

A meeting of **HUNTINGDONSHIRE DISTRICT COUNCIL** will be held in the **CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 15 DECEMBER 2010** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

	Time Allocation Guideline
PRAYER	5 minutes
Mr Len Winfield, Pastor at Medway Christian Fellowship will open the meeting with prayer.	
APOLOGIES	2 minutes
CHAIRMAN'S ANNOUNCEMENTS	10 minutes
1. MINUTES (Pages 1 - 14)	2 minutes
To approve as a correct record the Minutes of the meetings held on 3rd November 2010.	
2. MEMBERS' INTERESTS	2 minutes
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. PETITION	15 minutes
To invite Councillor Mrs A Rees to present a petition on behalf of Yaxley Parish Council and residents for Yaxley, Stilton, Farcet, Folksworth and surrounding villages containing 1,865 signatures objecting to proposals to close the Library and Community Information Shop in Yaxley. The petitioners have made the following statement –	
<p>“This Community Information Shop is a lifeline of many Yaxley residents and it is an integral part of the community life of the villages. The elderly, infirm, people with reduced financial circumstances, special needs people, both young and old, who without these facilities close by, would put a heavier burden on our and Huntingdonshire District Council resources. This is their first and last contact point. They help with information and support and this work is brilliantly done by the CIS. We do hope you will keep this centre open.”</p>	
4. COUNCIL DEBATE	1 hour
‘The Voluntary Sector: Where now in the time of recession?’	
Mrs Julie Farrow, Chief Executive of Hunts Forum will be in attendance to address the Council.	

- 5. EXECUTIVE POLICY ISSUES: LOCAL ENTERPRISE PARTNERSHIP 5 minutes**
- Councillor K J Churchill to address the Council on the present position with regard to the creation of a local enterprise partnership including Huntingdonshire.
- 6. DRAFT BUDGET 2011/12 AND MEDIUM TERM PLAN 2012 - 2016: DRAFT PROPOSALS (Pages 15 - 40) 30 minutes**
- Councillor T V Rogers to present the draft Budget 2011/12 and Medium Term Plan 2012 – 2016 to be considered in conjunction with Item No. 41 of the Report of the Cabinet.
- 7. DEVELOPMENT OF WWII AIRFIELD SITE TO PROVIDE TWO PURPOSE BUILT FACTORY UNITS WITH ASSOCIATED HARDSTANDING AND EXTERNAL STORAGE, LAND NORTH OF HIGHFIELD HOUSE, FENTON ROAD, WARBOYS (Pages 41 - 64) 10 minutes**
- To consider a report by the Planning Service Manager (Development Management) in conjunction with the Report of the Development Management Panel - Item No. 14.
- 8. MEMBERS' ALLOWANCES (Pages 65 - 74) 10 minutes**
- To consider a report by the Head of Democratic and Central Services summarising the conclusions of the Independent Remuneration Panel following their recent review of Members' Allowances. (A copy of the Panel's report has been circulated separately.)
- 9. COUNCIL PROCEDURE RULES - EXECUTIVE LEADER AND CABINET FORM OF EXECUTIVE (Pages 75 - 78) 5 minutes**
- Further to Minute No. 43 of the meeting held on 3rd November 2010, to consider a report by the Head of Democratic and Central Services.
- 10. REPORTS OF THE CABINET, PANELS AND COMMITTEES 20 minutes**
- (a) Cabinet (Pages 79 - 158)
- (b) Standards Committee (Pages 159 - 160)
- (c) Overview and Scrutiny Panel (Economic Well-Being) (Pages 161 - 166)
- (d) Overview and Scrutiny Panel (Environmental Well-Being) (Pages 167 - 172)

(e) Overview and Scrutiny (Social Well-Being) (Pages 173 - 180)

(f) Development Management Panel (Pages 181 - 184)

(g) Employment Panel (Pages 185 - 186)

(h) Corporate Governance Panel (Pages 187 - 190)

11. 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.

12. EXCLUSION OF PRESS AND PUBLIC

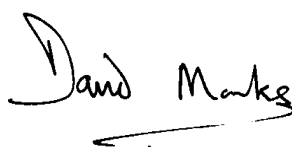
1 minute

To resolve:-

that the public be excluded from the meeting because the business to be transacted contains exempt information which relates to individuals and is likely to reveal the identity of those individuals.

13. REPORT OF THE EMPLOYEE SELECTION PANEL (Pages 191 - 194) 10 minutes

Dated this 7th day of December 2010



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 (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
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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of a SPECIAL MEETING of the COUNCIL held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 3 November 2010.

PRESENT: Councillor J J Dutton – Chairman.

Councillors J D Ablewhite, M G Baker, K M Baker, Mrs M Banerjee, I C Bates, J T Bell, Mrs B E Boddington, P L E Bucknell, E R Butler, S Cawley, B S Chapman, K J Churchill, Mrs K E Cooper, S J Criswell, J W Davies, Mrs J A Dew, D B Dew, R S Farrer, P Godley, J A Gray, S Greenall, N J Guyatt, A Hansard, D Harty, C R Hyams, Mrs P A Jordan, S M Van De Kerkhove, P G Mitchell, A Monk, M F Newman, P D Reeve, Mrs D C Reynolds, T V Rogers, T D Sanderson, C M Sanderson, M F Shellens, Mrs P E Shrapnel, L M Simpson, C J Stephens, P A Swales, G S E Thorpe, R G Tuplin, D M Tysoe, P R Ward, J S Watt and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors I C Bates, P J Downes and P M D Godfrey.

42. MEMBERS' INTERESTS

No declarations of interest were received from Members.

43. EXECUTIVE LEADER AND CABINET FORM OF EXECUTIVE

Further to Minute No. 38 of the meeting held on 29th September 2010, the Executive Councillor for Resources and Policy, Councillor K J Churchill presented a report by the Head of Democratic and Central Services (a copy of which is appended in the Minute Book) regarding proposals for a change of executive to an Executive Leader and Cabinet in accordance with the Local Government and Public Involvement in Health Act 2007.

Members were reminded that they had previously approved the proposals and that these had subsequently been advertised and placed on deposit as required under the Act. Councillor Churchill further explained that the change would come into effect three days after the elections in May 2011 and that amendments to the Council Procedure Rules would be required which would stand adjourned without discussion under the Rules until the next ordinary meeting of the Council.

Having been assured that the necessary consultation and formulation of proposals had been undertaken in accordance with the Act, the Council

RESOLVED

- (a) that the form of the Council's Executive be changed with effect from 8th May 2011 to an Executive Leader and Cabinet in accordance with Section 11 (2A) of the Local Government Act 2000; and
- (b) that the changes to the Constitution listed in the Appendix to the report now submitted be approved with the exception of those changes to the Council Procedure Rules which stand adjourned without discussion to the next meeting of the Council on 15th December 2010.

The meeting concluded at 7.06pm.

Chairman

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the COUNCIL held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 3 November 2010.

PRESENT: Councillor J J Dutton – Chairman.

Councillors J D Ablewhite, M G Baker, K M Baker, Mrs M Banerjee, I C Bates, J T Bell, Mrs B E Boddington, P L E Bucknell, E R Butler, S Cawley, B S Chapman, K J Churchill, Mrs K E Cooper, S J Criswell, J W Davies, Mrs J A Dew, D B Dew, R S Farrer, P Godley, J A Gray, S Greenall, N J Guyatt, A Hansard, D Harty, C R Hyams, Mrs P A Jordan, S M Van De Kerkhove, P G Mitchell, A Monk, M F Newman, P D Reeve, Mrs D C Reynolds, T V Rogers, T D Sanderson, C M Sanderson, M F Shellens, Mrs P E Shrapnel, L M Simpson, C J Stephens, P A Swales, G S E Thorpe, R G Tuplin, D M Tysoe, P R Ward, J S Watt and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors P J Downes and P M D Godfrey.

44. PRAYER

The Right Reverend Dr D Thomson, Bishop of Huntingdon opened the meeting with Prayer.

45. CHAIRMAN'S ANNOUNCEMENTS

(a) Local Democracy Day

The Chairman referred to the success of the Council's first local democracy day and expressed a hope that, given the response by the public and local schools, it would become a regular annual event. On behalf of the Council, the Chairman commended Mrs A Jerrom, Member Development Officer for her part in co-ordinating the day.

(b) Green House Project

The Chairman was pleased to report that he had officially opened the two houses in St. Neots and St. Ives which the Council had equipped with the latest energy conservation measures as part of the green house project. On behalf of the Council, the Chairman thanked the Building Research Establishment and sponsors who had lent their support and assistance to the project.

(c) **Saxongate Artists**

The Chairman reported that he had been pleased to accept on behalf of the Council, a donation of five paintings of Huntingdon scenes by clients of the disability charity, the Papworth Trust in recognition of the Council's interest and support to the Saxongate premises in High Street, Huntingdon and their campaign to install a pedestrian crossing outside the centre.

(d) **Chairman's Christmas Card**

Following a successful response to his Christmas card design competition, the Chairman announced that the winners were Ryan Samupita, Ryan White, Mustafa Ali and Samaria Lynn all of whom were aged 5 or 6 years old.

(e) **Civic Carol Service**

The Chairman encouraged all Members to join him at a civic carol service to be held at St. Mary's Church in Huntingdon on Monday 6th December 2010 about which details would be available shortly.

46. MINUTES

The Minutes of the meeting of the Council held on 29th September 2010 were approved as a correct record and signed by the Chairman.

47. MEMBERS' INTERESTS

Councillor T V Rogers declared a personal and prejudicial interest in Minute No. 50 (a), Item No. 49 by reason of a family connection with the developers of the proposed scheme and he left the civic suite during the Council's discussion on the item.

48. DEMOCRATIC STRUCTURE REVIEW - 12 MONTHS ON

Councillor K J Churchill, Executive Councillor for Resources and Policy presented a report by the Democratic Structure Review Working Party (a copy of which is appended in the Minute Book) regarding the outcome of a review of the impact of the changes to the Council's democratic structure which had been introduced in September 2009.

The Executive Councillor drew attention to the responses received to an on-line questionnaire which had been completed by 67% of the Council's membership on the success or otherwise of the changes and was pleased to highlight that in all cases, Members had indicated their support for their continuation.

Notwithstanding the Working Party's review, the Council was reminded that the move to an Executive Leader would mean that with effect from May 2011, all responsibility for the discharge of executive matters would fall to the discretion of that person including the size, membership and timing of meetings of the Cabinet.

Having thanked those Members and Officers who had participated in and supported the review process and suggested to the Council that the Working Party should continue to meet on an ad-hoc basis to respond to proposals affecting democratic arrangements which might emerge from the coalition government, the Council

RESOLVED

- (a) that no change be made to the current democratic structure of the Council as the result of the review of the measures approved by the Council at its meetings held in April and June 2009; and
- (b) that the decision of the Cabinet to retain the Working Party in its current format to consider and report on an ad-hoc basis on legislative and other changes that may impact on the Council's Democratic Structure be noted.

49. REPORTS OF THE CABINET, PANELS AND COMMITTEE

(a) **Cabinet**

Prior to the arrival at the meeting of the Leader, Councillor I C Bates, L M Simpson, Deputy Leader and Vice-Chairman of the Cabinet presented the Report of the meeting of the Cabinet held on 21st October 2010.

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In connection with Item Nos. 34 and 35 it was noted that the recommendations had been considered previously under Minute Nos. 43 and 49 ante, respectively.

.....

In connection with Item No. 36 and in response to a question from Councillor G S E Thorpe, the Deputy Leader assured the questioner that the Cabinet would address the need to review the Council's performance management targets in the light of changes by the Government to the nationally set performance indicators.

.....

In connection with Item No. 37 and in response to a question from Councillor S Greenall, Councillor T V Rogers, Executive Councillor for Finance and Customer Services gave examples of the capital budget variations amounting to £4,475,000 which had already been identified in the current year which had included housing private sector grants, a scheme for energy generation at One Leisure and ICT replacements. Councillor Rogers explained that in several cases, the variations in expenditure could be attributed to delays to the timing of schemes.

In connection with Item No. 38 and in response to a question from Councillor C M Saunderson requesting examples of the revenue budget variations which had been identified in the current year, Councillor T V Rogers, Executive Councillor for Finance and Customer Services replied that the forecast reduction of £966,000 had resulted from changes in government grant, the transfer of expenditure relating to work at Pathfinder House and Paxton Pits from revenue to capital and an increase in income and savings achieved from the retention of vacant posts. The Executive Councillor further confirmed that £12m remained in the Council's reserves and that in the absence of information from the Government, there continued to be uncertainty on the extent of the savings to be realised on concessionary fares being transferred to the County Council. The Council was reminded that detailed information on budgetary performance was published in the agenda papers for Cabinet meetings which could be viewed on the Council's intranet.

.....

In connection with Item No. 39 and upon being put to the vote, it was

RESOLVED

that the public be not excluded from the meeting to permit a question to be asked arising from Item No. 39 in relation to the sale of land at Kingsbrooke, St. Ives.

.....

(See Minute No. 48 for Members interests).

In connection with Item No. 40 and given that the subject matter was considered confidential, Councillor K J Churchill, Executive Councillor for Resources and Policy undertook to respond to questions to be raised by Councillor T D Sanderson outside the meeting.

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Whereupon, it was

RESOLVED

that, subject to the foregoing paragraphs, the Report of the meeting of the Cabinet held on 21st October 2010 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 14th October 2010. Councillor Ablewhite extended an invitation to all Members to attend a forthcoming meeting of the Panel at which the draft budget

for 2011/2012 and MTP for 2012/2016 would be discussed.

.....

In connection with Item No. 21 and in response to questions from Councillors J W Davies, S Van De Kerkhove and R J West, Councillor Ablewhite confirmed that the report which had reviewed lessons learned during the new Headquarters and Other Accommodation Project was available on the Council's intranet and that both the Deputy Leader, Councillor L M Simpson and Mr R Preston, New Accommodation Project Co-ordinator, should be commended for their contribution to the successful conclusion of the project, the outcome of which had justified the Council's decision to re-build Pathfinder House.

.....

In connection with Item No. 22 and in response to a question from Councillor T D Sanderson, Councillor Ablewhite confirmed that recent investment in One Leisure hopefully would contribute to improvements in the performance of all five centres.

.....

Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Economic Well-Being) held on 14th October 2010 be received and adopted.

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

Councillor D Harty presented the Report of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 12th October 2010.

.....

Referring to Item No. 21, Councillor Harty drew attention to the Panel's decision to establish a local drainage liaison group led by Councillor P M D Godfrey which would offer local Members the opportunity to meet with Anglian Water and other agencies to seek to resolve local issues relating to flooding and the foul sewage system. Members were encouraged to raise their concerns directly with Councillor Godfrey in the first instance.

On the same subject and in response to a question from Councillor M G Baker, Councillor Harty suggested that the questioner should draw Councillor Godfrey's attention to the problems that he suggested were being experienced by the residents of West Street, St. Ives.

Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 12th October 2010 be received and adopted.

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

Councillor S J Criswell presented the Report of the meeting of the Overview and Scrutiny Panel (Social Well-Being) held on 5th October 2010.

.....
In connection with Item No. 23 and in response to questions from Councillors P D Reeve and G S E Thorpe, Councillor Criswell concurred with the view expressed by the questioners that the Neighbourhood Forums could be used more effectively to promote future consultations but he added that Members also should encourage residents within their wards to engage in the consultation exercises to help improve the responses received.

.....
Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Social Well-Being) held on 5th October 2010 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 18th October 2010.

.....
In connection with Item No. 10 and in response to questions from Councillors R S Farrer and L M Simpson, Councillor Mitchell concurred with the views expressed by the questioners that it was essential that the scheme for the dualling of the A428 Caxton to the A1 Black Cat roundabout should be part of the local infrastructure improvements required to support the proposed St. Neots eastern expansion and also ease traffic congestion on the A14. Councillor D B Dew, Executive Councillor for Planning Strategy and Transport added that he took every opportunity to lobby, on behalf of the District Council, for the commencement of the A428 scheme of improvement, that he was aware that completion of 60% of the proposed new

development would trigger a response from the Highways Agency and that only 10% of any funding generated by a Section 106 Agreement could be used towards any improvements scheme.

.....

Whereupon, it was

RESOLVED

that the Report of the meeting of the Development Management Panel held on 18th October 2010 be received and adopted.

(f) **Employment Panel**

Councillor P A Swales presented the Report of the meeting of the Employment Panel held on 27th September 2010.

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Upon being put to the vote the recommendations contained in Item No. 8 were declared to be CARRIED.

.....

Whereupon, it was

RESOLVED

that, subject to the foregoing paragraphs, the Report of the meeting of the Employment Panel held on 27th September 2010 be received and adopted.

(g) **Licensing and Protection Panel**

Councillor J T Bell presented the Report of the Licensing and Protection Panel held on 26th October 2010.

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On being put to the vote, the recommendations contained in Item No. 6 were declared to be CARRIED.

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Whereupon, it was

RESOLVED

that, subject to the foregoing paragraph, the Report of the meeting of the Licensing and Protection Panel held on 26th October 2010 be received and adopted.

(h) **Licensing Committee**

Councillor J T Bell presented the Report of the meeting of the Licensing Committee held on 26th October 2010.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Licensing Committee held on 26th October 2010 be received and adopted.

(i) **Corporate Governance Panel**

Councillor T D Sanderson presented the Report of the meeting of the Corporate Governance Panel held on 28th September 2010.

.....

In connection with Item No. 6 and in response to a question from Councillor G S E Thorpe requesting the Chairman to identify the key areas of activity in the Action Plan for the Value for Money Conclusion 2009/2010 where the District Council could improve its performance, Councillor Sanderson replied that he would respond to the questioner in writing after the meeting. Whereupon, it was

RESOLVED

that the Report of the meeting of the Corporate Governance Panel held on 28th September 2010 be received and adopted.

50. MOTION ON NOTICE

Before proceeding to the Motion on the Agenda, the Chairman announced his intention to invoke the discretion awarded to him under paragraph 9.5 (iii) of the Council Procedure Rules and to rule that the Motion submitted by Councillor M F Shellens on being moved and seconded would be dealt with at the meeting in the interests of the convenient and conducive despatch of the Council's business.

Accordingly, it was moved by Councillor M F Shellens and duly seconded -

"that, having regard to the unprecedented challenges faced by the Council in setting its budget for the short to medium terms with cuts in funding from central government now expected to exacerbate an already critical situation caused by the Council living beyond its means for many years and plans for possible cuts in revenue expenditure in the range of £6m to £12m per annum by 2014/2015, this Council requests the Executive

Councillor for Finance and Customer Services to present to the next meeting a matrix of potential expenditure cuts for each year covering the period 2011/2012 to 2014/2015 setting out the measures that would be taken to meet cumulative budget reductions of £6m, £8m £10m and £12m per annum".

Following debate, and having been put to the vote, the Motion was declared to be LOST.

51. ORAL QUESTIONS

In accordance with the 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 A Monk to the Leader of the Council, Councillor I C Bates

In response to a question inviting the Leader to sign a petition objecting to the potential closure of the Royal Mail Sorting Office in Ramsey, Councillor Bates replied that he was reluctant to commit to signing a petition without having first considered the detail of the proposals and that once he had had this opportunity he would respond in writing with his views to the questioner.

Question from Councillor S Greenall to the Executive Councillor for Planning Strategy and Transport, Councillor D B Dew

In response to a question regarding the average gross income recorded per car park space in a three months period at Mill Common and Princes Street Car Parks, Councillor Dew replied that for the three months commencing in July, Mill Common Car Park accrued an average income of £58 with Princes Street Car Park achieving £248 per space.

Question from Councillor Mrs P E Shrapnel to the Executive Councillor for Planning Strategy and Transport, Councillor D B Dew

In response to a question regarding the outcome of the most recent review of those employees who were permitted to park at Princes Street Car Park free of charge for medical reasons, Councillor Dew replied that 17 employees currently were eligible to park in Princes Street for that reason, which was a reduction of four compared with the situation in June.

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

In response to a question regarding the potential use of volunteers or PCSOs to operate the Council's CCTV service in the event that the delivery of that service was reduced under the proposed budgetary measures, Councillor Bates replied that discussions had taken place with senior representatives of Cambridgeshire Constabulary on the implications of a reduced CCTV service and that he would give further consideration to the suggestion that volunteer operators could be used in future to monitor the cameras.

Question from Councillor M F Shellens to Executive Councillor for Planning Strategy and Transport, Councillor D B Dew

In response to a question regarding the possible use of Mill Common car park instead of Princes Street, as the reserved car park for District Council employees with medical issues, Councillor Dew replied that currently it was Council policy to provide parking for employees with a specific health need adjacent to the Council's offices. The options available for providing such parking were under review in order to balance the District Council's needs as a responsible employer with its operational requirements. It was anticipated that the District Council would be making further use of Mill Common to provide parking concessions where this would not prejudice the District Council's responsibilities as an employer.

Question from Councillor G S E Thorpe to the Executive Councillor for Housing and Public Health, Councillor A Hansard

In response to a question regarding the implications for the Council's budget of the Government's decision to cap housing benefits to deter potential housing benefit migrants, Councillor Hansard replied that whilst aware of the possibility of such people approaching the District Council, for assistance it was premature to assess how great a demand there might be. He indicated that he would keep the Council informed of developments.

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

In response to a question regarding the proposed establishment of local enterprise partnerships, Councillor Dew replied that he did not share the questioner's concern that the partnerships could prove to be a form of quango, that he understood that local partnerships, whilst supported by Officers, would comprise elected representatives and local businesses and that he was hopeful that the initiatives would be successful in encouraging economic growth and in the creation of local jobs.

Question from Councillor S Van De Kerkhove to the Executive Councillor for Planning Strategy and Transport, Councillor D B Dew

In response to a question regarding the steps to be taken by the Council to encourage Christmas shoppers to Huntingdonshire Towns, Councillor Dew replied that through collaborative working with town partnerships, the Council would be supporting a range of Christmas related initiatives including targeted funding of £1,250 which would be made available to support local shopping schemes. However, Councillor Dew added that less than 20 vouchers had been used during the 2008 Christmas period when free car parking had been offered to shoppers in Huntingdon via District Wide.

Question from Councillor T D Sanderson to the Executive Councillor for Leisure and Law, Property and Governance, Councillor Mrs D C Reynolds

In response to a question regarding the mis-use of disabled parking bays at Huntingdon One Leisure Centre, Councillor Mrs Reynolds replied that whilst the Leisure Centre staff were vigilant, there were insufficient resources to monitor use of the car park spaces at all times. However, she indicated that she would ask the Centre Manager to keep the situation under review.

The meeting concluded at 8.44pm.

Chairman

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Draft Budget 2011/12 and MTP 2012/2016

Amended for changes requested by Cabinet

Report by the Chief Officers' Management Team

1. INTRODUCTION

- 1.1 This report provides a draft budget and medium term financial plan based upon the Government's preference for no Council Tax increase next year with compensation being provided by a 2.5% government reward grant for 4 years. As far as possible it takes account of the Comprehensive Spending Review (CSR) to the extent that details have been disclosed.
- 1.2 This report will be considered by Overview and Scrutiny on the 11 November so that Cabinet can take account of their comments when deciding on its recommendation to Council on the 15 December.

2. SUMMARY

- 2.1 The changes to services proposed are expected to generate revenue savings of £6.4m per year by 2015/16. In addition it is proposed to reduce our capital programme over five years by £5.3m. Further savings are still required and may be resolved through additional Government funding from initiatives such as the New Homes Bonus or by identifying or accelerating further savings proposals. The position will be clearer by the time the final draft budget is produced in December.
- 2.2 The proposals take account of the results of the public consultation exercise involving residents, town and parish councils, local businesses and organisations and employees. They represent a substantial saving and will maintain Huntingdonshire as one of the lowest tax setting districts in England.
- 2.3 The national economic situation means that services which are undoubtedly valued by some are now unaffordable in the context of reductions in government funding and the desire to maintain a low council tax.
- 2.4 Central government has set out in its Comprehensive Spending Review an indication of the level of funding that Councils will, in total, receive over the next four years. This is a similar timescale to that previously set by this Council to rebalance its own budget. The proposals concentrate on changes to service plans over this timescale and whilst some are based on firm plans that can be implemented in the short term, others are an expression of intent to make changes, the timing and detail of which are still to be determined.

- 2.5 The proposals prioritise maintaining a low Council Tax whilst re balancing our budget within four years, by which time our revenue reserves will be at a minimal level. Our proposals focus expenditure on the maintenance of services in key areas, although even in these areas substantial savings through efficiency and other cost reductions are also sought. Key areas include:
- ◆ Waste collection and recycling
 - ◆ Support for vulnerable people, including benefits and housing advice
 - ◆ Support for healthy lifestyles
 - ◆ Strategic planning and growth
 - ◆ Licensing, elections and regulatory functions
- 2.6 The capital programme will be scaled back. Those programmes that could be justified at a time when the Council had access to unrestricted capital reserves will be reduced or ended. Significant strategic investments required to support the development and economic wellbeing of the district and our towns, and those where an economic financial return can be obtained, are maintained in full.
- 2.7 Savings resulting from reductions in the number of senior staff and consequent reorganisations are expected to save £300k in the first 12 months. Over the course of the 4 year saving plan further reductions in senior staffing are expected to bring this total to more than £700k per year. These savings are dependent upon further reorganisations and the development of more shared working.
- 2.8 Over the period it is planned to negotiate a series of changes to pay, pay systems and allowances which are targeted to save £350k per year.
- 2.9 The impact on staff generally has not yet been determined but has been estimated. In many areas proposals will be produced over the coming months and will be subject to staff consultation. However in total we expect that the budget savings will require a reduction in headcount of 124 full time equivalents (FTE) over 4 years. This amounts to about 1 in 7 staff and will be achieved firstly through voluntary redundancy and natural wastage, but is also likely to result in some compulsory redundancies during the period. Details are given in Annex C.
- 2.10 Detailed proposals for government funding have not yet been made available to us. The new homes bonus, changes to funding of the concessionary bus fares scheme and funding arrangements for housing benefits and council tax in particular may result in further substantial changes.

3. GOVERNMENT GRANT

- 3.1 The Financial Forecast Report, considered in September, assumed that Government Grants:
- ◆ would fall in cash terms by 25% over 5 years
 - ◆ that there would be some loss from formula changes
 - ◆ that the loss re concessionary fares would not be larger than our spending saving

The Comprehensive Spending Review (CSR) has provided information on the **overall** impact on local authorities. It refers to a real terms cut of 28% over 4 years. Whilst this is equivalent to a cash reduction of around 20%, the reward grant for not raising Council Tax next year has to be funded from within this sum. The Government have also front-ended the cuts so that the **average** Council will suffer a reduction of 11% in its funding for the coming year. The tables below shows how our new forecast, based on CSR figures, requires us to make savings much earlier than previously expected:

Government Grant * - % change	Budget	MTP			
	11/12	12/13	13/14	14/15	15/16
	£M	£M	£M	£M	£M
Cash reduction assumed in Forecast	-5%	-5%	-5%	-5%	-5%
CSR overall reduction	-11%	-6%	-1%	-6%	+2.5%#

Government Grant* - Cash change			Budget	Budget	MTP			
			10/11	11/12	12/13	13/14	14/15	15/16
Current	Approved	MTP	£M	£M	£M	£M	£M	
(February)			12.9	12.4	12.6	12.6	12.9	13.3
Forecast (September)			12.9	11.7	11.3	10.7	10.2	9.7
This Draft			12.9	11.1	10.5	10.4	9.7	10.0

Assumed that there will be an inflationary increase after this spending round.

