-233	-200	-200	-200	-200	-200	-200	-200	-200												
650	Recycling Credits	-38	-55	-72	-72	-72	-72	-72	-72	-72	-72												
	Charges for Refuse Bins		-8	-8	-8	-8	-8	-8	-8	-8	-8												
	<b>Public Conveniences</b>																						
302	New Public Conveniences											100								150			
	Maintenance of Toilets	-30																					
	Transfer to other Councils		-156	-156	-156	-156	-156	-156	-156	-156	-156												
	<b>Environmental Health</b>																						
911	House Condition Survey	-10	40	-10	-10	-10	-10	-10	-10	-10	-10												
	Air Quality Monitoring Equipment		-20	-30								20											
	Environmental Health Savings		-2	-4	-4	-4	-4	-4	-4	-4	-4												
	<b>Planning Policy and Conservation</b>																						
465	Local development framework inquiry	116	-5	-5	-5	-5	-5	-5	-5	-5	-5												
739	Proposed use of Planning Delivery Grant	172	107	66																			
655	Electronic Document Imaging			17	21	21	21	21	21	21	21												
656	Planning Enforcement Monitoring Officer			23	27	27	27	27	27	27	27												
901	Planning Fees - reduced income	50																					
903	Local Development Framework examinations		200	200	100																		
904	Community Infrastructure Levy - Preparations		30	30																			
	Conservation Grants		-20	-20	-20	-20	-20	-20	-20	-20	-20												
	<b>Economic Development</b>																						
401	Huntingdon Town Centre Development		86									552											
224	Town Centre Developments											210											
239	New Industrial Units			-37	-65	-65	-65	-65	-65	-65	-65	575								310			
	Earmarked Capital Receipt already received												285										
657	Creative Industries Centre, St Neots																						
358	Ramsey Rural Renewal	12	5	5	3																		
509	Industrial Estate Repairs																						
850	Huntingdon West Development (Housing Growth Fund)																						
851	Empty Property Rates on Council Units		30	30	30	30	30	30	30	30	30									1,500			
852	Corporate Commercial Property Advice	15	15																		2,000		













ANNEX D

FINANCIAL SUMMARY	FORECAST															
	F'CAST	BUDGET		MTP												
	2009/10 £000	2010/11 £000	2011/12 £000	2012/13 £000	2013/14 £000	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000	2024/25 £000
<b>2009/10 BUDGET/MTP</b>	23,378	25,286	25,687	25,306	23,149	24,001	24,890	25,817	26,785	27,796	28,650	29,752	30,901	32,103	33,358	34,869
Variations																
Forecast	336	644	-1,331	-1,391	-1,683	-1,769	-2,083	-2,119	-2,249	-2,205	-2,399	-2,219	-2,349	-2,255	-2,399	-2,269
MTP	-323	273	-119	-222	-225	-201	-202	-203	-204	-205	-206	-206	-205	-205	-205	-205
Interest	57	-861	-209	-29	-205	-235	-229	-217	-198	-172	-140	-100	-53	3	67	141
Cost of Borrowing	-576	-803	-864	-1,043	-1,163	-1,479	-1,867	-2,256	-2,614	-3,181	-3,667	-4,163	-4,769	-5,279	-5,784	-6,577
Inflation	0	500	500	738	812	43	256	312	401	491	704	516	708	538	558	547
Spending Adjustments	0	-247	-2,023	-1,947	-2,463	-3,640	-4,125	-4,482	-4,863	-5,272	-5,708	-6,172	-6,668	-7,198	-7,762	-8,362
<b>Total Variations</b>	<b>-506</b>	<b>25,039</b>	<b>23,664</b>	<b>23,359</b>	<b>20,686</b>	<b>20,361</b>	<b>20,765</b>	<b>21,335</b>	<b>21,922</b>	<b>22,524</b>	<b>22,942</b>	<b>23,580</b>	<b>24,234</b>	<b>24,905</b>	<b>25,597</b>	<b>26,507</b>
<b>NEW FORECAST</b>	<b>22,873</b>															
<b>FUNDING</b>																
Use of revenue reserves	-3,251	-4,863	-4,145	-3,618	-716	0	0	0	0	0	200	200	200	200	200	0
<b>Remaining revenue reserves EOY</b>	<b>16,342</b>	<b>11,479</b>	<b>7,334</b>	<b>3,716</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,200</b>	<b>3,400</b>	<b>3,600</b>	<b>3,800</b>	<b>4,000</b>	<b>4,000</b>
Government Support	-12,572	-12,958	-12,077	-12,045	-12,011	-12,154	-12,304	-12,611	-12,927	-13,250	-13,581	-13,921	-14,269	-14,625	-14,991	-15,366
Collection Fund Deficit	-27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Council Tax	-7,022	-7,218	-7,443	-7,697	-7,959	-8,207	-8,461	-8,724	-8,995	-9,274	-9,562	-9,859	-10,165	-10,480	-10,805	-11,141
<b>COUNCIL TAX LEVEL</b>	<b>£121.15</b>	<b>£124.17</b>	<b>£127.26</b>	<b>£130.43</b>	<b>£133.68</b>	<b>£137.01</b>	<b>£140.42</b>	<b>£143.92</b>	<b>£147.50</b>	<b>£151.17</b>	<b>£154.93</b>	<b>£158.79</b>	<b>£162.74</b>	<b>£166.79</b>	<b>£170.94</b>	<b>£175.20</b>
<b>£ increase</b>		<b>£3.02</b>	<b>£3.09</b>	<b>£3.17</b>	<b>£3.25</b>	<b>£3.33</b>	<b>£3.41</b>	<b>£3.50</b>	<b>£3.58</b>	<b>£3.67</b>	<b>£3.76</b>	<b>£3.86</b>	<b>£3.95</b>	<b>£4.05</b>	<b>£4.15</b>	<b>£4.26</b>