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

- 3.2 **There are two areas of concern in this assumption.** Firstly there is a major risk that the Sparse proposal on Concessionary Fares (see below) will not be supported by the Government and secondly there is a clear expectation by commentators and the LGA that District Councils will do worse than the average position due to the protections promised on education and social services.
- 3.3 Since the original concessionary bus fares grant consultation document was published the section on concessionary fares has proven to be badly explained, very controversial and flawed. As a result, the DCLG revised the exemplifications. In so doing, it become clear that the figures quoted were not, as is the norm, the proposed reduction in grant to reflect the saving in expenditure but the **net impact** on the authority. The proposals were based on a major redistribution to metropolitan and London authorities (i.e. of the grant taken from Huntingdonshire and the other Cambridgeshire Districts only a portion would be given to the County Council to fund concessionary fares). The net loss to Huntingdonshire would be between £0.6M and £1.4M depending on the option chosen. All other Cambridgeshire Districts (except Cambridge City) would also lose out significantly. Annex D illustrates the position for one set of the 24 combinations that are being considered.
- 3.4 As a result of lobbying from Sparse (a pressure group for rural authorities) a further option which reduces each Districts grant by their

spending on Concessionary Fares and transfers it straight to their County has been circulated by DCLG but it is clear that the civil servants, responsible for the grant formula, are unenthusiastic because it gives them technical difficulties. The LGA response to the consultation strongly expresses their view that the impact should be neutral for District Councils.

- 3.5 On a more positive note, the Government is proposing a “New Homes Bonus” for authorities that support the growth agenda. Consultation will take place in November but it is expected that a portion of the Council Tax from new dwellings will be added to Government Grant for a fixed number of years. Unfortunately, this will predominantly be a re-allocation of grant and so will be damped, thus reducing the impact.

4. COUNCIL TAX

- 4.1 The Government’s preference is for Councils to freeze Council Tax for the coming year. This option has been incorporated into the plan and brings with it a reward grant of 2.5% of our 2010/11 Council Tax for four years.
- 4.2 It is then assumed that rises would subsequently be 2.5% a year.
- 4.3 From 2012/13 onwards it is proposed by the Government that Council Tax increases, in excess of a limit set by the Secretary of State, will require public support from a referendum which would be costly, a significant administrative burden and universally, have an uncertain outcome.

5. INFLATION AND INTEREST RATES

- 5.1 Revisions to interest rates and the amounts that interest is earned on due to last year’s outturn have been made which also reflect the Government announcement as part of the CSR that PWLB borrowing rates would immediately rise by 0.85%. Further refinements to the forecasting model have also been made to improve accuracy.
- 5.2 A much more detailed calculation of the MRP (statutory provision for repaying debt) has been introduced and the higher proportion of short life assets (e.g. vehicles and IT) increases the revenue impact of the capital programme.
- 5.3 Inflation has been revised on fuel and utilities and the assumption on increases to the employer’s pension contribution % has been limited to reflect the Government’s intention to make public sector pension schemes more affordable. As the savings requirement, like service spending, is expressed at 2010/11 prices there are some significant inflation adjustments when the phasing and magnitude of savings varies.
- 5.4 The results of these changes are shown in the Budget Summary at Annex E.

6. PROPOSED SPENDING CHANGES

- 6.1 This section sets out the impact on each service of the proposed spending cuts. In order to put these into perspective it sets out the

current budget (2010/11) and staffing levels. Budget figures exclude capital charges and the recharges of overheads.

6.2 Overview and Scrutiny members, in particular, have expressed interest in the degree to which the services we are involved in providing are statutory services. To this end a matrix has previously been made available which provided a detailed analysis of the complex relationships between discretionary, non-discretionary and regulatory services. While the Council is required to make significant savings over the coming years it is not envisaged that this will require service reductions to minimum statutory levels and discretion will be available to consider the means and level of provision across the range of services currently provided. The comments below aim to give a more subjective view of the extent to which we have discretion over staffing numbers.

6.3 Revenue Items

REVENUE ITEMS	
Current budget & staffing	Proposed changes to service
Operations Division - £5.1M	
Refuse/ Recycling £1.9m of which pay cost is £1.7m 66 FTE None of these posts are wholly statutory.	Except for increased charges for the collection of bulky waste, generating £20k p.a., no service level changes are proposed in this area. Efficiency savings are targeted. A reduction of one collection round would save £100k. This may follow the purchase of round scheduling software (an example of shared working with Cambridge City and East Cambridgeshire DC). It is also planned to absorb growth in housing numbers anticipated at 500 p.a.
Markets Net income £0.1m	No service level changes are proposed in this area, although a £5k saving on consultant fees are proposed.
Street Cleansing £1.0m of which pay cost is £0.7m 29.4 FTE None of these posts are wholly statutory.	No service level changes are proposed in this area.
CCTV £0.5m of which pay cost is £278k 13.9 FTE None of these posts are statutory.	The budget is based on reducing CCTV staffing from April 2011, providing a basic service during 2011/2 and mothballing the service from April 2012. This could result in CCTV cameras being switched off from April 2012. The CCTV van will be disposed of and no staff would be retained. A basic service could be maintained for an annual cost of £300k.

<p>Countryside £0.5m, of which £574k is pay cost</p> <p>21.6 FTE None of these posts are statutory.</p>	<p>Savings of £263k p.a. are proposed by reducing staff, ending the educational / events programme, reducing our commitment to maintenance and the Rights of Way programme and concentrating of income generating activities. Some of these responsibilities may be taken up by volunteer groups.</p> <p>Further savings of £100k p.a. are targeted from 2014. This is subject to identifying further responsibilities that can be taken up by volunteer groups and trusts.</p>
<p>Car Parks Net Income £1.1m, of which £183k is pay cost</p> <p>8.1 FTE None of these posts are statutory.</p>	<p>Car park fees are currently only budgeted to rise with inflation. A larger rise could be considered if off street parking opportunities were managed in a manner consistent with any proposed rise. For this reason the plan assumes an additional £500k of income from 2014 resulting from a doubling of charges.</p>
<p>Grounds Maintenance £0.9m, of which £0.8m is pay cost</p> <p>28 FTE None of these posts are statutory.</p>	<p>A reduction of £150k is proposed. This is linked to restructuring and moving to a more integrated workforce throughout Operations. However there will also be some reductions in service (i.e. reducing the number of grass cuts).</p>
<p>Vehicle Maintenance £0.2m, of which £147k is pay cost</p> <p>4 FTE None of these posts are statutory.</p>	<p>No service level changes are proposed in this area.</p>
<p>Management Unit £1.3m, of which £1.2m is pay cost</p> <p>28.5 FTE None of these posts are wholly statutory.</p>	<p>Efficiencies of £250k are targeted in this area.</p>

Environmental Management Services – £2.9M

<p>Internal Drainage Boards £0.34M</p>	<p>This is a statutory charge placed upon the Council.</p>
<p>Watercourses £0.06M</p>	<p>No service level changes are proposed.</p>
<p>Public conveniences £0.03M</p>	<p>This budget is maintained pending discussions with Huntingdon Town Council.</p>
<p>Environmental Initiatives £0.15M</p>	<p>Savings of £50k pa are targeted.</p>
<p>Building Control Income £0.5M</p>	<p>We see no prospect of increasing revenues.</p>
<p>Highways & Transportation £0.2m</p>	<p>No service level changes are proposed.</p>

<p>Management Units £1.6M, of which £1.4m is pay cost</p> <p>32.2 FTE None of these posts are statutory although some statutory work is undertaken.</p>	<p>Historically some of the £0.4m pay cost relating to design and architecture services has been capitalised. £0.5m of the pay cost relates to building control.</p> <p>Staff reductions will be introduced in line with the reduction in the capital programme. We will continue to pursue opportunities for sharing building control services.</p>
<p>Facilities Management £0.9M, of which £164k is pay cost</p> <p>5.8 FTE None of these posts are statutory.</p>	<p>Staff reductions across the Council, and the introduction of hot desking following the promotion of home working and flexible working should release office space for letting. This may generate an income of £150k p.a.</p>

Planning Services – £3.1M

<p>Development Management income £0.9M</p>	<p>The budget assumes the same level of income but this is dependent upon economic activity. Charges for planning advice, currently free, may generate £40k p.a. additional income.</p>
<p>Planning Policy & Conservation £0.9M</p>	<p>A one off addition to the budget to fund work on the A14 has now been deleted from the budget.</p>
<p>Transportation £0.1M</p>	
<p>Concessionary Fares £0.7M</p>	<p>This will transfer to county.</p>
<p>Management Units £2.3M, of which £2.2m is pay cost</p> <p>50.4 FTE None of these posts are statutory although a significant amount of statutory work is undertaken.</p>	<p>Reductions in planning policy and development management posts will save £125k pa, whilst reductions in support staff, transport schemes and staff will save a further £95k pa from April 2012.</p>

Environmental and Community Health Services – £2.7M

<p>Environmental Health £0.2M</p>	<p>No changes are proposed.</p>
<p>Arts Development £0.1M</p>	<p>Proposals included in last year's budget, which have now been implemented, will reduce this budget to nil for the coming year, although two community schemes will be maintained.</p>
<p>Leisure Development £0.2M</p>	<p>This matched funding will be reviewed when external grants come to an end in 2013.</p>
<p>Community safety £0.1m</p>	<p>The loss of external grants will see this service reduced by £50k.</p>
<p>Grants £0.4m</p>	<p>Cuts in grant funding will be phased in from 2012/3 which will leave around £75k pa after 2014/5.</p>

<p>Management Units £1.6M Pay cost totals £2m across the service</p> <p>FTE 31.2 None of these posts are statutory although some statutory work is undertaken.</p>	<p>Staff savings of £275k pa are targeted. This will result in less health and safety advice being given and reduced capacity to investigate nuisance, noise, pollution and drainage incidents.</p>
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Housing Services – £1.4M

<p>Homelessness £0.2M</p>	<p>No service level changes are proposed.</p>
<p>Management Units 1.1M. Pay cost totals £1.2m across the service</p> <p>FTE 30.4 None of these posts are statutory although some statutory work is undertaken.</p>	<p>Staff savings of £100k are targeted.</p> <p>A slower response time will result for some enquiries and specialist advice.</p>

Financial Services – £2.0M

<p>External Audit £0.1M</p>	<p>External audit fees are currently set according to a scale of charges determined by the Audit Commission.</p>
<p>VAT partial exemption £0.1m</p>	<p>This is a statutory calculation.</p>
<p>Net interest cost £0.1M</p>	<p>Interest is largely a function of borrowing and will continue to grow.</p>
<p>Insurance Premiums £0.4M</p>	
<p>Management Units £1.2M, of which pay cost is £1.1m</p> <p>FTE 24.2 None of these posts are statutory although some statutory work is undertaken.</p>	<p>Efficiency savings of £120,000 are targeted. Some savings are obtained by sharing our staff with other authorities.</p>

Customer Services – £2.2M

<p>Income £1.6m</p>	<p>Currently an additional £56k of subsidy is being received. We believe that HB subsidy will be reduced by central government and that an announcement to this effect is likely around 10/11/10.</p>
<p>Management Units £2.5M of which pay cost is £1.9m</p> <p>FTE 63.5 None of these posts are statutory although some statutory work is undertaken.</p>	<p>Efficiency savings of £100k are targeted some of which result from increasing benefits claims work over the internet.</p>
<p>Call Centre £0.6M of which pay cost is £0.4m</p> <p>FTE 14.7 None of these posts are statutory although some statutory work is undertaken.</p>	<p>Reduce opening hours at the Call Centre by 2 hours each day (Open from 9am – 5pm) will save £20k pa</p> <p>Following the renegotiation of system support contracts savings of £30k are expected.</p>

<p>Customer Service Centres £0.7M of which pay cost is £0.6m</p> <p>FTE 18.4 None of these posts are statutory although some statutory work is undertaken.</p>	<p>Closing Ramsey, Yaxley, St Ives and St Neots CSC's are targeted to save £200k.</p> <p>Reducing opening hours at Huntingdon CSC by 30 minutes each day (Open from 9am – 4.30pm) may save £14k pa.</p>
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Leisure Services – £1.1M

<p>Huntingdon Leisure Centre £0.2M</p> <p>Ramsey Leisure Centre £0.2M</p> <p>Sawtry Leisure Centre £0.2M</p> <p>St Ivo Leisure Centre £0.1M</p> <p>St Neots Leisure Centre £0.2M</p> <p>Management Units £0.2M Total pay cost across the leisure centres amounts to £4.6m.</p> <p>FTE 200 None of these posts are statutory.</p>	<p>Staffing efficiencies of around £300k are targeted. This will involve reducing opening hours in some centres at some times.</p> <p>A redevelopment of the St Ives indoor centre along the lines of the improvements in Huntingdon and St Neots is being designed with a view to generating £400k additional income net of costs.</p> <p>Once the above changes have been introduced investigations will commence to transfer responsibility for running, maintaining and developing the leisure business to a trust.</p>
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IMD Services – £2.2M

<p>Helpdesk £0.5M of which pay cost is £0.3m</p> <p>Network Services £0.6M of which pay cost is £0.2m</p> <p>Development Team £0.3M of which pay cost is £0.2m</p> <p>Information Management £0.3M of which pay cost is £0.2m</p> <p>Business Analysis £0.4M of which pay cost is £0.4m</p> <p>Head of IMD Management Unit £0.2M of which pay cost is £0.2m (4FTE)</p> <p>FTE 32.4 across the service. None of these posts are statutory although some statutory work is undertaken.</p>	<p>Staff reductions and other efficiency savings are targeted to amount to £200k over the 4 year plan. These require moving to a virtual server and desktop system. £80k will also be generated through the sharing of our staff with other authorities.</p> <p>Additional staff reductions will result from a reduction in the capital programme.</p>
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People, Performance & Partnership – £2.0m

Economic Development £0.2M	Halving, then stopping grant to Town Centre Partnerships, with subsequent reductions in employee time is targeted to save £100k. The council will be less able to support the vibrancy of town centres.
Communications and Marketing £0.1M	Moving District Wide to electronic only is targeted to save £50k and Hunts Matters will cease at a saving of £10k.
HR – Pensions, Payroll, etc £0.3m	
Management Units £1.4M, of which pay cost is £1.1m FTE 27.1 None of these posts are statutory but some statutory work is undertaken.	Staff reductions and other savings are targeted to amount to £100k over the 4 year plan period.

Law, Property & Governance - -£0.9M

Property income £1.4M	Review Strategy and Portfolio to maintain income levels.
Management Unit £0.5M of which pay cost is £0.5m FTE 9.2 One of these posts is statutory and others also undertake significant statutory work.	Staff reductions and other savings are targeted to amount to £100k over the 4 year plan period.

Democratic & Central Services – £1.8M

Corporate Committees & Subscriptions £0.1M	These budgets should be subject to review by a members working group.
Member Allowances & Support £0.5M	
Elections £0.2M	
Land Charges income £0.2	Government proposals may reduce this income.
Licences income £0.2	Increased charges for certain licenses may generate £35k, whilst efficiency savings are targeted to saving £15k.
Document Centre £0.6M of which pay cost is £0.3m FTE 12.4 None of these posts are statutory.	Additional income from undertaking work/collaboration with other organisations and/or reduction in costs of design, printing and despatch are targeted to save £75k.
Management Units £0.9M of which pay cost is £0.8m FTE 20.9 None of these posts are statutory although a significant amount of statutory work is undertaken.	Staff reductions and other savings are targeted to amount to £100k over the 4 year plan period.

The table below summarise the impact of the full list of changes which are detailed in Annexes A & B.

Service Variations REVENUE	10/11	11/12	12/13	13/14	14/15	15/16
	£000	£000	£000	£000	£000	£000
Extra Cost & Rephasing (Annex A)	139	383	405	373	340	363
Savings (Annex B)	-397	-2,280	-3,867	-4,906	-5,901	-6,442
Capital to Revenue	52	0	0	0	0	0
Revenue to Capital	-286	0	0	0	0	0
Technical #	-232	282	275	268	258	198
Total Variations	-724	-1,615	-3,187	-4,265	-5,303	-5,881

Includes an increase of £250k due to the removal of the assumption that extra unbudgeted un-earmarked grants will be received each year. This is extremely unlikely now that the Government has drastically cut or removed various funding regimes.

6.4 Capital Programme

Proposals on the capital programme are outlined below and follow the order of listing and descriptions as used in the Budget/MTP approved by Council in February 2010.

CAPITAL ITEMS	
Service	Comments and proposed changes
Public conveniences	No expenditure is planned.
Huntingdon Town Centre, including car park	A one off strategic project aimed at improving retailing and car parking in Huntingdon has recently been endorsed by the Cabinet.
Huntingdon Marina	The previously planned project budgeted at £62k has been deleted from the plan.
Play Equipment	The previous budget of £60k to 70k pa has been reduced to £50k for 2011/2 and £20k pa thereafter. This budget will be used on play areas which are deemed to be of significance for the district generally rather than the immediate locality. Towns and Parish Councils will be requested to fund the maintenance and development of smaller parks unless s106 funding is obtained.
Leisure centres	Substantial investment is required in St Ives if this centre is to improve its profitability. Investment in this centre is subject to a business plan demonstrating that the investment is entirely self funding.
Community Facilities grants	The previous budget of £60k to £70k pa has been deleted from the plan in favour of requesting towns and parishes to fund this work.
Lighting	The previous budget of £23k pa has been deleted from the plan.
CCTV	The previous budget of £80k pa has been deleted from the plan. This deletion is based upon the mothballing of all CCTV operations.

Disabled Facilities Grants (DFGs)	These grants are a statutory obligation and depend upon the level of demand.
Housing Repairs assistance	The previous annual budget of £190k pa has been cut to £100k pa. This will reduce the number of unoccupied dwellings that can be brought back into use.
Social housing grants	The annual budget of £500k has been deleted from the plan.
Transport	Previous budgets totally £300k for the local transport plans, safe cycling routes, St Neots and Ramsey transport strategies, accessibility improvements and signs have all been deleted from the plan.
Public transport	Previous budgets for bus shelters and redevelopment of the Huntingdon Bus Station have all been deleted from the plan.
Car parks	The previous budgets for maintenance of the car parks and the construction of a new multi-storey car park in Huntingdon have been maintained in this plan.
Environmental improvements & strategy	The one off project relating to St Ives Town Centre (phase II) has been deleted from the plan. Previous budgets totally £220k for small scale, village residential and AJC related projects have all been deleted from the plan.
Vehicle fleet	The timing of the purchase of replacement refuse and grounds maintenance vehicles has been reviewed. Rephasing these purchases has led to a reduction of £ 750k in capital expenditure over four years.
IT	This budget relates to hardware, desktop systems and business systems.

The table below summarise the impact of the full list of changes which are detailed in Annexes A & B.

Service Variations	CAPITAL	10/11	11/12	12/13	13/14	14/15	15/16
		£000	£000	£000	£000	£000	£000
Extra Cost & Rephasing (Annex A)		-327	7,627	-1,205	-286	-845	-2,526
Savings (Annex B)		-1,107	-3,769	-72	-2,011	-1,598	-87
Net Nil			45	-45			
Capital to Revenue		-52	0	0	0	0	0
Revenue to Capital		286	0	0	0	0	0
Technical		-1,233	-157	807	13	-6	-266
Total Variations		-2,433	3,746	-515	-2,284	-2,449	-2,879

Annex F shows the resulting Capital Programme.

7. OVERALL POSITION

7.1 The following table summarises the overall position and highlights the levels of savings still required. Annex E shows the table in additional detail and extended to the whole Forecast period.

Government Preference	Forecast	Budget	MTP			
	10/11 £M	11/12 £M	12/13 £M	13/14 £M	14/15 £M	15/16 £M
Net Spending before savings	24.5	25.2	26.4	27.5	28.4	29.1
Proposed savings (Annex B)	-0.4	-2.3	-3.9	-4.9	-5.9	-6.4
Savings still required		-0.5	-1.6	-2.6	-3.6	-4.3
Net Spending after Savings	24.1	22.4	20.9	20.0	19.0	18.3
Funded by:						
Government support	-12.9	-11.1	-10.5	-10.4	-9.7	-10.0
Special Grant		-0.2	-0.2	-0.2	-0.2	0.0
Council Tax	-7.2	-7.4	-7.6	-7.8	-8.1	-8.4
SHORTFALL						
Met from Reserves	3.9	3.7	2.7	1.6	1.0	0.0
Council Tax Increase	£124.17	£124.17	£127.27	£130.46	£133.72	£137.06
Remaining Reserves EOY	12.0	8.3	5.6	4.0	3.0	3.0

8. UNCERTAINTIES

8.1 A number of significant uncertainties remain and only some of them will be resolved before the Council has to approve the final budget and MTP in February.

8.2 The main items that will be resolved are:

- ◆ Government Grant including the impact of concessionary fares. **(Potentially adverse)**
- ◆ New reward grant for housing development **(Beneficial but damping will reduce benefit)**
- ◆ Details of the National Insurance changes **(Possibly slightly beneficial)**
- ◆ Pension Fund revaluation and impact on contributions **(probably neutral in shorter term)**
- ◆ Impact of reduction in LPSA and Area Based grants **(some allowance already made)**
- ◆ Reduction in Benefits subsidy **(Potentially adverse)**

8.3 The main items that are unlikely to be resolved are:

- ◆ The degree and speed of changes to the Pension scheme
- ◆ The speed of economic recovery including the impact on inflation, interest rates, unemployment and homelessness.
- ◆ The impact of lower levels of staff turnover.
- ◆ Remote possibility of further one-off VAT refunds or receiving compound rather than simple interest on these and the refunds already agreed.

- ◆ The potential for costs relating to “orphan” contaminated land sites.
- ◆ Difficulty delivering the savings already identified or the spending targets inherent in this plan.
- ◆ Repayment of past land charge fees.
- ◆ Increased bad debts on Council Tax collection resulting from new responsibilities on Council Tax benefit from 2013/14.

9. CONCLUSIONS

- 9.1 The public consultation results provide the Council with valuable information to address the balance between the preservation of valued services and the level of Council Tax increase.
- 9.2 There remain a number of unknowns, some of which will be resolved by the final budget report, but, whatever the outcome and whatever the decision on the Council Tax increase, significant savings are required that require decisions now so that the necessary preparations can be made.
- 9.4 Council Tax increases in excess of the Secretary of States limit from 2012/13 onwards will require public support from a referendum which will be costly and universally problematic.

10. RECOMMENDATIONS

Cabinet is:

Requested to recommend to Council a draft budget and MTP and the level of Council Tax for 2010/11.

Recommended to authorise the Directors, after consultation with the appropriate Executive Councillor(s), to prepare and implement plans for changes and reductions in services to achieve targeted savings plans for 2011/12 and future years.

ANNEXES

- A Extra Cost Proposals**
- B Savings Proposals**
- C Staffing reductions**
- D Concessionary Fares Exemplification**
- E Financial Summaries**
- F Draft Capital Programme**

ACCESS TO INFORMATION ACT 1985

Source Documents:

1. Working papers in Financial Services
2. Financial Forecast (September 2010), 2009/10 Outturn, 2010/11 Revenue Budget and the 2011/15 MTP

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EXTRA COSTS & REPHASING		REVENUE						NET CAPITAL						CAPITAL GRANTS & CONTRIBUTIONS					
		2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
Bid No.	Scheme	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
		£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
EXTRA COSTS																			
HIGH PRIORITY																			
	Wheeled Bins for New Properties							125	126	143	143	139	79						
	Transfer of Conveniences to other Councils	25	20	20	20	20	20												
	Ramsey Library Development		12	12	12	12	12	120											-120
	Ramsey Community Information Centre		10	10	10	10	10												
	Parish Planning		7	7	7	7													
	Arts Development Service	-39	-52	13	13	13	13												
867	Repairs Assistance																		100
974	Decent Homes – Thermal Efficiency Improvements									64									
945	Priority Needs Scheme		-42	17	19	19	19												
844	Street naming and numbering	10	10	15	15	15	15												
850	Huntingdon West Development (HGF)							9	4,250	-1,279	-430	-750	-1,800	-209	2,027	2,500	430	750	1,800
MAINTENANCE																			
886	Vehicle fleet replacements.																		1,059
970	Telephony and ICT Network Renewal																		100
891	Business Systems																		200
380	Replacement Printing Equip.																		208
895	Multi-functional Devices																		41
891	Business Systems		24					-20	17	-10	30	15							
976	ICT Replacements and Server Virtualisation																		187
861	Leisure Centres – Future maintenance																		522

EXTRA COSTS & REPHASING (cont.)		REVENUE						NET CAPITAL						CAPITAL GRANTS & CONTRIBUTIONS					
		2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
Bid No.	Scheme	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
		£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
UNAVOIDABLE																			
924	Additional Car Park Charges (net)	55	35	35	35	35	35												
866	Disabled Facilities Grants											950							350
892	Government Connect		11	22	22	22	22	84	12										
890	Headquarters							-60						-34					
911	House Condition Survey						55												
480	Implementation of car park strategy		14	38	48	58	24												
824	Land Charges – Extra net cost	34	48	48	48	48	48												
	Loss of Car Park Income due to VAT change	8	30	30	30	30	30												
971	Reduction in glass sales	34	34	40	40	40	40												
897	St Ivo – Outdoor energy generation (deletion)	12	12	12	12	12	12	-127											
TECHNICAL																			
	Future Capital Provision (outturn prices)												-4,682						
918	Building Effic. Imps (Potential LC proportion)		13	17			1		50	29	38	39	31						
REPHASING																			
	Rephasing	-335	532	69	42	-1	7	-458	3,172	-152	-67	-288	479	-1,275	408	172	2	2	0
	Creation/use of reserve	335	-335																
TOTAL		139	383	405	373	340	363	-327	7,627	-1,205	-286	-845	-2,526	-1,638	2,435	2,672	432	752	2,150

Summary appraisals and rephasing forms can be accessed on the Council's web site under "2010 MTP Review" except for technical items and those shown with a # which are explained in this report.

SAVINGS (cont.)		REVENUE						NET CAPITAL						CAPITAL GRANTS & CONTRIBUTIONS					
		2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
Bid No.	Scheme	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
		£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
#	Housing staff efficiency savings		-45	-100	-100	-100	-100												
964	Internal Audit saving	-24	-24	-24	-24	-24	-24												
#	Internal Audit saving		-23	-23	-23	-23	-23												
	Procurement Support to ECDC		-7	-5	-5	-5	-5												
919	E-Marketplace		-20	-20	-20	-20	-20	5											
#	Further Financial Services savings			-18	-48	-48	-48												
813	Reduction in Benefits Admin Grant	-56	-56	-56	-56	-56	-56												
#	Customer Services - Staff savings		-80	-90	-115	-115	-115												
#	Reduce call centre hours		-20	-20	-20	-20	-20												
960	Transfer of some housing calls to call centre		-11	-11	-11	-11	-11												
#	Reduce call centre system costs		0	-10	-30	-30	-30												
#	Close Yaxley Customer Service Centre		-35	-35	-55	-55	-55												
#	Close St Ives Customer Service Centre		0	-35	-43	-43	-43												
#	Close Ramsey Customer Service Centre		0	0	-45	-45	-45												
#	Close St Neots Customer Service Centre		0	-55	-55	-55	-55												
#	Reduce hours at Huntingdon Customer Service Centre		0	0	-7	-14	-14												
957	Leisure Reception Automation		-15	-15	-15	-15	-15	60											
#	Leisure Savings		-90		-280	-390	-490												
#	Transfer Leisure Centres to a Trust		0	0	0	0	-400												
959	Network Saving		-32	-53	-53	-53	-53												
958	Help Desk Saving		-75	-75															
#	IMD Staff savings		-22	-35	-55	-65	-130												
#	IMD Contract Savings			-40	-55	-130	-55												
#	IMD Desk Top Virtualisation		-2	-12	-12	-12	-12												
#	IMD Shared Service Income			-65	-30	-30	-30												

SAVINGS (cont.)		REVENUE						NET CAPITAL						CAPITAL GRANTS & CONTRIBUTIONS					
		2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
Bid No.	Scheme	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
		£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
#	Town Centre Partnerships - reduced funding		-40	-80	-100	-100	-100												
#	District wide - E version only		-50	-50	-50	-50	-50												
951	Hunts. Matters - cease production	-8	-10	-10	-10	-10	-10												
968	Increased licensing income	-35	-35	-35	-35	-35	-35												
#	Licensing - efficiency and higher charges		0	-20	-30	-40	-50												
#	Document Centre - efficiency and external work		0	-25	-50	-50	-75												
825	Members Allowances Review	-2				-6	4												
#	Central Services - Reorganisation		-200	-250	-250	-300	-300												
853	Huntingdon Town Hall	-10																	
923	Extra Car Parking, Huntingdon Town Centre		20	-18	21	19	-62	-2,166	2,166									1,300	
976	ICT Replacements and Server Virtualisation	10	10	10	10	10	10	-27	58	-60	-60	-60							
380	Replacement Printing Equip.							-92		70									
895	Multi-functional Devices							-2	2	3	1	2							
948	Provision for Bin Replacements							-114	-101	-118	-157	-204	56						
886	Vehicle fleet replacements.							197	-217	-442	64	-101							
973	Housing Capital Grant (non-earmarked)							-64						64					
625	Huntingdon Bus Station							-890	190	150							-150	-150	
864	Crime and Disorder - Lighting improvements							-20	2				25						
365	Huntingdon Marina Improvements								-62										
854	Play Equipment & Safety Surface Renewal								-5	-48	-37	-33	-48						
863	Community Facilities Grants								-69	-69	-69	-69							
864	Crime and Disorder - Lighting improvements								-25	-24	-25	-25	-25						
867	Repairs Assistance								-90	-90	-90	-90							
869	Social Housing Grant								-500	-500	-500	-500							
865	CCTV - Camera replacements								-81	-81	-75	-82							
870	Local Transport Plan								-83	-83	-83	-89							
871	Safe Cycle Routes								-194	-93	-93	-95	-95						

SAVINGS (cont.)		REVENUE						NET CAPITAL						CAPITAL GRANTS & CONTRIBUTIONS					
		2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
Bid No.	Scheme	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
		£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
872	St Neots Transport Strategy Phase 2								-90	-90	-80								
873	Accessibility Improvement /Signs in footpaths and car parks								-35	-30	-30	-30							
363	Ramsey Transport Strategy								-80	-41									
899	Bus Shelters - extra provision								-41	-42	-42								
52	St Ives Town Centre 2 - Completion								-20	-425	-509								
876	Small Scale - District Wide Partnership								-79	-79	-80	-60		-10	-10	-10	-10	-10	
877	AJC Small scale improvements								-86	-86	-86	-86							
878	Village Residential Areas								-57	-60	-60	-76			-10	-10	-10		
302	New Public Conveniences							-100							-150				
	total	-397	-2,280	-3,867	-4,906	-5,901	-6,442	-1,107	-3,769	-72	-2,011	-1,598	-87	54	-310	1,130	-20	-20	0

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STAFFING

Reductions in staffing levels are expected over the four year savings plan period.

	Current staffing FTE*	Indicative reduction FTE*
Directors and Heads of Service	16	7
Leisure	225	36
Finance	24	2
Customer Services	97	11
IMD	32	5
Commerce & Technology	378	54
Operations	200	33
Environmental Management Services	31	4
Planning Services	50	6
Environmental & Community Health	31	7
Housing	30	3
Environment & Community Services	342	53
Administration	33	4
Law & Estates	9	3
Policy, Performance & People	27	3
Central Services	70	10
TOTAL	806	124

* Full Time Equivalent

Where no service levels changes are proposed in a particular area, changes may still be introduced as a result of efficiency proposals, reorganisations or reconfigurations of our services or other investigations into the value of our services. The proposals require only limited further savings to be identified for the coming budget year. However further savings of £1.6m rising to £3.6m p.a. are required for the years 2012/3 – 2014/5 before the budget is balanced.

CONCESSIONARY FARES IMPACT

Concessionary Travel (Based on Option CONCF3 after damping)						
	Option CONCF5 (£ million)	Option CONCF6 (£ million)	Option CONCF7 (£ million)	Option CONCF8 (£ million)	Option CONCF9 (£ million)	Option CONCF10 (£ million)
London and Mets Gain	60.560	68.919	74.355	78.417	89.616	121.143
Shire areas Loss	-60.560	-68.919	-74.355	-78.418	-89.616	-121.143
Cambridgeshire's share of Shire area loss						
Cambridge City	0.028	0.028	0.035	0.035	0.026	0.026
East Cambridgeshire	-0.339	-0.339	-0.333	-0.333	-0.339	-0.339
Fenland	-0.612	-0.612	-0.603	-0.603	-0.612	-0.612
Huntingdonshire loss	-0.619	-0.619	-0.644	-0.644	-0.618	-0.618
South Cambridgeshire	-0.376	-0.376	-0.368	-0.368	-0.376	-0.376
Peterborough	-0.548	-0.587	-0.501	-0.506	-0.518	-0.565
County Council	-0.586	-0.697	-1.320	-1.601	-0.829	-1.205
Cambridgeshire area loss	-3.052	-3.201	-3.734	-4.020	-3.266	-3.689

FINANCIAL SUMMARY Government Preference	FORECAST	BUDGET	MTP				FORECAST								
	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
2009/10 BUDGET/MTP	24,848	23,660	23,127	22,278	21,342	21,811	22,408	23,021	23,651	24,099	24,765	25,449	26,153	26,875	27,818
Variations:															
Interest	-100	-287	-392	-188	-339	-490	-630	-751	-881	-1,013	-1,144	-1,276	-1,410	-1,543	-1,675
Provision for Loan Repayments (MRP)	-61	166	365	505	651	774	821	854	985	1,085	1,140	1,173	1,176	1,113	1,057
Inflation	0	22	18	58	77	-214	-361	-483	-541	-469	-518	-463	-494	-450	-511
Unidentified Savings	0	482	1,016	1,596	2,556	2,347	2,680	2,774	2,721	2,792	2,883	2,794	2,892	2,947	2,911
MTP Variations #	-578	-1,615	-3,187	-4,265	-5,303	-5,881	-6,046	-6,004	-5,968	-5,954	-6,000	-5,946	-5,965	-5,953	-5,953
total	-739	-1,232	-2,180	-2,294	-2,359	-3,464	-3,535	-3,609	-3,683	-3,560	-3,638	-3,719	-3,802	-3,885	-4,171
NEW FORECAST	24,109	22,428	20,947	19,984	18,983	18,347	18,873	19,412	19,968	20,539	21,127	21,730	22,351	22,990	23,647
FUNDING															
Use of revenue reserves	-3,931	-3,718	-2,714	-1,604	-964	0	0	0	0	0	0	0	0	0	0
Remaining revenue reserves EOY	12,000	8,282	5,568	3,964	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Special CT Grant	0	-184	-184	-184	-184	0	0	0	0	0	0	0	0	0	0
Government Support	-12,939	-11,129	-10,461	-10,357	-9,735	-9,979	-10,228	-10,484	-10,746	-11,015	-11,290	-11,572	-11,862	-12,158	-12,462
Collection Fund Deficit	35	-53	0	0	0	0	0	0	0	0	0	0	0	0	0
Council Tax	-7,274	-7,344	-7,588	-7,840	-8,100	-8,368	-8,644	-8,929	-9,222	-9,525	-9,837	-10,159	-10,490	-10,832	-11,185
COUNCIL TAX LEVEL	£124.17	£124.17	£127.27	£130.46	£133.72	£137.06	£140.49	£144.00	£147.60	£151.29	£155.07	£158.95	£162.92	£166.99	£171.17
% increase		0.00%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
£ increase		£0.00	£3.10	£3.18	£3.26	£3.34	£3.43	£3.51	£3.60	£3.69	£3.78	£3.88	£3.97	£4.07	£4.17

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Forecast Capital Spending	7,377	11,689	3,321	3,005	2,441	2,777	4,101	4,131	4,272	4,417	4,566	4,718	4,875	5,035	5,200
Accumulated "Borrowing" EOY net of MRP	17,961	28,610	30,504	31,830	32,297	32,829	34,477	35,948	37,244	38,386	39,410	40,328	41,159	41,957	42,704
Net Interest and Borrowing Costs															
- total	-57	608	1,346	2,078	2,521	2,836	3,096	3,378	3,762	4,118	4,438	4,744	5,029	5,261	5,515
- as % of total net spending	0%	3%	6%	10%	13%	15%	16%	17%	19%	20%	21%	22%	23%	23%	23%
Unidentified Spending Adjustments still required	0	-518	-1,584	-2,604	-3,563	-4,316	-4,514	-4,796	-5,341	-5,834	-6,122	-6,540	-7,099	-7,333	-7,683

includes current year forecast adjustment and rephasing reserve adjustment

DRAFT CAPITAL PROGRAMME		NET CAPITAL EXPENDITURE						CAPITAL GRANTS & CONTRIBUTIONS					
		Revised	Budget	MTP				Revised	Budget	MTP			
		2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
		2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
Bid No.	Scheme	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
	Refuse and Recycling												
948	Provision for Bin Replacements	30	31	33	38	48	340						
	Wheeled Bins for New Properties	125	126	143	143	139	79						
	Drainage & Sewers												
	Alconbury Householder Flood Mitigation							428					
	Environmental Health												
927	Air Quality Monitoring Equipment	25		30				7					
	Economic Development												
401	Huntingdon Town Centre Development	1	12										
224	Town Centre Developments	5	210	80									
239	New Industrial Units	825											
358	Ramsey Rural Renewal	63											
509	Industrial Estate Repairs	10	16										
850	Huntingdon West Development (HGF)	9	4,723	-1,279	-430	-750	-1,800	1,791	2,027	2,500	430	750	1,800
	Community Initiatives												
423	Community Information Project		11										
	Ramsey Library Development	110											
952	Loves Farm Community Centre		45	-45						345			
	Parks and Open Spaces												
808	Huntingdon Riverside	41											
854	Play Equip. & Safety Surface Renewal	155	50	20	20	20	20	45					
855	St Neots Green Corridor (HGF)	102						130					
	Leisure Centres												
857	St Neots LC Development	1,754	60				316	240					
896	St Ivo LC - Football Improvements	-86						1,500					
922	St Ivo LC Redevelopment		2,500										
861	Future maintenance	940	676	382	382	382	522	422		140	140	140	
22	CCTV Improvements	5	10										
957	Reception Automation		60										
956	Replacement Fitness Equipment	200	400		275								
	Community Facilities												
863	Community Facilities Grants	40											
	Community Safety												
864	Crime & Disorder - Lighting improvements	4											
865	CCTV - Camera replacements	159											

DRAFT CAPITAL PROGRAMME		NET CAPITAL EXPENDITURE						CAPITAL GRANTS & CONTRIBUTIONS					
		Revised	Budget	MTP				Revised	Budget	MTP			
		2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
		2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
Bid No.	Scheme	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
	Private Housing Support												
866	Disabled Facilities Grants	1,000	800	800	800	800	950	452	600	400	400	400	350
867	Repairs Assistance	160	100	100	100	100	100						
932	Decent Homes - Thermal Efficiency and Category 1 H&S							92	101				
973	Housing Capital Grant (non-earmarked)	-64						64					
974	Decent Homes - Thermal Efficiency Improvements			64									
869	Social Housing Grant	547											
	Housing Benefits												
626	Wireless Working (Benefits and Revenues)		24										
	Transportation Strategy												
870	Local Transport Plan	73											
871	Safe Cycle Routes	100											
872	St Neots Transport Strategy Phase 2	94											
873	Accessibility Improvement /Signs in footpaths and car parks	20											
351	St Neots Pedestrian Bridges	530											
874	Huntingdon Transport Strategy	52											
362	St Ives Transport Strategy	126											
363	Ramsey Transport Strategy	6											
	Perry Cycle Scheme							60	190				
	Public Transport												
818	Railway Stations - Improvements	20	26										
899	Bus Shelters - extra provision	43											
625	Huntingdon Bus Station		40										
	Car Parks												
166	St Neots - Cambridge Road Car Park	9	80										
461	Car Park Repairs		86	60	60	31							
923	Extra Car Parking, Huntingdon Town Centre	380	900	2,450						1,550			
924	Additional Car Park Charges (net)	31											
	Environmental Improvements												
52	St Ives Town Centre 2 - Completion	12											
876	Small Scale - District Wide Partnership	78											
877	AJC Small scale improvements	86											
878	Village Residential Areas	74											
703	Heart of Oxmoor	-1,366		-169				1,366		169			
920	East of Sapley - Preliminary Costs			-15									
	Environmental Strategy												
879	Environment Strategy Funding	77	55	55	55	55							
880	Sustainable Homes Retrofit	226	-485					60	485				
918	Building Efficiency Improvements (Salix Grant)	45	55	58	77	78	62	46	30				

DRAFT CAPITAL PROGRAMME		NET CAPITAL EXPENDITURE						CAPITAL GRANTS & CONTRIBUTIONS					
		Revised	Budget	MTP				Revised	Budget	MTP			
		2010	2011	2012	2013	2014	2015	2010	2011	2012	2013	2014	2015
		2011	2012	2013	2014	2015	2016	2011	2012	2013	2014	2015	2016
Bid No.	Scheme	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	
	Operations Division												
886	Vehicle fleet replacements.	415	551	807	921	908	1,059						
	Offices												
890	Headquarters	9	2	-1,810				150		1,810			
	IT related												
494	Voice and data infrastructure	2											
893	VoIP Telephony for Leisure Centres	67											
970	Telephony and ICT Network Renewal						100						
892	Government Connect	104	12										
	ICT Replacements	280	310	192	192	192	187						
495	Corporate EDM	25											
891	Business Systems	198	225	230	190	195	200						
842	Resourcelink - Recruitment Module	10											
900	Working Smarter	80	40										
634	Customer First	22											
	Other												
380	Replacement Printing Equip.	138		70			208						
894	Replacement Equipment Document Centre	6	78		30	54							
895	Multi-functional Devices	13	45	41	21	45	41						
919	E-Marketplace	5											
	Technical												
	Capital Inflation			57	145	177	247						
	Revenue staff charged to capital	100	50	50	50	50	50						
	Rule change re Capital Overheads	-117	-117	-117	-117	-117							
	Schemes brought forward		1,200	1,500	500	500	500						
	Schemes carried forward	-1,200	-1,500	-500	-500	-500	-500						
	VAT Partial Exemption	344	182	34	53	34	96						
TOTAL		7,377	11,689	3,321	3,005	2,441	2,777	6,853	3,433	6,914	970	1,290	2,150

Case No:	1001403FUL (FULL PLANNING APPLICATION)
Proposal:	DEVELOPMENT OF EX WWII AIRFIELD SITE TO PROVIDE TWO PURPOSE BUILT FACTORY UNITS, WITH ASSOCIATED HARDSTANDING AND EXTERNAL STORAGE
Location:	LAND NORTH OF HIGHFIELD HOUSE, FENTON ROAD
Applicant:	RUSTON'S ENGINEERING CO LTD
Grid Ref:	530149 278795
Date of Registration:	26.08.2010
Parish:	WARBOYS

RECOMMENDATION – APPROVE

1. INTRODUCTION

- 1.1 The scheme of delegation requires that an application for developments of more than 5000 sq metres of gross office or mixed commercial floor space where it is contrary to the provisions of the Approved Development Plan (even if it accords with the Draft Development Plan) and which is recommended for approval by the Development Management Panel is not delegated and needs to be referred to Full Council for a decision.
- 1.2 This application is before the Council for a decision as it is a departure from the development plan that exceeds this threshold and the Development Management Panel was minded to approve the application when it considered it at its meeting on the 15th November 2010.
- 1.3 Under a previous now superseded Direction, if Council was also minded to approve the application it would then need to be referred to the Government Regional Office. This is no longer necessary.

2. DESCRIPTION OF SITE AND APPLICATION

- 2.1 The application relates to a largely flat 4.31ha site on the eastern side of the B1040 approximately 1.4km south of the centre of Warboys. Most of the site is grassland. A former radio station building and tower remain in the southwest corner of the site close to the existing access to the site from the B1040. The site is bounded by a metal fence on all sides with an average 11m wide landscaped margin, mainly comprised of Leyland cypress with additional deciduous species.

- 2.2 Car sales and repair premises and two residential properties are located some 170m to the south. Part of the Pathfinder Long Distance Walk runs to the north west and west beyond the B1040.
- 2.3 The site is within the Environment Agency's Flood Zone 1.
- 2.4 The application proposes the erection of 2no. buildings totalling 13,620 square metres to be used for B2 (General Industrial) and ancillary storage and office purposes. Both buildings would be approximately 7m high to eaves and 10.5m high to ridge. The application has been submitted on behalf of RECO and would enable one of their companies, Ruston's which primarily imports agricultural and ground care machinery, to vacate their existing Brampton Road site within the West of Huntingdon AAP area and relocate their 40 or so staff to this site. The development would also enable RECO to consolidate its business on one site by also accommodating its specialist wheel equipment and electric granule and seed distributors, Stocks Ag Ltd and its 30 or so employees, currently based in Wisbech, on the site and thereby reducing time travelling between the premises and avoiding duplication of facilities. Working hours are indicated to be 0730-1800 Monday to Friday and 0800-1400 on Saturdays.
- 2.5 A new access would be provided on to the B1040. A total of 80 car parking spaces, 4 of which would be disabled spaces, are proposed. Two 2.1m high cycle stores (one 5m x 4.5m and the other 10m x 4.5) are proposed close to the site frontage.
- 2.6 A Design and Access Statement, Flood Risk Assessment, Phase 1 Habitat and Protected Species Survey, Phase 1 Contamination Assessment Report, Landscape and Visual Appraisal, Transport Assessment and Travel Plan have been submitted as part of the application.

3. NATIONAL GUIDANCE

- 3.1 **PPS4: "Planning for Sustainable Economic Growth" (2009)** sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
- 3.2 **PPS5: Planning for the Historic Environment (2010)** sets out the Government's planning policies on the conservation of the historic environment.
- 3.3 **PPS7: "Sustainable Development in Rural Areas" (2004)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 3.4 **PPS9: "Biological and Geological Conservation" (2005)** sets out planning policies on protection of biodiversity and geological conservation through the planning system.

- 3.5 **PPG13: “Transport” (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.
- 3.6 **PPS23: “Planning and Pollution Control” (2004)** is intended to complement the new pollution control framework under the Pollution Prevention and Control Act 1999 and the PPC Regulations 2000.
- 3.7 **PPG24: “Planning & Noise” (1994)** guides planning authorities on the use of planning powers to minimise the adverse impact of noise.
- 3.8 **PPS25: “Development and Flood Risk” (revised 2010)** sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

4. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

- 4.1 Policies from the East of England Plan (2008) are relevant.
- ◆ **T2: “Changing Travel Behaviour”** – to bring about significant change in travel behaviour, a reduction in distances travelled and a shift towards greater use of sustainable modes should be promoted.
 - ◆ **T14: “Parking”** – controls to manage transport demand and influencing travel change alongside measures to improve public transport accessibility, walking and cycling should be encouraged. Maximum parking standards should be applied to new commercial development.
 - ◆ **ENV7: “Quality in the Built Environment”** - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.
 - ◆ **ENG1: “Carbon Dioxide Emissions and Energy Performance”** – for new developments of 10+ dwellings or 1000sqm non residential development a minimum of 10% of their energy should be from decentralised and renewable or low carbon resources unless not feasible or viable.

4.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- ◆ None relevant

4.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- ◆ **E1:** "Economic and Employment Growth" – will be promoted, commensurate with the planned residential and population growth and the Council's aims to provide a range of employment opportunities and reduce commuting.
- ◆ **E7:** "Small Businesses" will normally be supported subject to environmental and traffic considerations.
- ◆ **E13:** The District Council will not permit industry where it would cause serious traffic, noise, or pollution problems or other damage to the environment.
- ◆ **En12:** "Archaeological Implications" – permission on sites of archaeological interest may be conditional on the implementation of a scheme of archaeological recording prior to development commencing.
- ◆ **En17:** "Development in the Countryside" - development in the countryside is restricted to that which is essential to the effective operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
- ◆ **En18:** "Protection of countryside features" – Offers protection for important site features including trees, woodlands, hedges and meadowland.
- ◆ **En20:** Landscaping Scheme. - Wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
- ◆ **En22:** "Conservation" – wherever relevant, the determination of applications will take appropriate consideration of nature and wildlife conservation.
- ◆ **En23:** "Conservation" – development which has a significant adverse effect on the interests of wildlife in an area will not normally be permitted.
- ◆ **En24:** "Access for the disabled" – provision of access for the disabled will be encouraged in new development
- ◆ **En25:** "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.
- ◆ **CS8:** "Water" – satisfactory arrangements for the availability of water supply, sewerage and sewage disposal facilities, surface water run-off facilities and provision for land drainage will be required.

- ◆ **CS9:** “Flood water management” – the District Council will normally refuse development proposals that prejudice schemes for flood water management.
- 4.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)
- ◆ None relevant
- 4.5 Policies from the Adopted Huntingdonshire Local Development Framework Core Strategy 2009 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning then click on Planning Policy and then click on Core Strategy where there is a link to the Adopted Core Strategy.
- ◆ **CS1:** “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.
 - ◆ **CS2:** “Strategic Housing Development” – during the period 2001 – 2026, a total of at least 14,000 homes will be provided in areas including a mixed use development in Huntingdon in the area west of the town centre.
 - ◆ **CS3:** “The Settlement Hierarchy” – states that any area not specifically identified are classed as part of the countryside, where development will be strictly limited to that which has essential need to be located in the countryside.
 - ◆ **CS7:** “Employment Land” – About 85ha of new land for employment will be provided before 2026, in key identified areas including in a mixed use redevelopment in Huntingdon for B1 uses to the west of the town centre.
 - ◆ **CS8:** “Retail and Town Centre Uses” – Complimentary and appropriate development that does not jeopardise the delivery of further redevelopment of Chequers Court will be located in a significant mixed use redevelopment in the area west of the town centre covered by the Huntingdon West Area Action Plan.
- 4.6 Policies from the Development Management DPD: Proposed Submission 2010 are relevant.
- ◆ **C1:** “Sustainable Design” – development proposals should take account of the predicted impact of climate change over the expected lifetime of the development.
 - ◆ **C2:** “Carbon Dioxide Reductions” – major development proposals will include renewable or low carbon energy generating technologies. These should have energy generating capacity equivalent to 10% of the predicted total CO² emissions of the proposal.
 - ◆ **C5:** “Flood Risk and Water Management” – development proposals should include suitable flood protection/mitigation to

not increase risk of flooding elsewhere. Sustainable drainage systems should be used where technically feasible. There should be no adverse impact on or risk to quantity or quality of water resources.

- ◆ **E1:** “Development Context” – development proposals shall demonstrate consideration of the character and appearance of the surrounding environment and the potential impact of the proposal.
- ◆ **E2:** “Built-up Areas” – development will be limited to within the built-up areas of the settlements identified in Core Strategy policy CS3, in order to protect the surrounding countryside and to promote wider sustainability objectives.
- ◆ **E3:** “Heritage Assets” – proposals which affect the District’s heritage assets or their setting should demonstrate how these assets will be protected, conserved and where appropriate enhanced.
- ◆ **E4:** “Biodiversity and Protected Habitats and Species” – proposals should aim to conserve and enhance biodiversity. Opportunities should be taken to achieve beneficial measures within the design and layout of the development. Developments will be expected to include measures that maintain and enhance important features.
- ◆ **E5:** “Tree, Woodland and Hedgerows” – proposals shall avoid the loss of, and minimise the risk of, harm to trees, woodland or hedgerows of visual, historic or nature conservation value, including ancient woodland and veteran trees. They should wherever possible be incorporated effectively within the landscape elements of the scheme.
- ◆ **E8:** “Sustainable Travel” – proposals must demonstrate how the scheme maximises opportunities for the use of sustainable travel modes, particularly walking, cycling and public transport.
- ◆ **E9:** “Travel Planning” - To maximise opportunities for the use of sustainable modes of travel, development proposals should make appropriate contributions towards improvements in transport infrastructure, particularly to facilitate walking, cycling and public transport use. Proposals should not give rise to traffic volumes that exceed the capacity of the local or strategic transport network, nor cause harm to the character of the surrounding area. A Travel Plan will be required where the development involves large scale employment/commercial development in excess of national guideline figures. The Travel Plan will need to demonstrate that adequate mitigation of the transport impacts of the proposal can be achieved.
- ◆ **E10:** “Parking Provision” – car and cycle parking should accord with the levels and layout requirements set out in Appendix 1 ‘Parking Provision’. Adequate vehicle and cycle parking facilities shall be provided to serve the needs of the development.
- ◆ **P1:** “Large Scale Businesses” – proposals for major industrial or warehouse uses (other than B1a) will be considered favourably subject to environmental and travel considerations where the site is within the built-up area of a Market Town or Key Service Centre or an identified Established Employment Area, or a site

allocated for that type of use, or the proposal is for the expansion of an established business within the existing site.

- ◆ **P7:** “Development in the Countryside” – development in the countryside is restricted to those listed within the given criteria.
 - a. essential operational development for agriculture, horticulture or forestry, outdoor recreation, equine-related activities, allocated mineral extraction or waste management facilities, infrastructure provision and national defence;
 - b. development required for new or existing outdoor leisure and recreation where a countryside location is justified;
 - c. renewable energy generation schemes;
 - d. conservation or enhancement of specific features or sites of heritage or biodiversity value;
 - e. the alteration, replacement, extension or change of use of existing buildings in accordance with other policies of the LDF;
 - f. the erection or extension of outbuildings ancillary or incidental to existing dwellings;
 - g. sites allocated for particular purposes in other Development Plan Documents.

Supplementary planning guidance/documents

4.7 Huntingdonshire Landscape and Townscape Assessment (2007)

4.8 Huntingdonshire Design Guide (2007)

5. PLANNING HISTORY

5.1 Various development proposals were considered in the 1970's. Permission for the temporary storage of farm machines on the site was granted in 1979 and 1981.

6. CONSULTATIONS

6.1 **Warboys Parish Council - recommends approval** (copy attached)

6.2 **HDC Environmental Health Officer** has no objections subject to conditions limiting the working hours and noise limit.

6.3 **Local Highway Authority** has no objections in principle to the proposed access arrangement and subject to appropriate staff travel planning.

6.4 **County Archaeological Office** states that the site lies in an area of high archaeological potential (medieval occupation) and therefore recommends a condition requiring the implementation of a programme of archaeological work in accordance with a programme approved before development commences.

6.5 **Environment Agency** has no objections subject to the imposition of a condition requiring a surface water drainage scheme based on sustainable drainage principles to be approved and implemented.