Forecast Capital Spending	14,109	9,439	8,045	4,070	5,221	5,003	5,125	5,253	5,383	5,524	5,669	5,818	5,970	6,127	6,287	6,452
Accumulated Borrowing EOY	14,124	22,916	30,122	33,177	37,274	41,019	44,746	48,452	52,128	55,775	59,383	62,945	66,449	69,887	73,246	76,515
Net Interest & Borrowing Costs																
- total	-1,054	85	764	1,387	1,766	2,168	2,501	2,842	3,192	3,551	3,919	4,289	4,669	5,061	5,464	5,881
- as % of total net spending	-5%	0%	3%	6%	9%	11%	12%	13%	15%	16%	17%	18%	19%	20%	21%	22%
Unidentified Spending	0	0	-1,000	-2,500	-5,689	-6,772	-7,231	-7,623	-7,810	-8,238	-8,736	-9,063	-9,328	-9,940	-10,184	-10,442
Adjustments still required																

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## **Overview and Scrutiny Panel (Economic Well-Being)**

**Report of the meeting held on 12th November 2009**

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### **Matters for Information**

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**28. BUDGET AND MEDIUM TERM PLAN 2010 - 2015  
DRAFT PROPOSALS**

The Panel has considered the draft 2010/11 budget, the Medium Term Financial Plan to 2014/15 and the longer term financial forecast to 2023/24, which are included in the Report of the Cabinet to the Council meeting.

The Panel has been advised of Executive Councillors' involvement in the development of the Plan and has examined proposals to draw on £19m of revenue reserves over the next four years. The Plan reflects levels of income from government grant and Council Tax that are lower than had been assumed in the financial plan approved by Council in February 2009.

Members have questioned whether the proposed budget will enable the Council to achieve its service delivery targets and have been informed that, with the exception of the Arts Service, this should be possible. Members have expressed reservations about the Council effectively ending its direct involvement in the arts, though they have noted that the Council will continue to promote the arts through grant funding.

Members have also been assured that the Council's Corporate Plan has been taken into account in devising the budget. Members have made the point that the proposals relating to parking charges could conflict with the Council's objectives to promote the local economy and have been informed that this has been considered in developing the Plan.

The Panel has discussed the proposal to transfer to the Town Councils responsibility for the cleaning and maintenance of the District's public conveniences, which currently costs the District £156k per year. The rationale for this is that the Town Councils are in a better position to manage them because they are more familiar with the level of local need. The Town Councils previously have requested the District Council to give them more powers. The significance of this proposal lies in the fact that savings will be achieved but it might also mean that the proposed construction of new public conveniences

might not go ahead. Members have also discussed the effect of the proposal on tourism, though consensus was not reached on this.