- 6.6 **East of England Development Agency** commenting in its role to improve the region's economic performance, recommends that unless the Council are able to advise on a suitable alternative location for the applicant to relocate to, the Council gives favourable consideration to the proposal and may wish to consider the application of a first occupier condition to the planning consent.

7. REPRESENTATIONS

- 7.1 None received.

8. SUMMARY OF ISSUES

- 8.1 The main issues in this case are: whether there are any material considerations that indicate that this development is acceptable in this countryside location; the design and layout of the development and its impact on the visual amenities of the countryside; neighbour amenity; car parking and highway issues; biodiversity; foul and surface water drainage; ground contamination; and energy.

Principle of this use in this location

- 8.2 The site is within the countryside and the proposed development is not in the list of developments that Local Plan Policy En17 and Development Management DPD Policy P7 indicate are appropriate in principle in the countryside. The development is therefore a departure from the development plan. A decision on this application must be made in accordance with the development plan unless there are material considerations that indicate otherwise. It must therefore be determined whether there are material planning considerations that outweigh the proposal's conflict with Policies En17 and P7.
- 8.3 The Adopted Core Strategy promotes a significant mixed use redevelopment in the area west of Huntingdon town centre covered by the Huntingdon West Area Action Plan in order to support the regeneration and economic revitalisation of Huntingdon. Planning permission has already been granted for a new road linking Brampton Road and Ermine Street through this area. This link road, and the wider redevelopment of this area, requires Ruston's Engineering to vacate their current Brampton Road premises. The relocation of Ruston's is an integral part of the jigsaw that will facilitate the redevelopment of the area west of Huntingdon town centre. Neither the business nor the Local Planning Authority would want to see jobs lost, and to this end Ruston's has been looking for alternative sites to relocate to. The relocation of Ruston's would help meet two key objectives of the Core Strategy, the redevelopment of the area west of Huntingdon town centre (Policies CS2, CS7 and CS8) and retaining/providing employment opportunities.
- 8.4 The company needs to benefit from the development to justify leaving its current Brampton Road premises and the main benefit of this proposal is the opportunity to bring its Huntingdon and Wisbech operations on to one site. They have been looking for sites to

accommodate the building and external storage needs between Huntingdon and Wisbech with good road links and retained a local firm of planning and development consultants to assist in their search. Ruston's existing site in Huntingdon provides 4520 square metres of office, covered storage, workshop and ancillary facilities with a further 1850 square metres of covered storage and 12,300 square metres of open storage. Stock's existing site in Wisbech provides 3700 square metres of manufacturing, storage, office and ancillary areas and 2835 square metres plus 216 square metre leased premises on adjacent industrial area.

- 8.5 The site is in a location where new commercial development would not normally be allowed in that planning policy seeks to protect the countryside and opportunities for employees to walk, cycle or use public transport to get to the site are limited. However, this development necessarily provides benefits to RECO as an incentive to vacate its Huntingdon site and thereby help facilitate redevelopment in the area west of the town centre necessary to meet the objectives of the Core Strategy. Officers are not aware of any other more appropriate sites for Ruston's to relocate to that are available, suitable and viable. Planning permissions normally run with the land but in this instance, to ensure the delivery of the benefits of relocation, it is important that it is RECO that first occupies the proposed site and vacates its existing Huntingdon premises. This would be secured through a S.106 obligation. The S.106 Advisory Group supported these proposed terms of the Obligation when it met on the 15th November 2010.

Design and layout of the development and its impact on the visual amenities of the countryside

- 8.6 The proposed layout logically faces the B1040 with staff and visitor car parking to the front of the buildings behind the landscaped margin. The use of a row of ridges roofs has helped limit the height of the buildings and whilst the proposal undoubtedly involves a major new development on the site, the building's position, its height, the use of appropriate coloured cladding, the existing and proposed landscaped boundaries, control over the height of the external storage by condition and the presence of other large buildings along the B1040 (which form part of the character of the area), limit its impact on its surroundings.
- 8.7 The proposed landscaping involves strengthening of the existing boundary planting with appropriate native species, including the removal of all conifers along the western boundary where there are already large gaps and the understorey and other vegetation is more established, and selected removal of individual conifers along the northern and southern boundaries.
- 8.8 No details of external lighting have been submitted. A condition is necessary to ensure that lighting does not significantly detract from the visual amenities of the area.

Neighbour amenity

- 8.9 Subject to the imposition of hours and noise level conditions, and given the distance to residential and commercial properties, neither the buildings themselves nor the proposed use would have a significant detrimental impact on local residents and businesses.

Highway and parking matters

- 8.10 The Local Highway Authority has raised no objections to the application. Applying the maximum car parking standards in the Development Management DPD, a maximum of 227 car parking spaces should be provided for a General Industrial building(s) of this size. Breaking down the buildings into the indicated office, manufacturing and storage/distribution areas, a maximum of some 170 car parking spaces should be provided. The proposed 80 car parking spaces may seem generous for the indicated 70 staff plus visitors and as RECO should remain the occupiers of the site for some time. Notwithstanding this level of provision, the objectives set out in the Travel Plan (including the provision of a minibus from Huntingdon and Wisbech) will also still need to be met. Taking all of this into account, the proposed level of parking proposed is not considered unreasonable for buildings of these sizes. Two cycle stores are to be provided as part of the scheme.

Biodiversity

- 8.11 Some deciduous trees will be retained and new landscaping is to be provided which will provide a wildlife habitat. The buildings should be demolished and the thickest of brambles and shrubs cleared after the bird nesting season or checked for active nests immediately prior to demolition/clearance, and the external lighting will need to be designed to leave the boundaries in shadow as recommended in the submitted Habitat and Protected Species Survey.

Foul and surface water drainage

- 8.12 Foul sewage is to be dealt with by means of a package treatment plants as indicated on the plans. An acceptable surface water drainage condition would be secured by condition.

Ground contamination

- 8.13 No ground contamination has been identified but the submitted contamination assessment notes the requirement for an intrusive investigation.

Energy

- 8.14 The application indicates that a minimum of BREEAM 'very good' rating will be achieved. A condition should be attached to any permission requiring a scheme of energy efficiency/generation to be agreed and implemented. The details will need to take account of the requirements of Policy ENG1.

Conclusion

- 8.15 Subject to the imposition of conditions and the completion of a S106 Obligation, the proposal would not significantly harm the amenity of the occupiers of dwellings and commercial premises in the locality, it would have only a limited visual impact on its surroundings, it is acceptable in terms of biodiversity, highway matters and drainage and, critically, it would help enable the delivery of the new road linking Brampton Road and Ermine Street in Huntingdon and the redevelopment in Huntingdon of the remainder of the area to the west of the town centre without the loss of employment. For these reasons, and the latter reason in particular, the benefits of the development are considered to outweigh the limited harm of the development in terms of its impact on the countryside and its limited accessibility other than by car (and the proposed minibus). These are therefore considered to be material planning considerations which justify the approval of this application as a departure from the development plan.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION

- 8.1 **APPROVAL** subject to the prior completion of a S106 Obligation to ensure RECO is the first occupier of the proposed site and to secure the cessation of the use of the existing site in Huntingdon by the company following its occupation of the proposed development and conditions to include those listed below.

- 02003 - Time Limit (3yrs)
- 05004 - Notwithstanding submitted material details required
- 17001 - Levels Building/Site
- Nonstand** - Limit on working hours
- Nonstand** - Noise limit
- Nonstand** - Lighting scheme
- Nonstand** - Height of external storage
- Nonstand** - Energy efficiency/generation
- Nonstand** - Landscape implementation
- 11003 - Investigation archaeology programme
- Nonstand** - Surface water drainage
- Nonstand** - Ground contamination

Nonstand - Highway matters

Nonstand - Car/cycle parking

Nonstand - Travel Plan

BACKGROUND PAPERS

Planning Application File Reference: 1001403FUL

East of England Plan 2008

Cambridgeshire and Peterborough Structure Plan, 2003

Huntingdonshire Local Plan, 1995

Huntingdonshire Local Plan Alteration, 2002

Huntingdonshire Local Development Framework Adopted Core Strategy 2009

Development Management DPD: Proposed Submission 2010

CONTACT OFFICER: Andy Moffat, Planning Service Manager
(Development Management) ☎ 01480 388402

APPENDIX

Huntingdonshire
D I S T R I C T C O U N C I L

Pathfinder House, St Mary's Street
Huntingdon. PE29 3TN
mail@huntsdc.gov.uk

Tel: 01480 388388
Fax: 01480 388099
www.huntingdonshire.gov.uk

Head of Planning Services
Pathfinder House
St. Mary's Street
Huntingdon
Cambridgeshire PE 29 3TN

ENVIRONMENTAL & COMMUNITY SERVICES			
HPS		PLANNING SERVICES	TL
PPM			
DCM			
OM			
RECEIVED		27 SEP 2010	
		ACK	
		REPLY	
		OFF	

M
28/9/10

Application Number: 1001403FUL Case Officer Mr Andy Moffat
Proposal: Development of ex WWII airfield site to provide two purpose built factory units,
with associated hardstanding and external storage
Location: Land North Of Highfield HouseFenton RoadWarboys
Observations of Warboys Town/Parish Council.
Please ✓ box as appropriate

Recommend approval because(please give relevant planning reasons in space below)
The application does not conflict with the policies contained in the Development Plan,
subject to adequate visibility splay being provided at the entrance to the site in the
interests of highway safety.

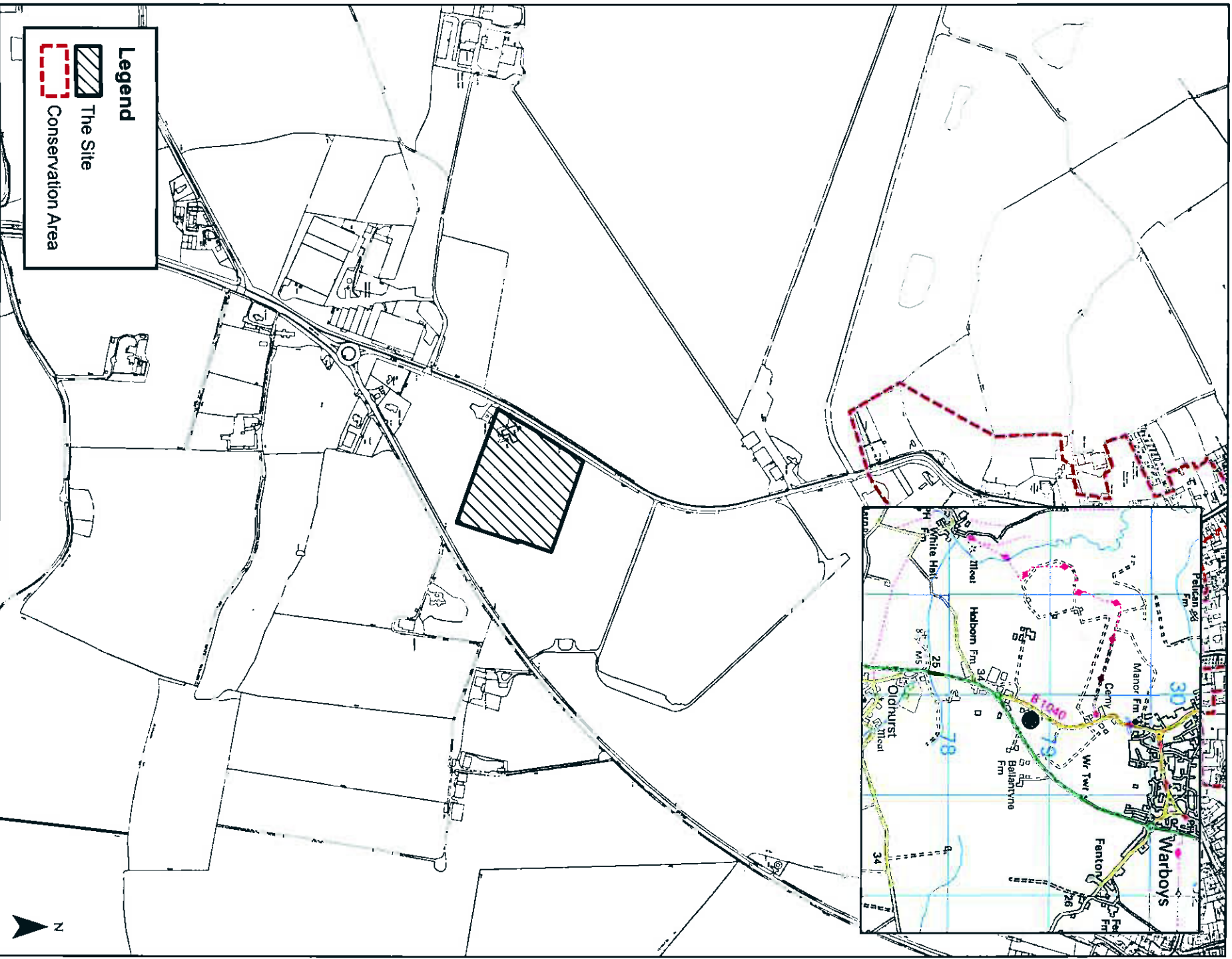
Recommend refusal because....(please give relevant planning reasons in space below)

No observations either in favour or against the proposal

R Reed
.....Clerk to Warboys Town/Parish Council.

Date : 27/9/10

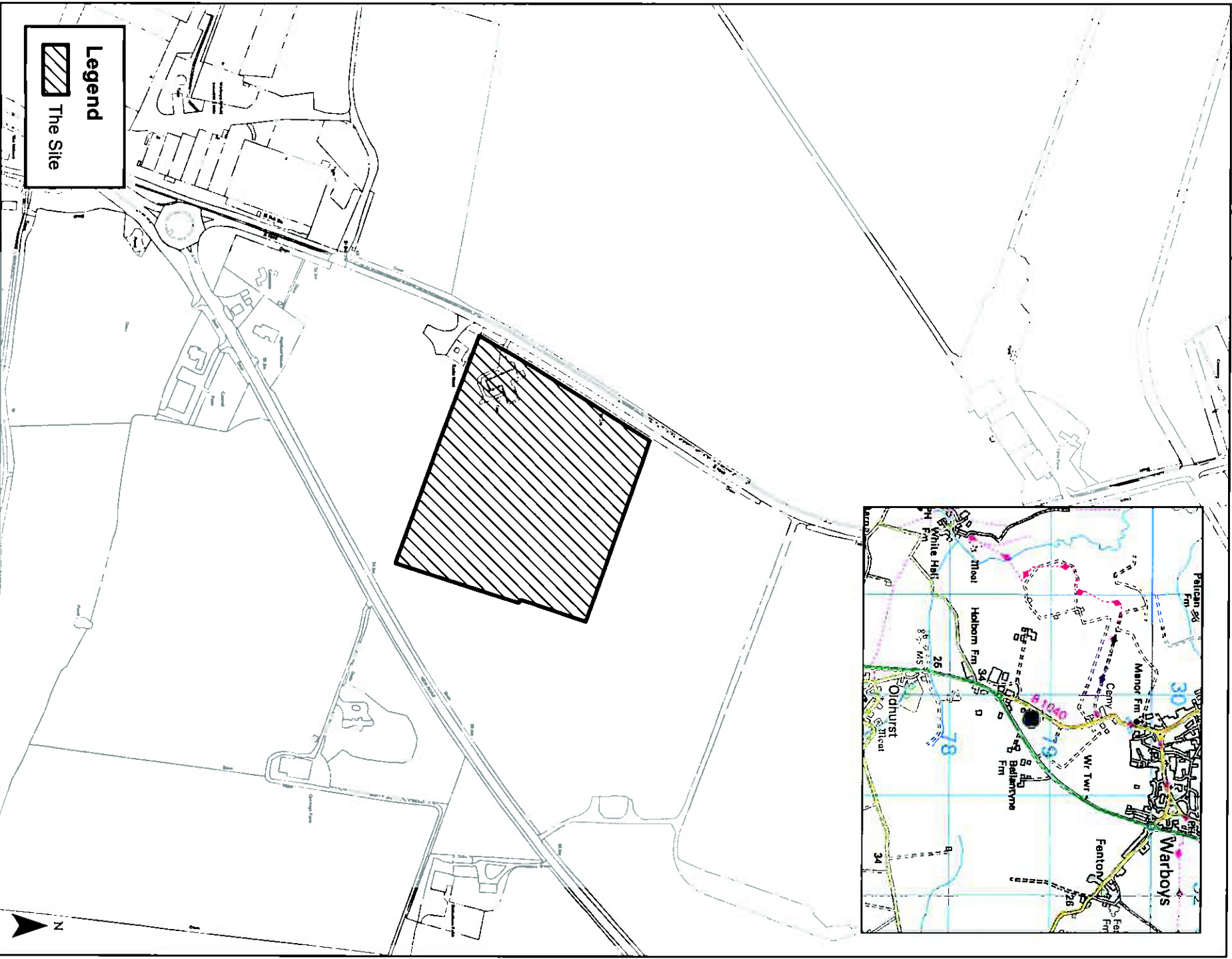
Failure to return this form within the time indicated will be taken as an indication that the Town or Parish Council do not express any opinion either for or against the application.



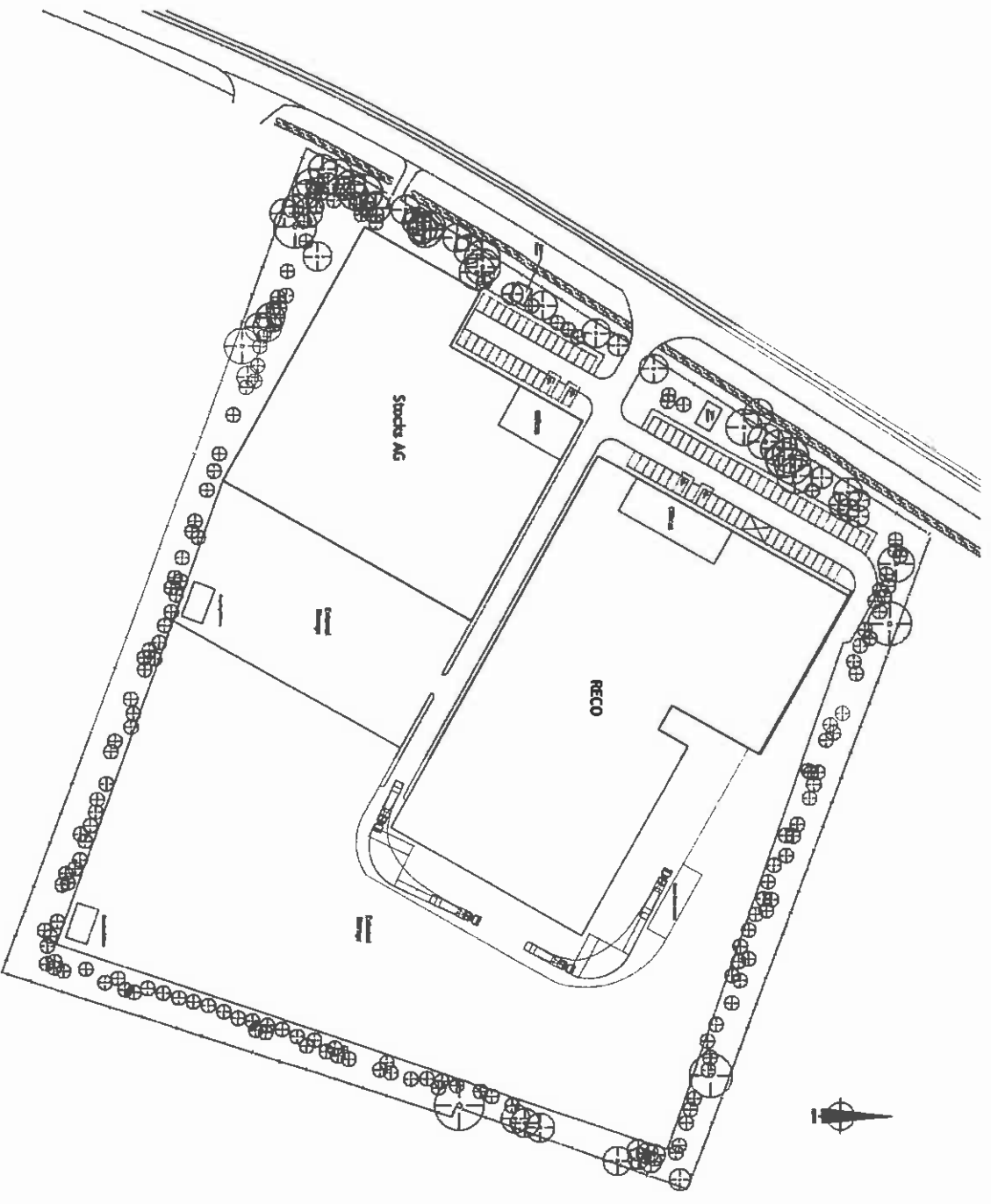
Legend

-  The Site
-  Conservation Area



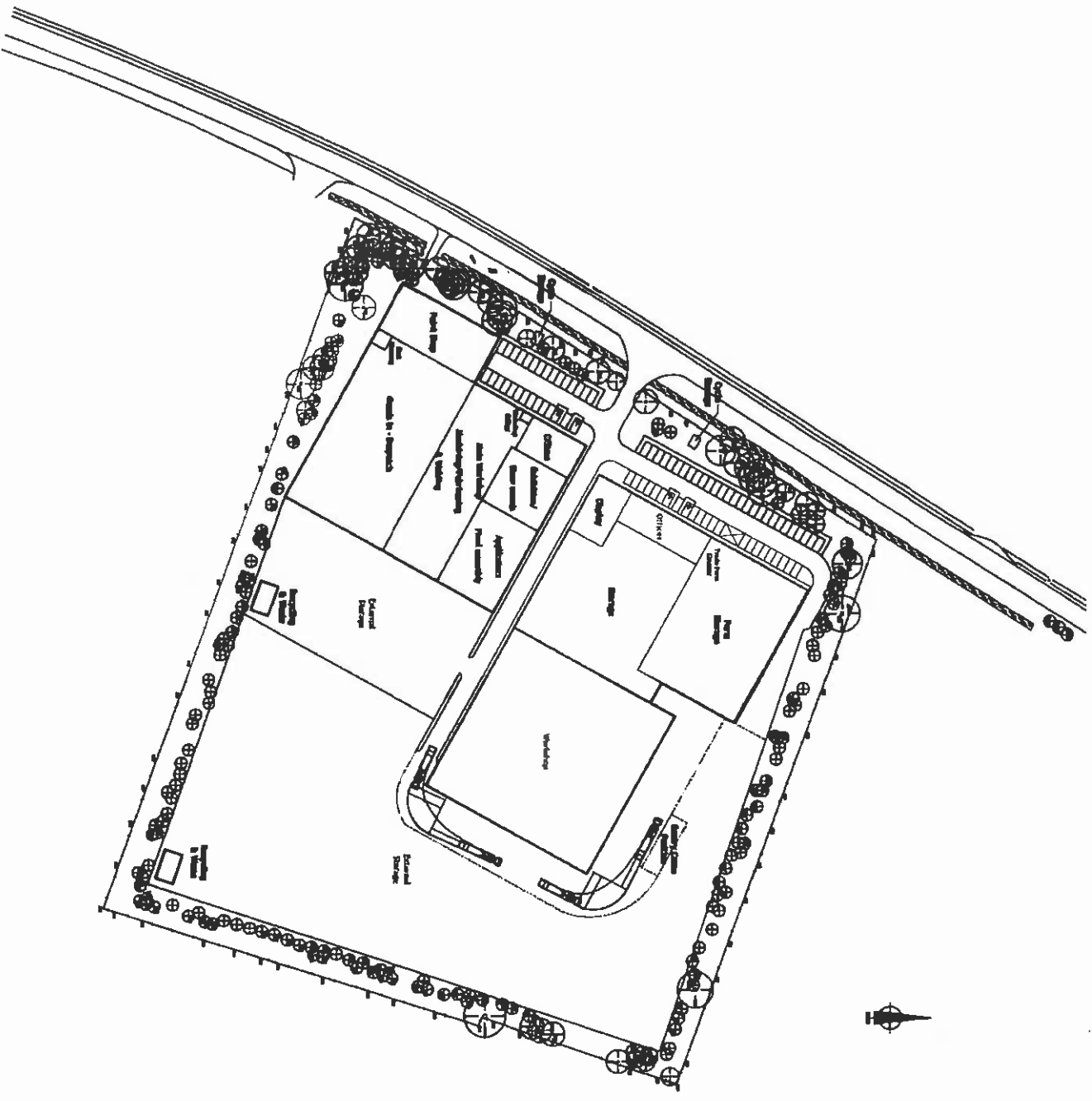


Legend
The Site



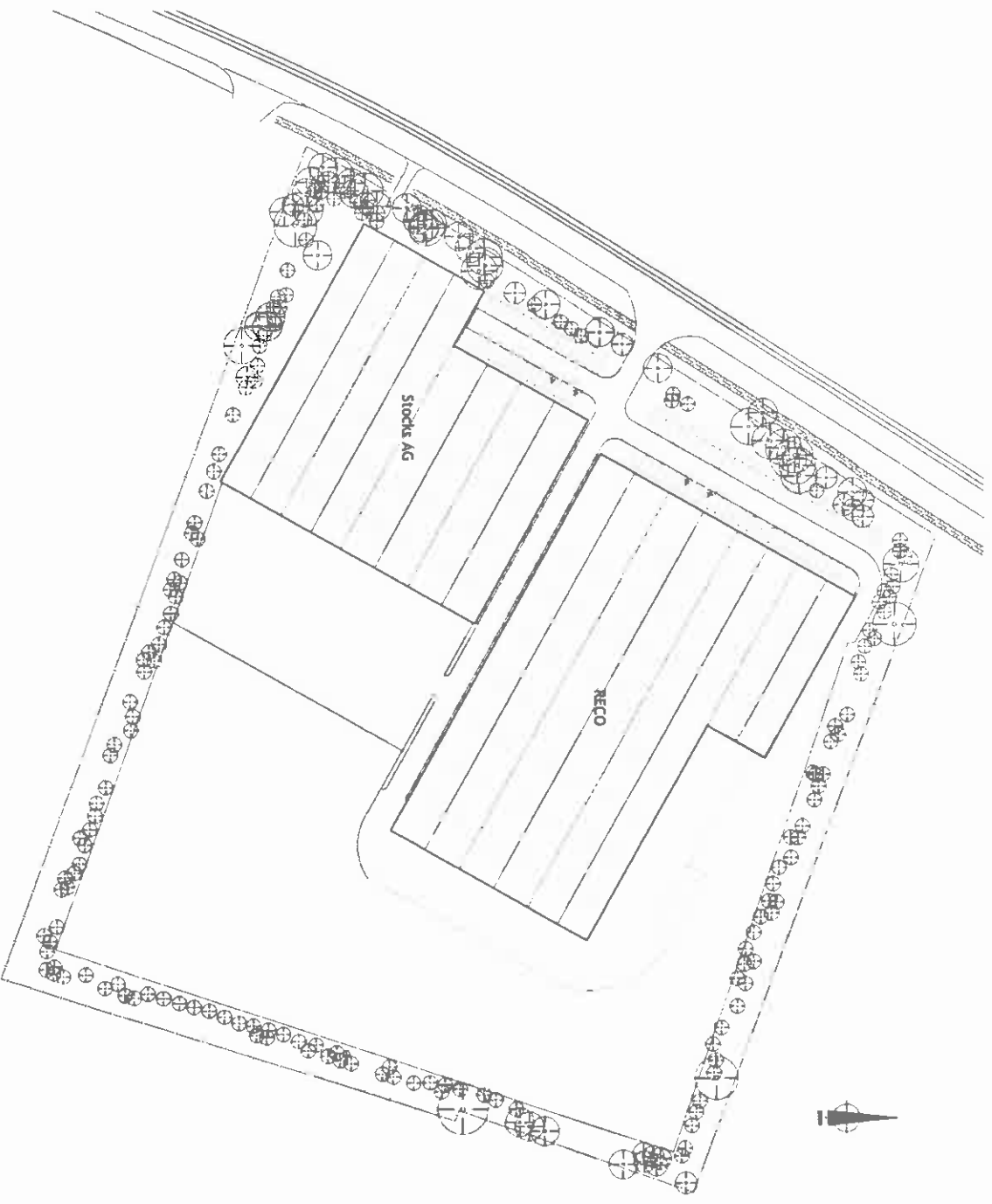
Location: Warboys

Item:



Location: Warboys

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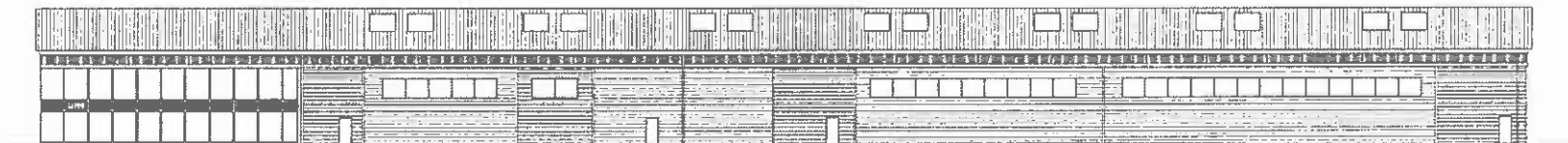


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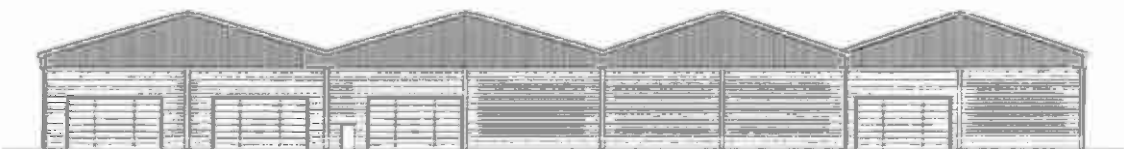
North Western Elevation



South Western Elevation

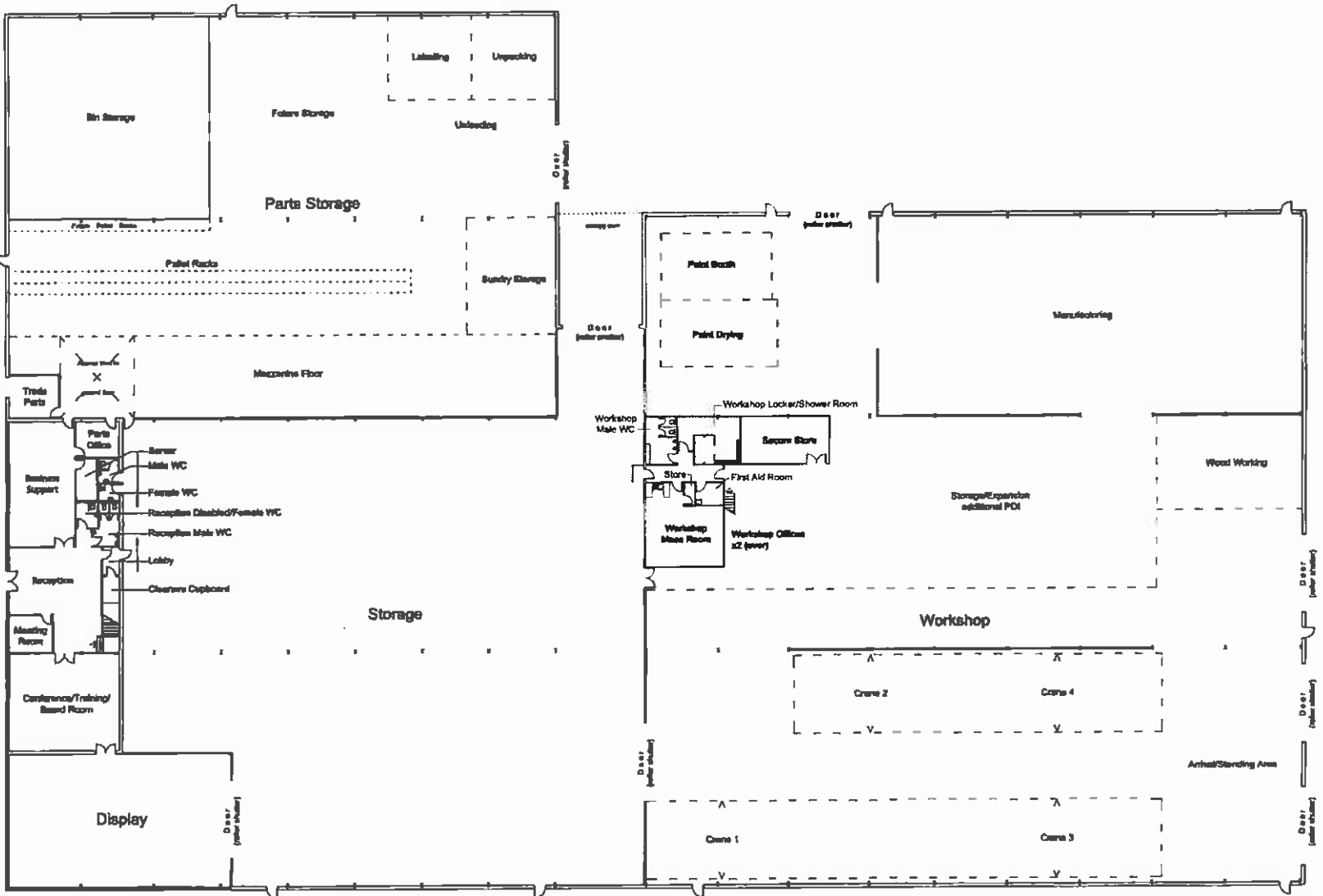


North Eastern Elevation



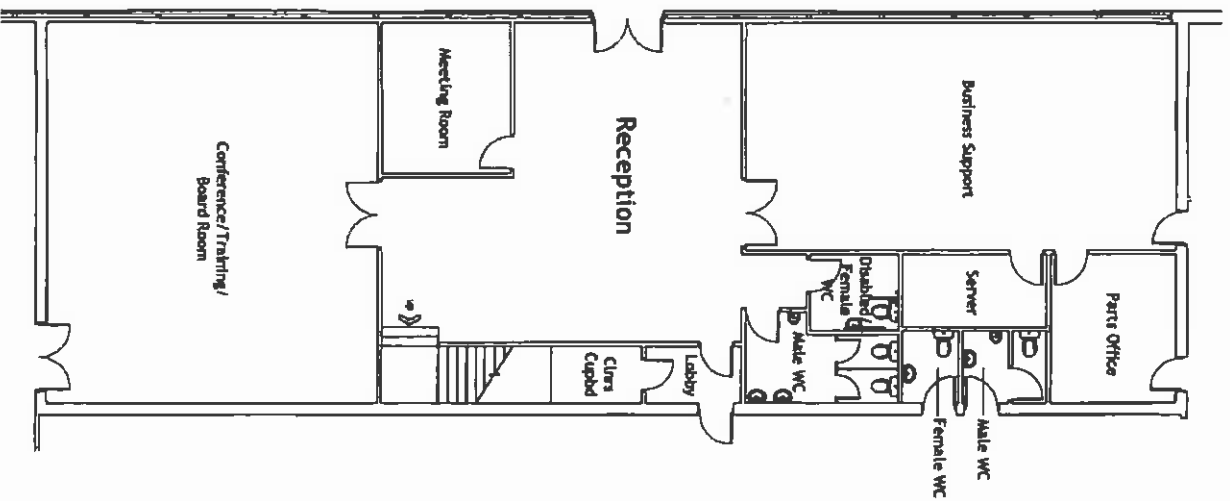
South Eastern Elevation

Location: Warboys
Item:

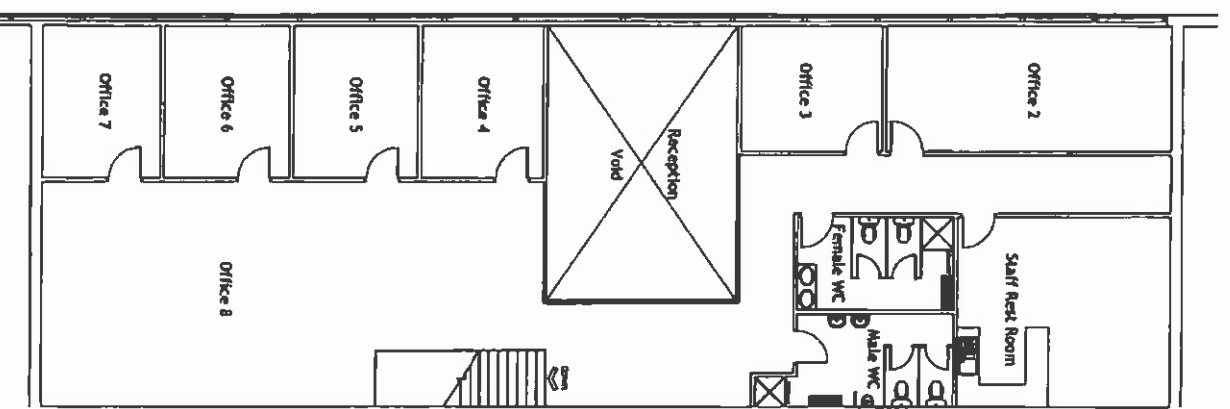


Location: Warboys

Item:



Ground Floor

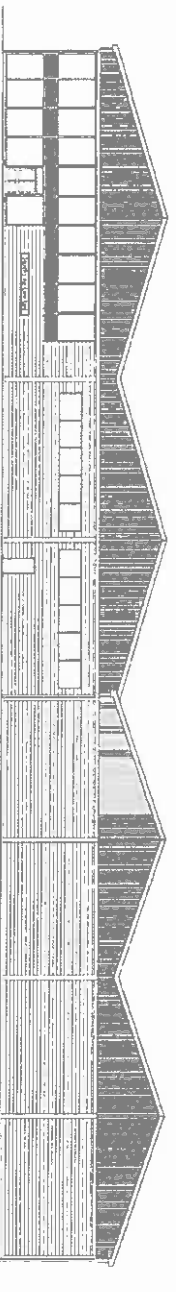


First Floor

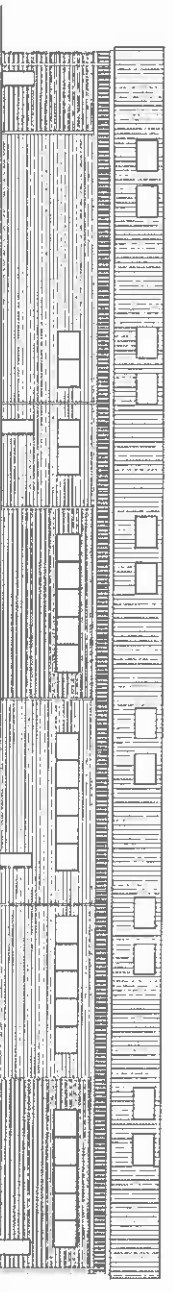
Location: Warboys

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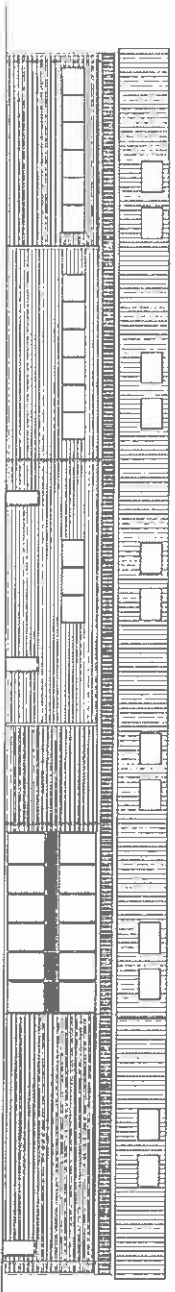
Drawing: Stocks AG Proposed Elevations
Application Ref: 1001403FUL



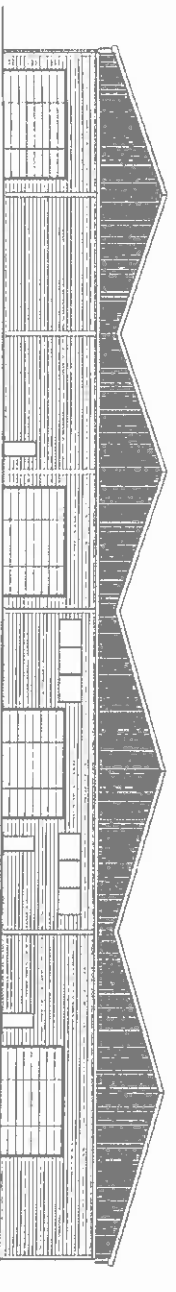
North Western Elevation



South Western Elevation



North Eastern Elevation

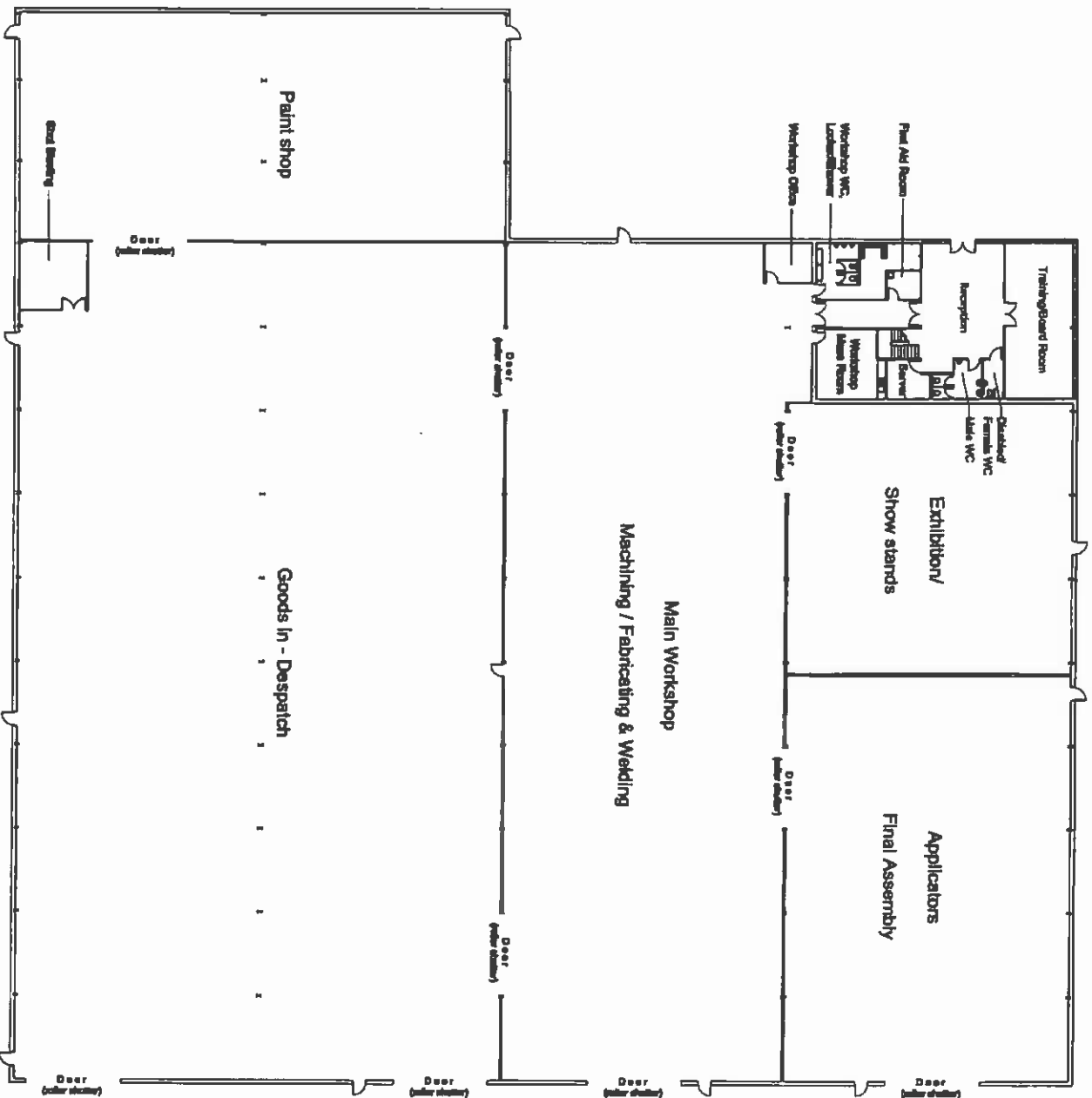


South Eastern Elevation

Location: Warboys
Item:

Drawing: Stocks AG Proposed Ground Floor Plan

Application Ref: 1001403FUL



Location: Warboys

Item:

Drawing: Proposed Western Site Scene
Application Ref: 1001403FUL



Location: Warboys
Item:

Members' Allowances

Report by the Head of Democratic and Central Services

1. INTRODUCTION

- 1.1 The current Members' Allowances Scheme was approved by the Council on 21st February 2007 and came into effect from 16th May 2007. This forms part of the Council's Constitution.
- 1.2 The Local Authorities (Members' Allowances) (England) Regulations 2003 require an authority to have regard to recommendations made to it by an Independent Remuneration Panel (IRP) before making or amending a scheme of members' allowances.
- 1.3 In addition, the Regulations require that where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the Independent Remuneration Panel.
- 1.4 On this occasion, therefore, the Huntingdonshire Panel was convened in response to the statutory requirement for a review of the index used for the past four years. The Panel also took the opportunity to undertake a review of the scheme and to deal with several anomalies which had arisen, in practice, during the preceding four year period. Principally these issues related to
 - ◆ the suitability of the retail price index as the automatic mechanism;
 - ◆ the payment of a special responsibility allowance to the Independent Member who serves as Vice-Chairman to the Standards Committee and whether it would be appropriate to create an additional allowance for the Chairman of the Referrals (Assessment) Sub-Committee;
 - ◆ the payment of an allowance to the co-opted Members of the Overview and Scrutiny Panels;
 - ◆ a recognition of the IT and telephone support provided for Members;
 - ◆ the question of pensions for Members; and
 - ◆ travel allowances.
- 1.5 Given their previous decision to meet as the Parish Remuneration Panel at the same time as undertaking a district review, the Panel also undertook to review the allowances scheme for town and parish councils in Huntingdonshire.

- 1.6 As a prelude to their review, the Panel was advised of the Council's financial strategy and in making their recommendations was cognizant of the difficulties facing the District Council, local government and the public sector in general.
- 1.7 The Panel's report has been circulated separately to all Members. This report is based on the Panel's discussions and summarises the principal issues.

2. AREAS OF REVIEW AND CONCLUSIONS DRAWN

2.1 Annual Adjustment to Allowances

The last report of the IRP recommended that the Council should continue to link basic allowances, SRAs, co-optees and dependent carers' allowances to the retail price index. Although the Council endorsed this recommendation, Members have expressed concern at the continued use of the index given its lack of any correlation with salary increases.

- 2.2 The Panel considered that for the purposes of the basic, special responsibility and co-opted allowances, any annual increase should be indexed to that percentage increase agreed by the National Joint Councils for Local Government Staff Services. This index would link Members to the nationally agreed award for Officers in local government. Although the salaries of the Council's own employees have been determined locally for many years, this is not considered appropriate for use as an index for allowances as Members would, in effect, be determining their own annual increase. The Panel did not however address the question of how to deal with increases of variable rates within local government which, in recent years, have been weighed towards the lowest paid employees. When first calculating the basic allowance, the Panel estimated the time spent by Members on local authority work for the District Council which was then discounted by an element which represented public service for which no remuneration was judged to be payable. The remaining time was then multiplied by an hourly rate to result in the basic allowance which all Members receive. If that time element was extrapolated to a full time position, it would equate to spinal column point 33 on the local government salary scales and it is therefore recommended that the percentage increase agreed annually for employees on that point be used as the figure for the Council's Members Allowances Scheme.

- 2.3 The Council is advised that it can choose not to implement an annual percentage increase even if the index adopted suggests an entitlement to one or can indicate a preference for a lower index if desired.

2.4 Special Responsibility Allowances – Co-opted Independent Members

In accordance with Government guidance, the Standards Committee appointed an Independent Member as Vice-Chairman in 2010/11. The current scheme does not provide for the allowance for the Vice-Chairman of the Standards Committee to be payable to an Independent Member who might be filling that role. (The Chairman of the Standards Committee is also an Independent Member and already receives a co-optees allowance equivalent to the SRA that would be payable if the post was filled by an elected Councillor.) The Panel felt that the allowance should continue to be paid as it reflects the duties and functions of the Vice-Chairman and has recommended therefore that the Independent Member be entitled to the allowance formerly received by the Councillor acting in that position.

In terms of the two co-opted persons appointed to each of the three Overview and Scrutiny Panels, the Panel did not consider they should be eligible for the ordinary co-optees allowance payable to Standards Committee co-optees as it was only intended that they should be reimbursed with traveling and other expenses incurred in attending meetings of the Panels when the co-optees scheme was established.

2.5 Members IT Support

In the interests of transparency and given the financial implications for the Council, the Panel has proposed that an explanation of the IT and telephony equipment and support provided to Members should be reflected in the scheme and has recommended accordingly. It is understood that other authorities already adopt this practice. The Panel therefore recommend that a summary of the IT support be attached to the Members' Allowance Scheme.

2.6 Allowances for Members of Parish Councils

Following their last review, the Panel made recommendations in relation to town and parish councillors under the 2003 Regulations. At that time, none of the parishes in Huntingdonshire had requested a review of allowances and as far as is known, no parishes are paying the parish basic allowance to their Chairmen. The Panel has however, taken the opportunity to reaffirm its previous recommendations thus providing parish and town councils with the necessary authority should they wish to implement an allowance scheme in the future.

2.7 Local Government Pension Scheme

Similarly, the Panel has taken the opportunity to reaffirm its view that councillors should be eligible to join the local government pension scheme. However, it is for the Council to determine whether its

Members should be entitled to join the scheme and if so, whether eligibility should apply to recipients of a basic allowance and/or special responsibility allowances.

2.8 Travel Allowances

The Panel was made aware that the Council currently administers three types of reimbursement for mileage incurred in traveling on Council duties. This situation has arisen because Members have opted to claim mileage under HMRC rates, been elected after 1st October 2008 after which allowances for new Members were emissions based or continued to claim under the National Joint Council casual user scheme. The Panel concluded that this situation was unnecessarily complicated and cumbersome to administer and recommend that a single system should be adopted. In considering a uniform approach, the Panel was informed that some authorities no longer pay travel for Members' attendance at meetings but the Panel felt that Members should be permitted to continue to claim reimbursement for mileage given the distances they are expected to travel within the District to undertake approved duties. Therefore, the Panel recommend that the Council adopt the HMRC mileage rates for all Members which equates to 40p per mile by car for the first 10,000 business miles in the tax year. On the same theme, the Panel recommend that subsistence allowances for attending approved duties within the District should be abolished but maintained for attending those meetings/events beyond the district boundary.

2.9 Level of Allowances

The Panel also took the opportunity to review the level of basic and special responsibility allowances particularly in the light of the changes implemented by the Council's democratic structure review in 2009. Evidence presented to the Panel suggested that overall, the basic and special responsibility allowances payable in Huntingdonshire compare favorably with the allowances paid to comparable authorities.

Having regard to the impact of the democratic structure review, the Panel noted that there had been an increase in the number of Overview and Scrutiny Panels from two to three with a consequential increase in SRAs. Whilst acknowledging that this change has made the overview and scrutiny function more effective, the Panel did not receive any evidence to suggest that the role and responsibilities of the Chairmen and Vice-Chairmen had remained unchanged. Therefore, the Panel decided to re-assess the role of Chairmen and Vice-Chairmen and recommends a reduction in the allowance payable for those positions.

Having received evidence regarding the role of the leader of the principal opposition party, the Panel concluded that this should not be dependent upon the size of the group (a convention that the Panel introduced in an earlier report). Evidence was received that in at least ten out of the fourteen comparable authorities, the SRA for this position was fixed.

Therefore, the Panel recommends that the SRA for the leader of the principal opposition group should be fixed, regardless of the size of the group. The Panel agreed that the SRA for the deputy leader of the principal opposition group should remain un-changed.

Although the Local Government and Housing Act 1989 permits any two Members to register as a political group on the Council, the Panel questioned whether a group of two Members was sufficient to enable the leader of the minor opposition group to be entitled to a SRA (another convention introduced by the Panel in an earlier report). Therefore, the Panel recommends that in order for the group leader of the minor opposition group to be eligible for an SRA, that group should comprise a minimum of five Members or at least 10% of the Council membership. Not wishing to apply this retrospectively to the current minor opposition group, the Panel recommends that the allowance should remain in place so long as that group is currently represented on the District Council.

- 2.10 Lastly and in terms of overall allowances, the Panel recommends that the level of allowances payable in 2009/2010 should be adopted as the new operative scheme for 2011/2012 subject to the aforementioned minor variations.

3. FINANCIAL IMPLICATIONS

- 3.1 As a result of the decision of individual Members not to take the full basic and special responsibility allowances under the current scheme, the actual amount paid in 2010/11 is forecast to be £21,000 less than the current budget.
- 3.2 If the proposed basic and special responsibility allowances are adopted, a further annual saving of £4,000 would be achieved from 2011/12 onwards. In addition the proposed changes to the mileage rate are estimated to save a further £4,500 per annum.
- 3.3 Therefore, the total annual forecast savings are £21,000 in 2010/11 and £29,500 in 2011/12 and each subsequent year.
- 3.4 In addition an increase in budget of £4,000 would be avoided as the assumed inflation provision would not be needed.

4. RECOMMENDATIONS

- 4.1 **The Council is invited to consider the Panel's recommendations and to implement with effect from 18th May 2011 -**
- (a) the level of basic allowance for all District Councillors as outlined in the attached Appendix;**
 - (b) the levels of special responsibility allowances as outlined in the attached Appendix;**

- (c) the abolition of entitlement to subsistence allowances whilst undertaking approved duties within Huntingdonshire but the retention of subsistence allowances in line with National Joint Council subsistence rates for local government employees for approved duties outside the District boundaries;
- (d) the adoption of the mileage rates published by Her Majesty's Revenue and Customs for reimbursement of mileage incurred in undertaking approved duties;
- (e) the payment of a co-optees allowance of £927 per annum to the Independent Vice-Chairman of the Standards Committee which is the sum equivalent to that which would be payable were that position to be held by an elected Member;
- (f) the use of the percentage change for spinal column point 33 approved by the National Joint Council for Local Government Staff Services negotiated as the pay award for local government employees as the automatic index mechanism to enable the Members' Allowances Scheme to be adjusted until 30th April 2015;
- (g) the continuation of the arrangements for the payment of dependant carer's allowances using as the basis for the allowance the rates recommended by the Panel;
- (h) the retention of a special responsibility allowance for the leader of the current minor opposition group so long as that group comprises at least two Members and is registered as a political group;
- (i) the inclusion of the Members IT and telephone support Guidelines as an Appendix to the main scheme;
- (j) to consider whether Members should be entitled to join the local government pension scheme and if so, whether eligibility should apply to recipients of the basic allowance and/or special responsibility allowances.