The Panel has requested the Cabinet to review and justify the proposed level of spending on Huntingdon Bus Station and consider instead undertaking some form of refurbishment. Among other matters discussed is the level of investment in the leisure centres. Members are of the view that the Council should recognise the benefits of the service to local people and the likely return on its investment that should be achieved. Similarly, Members have accepted that the sum for the A14 Inquiry is necessary to ensure the Council's perspective is adequately represented during the Inquiry process and to enable detailed aspects of the scheme to be addressed.

The Panel has discussed the assumptions on which predictions about the effect of the Guided Bus have been made and have questioned the level of provision made for the Great Fen Project. The latter will be pursued separately during ongoing scrutiny of the Project. Members have also noted that the proposed level of increase in Council Tax, which represents a decrease in income of £175,000 compared with some previous forecasts, could change as circumstances alter.

## **29. CUSTOMER SERVICES MONITORING REPORT**

The Panel has received the Customer Service Quarterly Performance Report for the period July to September 2009, which outlines the levels of performance and standards achieved by the Service. Members have been informed that all customer service targets have been met and that the service has continued to achieve high levels of customer satisfaction despite adverse trends in the economy. They also have been advised that the Ramsey and Yaxley Customer Information Centres have received customer excellence awards.

The Panel has noted that although the number of calls has not increased, they have become more complex and this has led to an increase in the time taken to answer calls. The range of services offered has also continued to expand.

The Panel has been made aware of the potential risk in continuing to rely on the goodwill of staff to meet service targets. This and the level of vacancies in Customer Services will be monitored by the Head of Service.

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### **Other Matters of Interest**

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## **30. LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN**

The Panel has been acquainted with details of the current Forward Plan of Key Decisions. A report on the Asset Management Plan is

due to be submitted to the Panel's December meeting; the Treasury Management Strategy and Prudential Indicators have been requested for a future meeting and the development brief for the former Fire Station in St Neots will be examined when it becomes available.

**31. OVERVIEW AND SCRUTINY PANEL (ECONOMIC WELL-BEING) - PROGRESS**

The Panel has reviewed its programme of studies. The quarterly monitoring report on the Council's performance against its targets, following its consideration by the Corporate Plan Working Group, will be submitted to the December meeting.

**32. WORK PLAN STUDIES**

The Panel has reviewed its work plan and received details of studies being undertaken by the other Overview and Scrutiny Panels.

**33. SCRUTINY**

In considering the latest edition of the Decision Digest, Members have clarified their intention in recommending the Cabinet to investigate the possibility of swapping land owned by Huntingdon Town Council for Huntingdon Town Hall.

J D Ablewhite  
Chairman

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## **Overview & Scrutiny Panel (Environmental Well-Being)**

**Report of the meeting held on 10th November 2009**

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### **Matters for Information**

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#### **23. 10:10 CLIMATE CHANGE**

The Panel has considered a report seeking the Council's support for the 10:10 Climate Change Campaign which aims to achieve a 10% reduction in UK carbon emissions in 2010. Members have noted that the campaign is in line with the Council's Carbon Management Plan, which identifies a target of reducing carbon dioxide emissions by the Council of 30% over the next five years.

The 10:10 campaign has been launched only recently and applies equally to businesses, community groups and individuals. Local authority support will provide a message to local residents about the importance of the campaign and the Panel therefore has informed the Cabinet that it endorsed the recommendations in the report for the Council to register its support for the 10:10 Climate Change Campaign and promote the principle throughout Huntingdonshire.

#### **24. CAR PARKING REVIEW**

The Panel has received a report on the findings of the Car Parking Working Party. Members have welcomed suggestions for the provision of further spaces at Mews Close, Ramsey and noted that the County Council are considering limiting parking at High Street, Ramsey. Members are concerned however about the County Council's intentions for parking at the new "Park & Ride" site for the guided bus way in St. Ives to be free of charge. The Panel considers that this could have a detrimental effect on town centre parking, as drivers may opt to use the free car park given its proximity to the town centre. The Panel is of the opinion that this could adversely affect car parking income and could also impact on the number of spaces available for users of the guided bus. The Panel therefore has invited the Cabinet to press the County Council to reconsider their decision to permit parking in the car park free of charge.