4.2 The Council is also invited to revoke the existing Members' Allowances Scheme with effect from 17th May 2011 and to authorise the Chief Executive to prepare a new scheme of Members' Allowances to reflect the outcome of the Council's deliberations and to take any consequential action arising therefrom.

BACKGROUND PAPERS

The Sixth Report of the Independent Remuneration Panel dated October 2010.

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AMENDED APPENDIX

Allowance	Existing Scheme 2010/11	Recommended Scheme wef 18.05.11
	Per annum	Per annum
	£	£
BASIC ALLOWANCE		
Each District Councillor	4,459	4,235
SPECIAL RESPONSIBILITY¹ ALLOWANCES		
The Executive Leader	14,753	14,010
Deputy Leader	11,095	10,537
Other Cabinet Members	8,839	8,394
Chairmen		
Overview and Scrutiny Panels	6,645	5,604
Development Management Panel	6,645	6,311
Council	3,962	3,763
Licensing and Protection Panel/ Licensing Committee	6,645	6,311
Employment Panel	2,926	2,779
Corporate Governance Panel	2,072	1,968
Vice-Chairman		
Overview and Scrutiny Panels	2,987	2,242
Development Management Panel	2,987	2,837
Council	1,646	1,563
Licensing and Protection Panel/ Licensing Committee	2,987	2,837
Employment Panel	976	927
Corporate Governance Panel	683	649
Opposition Group		
Leader - Principal Opposition	8,126	7,005
Deputy Leader	3,643 2,987	2,837
Leader Minor Opposition ²	761*	723
Development Management Panel		
Ordinary Members ⁴	653*	620
Co-Optees Allowances		
Each co-opted member and parish council representative	243*	231

Allowance	Existing Scheme 2010/11	Recommended Scheme wef 18.5.2011
	Per annum	Per annum
Standards Committee - Chairman ³	£ 2,926	£ 2,779
Standards Committee - Vice-Chairman ³	976	927
Dependant Carer's Allowance Each qualifying District Councillor with children or elderly/disabled dependant		Up to a maximum of 7.5 hours per week at the minimum wage level in the case of childcare and for an elderly or disabled dependant at the County Council's recommended "home carer" rate.

Notes:

1. No Member may receive more than one Special Responsibility Allowance
2. Subject to the party having a minimum of 5 Members and being registered as a political group.
3. An Independent Member (non-elected) acting as Chairman/Vice-Chairman of the Standards Committee shall receive a special responsibility allowance equivalent to that payable to a Member elected to that post.
4. Excluding the Chairman and Vice-Chairman of the Panel and any Cabinet Member appointed to the Panel.

Council Procedure Rules – Executive Leader and Cabinet Form of Executive

Report by the Head of Democratic and Central Services

1. BACKGROUND

- 1.1 Members may recall that at the September and November meetings, the Council considered proposals for a change in the form of executive to an Executive Leader and Cabinet in accordance with the Local Government and Public Involvement in Health Act 2007.
- 1.2 The Council resolved to change its governance arrangements with effect from 8th May 2011. This decision necessitated a series of alterations to the Constitution to accommodate both the change in title of the Leader and the fact that the Executive Leader will become responsible for the discharge of all of the executive functions of the Council.
- 1.3 Council Procedure Rule 20.2 provides that "any motion to add to, vary or revoke the Council's Rules of Procedure, will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council."
- 1.4 As the changes to the Council's democratic arrangements required some amendments to the Council Procedure Rules, these were moved, seconded and adjourned without discussion, to this meeting of the Council.
- 1.5 The changes required to the Council Procedure Rules contained within the District Council's Constitution are set out in the Appendix to this report.

2. RECOMMENDATION

- 2.1 **Accordingly, the Council is recommended to approve the changes to the Council Procedure Rules contained in the Constitution as listed in the Appendix to this report.**

BACKGROUND DOCUMENTS

Constitution

Minutes of Council meetings held on 29th September and 3rd November 2010

Contact Officer: Christine Deller, Democratic Services Manager
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**EXECUTIVE LEADER AND CABINET:
CHANGES TO PART 4 OF THE CONSTITUTION –
COUNCIL PROCEDURE RULES**

**"5 PART 4 - RULES OF PROCEDURE
COUNCIL PROCEDURE RULES**

5.1 In sub-paragraph 1.1 (vi), the deletion of the word 'Leader' and its replacement with the word 'Executive Leader'.

5.2 The deletion of sub-paragraph 1.1 (vii) (appointment of Deputy Leader).

5.3 In sub-paragraph 2 (v), the deletion of the words 'Leader, Deputy Leader' and their replacement with the words 'Executive Leader, Deputy Executive Leader'.

As above.

5.4 In sub-paragraphs 8.1, 8.2, 8.3 and 8.5, the deletion of the word 'Leader' and its replacement with the words 'Executive Leader'.

As above.

5.5 In sub-paragraphs 12.1 and 12.2, the deletion of the word 'Leader' and its replacement with the words 'Executive Leader'.

As above.

5.6 In paragraph 23, the deletion of the words 'Leader, Deputy Leader' and their replacement with the words 'Executive Leader, Deputy Executive Leader'.

As above.

5.7 In paragraph 28, the deletion of the words 'the Cabinet' and its replacement with the word 'an'.

5.8 In paragraph 28, the addition of the following words after the first sentence 'The Executive Leader may vary the membership of the Cabinet at any time and may fill any vacancy that arises.'

The Executive Leader will be responsible for appointing the Cabinet.

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Cabinet

Report of the meeting held on 18th November 2010

Matters for Decision

41. DRAFT BUDGET 2011/12 AND MTP 2011/16

In conjunction with the Overview and Scrutiny Panel (Economic Well-Being) and by way of a report by the Chief Officer's Management Team (the Report is reproduced as Item No 6 on the Council Agenda) the Cabinet has reviewed the draft 2011/12 budget, the Medium Term Financial Plan for the period up to 2015/16 and the longer term financial plan forecast for 2024/25. Final approval of the proposals will be dealt with by Council at its meeting on 23rd February 2011.

In considering the views of the Overview and Scrutiny Panel (Economic Well-Being), Members concurred with the Panel that investigation should take place into alternative delivery methods for the services provided at customer services centres. Initial discussions with Cambridgeshire County Council are currently underway with a view to working alongside the library service and further talks will be held with town and parish councils.

With regard to proposals to reduce the grants paid to voluntary organisations, Executive Councillors concurred with the Panel that these Groups are likely to form an important part of the "localism" agenda and the public's demand on services that they provide may increase as a result of changes to the welfare system. The Cabinet concluded that these groups should be encouraged to explore a variety of alternative means of funding and revenue generation.

In discussing the Panel's views on the proposals for the CCTV service, the Cabinet's attention has been drawn to a number of options being investigated including the potential to enter into a joint arrangement with Cambridgeshire Constabulary and/or town and parish councils.

With regard to the proposal to increase car parking charges from 2014, Members have emphasised the need to consider this carefully given the lack of adequate public transport, public opinion, ability of residents to pay and the implications of introducing civil parking enforcement.

In considering the options for the determination of levels of council tax for 2011/2012, the Cabinet has considered the current economic climate, the impact on local residents and the Government proposed

grant for councils that decide to freeze their council tax for the coming financial year. The reward grant is 2.5% of the Council tax base for the next four years and this is expected to amount to £183,000 p.a.

At the same time, Executive Councillors have discussed budget proposals put forward by the Liberal Democrat Group. In that respect, the Cabinet has noted that a review of pay, pay scales and allowances are currently underway along with the development of shared services initiatives and proposals to sub-let spare office capacity. Members noted those areas requiring further discussion - included job sharing, members' allowances, the retention of the customer service centres and a reduction in the number of councillors. In that respect, the Cabinet felt that any reduction in Members was unlikely to result in significant savings during the budget plan period.

Having authorised the Chief Officers Management Team, after consultation with the appropriate Executive Councillors, to prepare and implement plans for changes and reductions in services to achieve targeted savings plans for 2011/12 and future years, the Cabinet -

RECOMMEND

- (a) that the draft Budget and Medium Term Plan, appended to the report of the Chief Officer's Management Team, be approved as the basis for the development of the budget for 2011/2012 and the revised Medium Term Plan 2012/2016; and**
- (b) that no increase be made in Council Tax for 2011/12.**

42. STATEMENT OF LICENSING POLICY

With the aid of a report by the Head of Democratic and Central Services (reproduced as an Appendix) the Cabinet has reviewed the contents of a revised Statement of Licensing Policy under the Licensing Act 2003. The statement has been updated to take into account the latest regulations and guidance issued by the Secretary of State for Culture, Media and Sport. These include a mandatory Code of Practice for alcohol retailers, allowing elected members of Licensing Authorities to become interested parties for the purpose of making representations and applying for reviews, re-classification of lap dancing clubs so that they require a sex establishment licence and new mandatory conditions in relation to the supply of alcohol. Having been informed that the public consultation exercise on the policy had elicited little response, the Cabinet

RECOMMEND

- that the revised statement of licensing policy be approved.**

Matters for Information

43. TREASURY MANAGEMENT - REVIEW OF PERFORMANCE

The Cabinet has noted the performance of the District Council's Fund Managers for the period 1st July to 30th September 2010.

44. CAMBRIDGESHIRE LOCAL INVESTMENT PLAN

Having regard to the views of the Overview and Scrutiny Panel (Social Well-Being) (Item No. 32 of their Report refers), the Cabinet has approved the content of the Cambridgeshire Local Investment Plan. The plan has been prepared by the Homes and Communities Agency and Cambridgeshire Horizons in conjunction with Cambridgeshire local authorities. The document aims to assist the delivery of investment in a range of housing, infrastructure, regeneration and community activities, taking into account locally determined priorities and a number of existing strategies and plans including the Huntingdonshire Core Strategy, Housing Strategy and Local Investment Framework. It will primarily be used as evidence to support bids to draw in external funding to the area.

In considering the views of the Overview and Scrutiny Panel (Social Well-Being), Members concurred with the Panel that the importance of upgrading the A14 should not be under-stated as it plays a significant part in the road network infrastructure on local, national and European levels.

45. HOMELINESS STRATEGY: CONSULTATION DRAFT

The Cabinet has approved for consultation purposes the content of the draft Homelessness Strategy. The Homelessness Act 2002 requires all Councils to carry out a review of homelessness within their area at least every five years and to formulate and publish a homelessness strategy based on the results of that review. The document is the Council's third homelessness strategy and aims to minimise the effects of homelessness, particularly the use of temporary accommodation.

In discussing the Strategy, the Cabinet has noted the concerns of the Overview and Scrutiny Panel (Social Well-Being) over the continuation of government funding for homelessness beyond 2010/2011 along with the need to identify funding and resources for a number of actions identified within the strategy (Item No 31 of their Report refers)

46. ST. NEOTS EASTERN EXPANSION URBAN DESIGN FRAMEWORK

Having considered responses received to consultation on the proposed St. Neots Eastern Expansion Urban Design Framework and having been acquainted with the subsequent amendments which

have been made to the document, the Cabinet has approved the adoption of the urban design framework (as amended) as Planning Policy. In so doing, the Head of Planning Services has been authorised, after consultation with the Executive Member for Planning Strategy and Transport, to make any minor consequential amendments to the text and illustrations as necessary.

47. LAND AT MILL ROAD, EATON SOCON

The Cabinet has considered a proposal for the transfer of Council owned land at Mill Road, Eaton Socon to an adjoining landowner for the development of a residential scheme. Having noted that the transaction will include the developer providing replacement facilities for an existing scout headquarters that currently occupies the land, the Cabinet has approved the sale in principle and has authorised the Director of Central Services, after consultation with the Executive Councillor for Leisure and Law, Property and Governance to approve terms for the sale.

**48. EMPLOYEE SELECTION PANEL -
APPLICATIONS FOR VOLUNTARY RELEASE**

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

In accordance with the Officer Employment Procedure Rules, the Cabinet has confirmed that there are no material objections to the recommendations of the Employee Selection Panel regarding applications for voluntary release from senior managers under stage 1 of the voluntary release scheme. A full report of the Employee Selection Panel appears elsewhere on the agenda.

I C Bates
Chairman

**LICENSING ACT 2003
STATEMENT OF LICENSING POLICY**
(Report by Head of Democratic and Central Services)

1. INTRODUCTION

- 1.1 The Licensing Act 2003 requires the Council in its role as the licensing authority to adopt a statement of licensing policy and to have regard to that statement in the exercise of its functions under the Act. The existing statement, the second such document that the Council has approved, came into effect on 7th January 2008 for a period of three years and will expire shortly. The Council must therefore review its policy and approve a new statement that will come into effect on 7th January 2011.
- 1.2 The Act also requires each licensing authority to have regard to any guidance issued by the Secretary of State, with revised guidance having been issued in March 2010.

2. SECRETARY OF STATE'S GUIDANCE

- 2.1 The authority can depart from the guidance where this is felt appropriate but must have good reason for doing so and must be able to substantiate its decision if challenged through the courts.
- 2.2 Various legislative changes have taken place since the previous statement of licensing policy was approved and these have been reflected in the Secretary of State's current guidance. These include –
- a mandatory code of practice for alcohol retailers;
 - elected members of licensing authorities becoming interested parties for the purposes of making representations and applying for reviews;
 - re-classification of lap dancing clubs so that they require a sex establishment licence;
 - new mandatory conditions in relation to the supply of alcohol.
- 2.3 The new coalition government has issued a consultation paper on 'rebalancing the Licensing Act' which is likely to result in further changes to the Act and the issue of revised guidance. A separate report on the potential changes has been considered by the Licensing Committee. Until such time as any changes are made however, the statement of licensing policy must reflect the existing guidance.

3. STATEMENT OF LICENSING POLICY

- 3.1 Approval of the statement cannot be delegated by the Council. Regard must be had to the statement by the authority in carrying out its

licensing functions and there must be good reasons for deviating from its content.

- 3.2 The existing statement reflected the Secretary of State's earlier guidance and has not attracted any adverse challenge to its application in terms of the Council's licensing activities under the Act.
- 3.3 The new draft statement therefore has been modelled on the existing document and changes made only where it would otherwise conflict with the Secretary of State's updated guidance. A copy has been distributed to all Members under separate cover and comments invited from a wide variety of organisations with a closing date of 21st October.
- 3.4 The previous government had proposed that the need to review the statement of licensing policy every three years be repealed as this was thought to be no longer necessary and an administrative burden. Although this was not implemented before the last election, the lack of response to the consultation exercise on this occasion reinforces the view that a review every three years is inappropriate.
- 3.5 Only two replies were received. St Ives Town Council asked for the statement to be amended to make provision for town and parish councils to be consulted on applications for premises licences. The legislation currently requires an applicant to serve notice of an application on all responsible authorities but these do not include parish councils. A local council is an interested party under the Act as it represents persons who live in the vicinity of a licensed premise but interested parties are advised of an application by way of a site notice posted by an applicant. The notification procedure is prescribed by regulation and licensing authorities are encouraged not to deviate from those requirements.
- 3.6 Sawtry Parish Council has proposed that the statement contains a policy on the number of sex establishments that the Council considers is appropriate in Huntingdonshire, suggesting that the limit should be set at zero or at one such establishment which should be located in Huntingdon or St Neots, with none permitted elsewhere in the more rural areas. The representation is not relevant as the licensing of sex establishments is regulated by the Local Government (Miscellaneous Provisions) Act 1982 and the statement of licensing policy relates only to licensing under the Licensing Act 2003.

4. CONCLUSION AND RECOMMENDATION

- 4.1 Once adopted, the statement of licensing policy can be amended by the licensing authority at any time during the ensuing three years, prior to its renewal in 2014.
- 4.2 The consultation exercise on the revised statement has elicited a poor response and the Licensing Committee has proposed that no change be made to the draft other than minor corrections. It is

RECOMMENDED

that the Cabinet endorse the revised statement of licensing policy for submission to the Council for approval.

BACKGROUND PAPERS

- Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003
- Statement of Licensing Policy of the authority dated January 2008
- Draft statement of Licensing Policy of the authority dated January 2011.
- Consultation replies as set out in the report.

Contact Officer: Roy Reeves, Head of Democratic and Central Services
☎ (01480) 388003.

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THE LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

7TH JANUARY 2011

Licensing Section, Democratic & Central Services Division,
Huntingdonshire District Council,
Pathfinder House, St Mary's Street,
Huntingdon,
Cambridgeshire,
PE29 3TN

www.huntingdonshire.gov.uk

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PREAMBLE

This Statement of Licensing Policy has been prepared by Huntingdonshire District Council acting as the licensing authority under the Licensing Act 2003. It represents the authority's policy with respect to the exercise of its licensing functions for the licensing of the sale and supply of alcohol, certain forms of entertainment and the provision of late night refreshment.

The statement replaces an existing three year statement and was approved by the licensing authority on 15th December 2010. It came into operation on 7th January 2011 for a further period of three years during which time it will be kept under review by the authority.

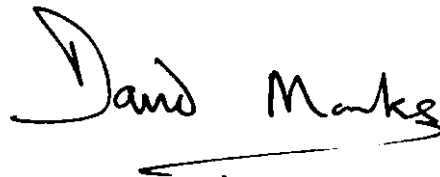
The Act has introduced greater flexibility for the entertainment industry, which can have a positive impact upon local communities in Huntingdonshire. This is balanced by tougher controls for the police and the licensing authority and an opportunity for other businesses and residents to raise concerns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

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

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



Cllr Terry Bell
Chairman
Licensing Committee



David Monks
Chief Executive

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HUNTINGDONSHIRE DISTRICT COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

1. INTRODUCTION

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

2. PRINCIPLES OF THE LEGISLATION

- 2.1 The Act requires all parties involved in the licensing and provision of regulated activities to have regard to four statutory objectives –
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.2 However the legislation extends more widely than the statutory objectives and there are other key aims and purposes that are of fundamental significance for all involved in licensed activities. These include –
- the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;
 - the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet their customers' expectations;
 - greater choice for consumers, including tourists, about where, when and how they spend their leisure time;
 - the encouragement of more family friendly premises where younger children can be free to go with their family;
 - the further development within communities of our rich culture of live music, dancing and theatre, both in rural and urban areas;

- the regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring; and
 - the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.
- 2.3 The Act has introduced a lighter touch administration for those businesses and community activities which enhance leisure opportunities and our cultural heritage. Those businesses that meet the licensing criteria without an adverse impact upon the communities in which they are situated can expect no unnecessary interference. However where licence holders fail to meet the licensing objectives, there are opportunities for residents and businesses who are adversely affected to bring their concerns to the licensing authority and licence holders and their employees can expect a sharp focus on enforcement.
- 2.4 This can be best achieved through partnership working between all involved, including the licensing authority itself, other responsible bodies such as the police, fire and rescue authority, environmental health and health and safety which are defined in the Act, the private sector providing the leisure opportunities, local residents and community groups, town centre managers, Crime and Disorder Reduction Partnerships, performers and local transport providers. All have an equally vital role to play in promoting the licensing objectives.
- 2.5 The licensing authority will form licensing liaison groups and forums where necessary that bring together interested parties on a regular basis to monitor developments and propose possible solutions to any problems that arise.
- 2.6 Licensing is concerned with the regulation of licensable activities on licensed premises, at qualifying clubs and at temporary events within the meaning of the legislation. The conditions to be attached to the required authorisations will focus on those matters that are within the control of individual licence and certificate holders. They will relate to the direct impact of the activities taking place at the licensed or club premises on members of the public living or working in the vicinity of the premises. However the licensing legislation is not the primary mechanism for the general control of anti-social behaviour and nuisance by individuals who are not in the vicinity of the licensed or club premises and therefore beyond the direct control of the licence or certificate holder and their employees.
- 2.7 The Act complements and does not duplicate existing legislation. The licensing authority will therefore not impose conditions on a licence which are already dealt with by other current legislation. Nor will the authority impose conditions that are not within the control of a licence or certificate holder.

3. LICENSING OBJECTIVES

- 3.1 This statement of licensing policy is concerned with the promotion of the four licensing objectives –
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance

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

4. STATEMENT OF LICENSING POLICY

- 4.1 This statement has replaced a similar statement approved by the authority in December 2008 and will come into effect from 7th January 2011. It will remain in force for a further period of three years and will be subject to review at the end of that period with a view to a new statement being adopted with effect from January 2014. During the period in which it is in force, the licensing authority will keep the policy under review and may make such revisions to it as may be considered appropriate. If any revision is made, the licensing authority will publish a statement of the revisions or the revised statement of licensing policy in such a manner as to bring it to the attention of the bodies referred to below and the general public.
- 4.2 In preparing this statement, the licensing authority has consulted Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service, other responsible authorities, such persons/bodies as are considered to be representative of local holders of premises licences, club premises certificates and personal licences, such persons/bodies considered to be representative of businesses and residents in the District and other organisations considered by the authority to have an interest in the matter. Comments were welcomed from any interested party and member of the public and given due weight in the adoption of this policy.
- 4.3 In considering any revision of the policy and its further review after three years, the licensing authority will consult fully with appropriate parties and with such persons as are considered to be representative of the holders of premises and personal licences and club registration certificates issued by the licensing authority.

5. CO-ORDINATION WITH OTHER POLICIES

- 5.1 In preparing this statement of licensing policy, the licensing authority has had regard to and consulted with those involved in other relevant strategies and policies in relation to local crime prevention, culture, planning, building control, transportation, economic development, tourism, racial equality, and other

plans for the management of town centres and the night-time economy. A schedule listing the relevant policies is attached as Annex B.

- 5.2 The licensing authority also recognises that as part of implementing the local authority's cultural strategy, proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dance and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of communities. A natural concern to prevent disturbance in neighbourhoods will be carefully balanced with the wider cultural benefits.
- 5.3 The licensing authority will ensure the proper co-ordination and integration of such strategies and policies to ensure that they are complementary and mutually supportive. The licensing authority will also monitor the impact of any change in those strategies and policies on this licensing policy and will undertake a revision of this policy if that is considered appropriate.
- 5.4 Arrangements will be made for the licensing authority's Licensing Committee to receive, where appropriate, reports on the needs of the local tourist economy for the District to ensure that these are reflected in the deliberations of the Committee. The Committee will be apprised of the employment situation in the District and the need for new investment and employment where appropriate.
- 5.5 Applications for premises licences for permanent commercial establishments should normally be from businesses with planning permission for the property concerned. The licensing regime will thus be separated from the planning and building control regimes to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning application and similarly the granting by the Licensing Committee of a variation of a licence which involves a material alteration to a building will not relieve an applicant from the need to apply for planning permission or building control permission where these are required. The Licensing Committee will, where appropriate, provide regular reports to the local authority's Development Management Panel on the situation regarding licensed premises in the District, including the general impact of alcohol related crime and disorder.
- 5.6 The licensing authority recognises its responsibilities under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000. The impact of this policy upon race relations in the District will be monitored through the Council's corporate equality policy.

6. ACTIVITIES TO BE LICENSED

- 6.1 The following activities are required to be licensed under the Licensing Act 2003 -
- the sale by retail of alcohol,
 - the supply of alcohol by or on behalf of a qualifying club to a member of the club,
 - the provision of regulated entertainment, and
 - the provision of late night refreshment.
- 6.2 Regulated entertainment is defined as both the provision of entertainment and entertainment facilities. Entertainment includes –

- a performance of a play,
- an exhibition of a film,
- an indoor sporting event,
- a boxing or wrestling entertainment,
- a performance of live music,
- any playing of recorded music,
- a performance of dance, and
- any similar entertainment to the playing of live or recorded music or dance

where the entertainment takes place in the presence of an audience.

Entertainment facilities means facilities for enabling persons to take part in entertainment consisting of making music, dancing or any entertainment of a similar description to making music or dancing.

- 6.3 Certain activities are not regarded as regulated entertainment and are exempt for the purposes of the Act. A list of exempt entertainment is attached at Annex C.
- 6.4 Late night refreshment means the supply of hot food or drink to members of the public between the hours of 11.00 p.m. and 5.00 a.m., whether for consumption on or off the premises. It includes the provision of refreshment from vehicles while they are stationary.
- 6.5 The Act requires a premises licence or a club premises certificate to be obtained where any of the licensable activities are to take place (including the open air). Such licences and certificates are of unlimited duration unless where otherwise stated in the licence or certificate.
- 6.6 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. Individuals who are engaged in or authorising the sale and supply of alcohol require a personal licence. A personal licence is of ten years duration and an application for its renewal must be made to the original licensing authority that granted the licence, irrespective of the current address of the personal licence holder.
- 6.7 Not every person who sells or supplies alcohol at premises licensed for that purpose needs to hold a personal licence but every person engaged in the sale or supply of alcohol must be clearly authorised by such a licence holder. The licensing authority will expect –
- every person authorised to sell alcohol at any particular premises to be clearly identified,
 - for the authorisation to have specified the acts so authorised,
 - for there to be an overt act of authorisation, such as a written statement given to the individual so authorised, and

- for sensible arrangements to be in place for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 6.8 A personal licence holder is not required for the supply or authorisation of the supply of alcohol in qualifying clubs. To qualify as a club for the purposes of the Act, a series of conditions defined in the Act have to be met involving the membership and rules of a club which are summarised in Annex D.
- 6.9 Special arrangements apply for temporary events which require the service of a temporary events notice upon the licensing authority and the police not less than 10 days prior to the event.
- 6.10 A glossary of relevant terminology is contained at Annex D.

7. APPLICATIONS AND OPERATING SCHEDULES

- 7.1 Any person (including a business or an individual over the age of 18 years) may apply for a premises licence either on a permanent basis or for a time-limited period to carry out licensable activities on the premises (which includes the open air). A qualifying club may apply for a club premises certificate to carry out those activities. An application must be accompanied by the required fee, an operating schedule, a plan of the premises in a prescribed form and, if the application involves the supply of alcohol at licensed premises, the written consent of the person who is to be the designated premises supervisor. The only exception is in the case of an application in respect of community premises, defined in Annex D, where instead of the written consent of the person to become the designated premises supervisor, a committee or board of individuals can apply to be the licence holder and will then become responsible for the supervision and authorisations of alcohol sales at the premises.
- 7.2 Details of the required fees, forms and plans are available from the licensing authority and on the authority's website at www.huntingdonshire.gov.uk. In submitting an application, an applicant must have regard to this statement of licensing policy.
- 7.3 Organisers of major festivals, carnivals and similar types of events are encouraged to approach the licensing authority at the earliest opportunity to discuss arrangements for licensing activities falling under the Act. An operating schedule for such an event will be substantial and the authority will offer advice and assistance, where appropriate, in its preparation. The authority may also act as a co-ordinator for the input of responsible bodies in respect of an application.
- 7.4 **The operating schedule forms a crucial part of the completed application. It should include sufficient information to enable the responsible authorities and any interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.** For example, it should include a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with a number of screens and a bar, or a restaurant, or a public house with a number of bars, a dining area and a garden open to customers). Where alcohol is to be sold for consumption on the premises, the application should show the amount of seating to be provided. Where dancing is to be provided, the operating schedule should describe the type of dancing in broad terms and whether the dancing is to be provided by professional performers

or involves members of the public or both. It should also disclose whether the dancing is to include striptease or lap dancing.

7.5 An operating schedule must also set out the following details –

- the relevant licensable activities to be undertaken on the premises;
- the times during which the licensable activities are to take place (including the days of the week, the times of day, whether those times are different on different days, whether different times will apply in different seasons or holiday periods);
- any other times when the premises are open to the public;
- where the licence is only required for a limited period of time, what that period is;
- where the activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor or, in the case of community premises, the name of the management committee;
- where the activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both; and
- the steps that the applicant proposes to take to promote the licensing objectives.

7.6 An applicant should carry out a risk assessment in preparing an operating schedule to identify what risks are posed to employees, to performers, to persons attending the premises and members of the public who live and work in the vicinity of the premises and to demonstrate what action will be taken to alleviate those risks.

7.7 Applicants are particularly reminded that the Regulatory Reform (Fire Safety) Order 2005 has replaced previous fire safety legislation. The Order covers general fire precautions and other fire safety duties that are needed to protect relevant persons in case of fire in and around most premises. Responsibility for complying with the Order rests with the responsible person which may be the employer or any other person who may have control of the premises. Each responsible person must carry out a fire risk assessment that must focus on the safety in case of fire for all relevant persons.

7.8 The licensing authority will not therefore seek to impose fire safety conditions in any licence or certificate where the Order applies. Any conditions attached to existing licences and certificates that relate to any requirements or prohibitions that could have been imposed by the Order have automatically ceased to have effect. There is no need for existing licence or certificate holders to apply to vary their licences or certificates.

7.9 An applicant will be required to advertise an application in the required format and the licensing authority will consider any representations received from responsible bodies and interested parties described in Section 10 below. If any representations are received from such a body or party, unless these are determined by the authority to be frivolous or vexatious, the application will be heard by a licensing sub committee of the licensing authority's Licensing Committee. In exceptional circumstances, it may be heard by the Licensing Committee itself. It is important therefore for an applicant to include in the

application as much information as possible to satisfy those bodies and parties to pre-empt any representations that they may otherwise make which would result in a hearing before a licensing sub committee.

- 7.10 All parties are expected to work in partnership together to ensure that the licensing objectives are promoted collectively and to minimise the burden on the licensing authority and applicants. Applicants are encouraged to seek the views of the licensing authority, the police and the fire authority before formally submitting applications. Having completed drafts of their operating schedules, applicants may wish to consult with appropriate bodies to minimise subsequent representations on their part, for example with the police on matters relating to crime and disorder and with the Council's Environmental Health Division on noise nuisance.

8. CUMULATIVE IMPACT

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

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

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

8.10 These may be supported by other local initiatives that seek to address the problem.

9. LIVE MUSIC, DANCING AND THEATRE

9.1 In carrying out its licensing function, the licensing authority will take into account the need to encourage and promote a broad range of entertainment, particularly live music, dance and theatre, including the performance of a wide range of traditional and historic plays for the wider benefit of communities. This will be balanced against a concern to prevent disturbance in neighbourhoods. To ensure a thriving cultural diversity, the licensing authority will consider establishing a policy of seeking premises licences for public spaces within the community itself. This could include village greens, market squares, parks and other public areas. Performers and entertainers would then not be obliged to obtain a licence or submit a temporary events notice to enable them to give a performance in those areas. Advice about whether an activity requires a licence in such circumstances can be obtained from the authority's Licensing Section, contact details of which are contained in Annex I.

9.2 When applications for premises licences are submitted from another part of the Council, the Licensing Committee and officers with delegated powers will consider such matters from an entirely neutral standpoint.

10. AUTHORISED PERSONS, INTERESTED PARTIES AND RESPONSIBLE AUTHORITIES

10.1 Three key groups have important roles in the context of applications, inspection, enforcement and reviews of premises licenses and certificates.

10.2 '**Authorised persons**' are bodies empowered by the Act to carry out inspection and enforcement roles. These include licensing officers of the Council, fire inspectors, inspectors locally responsible for the enforcement of the Health and Safety at Work legislation (usually officers of the Council) and environmental health officers. The police are not regarded as an authorised person as they have separate powers under the Act to carry out their duties. Other authorised officers may be prescribed in secondary legislation from time to time by the Secretary of State.

10.3 '**Interested parties**' are the bodies or individuals who are entitled to make representations to the Council on applications for the grant, variation or review of premises licences and certificates. Interested parties may themselves also seek a review of a premises licence or certificate. This group includes –

- a person living in the vicinity of the premises in question;
- a body representing persons living in the vicinity such as a residents' association or a town or parish council;

- a person involved in a business in the vicinity of the premises in question;
 - a body representing persons involved in such businesses such as a chamber of trade or commerce; and
 - a member of the licensing authority, i.e. a councillor elected to Huntingdonshire District Council.
- 10.4 Any of these individuals or groups may request a representative to make representations on their behalf. This can include a legal representative, a friend, a Member of Parliament or a local ward or town or parish councillor.
- 10.5 Local councillors play an important role in their local communities. They can make representations in writing and at a hearing on behalf of an interested party if specifically requested to do so or in their own right as an interested party. They can also make representations in their own right if they live or are involved in a business in the vicinity of the premises in question. However a councillor who is making representations on behalf of an individual or group or in his or her own right as an interested party who is also a member of the licensing authority's Licensing Committee will be required to declare an interest under the Council's code of conduct for members and may not take part in the decision-making process in respect of that application or licence.
- 10.6 Recent changes to the members' code of conduct will enable a councillor with a prejudicial interest, having declared that interest, to make representations, answer questions and give evidence at a sub committee hearing in the same way as any other interested party but the councillor must withdraw from the meeting immediately after doing so. The licensing authority has adopted a Members' Licensing Code of Good Practice to assist its councillors in dealing with the implications of the Act, a copy of which can be inspected as part of the authority's constitution on its website at www.huntingdonshire.gov.uk
- 10.7 The licensing authority will determine whether or not representations are relevant representations or whether they are frivolous or vexatious and will interpret whether a person resides or a business takes place in the vicinity of the premises which has been licensed or is the subject of an application. In the case of the latter, an interested party should be able to demonstrate that they are (or, in the case of new premises, are likely to be), affected by disorder and disturbance occurring (or potentially occurring) on those premises.
- 10.8 The licensing authority will provide information on its website and in such other means as are considered appropriate to advise interested parties how they can make representations to it.
- 10.9 **'Responsible authorities'** are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to an application for the grant, variation or review of a premises licence or club premises certificate. All representations made by responsible authorities are relevant representations if they concern the effect of the premises on the licensing objectives. Responsible authorities include the chief officer of police, the local fire and rescue authority, the local enforcement agency for the Health and Safety at Work etc. Act 1974 (which may be the Council or the Health and Safety at Work Executive), the Council in its roles as the authority responsible for environmental health and for planning, and any body that represents those who are responsible for or interested in matters relating to the protection of children from harm and is recognised by the Council as being competent to advise it on such matters.

In the case of the latter, the body recognised by the Council is Cambridgeshire County Council's Office of Children and Young Persons. In relation to a vessel, this will also include the Environment Agency and the British Waterways Board.

11. DETERMINATION OF APPLICATIONS

- 11.1 If an application has been submitted in the prescribed format and properly made and no relevant representations are received, the licensing authority must grant the application in the terms sought, subject only to any mandatory conditions that may apply and any conditions consistent with the operating schedule.
- 11.2 Responsible authorities and interested parties may make representations to the licensing authority about an application for a premises licence or club premises certificate and for a review of a licence or certificate that has been issued. It is not the intention of the licensing authority, except in exceptional circumstances, to notify residents living in the vicinity of the premises that an application for a licence or certificate or for a review of a licence or certificate has been received
- 11.3 If no representations are received or there are no objections from the police to an application for a personal licence or a notice for a temporary event, the process of determining applications will be of an administrative nature and will be dealt with by officers. Where representations are received and unless they are considered to be vexatious or frivolous or repetitious (in the case of a review), the Act requires a hearing to be convened of the Licensing Committee or a sub committee of that committee which will determine the application or the review of an existing licence or certificate. In practice, this will be a hearing of a licensing sub committee.
- 11.4 Where a notice of a hearing is given to an applicant or an existing licence or certificate holder, the authority will provide copies of any relevant representations that have been made. In exceptional circumstances, if the authority is satisfied that an interested party has a genuine and well-founded fear of intimidation or may be deterred from making a representation for that reason, the authority may advise the party to make any representation through a responsible authority or may withhold some or all of the party's personal details from an applicant or licence or certificate holder, providing only sufficient detail to demonstrate that the party is within the vicinity of the premises. Interested parties who wish to have their name and address withheld should seek guidance from the licensing authority and should explain clearly in their representation the reason(s) for their request.
- 11.5 In the interests of the efficient administration of the licensing procedure, the licensing authority has delegated decision-making to its Licensing Committee, sub committee(s) and officers in accordance with the Act and secondary legislation as set out in Annex E. However the statement of licensing policy will be approved by the licensing authority itself and the Licensing Committee will receive regular reports on decisions made by officers so that they can maintain an overview of the general situation with regard to licensing within the District.

12. OPENING HOURS

- 12.1 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations of customers leaving licensed premises simultaneously and achieve a slower dispersal of people through flexible

opening hours. Arbitrary restrictions that would undermine the principle of flexibility will be therefore avoided by the licensing authority. The authority will not fix predetermined closing times for particular areas through a zoning of the District, nor seek to engineer staggered closing times by setting quotas for particular closing times. Licence and certificate holders however are under no obligation to remain open during the whole of the permitted hours specified in the premises licence, club premises certificate or temporary events notice.

- 12.2 The licensing authority will generally permit shops, stores and supermarkets to sell alcohol for consumption off the premises in line with their normal trading hours, unless there are exceptional reasons why to do so would hinder the achievement of the licensing objectives. An example of the latter would be if some shops were known to be a focus of disorder and disturbance because youths gather there. Similarly the licensing authority will not take into account the question of any rights of employees working on licensed premises in terms of the closing hours as these are addressed in employment legislation.
- 12.3 Applicants will be required to demonstrate in their operating schedule how the hours that they propose to be open for the sale of alcohol, the provision of regulated entertainment or the supply of late night refreshment will promote the licensing objectives.

13. CONDITIONS

- 13.1 A key concept of the Licensing Act is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Disproportionate and overly burdensome conditions will be avoided by the licensing authority where there is no need for such conditions. Conditions may only be imposed where they are necessary for the promotion of one or more of the licensing objectives and not for other purposes.
- 13.2 Conditions that are necessary for the promotion of the licensing objectives should emerge initially from the risk assessment which should be undertaken by an applicant before submitting an application for a licence or certificate. These will be translated into the operating schedule which will be the subject of scrutiny by responsible authorities and interested parties. Where relevant representations are not received as a result of the advertisement of the application, it is the duty of the licensing authority to grant the application for a licence or certificate, subject only to those conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the Act.
- 13.3 Applicants should avoid ambiguous statements or actions in their operating schedules which are open to interpretation or are unclear. The contents of the operating schedule should be readily translatable by the authority into conditions that are easily understandable by the licence or certificate holder, responsible authorities and interested parties. The licensing authority may not impose any other conditions unless its discretion has been engaged by the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised.
- 13.4 The only conditions that may be attached to a licence or certificate by the licensing authority are those which are necessary and proportionate for the promotion of the licensing objectives. If other existing legislation places certain statutory responsibilities on an employer or operator of premises, it will not be necessary to duplicate this requirement by imposing the same or

similar duties under the premises licence or club premises certificate. Standard conditions will therefore not be imposed by the licensing authority but Annex F contains pools of conditions from which necessary and proportionate conditions may be drawn in particular circumstances.

- 13.5 Applicants for premises licences and for club premises certificates should carry out risk assessments before preparing their operating schedules and addressing in those operating schedules how they will promote the licensing objectives, with special regard to the matters referred to in the pool of conditions attached at Annex F.
- 13.6 Conditions will not require adherence to requirements in law that the use of copyright material must be authorised. Applicants and licence and certificate holders are however reminded of the need, where appropriate, to obtain Performing Right Society (PRS) and Phonographic Performance Ltd (PPL) licences and to observe other copyright arrangements. Failure to observe the law in this respect could lead to an application for the review of a premises licence or club premises certificate on the grounds of the crime prevention objective.
- 13.7 Notwithstanding the conditions that can be attached to a licence or certificate by the licensing authority, there are a number of mandatory conditions, some of which are of general application and will not be specified in the licence or certificate. Those that will be specified in the licence are –
- that there should be no sale of alcohol in licensed premises unless a designated premises supervisor has been appointed and every supply of alcohol must be made or authorised by a personal licence holder;
 - that where a premises licence authorises the exhibition of films, there will be restrictions on the admission of children to films in accordance with a film classification body; and
 - that where a premises licence includes a condition requiring door supervision, the individuals concerned must be licensed to do so under the Private Security Industry Act 2001.

The mandatory conditions that will not be specified in the licence or certificate relate to –

- the prevention of irresponsible drinks promotions;
- the prevention of alcohol being dispensed directly into the mouth of another person (except where a person is unable to drink without assistance because of a disability);
- the provision of free tap water;
- the imposition of an age verification requirement; and
- the requirement to make small alcohol measures available.

14. CHILDREN

- 14.1 Under the Licensing Act, it is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on the premises under a premises licence, club premises certificate or under the

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

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

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

14.3 Applicants for a premises licence or club registration certificate should demonstrate in their application and operating schedule how they propose to promote the licensing objectives in respect of the admission of children to the premises.

14.4 Alternatives that may be considered for limiting the access of children, where that is necessary for the prevention of harm to them, include any or a combination of the following factors –

- limitations on the hours when children may be present;
- limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults;
- full exclusion of those people under 18 from the premises when any licensable activities are taking place; and
- production of proof of age cards before any sale of alcohol takes place.

- 14.5 The licensing authority also commends to the operators of licensed premises and clubs The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks which seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years of age or older.

15. CHILDREN AND CINEMAS

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

16. REVIEWS

- 16.1 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or an interested party may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. In addition a review of the licence or certificate will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a magistrate court's determination sent to the licensing authority.
- 16.2 Representations must be relevant and must not be vexatious, frivolous or repetitious. In considering whether a representation is repetitious, the authority will take into consideration the nature of the representations and whether a reasonable interval has elapsed since an earlier review or grant of a licence or certificate.
- 16.3 Subject to the above, the authority will hold a hearing of a licensing sub committee to hear the representations. It may decide that no further steps are necessary to promote the licensing objectives or to issue an informal warning to the licence or certificate holder and recommend improvements within a specified period. The authority may also, if it considers that action is required, modify the conditions of a licence or certificate, exclude a licensable activity, remove the designated premises supervisor, suspend the licence or certificate for up to three months or revoke the licence or certificate.

17. APPEALS

- 17.1 An appeal against the decision of the licensing authority may be made to the magistrates court within a period of 21 days beginning with the day when the appellant was notified by the licensing authority of the decision. An appeal may be made by an applicant if an application for a licence or certificate or for the variation of such a licence or certificate is refused by the licensing authority. An interested person or responsible authority may also submit an appeal if they made relevant representations to the licensing authority and the application or variation upon which they made those representations is approved. An appeal may also be made about the approval or wording of any condition attached to a licence or certificate by the authority.
- 17.2 In order to provide applicants, responsible authorities and interested parties with sufficient information to enable them to decide whether they wish to appeal against a decision, the licensing authority will give comprehensive

reasons for its decisions and will supply copies of those reasons to those parties who are entitled to appeal against a decision.

- 17.3 In hearing an appeal against a decision of the licensing authority, the magistrates court will need to have regard to this statement of licensing policy and to the Guidance issued by the Secretary of State but it is entitled to depart from the statement or Guidance if it is considered appropriate to do so because of the individual circumstances of any case or because the court regards the statement to be ultra vires.

18. ENFORCEMENT

- 18.1 Enforcement will be appropriate and proportionate and at the discretion of the licensing authority and the police as the enforcing authorities. A principle of risk assessment and targeting will prevail and inspections will be undertaken when they are considered necessary which will help to concentrate resources on problem areas.

- 18.2 In order to provide for an efficient deployment of resources, the licensing authority has developed with the police and other responsible authorities a protocol on enforcement issues which is attached at Annex G.

- 18.3 The licensing authority has also signed the local government enforcement concordat and has adopted a code of practice for licensing enforcement that has regard to the concordat, the regulators' compliance code, and advice and guidance issued by the Local Better Regulation Office, the Local Authorities Co-ordinators of Regulatory Services and the Institute of Licensing. The code is attached at Annex H.

19. TEMPORARY EVENTS NOTICES

- 19.1 Permission is not required for a temporary event in certain circumstances. However the organiser of an event where licensable activities are being provided is required to give notice to the licensing authority and to the police at least ten working days prior to the event being held. Although the licensing authority is unable to attach any terms, limitations or restrictions on the carrying on of licensable activities at such events under a temporary events notice, the organiser should have regard to such other legislative requirements as may apply to such events and the impact of the event upon others that may give rise to concern.

- 19.2 The licensing authority will therefore provide local advice about the following matters to event organisers –

- proper respect for the concerns of local residents;
- other legislative requirements regarding health and safety, noise pollution or the building of temporary structures;
- other necessary permissions, for example, with regard to road closures or the use of pyrotechnics or lasers in public places;
- the impact of any local byelaws; and
- the need to prevent anti-social behaviour by those attending.

- 19.3 The police may object to the event taking place for reasons of preventing crime and disorder which may arise because of concerns about the scale,

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

20. CONTACT DETAILS

- 20.1 The names and addresses of relevant authorities and bodies are given in Annex I.

GUIDANCE AND BEST PRACTICE

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

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

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

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

The Government's Safer Clubbing Guide and Updated Drug Strategy (www.drugs.gov.uk)

The Anti-Social Behaviour Act 2003

The Violent Crime Reduction Act 2006

The Health Act 2006 – workplace smoking ban

The Clean Neighbourhoods and Environment Act 2005 which provides local authorities with the power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds a permitted level between 11.00 p.m. and 7.00 a.m.

The Regulatory Reform (Fire Safety) Order 2005

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

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804

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

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

Fire Safety Risk Assessment – Open Air Events and Venues (ISBN 978 1 85112 8235) available from www.communities.gov.uk/fire

Advice on steps to provide for the safety of people and performers with disabilities obtainable from the Disability Rights Commission's website (www.drc-gb.org).

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

The Noise Council Code of Practice on Environmental Noise Control at Concerts
Home Office guidance on the preparation of race impact assessments
(www.raceimpact.homeoffice.gov.uk)

HSE Guide The Radiation Safety of Lasers used for Display Purposes [HS/(G)95] and BS EN 60825: Safety of laser products)

British Standards CP 1007 (Maintained Lighting for Cinemas)

Guide to responsible alcohol retailing produced by the Association of Convenience Stores, the British Retail Consortium and the Wine and Spirits Trade Association (www.thelocalshop.com/resposibleretailing).

CONNECTIONS BETWEEN THE STATEMENT OF LICENSING POLICY AND OTHER RELEVANT POLICIES

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

Huntingdonshire Sustainable Community Strategy

Huntingdonshire District Council Corporate Plan – Growing Success

Huntingdonshire Local Plan 1995

Huntingdonshire Local Plan Alteration 2002

Huntingdonshire Local Development Framework Core Strategy 2009

Huntingdonshire Local Development Framework Development Management Development Plan Document 2009

Huntingdonshire Community Safety Strategy 2008-11

Cambridgeshire Local Transport Plan 2004-11

Huntingdonshire District Council Single Equality Scheme

Huntingdonshire District Council Communications and Marketing Strategy

Huntingdonshire District Council Local Economy Strategy

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

EXEMPTIONS

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

Exhibition of a Film

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

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

Live Music or the Playing of Recorded Music

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

Television or Radio Receivers

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

Religious Services and Places of Worship etc

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

Garden Fetes etc

If the entertainment is at a garden fete, function or event of a similar character, unless the fete, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain (as defined in the Gambling Act 2005).

Morris Dancing etc

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

Vehicles in Motion

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

Small Venues providing Unamplified, Live Music

Where,

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

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

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

GLOSSARY OF TERMINOLOGY

Licensable Activities and Qualifying Club Activities

- **Are defined in the Licensing Act as:**

- (a) the sale by retail of alcohol;
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- (c) the provision of regulated entertainment;
- (d) the provision of late night refreshment.

- **For those purposes the following licensable activities are also qualifying club activities:**

- (a) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;
- (b) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place;
- (c) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

Qualifying Club

General conditions that a club must satisfy to be a qualifying club:

- (a) Under the rules of the club, persons may not be admitted to membership or admitted as candidates for membership without an interval of at least two days between nomination or application and admission;
- (b) Under the rules of the club, persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of two days between their becoming members and their admission;
- (c) the club is established and conducted in good faith as a club;
- (d) the club has at least 25 members; and
- (e) that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club

Regulated Entertainment

- **Is defined as:**

- (a) A performance of a play
- (b) An exhibition of film

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

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

Entertainment Facilities

- **Are defined as:**

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

Interested Party

- **Is defined as:**

- (a) a person living in the vicinity of the premises;
- (b) a body representing persons who live in that vicinity;
- (c) a person involved in a business in that vicinity;
- (d) a body representing persons involved in such businesses;
- (e) a councillor elected to Huntingdonshire District Council.

Responsible Authority

- **Is defined as:**

- (a) the Chief Officer of Police for any Police area in which the premises are situated;
- (b) the Fire Authority for any area in which the premises are situated;
- (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated;
- (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 for any area in which the premises are situated;

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

Temporary Event

- **Is defined as:**

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

Provision of Late Night Refreshment

- **Is defined as:**

- (a) The provision of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11.00pm and 5.00am, or;
- (b) At any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Hot Food or Hot Drink

- **Is defined as:**

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

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

Community Premises

- **Are defined as**

Premises that are or form part of a church hall, chapel hall or similar building or a village hall, parish hall or community hall or other similar building.

DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for minor variation of premises licence/club premises certificate			All cases
Application to vary designated premises supervisor		If a police objection	All other cases
Application for transfer of premises licence		If a police objection	All other cases
Cancellation of interim authority notice		If a police objection	
Application to review premises licence/club premises certificate		All cases	
Agreement that hearing is unnecessary where relevant representations received			All cases, after consultation with Chairman or Vice-Chairman
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases, after consultation with Chairman or Vice-Chairman
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

Determination of a police objection to a temporary event notice	All cases
Proceedings for contravention of the provisions of the Act	All cases, after consultation with Chairman or Vice-Chairman

POOLS OF LICENSING CONDITIONS

1. Pool of Conditions

Guidance issued by the Secretary of State outlines a number of conditions that may be used to promote the licensing objectives. Whilst this list is not exhaustive it is an indication to applicants of the conditions that may be considered appropriate in individual cases. A risk assessment to identify any measures that are necessary to promote the licensing objectives should consider the individual circumstances of the premises and take into account a range of factors including the nature and style of the venue, the activities being conducted there, its location and the anticipated clientele.

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

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

2. Conditions relating to Crime and Disorder

(a) Door Supervisors

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

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

Where door supervisors are to be a condition of a licence which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with

- (i) the number of supervisors;
- (ii) the displaying of name badges;
- (iii) the carrying of proof of registration;
- (iv) where and at what times they should be stationed at the premises;
- (v) whether at least one female supervisor should be available (for example if female customers are to be given body searches).

(b) Bottle bans

Glass bottles may be used as weapons inflicting serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

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

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

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- (iii) But bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

(c) Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very severe injuries. Where necessary, consideration should be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary.

(d) CCTV

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

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

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

- (i) Text/radio pagers connecting premises with the local police;
- (ii) Restrictions on drinking areas;
- (iii) Capacity limits;
- (iv) Proof of age cards;
- (v) Crime prevention notices;
- (vi) Signage at or immediately outside the premises;
- (vii) Open containers not to be taken from the premises;
- (viii) Irresponsible drinks promotions; and

- (ix) An appropriate ratio of tables and chairs to customers based on the capacity of premises used exclusively or primarily for the “vertical” consumption of alcohol (HVDDs).

3. Conditions Relating to Public Safety

Conditions relating to public safety will be those that are necessary to promote the objective of public safety for individual premises or clubs. They should not duplicate other legal requirements. Equally the attachment of conditions to a premises licence or club premises certificate will not relieve employers of the statutory duty to comply with the requirements of Health and Safety at Work legislation and the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 including the undertaking of risk assessments. Conditions enforcing these arrangements will therefore be unnecessary.

In addition those preparing an operating schedule, responsible authorities and the licensing authority should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – a guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which can be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems).

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

(a) Disabled people

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

(b) Escape routes

- (i) All exit doors are easily openable without the use of a key, card, code or similar means
- (ii) Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept

- (iii) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff
 - (iv) Exits are kept unobstructed with non-slippery and even surfaces, free of trip hazards and clearly identified
 - (v) Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed
 - (vi) The edges of treads of steps and stairways are maintained so as to be conspicuous.
- (c) **Safety Checks**
- (i) Safety checks are carried out before the admission of the public and details of such checks are kept in a log book.
- (d) **Curtains, Hangings, Decorations and Upholstery**
- (i) Curtains, hangings and temporary decorations are arranged so as not to obstruct exits
 - (ii) Temporary decorations are not used without prior notification to the licensing authority and relevant responsible body.
- (e) **Capacity limits**
- (i) Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded
 - (ii) The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.
- (f) **Access for emergency vehicles**
- (i) Access for emergency vehicles is kept clear and free from obstruction.
- (g) **First aid**
- (i) An adequate and appropriate supply of first aid equipment and materials is available on the premises
 - (ii) Where appropriate, at least one suitably trained first-aider shall be on duty when the public are present and, if more than one suitably trained first-aider, that their respective duties are clearly defined.
- (h) **Lighting**
- (i) In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present
 - (ii) Emergency lighting is not altered
 - (iii) Emergency lighting batteries are fully charged before the admission of the public, guests and members
 - (iv) In the event of failure of normal lighting where the emergency lighting has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged. If the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.

(i) **Temporary electrical installations**

- (i) Temporary electrical wiring and distribution systems shall comply with the recommendations of applicable British Standards 7671 or 7909
- (ii) Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use
- (iii) Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitable qualified electrician.

(j) **Indoor sports entertainments**

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

(k) **Alterations to premises**

- (i) Premises should not be altered in such a way as to make it impossible to comply with an existing licensing condition without first seeking a variation of the premises licence or club premises certificate to delete the relevant public safety condition.

(l) **Special effects**

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

(m) **Other measures**

- (i) Other measures mentioned in relation to the prevention of crime and disorder may also be relevant to promote public safety, including the provision of door supervisors, bottle bans and the requirement to use plastic or toughened glasses.

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

In addition to the points made in Section 3, there are particular matters in the context of public safety which should be considered in connection with theatres and cinemas.

(a) **Attendants**

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

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

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

(b) Seating

- (i) Where the potential audience exceeds 250, all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of fewer than 4 or more than 12.

(c) Standing and sitting in gangways etc.

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

(d) Drinks

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

(e) Balcony Fronts

- (i) Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

(f) Special Effects

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

Special effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority who shall notify the fire and rescue authority.

Further guidance can be found in the following publications:

HSE Guide 'The radiation safety of lasers used for display purposes'(HS(G)95)

Smoke and vapour effects used in entertainment (HSE Entertainment Sheet No. 3)

Special or visual effects involving explosives or pyrotechnics used in film and television production (HSE Entertainment Sheet No 16)

Electrical safety for entertainers (HSE INDG 247)

Theatre Essentials – guidance booklet produced by the Association of British Theatre Technicians 8

(g) Ceilings

- (i) All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a

further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Premises used for film exhibitions

(a) Attendants – premises without a staff alerting system

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

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

(b) Attendants – premises with a staff alerting system

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

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

(ii) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (a) the holder of the premises licence or the manager on duty at the premises; or
- (b) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his/her response in an emergency situation; or

- (c) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation
- (iii) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (iv) The staff alerting system shall be maintained in working order.