#### **25. TRANSIT SITES FOR GYPSIES AND TRAVELLERS**

The Panel has endorsed a report to be considered by the Cabinet on the requirement for provision to be made for travellers' transit sites. Members have acknowledged the evidence of need for a transit site in Huntingdonshire and suggested that a location be identified swiftly

so that effective action can be taken to address the number of unauthorised encampments in the District.

**26. THE REGIONAL SPATIAL STRATEGY REVIEW – STATUTORY CONSULTATION RESPONSE**

The Panel has been acquainted with the Council's suggested response to four growth scenarios proposed by the East of England Regional Assembly for the period up to 2031. This results from the need by EERA to extend the period of the current East of England Plan from 2021 by another 10 years.

Each of the scenarios propose growth in Huntingdonshire but the Panel agrees with a suggestion that the pace of growth should be restricted to the rate contained in the existing plan to 2021 (scenario 1). The other three scenarios propose faster rates of growth which are not considered sustainable having regard to the lack of employment opportunities locally, further traffic congestion and the inability of the local infrastructure to accommodate the projected rates of development.

**27. HUNTINGDON WEST AREA ACTION PLAN SUBMISSION DOCUMENT**

Following its consideration of the Huntingdon West Area Action Plan in April 2009, the Panel has endorsed the draft proposed submission document for Huntingdon West Area Action Plan. The Panel has reiterated its support for the redevelopment and regeneration of the area, although there is ongoing concern on the part of some Members over the highway implications of the proposals. The Panel has been informed that the modelling for the proposed new link road has taken into account the proposals for development, and the Highways Authority are satisfied that the proposed level of growth is sustainable.

The Cabinet has been informed that the Panel therefore has no specific comments on the Huntingdon West Area Action Plan submission document. (Copies of the action plan and statement of consultation have been circulated to Panel Members under separate cover – please bring them along to the Council meeting)

**28. COUNTY-WIDE AND INTEGRATED DEVELOPMENT PROGRAMME AND TARIFF**

The Panel has endorsed a report on the draft Cambridgeshire Integrated Development Programme which brings together the various documents available to identify infrastructure needs on a sub-regional basis. The Panel has noted that this exercise has been useful in determining strategic and local infrastructure along with the levels of tariff in viability terms that can be applied in Cambridgeshire and will be an essential tool to guide future development.

**29. LOCAL GOVERNMENT ACT 2000 - FORWARD PLAN**

The Panel has been acquainted with details of the forward plan of forthcoming decisions prepared by the Leader of the Council.

**30. WORKPLAN STUDIES**

The Panel has been advised of progress made to date on its programme of studies. Members will be considering possible topics for future studies at their next meeting.

**31. OVERVIEW AND SCRUTINY (ENVIRONMENTAL WELL-BEING) PROGRESS**

The Panel has been advised of progress on issues that had been previously discussed.

**32. SCRUTINY**

The Panel has considered the latest edition of the Decision Digest and discussed the matters contained therein.

P M D Godfrey  
Chairman

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## **Overview and Scrutiny Panel (Social Well-Being)**

**Report of the meeting held on 3rd November 2009**

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### **Matters for Information**

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#### **28. STUDY – PARKING AT HINCHINGBROOKE HOSPITAL**

Mrs R Clapham, Chairman of Cambridgeshire Link's Hinchingsbrooke Hospital Working Group and Ms E Stubbs, Cambridgeshire LINK Co-ordinator have been invited to discuss the Panel's study on parking at Hinchingsbrooke Hospital. Having described the range of work undertaken by Cambridgeshire LINK, Mrs Clapham and Ms Stubbs have informed the Panel that Cambridgeshire Link has already received comments by users of the Hospital on its car parks, mainly relating to the level of charges being levied and the perceived lack of flexibility afforded to those visiting the Hospital requiring emergency treatment.

Members' attention has been drawn to responses received from Hinchingsbrooke Hospital on the Hospital's Green Transport Plan. Amongst the information presented was confirmation that staff who work on the site are subject to penalties if they fail to comply with the specified terms for using the car parks. Further information on the car park management contract is currently awaited.

The Panel has discussed the future management of the car parks in the context of changes to the Hospital's governance arrangements. It has been concluded that the Stakeholder Panel established by the East of England Strategic Health Authority to oversee the consultation should be informed of the need for the specification for franchise bids to include details of the Hospital's car park management arrangements.

The Panel has been acquainted with the parking provisions in place across the different Hospital Wards. Parents and carers of children admitted to Holly Ward, the Hospital's Children's Ward, automatically receive a free parking permit for the duration of their visit. There also exists the opportunity for car park users to purchase weekly permits.

It has been decided that a representative of the Hospital should be invited to attend a future meeting to present information on the Hospital's current car parking management contract and to discuss matters raised in the course of the study to date. Cambridgeshire LINK will also be invited to the meeting.

**29. DISABILITY ACCESS –  
JOINT ADVOCACY AND ADVICE SERVICES**

As a result of a previous Overview and Scrutiny study on disability access, the Panel has been acquainted with background to the support provided by the Council to community and charitable organisations operating in the District. Members have been advised that the Council has entered into a joint service level agreement with Disability Information Services Huntingdonshire (DISH) in April 2009. Attention has been drawn to the terms of the agreement, which include performance levels expected and mandatory organisational criteria.

DISH has made a number of achievements in the last six months and has undertaken a range of work with other agencies and specialist services in assisting those with disabilities. Specific reference was made to the importance of the internet for those with disabilities as it now makes advice and support available at a time and place, which is convenient for them.

The Panel has acknowledged the difficulties faced by a number of smaller voluntary organisations in conducting day to day back office functions and in so doing, has been advised that this matter is currently being addressed by the Cambridgeshire Funders Group and through Cambridgeshire County Council's Community Engagement Strategy.

**30. PETITION – HILL RISE PARK, ST IVES**

The Panel has been acquainted with details of a petition, which has been received from residents living in the Hill Rise area of St Ives. The petition has been signed by 16 individuals and requests the Council to erect an automatic barrier across the entrance to Hill Rise Park to prevent nuisance caused by drivers entering the park late at night. The petition organiser will formally present the petition to the Panel at its meeting in January 2010. In the meantime, Members have requested information on the actions considered by Officers and the police to address this issue.

The Panel's attention has been drawn to a similar problem previously encountered at The Riverside Park in St Neots. In order to inform their deliberations, Members have requested further information on the arrangements in place at St Neots.

**31. CAMBRIDGESHIRE HEALTH AND ADULT SOCIAL CARE  
SCRUTINY COMMITTEE**

**(a) Update**

Councillor R J West has provided Members with an update on matters discussed at a recent meeting of the Health and Adult Social Care Scrutiny Committee, which included reference to a projected overspend in Adult Support Services and the current

NHS consultation on the Future of Primary Care Out of Hours Services in Cambridgeshire. The consultation will be considered by the Panel in December.

Discussion also has taken place on the future governance of Hinchingsbrooke Hospital. Bidders for the franchise will be required to provide the same level of services as at 2007 and to indicate what level of contribution will be made towards paying off the Hospital's existing debt. Concern has been expressed that the Strategic Health Authority might select the franchisee that undertakes to pay off the largest proportion of the Hospital's debt rather than on the basis of the quality of services that will be provided. As the District Council representative on the Stakeholder Panel, Councillor S J Criswell has reported that it is not currently intended to provide the Stakeholder Panel with details of the franchise bids or release them into the public domain. Members have concurred with a suggestion that the Chairman should approach the Council's Chief Executive and Chairman of the Stakeholder Panel, to request an opportunity to consider the franchisee bids in a private session.

**(b) Appointment of Substitution**

The Panel has appointed Councillor J W Davies as the substitute Member on the Cambridgeshire Health and Adult Social Care Scrutiny Committee.

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**Other Matters of Interest**

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**32. OVERVIEW AND SCRUTINY PANEL (SOCIAL WELL-BEING) - PROGRESS**

The Panel has reviewed its programme of studies. An update on the outcome of discussions with the Executive Councillor for Operational and Countryside Services on the study into play facilities in the District has been received. Consensus has been reached that the Working Group should investigate the possibility of offering Town and Parish Councils the opportunity to enter into an agreement with the District Council for the inspection and maintenance of play facilities. Under the agreement, costs would be split three ways between the District Council (40%), the Town/Parish Council (40%) and users of facilities (20%). The cost implications of this proposal are currently being investigated by Officers.

A suggestion also has been made that the Panel should monitor Section 106 schemes already allocated to new developments and those where funding has been received for the future maintenance of facilities. Subject to the Development Management Panel approving the proposal, Members have agreed that the monitoring of those schemes should be included within their work programme.

**33. WORK PLAN STUDIES**

The Panel has reviewed its work plan and received details of studies being undertaken by the other Overview and Scrutiny Panels.

**34. LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN**

The Panel has been acquainted with details of the current Forward Plan of Key Decisions.

**35. SCRUTINY**

The Panel has considered the latest edition of the Decision Digest and discussed matters contained therein.

S J Criswell  
Chairman



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## **Development Management Panel**

**Report of the meeting held on 16th November 2009**

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### **Matters for Information**

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**13. PLANNING BRIEF - OLD FIRE STATION AND FORMER DEPOT SITE, HUNTINGDON STREET, ST. NEOTS**

The Panel has considered the development opportunities presented by land around the Old Fire Station and former Depot off Huntingdon Street, St. Neots. In so doing, they have recognised the potential to incorporate adjacent land currently used as a car park and possibly part of the Shady Walk recreation ground in the proposed redevelopment of the site.

Whilst mindful of the amenity of neighbours, the importance of the built frontage and adjacent listed buildings, the Panel has considered that the site would be appropriate for a variety of town centre uses and in particular has welcomed the possibility of appropriate community and leisure development at the location.

It has also been suggested that a covered walkway from the potential new development to neighbouring car parks would be an asset to the town and that the space created could be used for exhibitions and displays of art work by local people.

The Panel has been assured that the scale and mass of any new development would be sympathetic to the town centre and that it would be complemented by a suitable landscaping scheme. These conclusions will be conveyed to the Cabinet together with the Panel's support for the principle of the proposed development of the site.

**14. URBAN DESIGN FRAMEWORK, CHEQUERS COURT, HUNTINGDON**

The purpose of an urban design framework is to ensure that all aspirations for a specific area can be drawn together to create a well-planned and appropriate development for this key location. Consultation has now commenced on options for the redevelopment of land around the Chequers Court shopping area in the centre of Huntingdon for both new shops and additional car parking and for this purpose two scenarios for development have been presented to the Panel.

In expressing a preference for scenario 1, the Panel has welcomed the opportunity that the redevelopment will bring to remove

unattractive buildings and create additional car parking and to improve the environment and routes into the heart of the town centre.

Although favouring scenario 1, the Panel has commented that any large retail space should have direct access to an adjacent car park. The Panel has indicated its support for the proposed redevelopment in principle subject to the incorporation of the foregoing comments in the draft document prior to its submission for adoption to the Cabinet.

#### **15. APPEAL AGAINST NON-DETERMINATION**

The Panel has been informed that the Head of Planning Services has received an appeal against the non-determination of an application for the demolition and clearance of redundant buildings, reclamation and remediation of land and redevelopment for mixed uses including housing, employment, a neighbourhood centre and open space at RAF Upwood, Ramsey Road, Bury. In these circumstances, the District Council's as local planning authority can no longer determine the application but Members have noted the reasons for refusal which would have been presented to them if the application had been considered by the Panel.

#### **16. ENFORCEMENT ACTION - YAXLEY**

Subject to the outcome of an appeal to the Planning Inspectorate, the Panel has authorised the Head of Planning Services to serve a breach of condition notice (28 days after the date of the appeal hearing if appropriate) in respect of the failure of Yaxley Parish Council to comply with a condition arising from a planning permission for the raising/lowering of safety netting around two sides of the recreation ground at Daimler Avenue, Yaxley.

#### **17. DEVELOPMENT APPLICATIONS**

The Panel has considered eleven applications of which nine were approved and two refused.

Of wider significance to the District was the Panel's decision to refuse an application for the erection of a wind farm and ancillary infrastructure on land north of Toseland Village, West of Graveley in the Offords Parish and to approve an application to construct a new link road on land between Brampton Road and Ermine Street, Huntingdon.

P G Mitchell  
Chairman

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## **Licensing and Protection Panel**

**Report of the meeting held on 27th October 2009**

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### **Matters for Information**

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#### **6. JOINT AIR QUALITY ACTION PLAN**

The Panel has been acquainted with progress on the statutory Air Quality Review and Assessment process and has authorised the publication of the Joint Air Quality Action Plan (AQAP). In view of the similarities in air quality issues arising from trunk roads within the administrative areas of Huntingdonshire, Cambridge City and South Cambridgeshire, the draft AQAP has been developed jointly by the three authorities. Its purpose is to outline those actions to be taken in pursuit of the national air quality objectives. Those measures identified for Huntingdonshire have already been used in programmes such as the local transport plan and the A14 upgrade and will not commit the District Council to any additional expenditure or policy measures which have not already been agreed in other regimes.

#### **7. THE OZONE DEPLETING SUBSTANCES (QUALIFICATIONS) REGULATIONS 2009**

Having considered the implications for the Council of duties established under the Ozone Depleting Substances (Qualifications) Regulations 2009, the Panel has authorised the Director of Environment and Community Services to appoint "authorised persons" to enforce the provisions of the Regulations and to initiate prosecutions, subject to the prior agreement of the Chairman or Vice-Chairman of the Panel. The Regulations seek to prevent climate change through the regulation of ozone depleting chemicals known as a hydro-chlorofluorocarbons often found in refrigeration and air conditioning equipment.

#### **8. THE FLUORINATED GREENHOUSE GASES REGULATIONS 2009**

In response to the introduction of the Fluorinated Greenhouse Gases Regulations 2009, the Panel has authorised the Director of Environment and Community Services to appoint Officers to enforce the provisions of the Regulations and to initiate prosecutions subject to the agreement of the Chairman or Vice-Chairman of the Panel. The Regulations seek to prevent climate change through the reduction of emissions of fluorinated greenhouse gases often found in refrigeration equipment, air conditioning equipment and heat pumps. The Panel have been advised that no additional funding or

staffing will be required as the duties will be absorbed by existing staff.

**9. FOOD SAFETY AND HEALTH AND SAFETY ENFORCEMENT POLICIES**

The Panel has approved the contents of draft policy statements for health and safety and food safety enforcement. The policies have been revised to comply with recent changes in legislation, primarily the Regulatory Enforcement Sanctions Act 2008 and changes to the Food Standards Agency Food Law code of practice. In order to achieve the objectives, enforcement action will be proportionate to the risk presented and in accordance with the principles of consistency, transparency, helpfulness, openness and the targeting of resources.

In addition the Head of Environmental and Community Services has been authorised after consultation with the Chairman or Vice-Chairman of the Panel to make any subsequent changes in the policies.

**10. "SCORES ON THE DOORS"**

The Panel has been acquainted with the success of the Council's food hygiene rating scheme "Scores on the Doors" scheme, which involves giving food hygiene ratings to all caterers and take away businesses during routine inspections. This was launched in October 2008 and has become popular with both businesses and consumers alike with over 40,000 hits on the Council's website where the results are published. It has also had the effect of increasing standards with those receiving the top score of five stars improving from 47 premises in 2008 to 106 in 2009.

**11. HEALTH PROTECTION REGULATIONS**

The Panel has noted draft Regulations produced by the Department of Health implementing a modernisation process for infectious disease notification and control as a result of changes introduced by the Health and Social Care Act 2008.

The Regulations, which it is anticipated will come into force in early 2010 following a period of consultation, have been designed to be more flexible and to give greater safeguards to those affected by them. The Regulations will introduce new powers and responsibilities for local authorities to allow for an appropriate response to public health threats and as such will have an impact on service delivery.

The proposals are set out in three sets of draft Regulations which will enable authorities to adopt wide-ranging actions in the case of notifiable diseases including detentions and quarantines of infected persons and decontaminating affected premises. Councils will have a duty to have regard to the welfare of anyone whose liberty is restricted by a public health order and may have to provide services for people if they are housebound, with the power to recover costs. There are significant legal and potential human rights implications for

the Council as a consequence of the legislation, with the safeguard of a magistrates order when applying restrictions on people's civil liberties. A further report will be presented when the Regulations have been introduced to ensure that the necessary Officer authorisations are approved.

## **12. ENFORCEMENT POLICIES**

Having been acquainted with the implications of the Regulatory Enforcement and Sanctions Act 2008, the Panel has authorised Heads of Service to review enforcement policies to have regard to the content of the Act and introduce any necessary changes after consultation with the relevant Executive Councillor, Chairman or Vice-Chairman.

The Act is an important element in delivering the Government's commitment to the implementation of the Hampton agenda on regulatory reform and the reduction of the burden on businesses. It delivers a number of distinct but related policy areas relating to the advancement of Hampton's vision of a national and local regulatory system that is risk based, proportionate and effective. The Act has established a Local Better Regulation Office to promote better regulation and co-ordination between local authorities and central government in minimising the burdens of regulation on compliant businesses. It seeks to establish a primary authority scheme to improve consistency of advice and enforcement which will prove resource intensive for those Councils nominated by businesses to be their primary authority.

Relevant Heads of Service have been requested to review the enforcement policies as and when appropriate following the implementation of future legislation or statutory codes and to approve any necessary changes after consultation with the relevant Executive Councillor, Chairman or Vice-Chairman.

## **13. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' CRIMINAL CONVICTIONS**

The Panel has noted a requirement for hackney carriage and private hire driver's licence applicants who have resided outside the UK at any time over the previous five years, to apply for a "Statement of Good Conduct" at their own expense from the relevant embassy or police force in their previous country of residence. This will enhance the standard criminal records bureau check which shows whether an applicant has been convicted for an offence by a Court within the United Kingdom. Both checks will assist the Council in determining whether an applicant is a "fit and proper person" to be the holder of a hackney carriage or private hire driver's licence.

## **14. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS**

The Panel has approved the licensing of vehicles converted to run on liquefied petroleum gas. In so doing, the Panel has approved the

inclusion of additional conditions in the schedules of licensing conditions for hackney carriage and private hire vehicles to cover such vehicles.

**15. LAP DANCING**

The Panel has been alerted to impending legislation which will introduce a requirement for lap dancing clubs to be licensed by the Council. As a result of the growth of such venues in recent years, the Local Government Association and pressure groups have been lobbying for lap dancing to be subject to further regulation in addition to any premises licence required under the Licensing Act 2003 for the sale of alcohol and provision of regulated entertainment. The Policing and Crime Bill is likely to be enacted shortly and will define lap dancing clubs and similar establishments as sex encounter venues which will require licensing as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.

J M Sadler  
Chairman

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## **Licensing Committee**

**Report of the meeting held on 27th October 2009**

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### **Matters for Information**

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#### **2. EUROPEAN SERVICES DIRECTIVE**

The Committee has noted the implications of an EU Services Directive which requires that a system be introduced to allow service providers located in the European Union to apply for, vary and pay for licences and permits on-line by 28th December 2009.

The Licensing Act contains fixed timescales for the determination of applications, the issue of counter notices etc. and requires forms and certificates to be dealt with in certain prescribed ways. As a consequence, changes will be required to accommodate the Directive's requirements and the Department for Culture, Media and Sport (DCMS) has launched a brief consultation exercise prior to making the Regulations required to alter the present arrangements.

The new Directive will apply only to regulated entertainment within the context of the Licensing Act 2003 but for the purpose of consistency will also be extended by DCMS to the sale and supply of alcohol and late night refreshment.

Members have been advised that DCMS estimate savings for applicants to be in the region of £500,000 to £1,500,000 per annum. However, amendments to various aspects of the legislative procedure including transferring responsibility to the licensing authority to notify responsible authorities of applications is likely to marginally increase costs for the Council as the licensing authority.

The Directive similarly applies to many other of the Council's licensing responsibilities which are dealt with by the Licensing and Protection Panel.

#### **3. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES**

The Committee has reviewed the contents of a revised Statement of Principles under the Gambling Act 2005, which has been revised and updated to take into account the latest Regulations and guidance issued by the Gambling Commission. In so doing, the Committee has authorised the Head of Democratic and Central Services, after consultation with the Chairman and Vice-Chairman of the Committee, to make any amendments to the Statement that are considered necessary as a result of any comments received from the public

consultation exercise. At the same time the Committee has invited the Cabinet and Council to approve the Statement of Principles, to come into effect on 31st January 2010 for a period of three years. A separate report on the matter is included elsewhere on the Agenda.

J M Sadler  
Chairman