(c) Minimum Lighting

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

5. Conditions relating to the prevention of public nuisance.

Some protection to the general public from the effects of noise nuisance is contained in the provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005. A senior police officer also may close down licensed premises and permitted temporary activities instantly for up to 24 hours if they are causing nuisance resulting from noise emanating from the premises.

Licence and certificate holders should have regard to the provisions of the legislation referred to before considering whether any of the following conditions are necessary:

(a) Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance. This must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Conditions could include:

- (i) Restrictions on the hours during which premises are permitted to be open to the public or to members and their guests
- (ii) Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times
- (iii) Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

(b) Noise and vibration

- (i) Noise or vibration should not emanate from the premises so as to cause a nuisance to nearby properties. This may be achieved by one or more of the following conditions:

- a simple requirement to keep doors and windows at the premises closed;
 - limiting live music to a particular area of the building;
 - moving the location and direction of speakers away from external walls or walls that abut private premises;
 - installation of acoustic curtains;
 - fitting of rubber seals to doorways;
 - installation of rubber speaker mounts;
 - requiring the licence or certificate holder to take measures to ensure that music will not be audible above background level at the nearest noise sensitive location;
 - requiring the licence or certificate holder to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
 - noise limiters on amplification equipment used at the premises (if other measures are unsuccessful);
- (ii) Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- (iii) The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted
- (iv) The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- (c) Noxious smells**
- (i) Noxious smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.
- (d) Light Pollution**
- (i) Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition must be balanced against the benefits of promoting the prevention of crime and disorder by bright lighting in certain places.
- (e) Other measures**
- (i) Other measures mentioned in relation to the prevention of crime and disorder may also be relevant to prevent public nuisance, including the provision of door supervisors, open containers not to be taken from the premises and restrictions on drinking areas

6. Conditions relating to the protection of children from harm

Restrictions on the access of children under 18 to premises where licensable activities are taking place should be made where it is necessary to protect children from harm.

Unless there are consequences justifying the contrary, there should be a strong presumption against permitting any access at all for children under 18 at any premises with known associations (having been presented with evidence) with or likely to give rise to:

- heavy or binge or underage drinking;
- drugs;
- significant gambling; or
- any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature.

For any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00 p.m., there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances should, when preparing operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case and subject to the licence or certificate holder's discretion, the expectation is that there would be unrestricted access for children subject to the terms of the Licensing Act 2003.

(a) Age Restrictions – specific

While it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the licensing authority will consider:

- (i) The hours of day during which age restrictions should or should not apply. For example, the fact that adult entertainment may be present at premises in the evening does not mean that it would be necessary to impose age restrictions for earlier parts of the day
- (ii) Types of event or activity that are unlikely to require age restrictions such as family entertainment or non-alcohol events for young age groups such as under 18s dances
- (iii) Types of event or activity which give rise to a more acute need for age restrictions than normal such as "Happy Hours" or drinks promotion nights or activities of an adult nature.

(b) Age Restrictions – Cinemas

The classifications for films recommended by the British Board of Film Classification should be those normally applied, unless the licensing authority notifies the licence or certificate holder that it will make a recommendation for that particular film.

- (i) In the event that the licensing authority decides to make a recommendation on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This will enable the authority time to classify it so that the licence or certificate holder is able to adhere to any age restrictions then imposed.
- (ii) When films are classified, by either the British Board of Film Classification as specified in the licence or the licensing authority they will be classified in the following way:

- U – Universal, suitable for audiences aged four years and over
 - PG – Parental Guidance. Some scenes may be unsuitable for young children
 - 12A – Passed only for viewing by persons aged over 12 years or older or persons younger than 12 years when accompanied by an adult
 - 15 – Passed only for viewing by persons aged 15 years and over
 - 18 – Passed only for viewing by persons aged 18 years of age and over
- (iii) Immediately before any exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film
- (iv) Where the licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises to make people aware of the classification attached to any film or trailer. The condition will be expressed that -

“Where a programme includes a film recommended by the licensing authority as falling into an age restrictive category, no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult; and the licence or certificate holder shall display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements, for example **PERSONS UNDER THE AGE OF (INSERT APPROPRIATE AGE) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty, provided that the prior written consent of the person’s parent or legal guardian first has been obtained.

(c) Theatres

The admission of children to theatres is not expected to be restricted unless it is necessary to promote the protection of children from harm. However theatres may be the venue for a wide range of activities. Although the admission of children to performances normally should be left to the discretion of the licence or certificate holder, a condition restricting the admission of children to shows incorporating adult entertainment may be necessary.

(d) Performances especially for children.

- (i) Conditions may require a sufficient number of adult staff on the premises to ensure the well being of children on the premises during any emergency.

- (iii) Where performances are presented especially for unaccompanied children in theatres and cinemas, conditions may require an attendant to be stationed in any area occupied by the children, in the vicinity of each exit or subject to a minimum of one attendant on duty per 50 children or part thereof on each level occupied by children.

(e) Children in performances

The Children (Performances) Regulations 1968, as amended, set out requirements for children performing in a show. Those requirements will not be duplicated in conditions but if additional conditions are considered necessary, the following matters will apply:

- (i) Venue – The backstage facilities should be large enough to accommodate safely the number of children taking part in any performance
- (iii) Special effects – It may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights which may trigger adverse reactions especially with regard to children
- (iv) Care of Children - Children performing at theatres, concert halls and similar places of work should be kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important for children to be accounted for at all times in case of an evacuation or emergency.

(f) Proof of Age cards

Conditions may be attached to premises where alcohol is sold requiring the production of proof of age cards before any sale of alcohol takes place. This could include the 'Challenge 25' or 'Challenge 21' or other similar initiative.

(g) Drinks Promotions

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

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

Licensing Act 2003

Memorandum of Understanding and Joint Enforcement Protocol signed between Huntingdonshire District Council (the Licensing Authority) and

- 1. Cambridgeshire Constabulary**
- 2. Cambridgeshire & Peterborough Fire & Rescue Authority**
- 3. Cambridgeshire County Council Trading Standards Service**
- 4. Cambridgeshire County Council Child Protection Service**
- 5. Huntingdonshire District Council Environmental Health and Planning Services.**

1. The above statutory organisations are the Parties to this Memorandum of Understanding and Joint Enforcement Protocol.
2. Huntingdonshire District Council and Cambridgeshire Constabulary, Cambridgeshire & Peterborough Fire & Rescue Authority and Cambridgeshire County Council aim to provide safe environments for the community of Cambridgeshire.
3. The Licensing Act 2003 introduces a new regime for the licensing of a variety of activities, including places where alcohol is sold and entertainment is provided. It sets out four equal licensing objectives which are to be promoted by licensing authorities, in conjunction with other “responsible authorities”, as defined by the Act, and the holders of licences. The Act also defines other bodies as responsible authorities, with rights of consultation and objection to applications, but it is not thought that formal agreements will be required with these bodies.

These are –

- (a) The prevention of crime and disorder.
 - (b) The promotion of public safety.
 - (c) The prevention of public nuisance.
 - (d) The protection of children from harm.
4. Each party has enforcement responsibilities in relation to premises licensed under the Act and recognises the importance of effective co-operation and liaison to ensure that premises licence holders, designated premises supervisors, personal licence holders and club premises certificate holders understand and comply with the law.
 5. The Government has strongly recommended that protocols be set up between authorities and this document has been prepared with that in mind.

6. The purpose of this document is to ensure efficient and effective co-operation between agencies when dealing with areas of mutual interest, to secure -
- (a) High levels of open communication between agencies.
 - (b) Clear lines of responsibility regarding enforcement of the law.
 - (c) Sharing intelligence, where appropriate to enable effective enforcement of the law.

It sets out the steps that have been agreed to achieve that aim, in accordance with guidance issued by the Office of the Deputy Prime Minister (ODPM).

7. **Communication**

- 7.1 Good communication between agencies is vital to ensure that information of mutual interest is shared effectively and, in particular, where responses are required within a tight timescale to meet statutory periods for determination of applications, that deadlines can be met. It is important that each organisation has a reliable contact point, and will identify nominated officers and their deputies. There must be a clear understanding about when, where and how contact shall be made, including for emergencies.

8. **Sharing Intelligence**

- 8.1 The parties to this Memorandum of Understanding need to share information about premises and people currently licensed or proposed to be licensed, in such a way as to enable the effective operation of the licensing process. This agreement enables the sharing of information by all parties in compliance with the rules on Data Protection, Freedom of Information and Human Rights.

9. **Data Protection and Exchange of Information**

- 9.1 Section 185 of the Licensing Act 2003 states that the licensing authority and responsible authorities may share information for the purpose of "facilitating the exercise of the Authority's functions under this Act". Information should not be further disclosed except to a licensing authority or responsible authority and only for the purpose mentioned above.
- 9.2 Section 29 of the Data Protection Act 1998 allows for the exchange of information for the purposes of the prevention of crime or the apprehension of offenders.
- 9.3 Section 115 of the Crime and Disorder Act 1998 enables information to be exchanged between authorities.
- 9.4 Parties to this Protocol may disclose information to other Parties for these purposes providing that the local Protocols applicable to each organisation for data protection are observed. Every request for information under the Act must be made in writing giving reasons why disclosure is necessary.
- 9.5 Information supplied must only be used for the purpose for which it is obtained, must be securely retained whilst in the possession of the responsible authority that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.

9.6 This part of the Protocol may be supplemented by any Memorandum of Understanding on data exchange agreed either at a local or national level.

10. Indemnity

10.1 The signatories to this Memorandum of Understanding are all committed to the sharing of information to prevent and detect crime. As all signatories to this agreement are also signatories of the Cambridgeshire Partnership Information Exchange Protocol for Crime and Disorder, misuse of information provided within this Agreement will invoke the cover provided within the indemnity within the above protocol.

11. Enforcement Action

11.1 Enforcement action taken in respect of breaches of legislation will remain the responsibility of the agency designated for each piece of legislation, but the outcome of such action should be fed into the process for determining applications and reviewing the status of licences currently in force.

11.2 The Licensing Act does not transfer from any enforcement body, including the Police or the Fire Authority, powers of enforcement for any pieces of legislation. From time to time, however, it may be expedient for joint operations to be carried out in respect of licensed premises by officers from the licensing authority and officers from one or more of the relevant responsible authorities.

11.3 Joint operations will normally be conducted on the basis of a risk assessment applied to all licensed premises, or in response to specific complaints. Responsibility for seeking a joint operation will rest with the responsible authority with the expertise in dealing with the complaint in question (e.g. the Environmental Health Service for prevention of nuisance; the Fire & Rescue Service for fire risk issues).

12. Relevant Legislation

- (a) **Licensing Act 2003** – provides a clear focus on the promotion of the licensing objectives; introduces better and more proportionate regulation to give customers more choice, whilst providing the necessary protection for local residents and others.
- (b) **Police Act 1964** – imposes a primary responsibility on the Police Authority to maintain an adequate and effective Police Force.
- (c) **Fire & Rescue Services Act 2004** – places a duty on the Fire Authority to provide efficient arrangements for the giving, when requested, of advice in respect of buildings and other property as to fire prevention, restricting the spread of fires and means of escape in case of fire.
- (d) **Crime & Disorder Act 1998** – places a statutory requirement on Police Services, Local Authorities and other agencies to tackle crime and disorder by working in partnership.

13. Offences

13.1 The Parties agree that the prime responsibility for enforcing the offences under the Act should lie as follows:

Note: Abbreviations as follows –

LA = Licensing Authority
 CPC = Club Premises Certificate
 DPS = Designated Premises Supervisor
 PLH = Premises Licence Holder
 AO = Authorised Officer

Section	Offence	1 Authority
33 (6)	Failure to notify LA of change of name or address PLH or DPS	LA
40 (2)	Failure to notify existing DPS of variation to premises licence to exclude them	LA
41 (5)	Failure to provide premises licence to LA upon removal of DPS	LA
46 (4)	Failure to notify DPS of application for transfer of premises licence	LA
49 (5)	Failure to notify DPS of grant of interim authority notice	LA
56 (3)	Failure to provide premises licence at request of LA for amendment	LA
57 (4)	Failure to keep or display premises licence on premises	LA
57 (7)	Failure to produce premises licence to an AO for examination	LA
59 (5)	Obstruction of an AO entering premises to inspect before grant of a licence, review or a statement	LA
82 (6)	Failure to notify of change of name or alteration of rules of a club	LA
83 (6)	Failure to notify of a change of registered address of club	LA
93 (3)	Failure to produce CPC for amendment within 14 days of LA request	LA
94 (5, 6, 9)	Duty to keep, display and produce club premises certificate at premises	LA
96 (6)	Inspection of premises before grant etc of club premises certificate	LA
108 (3)	Obstruction of an AO in inspecting temporary event premises	LA or Police

109 (4)	Failure to keep or display temporary event notice on premises	LA
109 (8)	Failure to produce temporary event notice to an AO	LA
123 (2)	Failure to notify LA of conviction for relevant offence during application or renewal period	LA
127 (4)	Failure to notify LA of change of name or address of personal licence holder	LA
128 (6)	Fail to notify court of personal licence or "notifiable event" when being dealt with for a relevant offence	Police or LA
132 (4)	Failure to notify LA of conviction for relevant or foreign offence	LA
134 (5)	Failure to produce personal licence within 14 days to LA for updating	LA
135 (4)	Failure to produce personal licence to an AO whilst on premises to sell or authorise sale of alcohol	LA or Police
136 (1)	Allowing licensable activities otherwise than in accordance with an authorisation	LA or Police
137 (1)	Unauthorised exposure for retail sale of alcohol	LA or Police
138 (1)	Unauthorised possession of alcohol with intent to sell or supply	LA or Police
140 (1)	Allowing disorderly conduct on licensed premises	Police or LA
141 (1)	Sale or supply of alcohol to person who is drunk	Police or LA
142 (1)	Obtaining alcohol for a person who is drunk	Police or LA
143 (1)	Failure to leave licensed premises following a request from a PC or AO	Police
144 (1)	Keeping unlawfully imported goods on relevant premises	Police or Customs and Excise
145 (1)	Allowing unaccompanied children under 16 on relevant premises when alcohol is being supplied	LA or Police

146 (1, 2, 3)	Sale or supply of alcohol to children under 18	LA, Police or Trading Standards
147 (1, 3)	Allowing sale or supply of alcohol to children under 18	LA, Police or Trading Standards
148 (1, 2)	Sale or supply of liqueur confectionery to children under 16	LA or Police
149 (1, 3, 4)	Purchase or supply of alcohol by or on behalf of children under 18	LA or Police
150 (1, 2)	Consumption on relevant premises of alcohol by children under 18, or knowingly allowing it to occur	LA or Police
151 (1, 2, 4)	Delivering or permitting others to deliver alcohol to children under 18	LA or Police
152 (1)	Sending a child under 18 to obtain alcohol for consumption	LA or Police
153 (1)	Permitting children under 18 to sell or supply alcohol to children	LA or Police
156 (1)	Sale of alcohol in or from a moving vehicle	Police
158 (1)	False statement in connection with a licensing application	LA
160 (4)	Keeping premises open in contravention of an area closure order	Police or LA
161 (6)	Permitting premises to be open in contravention of a premises closure order	Police or LA
165 (7)	Permitting premises to be open in contravention of a Magistrates' closure order	Police or LA
179 (4)	Obstructing entry by a PC or an AO to premises to check on the carrying out of licensable activity	Relevant responsible authority

14. Investigation of Offences

14.1 When the licensing authority or a responsible authority has become aware of an offence and would like another more appropriate responsible authority (or the licensing authority) to take formal action, they will take the following steps:

- (a) early discussion with the appropriate authority, including (unless in cases of extreme urgency) the licensing authority's enforcement officer;

- (b) supply the relevant authority in a timely manner all of the relevant evidence (whether subsequently used or unused);
- (c) set out in writing details of the offence and request that the relevant authority take action.

14.2 Once in receipt of a written request to take action, the appropriate authority will:

- (a) assess the facts and take appropriate action in accordance with its own enforcement policy. The appropriate authority will, unless immediate action is required, commence an investigation within a maximum of 15 working days of receipt of the complaint;
- (b) inform the authority that initiated the complaint, and any other relevant authority, of the action taken, and reasons why.

15. Responsibility for Prosecutions

15.1 Section 186 of the Act provides that proceedings for offences under the Act may be instituted by:

- (a) the licensing authority;
- (b) the Director of Public Prosecutions;
- (c) for offences under Ss. 146 and 147, the local weights and measures authority

15.2 It is expected that the Police and the weights & measures authority will normally bring proceedings, including the issue of formal cautions, as a result of offences which they have investigated, unless, in the case of some minor offences, it is specifically agreed that the licensing authority will do so. (This may, for example, be part of a prosecution which relates to a series of matters of which the offences form part).

15.3 In all other cases, the licensing authority will be the prosecuting authority.

16. Notification of Prosecutions and Cautions

16.1 Notwithstanding the duty of the court in section 131 (duty to notify the licensing authority of convictions) the appropriate prosecuting authority will inform the licensing authority within five working days of any conviction or caution under the Act.

16.2 The licensing authority for these purposes is the licensing authority that issued the personal licence, premises licence, club premises certificate or which received the temporary event notice, even if not a party to this Protocol.

16.3 The notification shall be in writing and shall state:

- (a) the name and address of the person convicted or cautioned;
- (b) the nature and date of the conviction or caution; and
- (c) the details of any conviction including any order under section 129 of the Act.

17. Register of Cautions

- 17.1 The licensing authority will maintain a register of formal cautions issued to holders of personal licences, premises licences, club premises certificates or persons issuing a temporary event notice.

18. Liaison between Parties to this Agreement

- 18.1 Liaison meetings will take normally place between the licensing authority and the Police on a monthly basis, depending on the nature and quantity of business and with other responsible authorities on a basis to be agreed, but not less than annually.
- 18.2 Responsible authorities will determine the basis for liaising with each other, but this will be not less than annually.

19. Consultation on Applications

- 19.1 Applicants for licences have a duty to send copies of applications to the appropriate responsible authorities at the same time as the application is submitted to the licensing authority. If this is not done, the application may be returned, as not duly made.
- 19.2 The licensing authority will communicate with all responsible authorities on a regular basis, to check that all relevant copies of applications have been received.
- 19.3 Responsible authorities have a maximum of 28 days to raise representations to licences, where they consider that the operating schedule does not address sufficiently one or more of the licensing objectives.
- 19.4 Representations should include suggestions for conditions which would overcome the perceived shortcomings of the application.
- 19.5 Responsible authorities are encouraged to contact applicants to discuss areas of concern, so that there is an opportunity to amend applications in advance of the date set by the licensing authority for a hearing. If this is successfully achieved, **and the licensing authority receives written confirmation of the amendments from the applicant**, a representation can be withdrawn, and this may obviate the need for a hearing.

20. Applications for Review of a Licence

- 20.1 This document recognises the right of any responsible authority to apply to the licensing authority for a licence or club premises certificate to be reviewed at any time.
- 20.2 Except in extreme cases (where there has been a serious incident of crime and disorder, a serious risk to public safety, a serious incident of public nuisance or a serious incident related to the protection of children from harm) the responsible authority seeking a review will be expected to:
- (a) give an early indication to the licensing authority of the events requiring an application;
 - (b) seek an informal resolution to the matter if possible or appropriate;
 - (c) be able to demonstrate to the licensing committee hearing the application for a licence review that, where appropriate, alternative approaches to dealing with the

situation leading to the application have first been attempted, in accordance with the authority's enforcement policy.

21. Procedural Review

- 21.1 All parties to this agreement shall periodically review this document to ensure that it maintains a suitable response and working arrangement for all licensing functions and achieves necessary feedback to assist in meeting the statutory objectives. It is suggested that the first review should take place not later than one year following the Second Appointed Day.

Signed

Huntingdonshire District Council as the Licensing Authority, Environmental Health Authority and Planning Authority

Cambridgeshire Constabulary

Cambridgeshire & Peterborough Fire & Rescue Authority

Cambridgeshire County Council (Trading Standards Service)

Cambridgeshire County Council (Child Protection Service)

HUNTINGDONSHIRE DISTRICT COUNCIL LICENSING COMPLIANCE AND ENFORCEMENT POLICY

The licensing authority's licensing compliance and enforcement policy was approved by the Licensing Committee on 27th January 2010 and applies to the enforcement of the Licensing Act 2003 by this annex to the statement of licensing policy.

HUNTINGDONSHIRE DISTRICT COUNCIL

LICENSING COMPLIANCE AND ENFORCEMENT POLICY STATEMENT

1. INTRODUCTION

- 1.1 The purpose of this policy is to express the commitment and intention of Huntingdonshire District Council to the principles of consistent and effective enforcement of legislation relating to various forms of licensing listed in Appendix A. In carrying out its functions under the Licensing Act 2003 and the Gambling Act 2005, the Council is acting as the licensing authority but for the purposes of consistency the term 'the Council' is used throughout this policy statement.
- 1.2 In approving this policy statement, the Council's Licensing Committee and Licensing and Protection Panel have had regard to the Concordat on Good Enforcement - the Enforcement Concordat - issued in 1998 by the Cabinet Office and the statutory Regulators' Compliance Code which came into force in 2008. The Council has also had regard to advice and guidance issued by the Local Better Regulation Office, the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the Institute of Licensing.
- 1.3 The Council recognises that effective and well targeted regulation is essential to promote fairness and protection from harm, while being proportionate and flexible enough to encourage economic progress and vitality. This policy is therefore designed to set out the arrangements by which the principles of proportionality, consistency, transparency, helpfulness, openness and targeting of resources will be incorporated into actions.
- 1.4 The Council will adopt a positive and pro-active approach towards ensuring compliance by -
- helping and encouraging those subject to regulation to understand and meet the regulatory requirements more easily; and
 - responding proportionately to breaches of regulation.

In certain instances, the Council may conclude that a provision in the Regulators' Compliance Code is either not relevant or outweighed by another provision. Where a decision is made to depart from the Code, it will be properly reasoned, based on material evidence and documented.

- 1.5 The Officers who carry out the enforcement of licensing legislation listed in Appendix A are Council employees who are authorised in writing by the Council to enforce tasks and duties in accordance with the Council's Scheme of Delegation. Officers will carry appropriate means of identification and authorisation cards.

2. STATEMENT OF INTENT

- 2.1 It is the Council's policy to work with businesses and their employees to -
- ensure that the risks to the public and those employed in licensed activities are properly controlled and managed so that they are reduced to the lowest level that is reasonably practicable;
 - comply with all legislative requirements, while having regard to statutory codes of practice and statutory guidance.
- 2.2 In order to achieve this objective, enforcement action will be proportionate to the risk(s) perceived or the seriousness of the contravention of legislation and will be undertaken in accordance with this policy.
- 2.3 When considering the appropriate course of action to be taken following an inspection or investigation, this policy will be read in conjunction with relevant guidance issued by the Secretary of State, the Gambling Commission and other relevant bodies.
- 2.4 Officers will comply with this policy when undertaking enforcement action. They will offer an educative and advisory approach in the first instance to those responsible for complying with relevant licensing legislation but thereafter will enforce the law and compliance with licence conditions by the use of a range of enforcement options including – verbal and written warnings, use of statutory notices, formal cautions and prosecution. Prosecution will not normally constitute a punitive response to minor contraventions of licensing legislation.
- 2.5 This policy has regard to the Enforcement Concordat and the Regulators' Compliance Code. Except where there is considered to be a significant risk to public safety, departures from the guidelines contained in this policy will be exceptional and only following agreement with the Head of Democratic and Central Services or Central Services Manager of the Council.
- 2.6 All authorised Officers shall have regard to this policy when carrying out their duties in relation to the legislation listed in Appendix A.
- 2.7 Where there are issues of dual or joint enforcement with other external enforcement agencies such as Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service and Cambridgeshire County Council Trading Standards or internally with Environmental and Community Health Services, consultation will take place with the relevant body(ies) before any enforcement action is initiated.

3. GENERAL PRINCIPLES

- 3.1 Licensing legislation is often prescriptive and subject to frequent change which limits the discretion of the Council and the licence holder.
- 3.2 The Council will endeavour to ensure compliance in full with all relevant licensing legislation listed in Appendix A. Officers will seek to offer relevant information and advice to licence holders in person as well as in writing. Officers will deal with anyone subject to this enforcement process in a courteous, fair and objective manner in accordance with the Council's corporate equalities policy.
- 3.2 Officers will assist businesses and individuals to understand legal requirements and the obligations imposed by relevant legislation. They will seek to encourage good practice and will be sensitive to the needs of business, particularly in regard to any requirements for

prompt responses, transparency of action and the imposition of minimum burdens consistent with regulatory requirements.

- 3.3 Officers will also use formal enforcement measures as specified in the relevant legal provisions including the issue of statutory notices, formal cautions and by initiating prosecutions. Where there has been a serious breach of legislation or the safety of the public or employees is considered to be at risk, there will be quick and effective action as distinct from a graduated response. In considering whether this is necessary, Officers will take account of relevant guidance and will use their professional judgement to determine the extent to which public safety is considered to be endangered.
- 3.4 Where appropriate, the Council will carry out both overt and covert surveillance of individuals or organisations. In doing so, Officers will comply with any human rights legislation and have regard to any associated guidance and codes of practice in existence at the time, together with any internal policies and procedures. The Council has a covert surveillance policy under the Regulation of Investigatory Powers Act 2000 that includes a detailed procedure for authorisation and record keeping when covert surveillance is considered appropriate.
- 3.4 The Council will ensure that its Officers are suitably experienced and competent to undertake the enforcement duties that they have been authorised to carry out.
- 3.5 Within available resources, the Council will endeavour to provide suitable training and education to local businesses on a range of licensing matters designed to encourage businesses to comply with the law. This will be particularly relevant when new legislation is introduced and where an educative approach is appropriate. Documentation including guidance and standard conditions issued by the Council will be accurate and reflect current practice. In providing education and documentation, every effort will be made to provide it in languages other than English where there is shown to be a demand and resources permit.

4. PRINCIPLES OF ENFORCEMENT

- 4.1 The enforcement of the licensing legislation will be guided by the principles that are contained within the Regulators' Compliance Code and where appropriate the Enforcement Concordat. These constitute a framework for local authorities to operate in accordance with better regulation principles as follows:-

Standards

- 4.2 The Council is accountable to the local electorate for its actions and omissions. It will have clear policies and standards against which it can be judged.

Openness

- 4.3 The Council will provide information and advice in plain language on the law that it enforces and will disseminate this as widely as possible. It will also be open about how it sets about its work, including any charges that are made for specific activities. Officers will be prepared to discuss general issues, specific compliance failures or problems with businesses, their employees and representatives. Where necessary, the public registers will contain details of any notices that are served or action taken.

Helpfulness

- 4.4 The Council will work with businesses, especially small and medium sized operators and companies, to advise and assist on compliance with the legislation and licence conditions. It will provide a courteous and efficient service and Officers will encourage licence holders, businesses and the public to contact them to seek advice and information. The Council will ensure that, wherever practicable, its enforcement activities are effectively co-ordinated to minimise any unnecessary overlap or delay and where appropriate will work with other regulators to ensure an efficient service in accordance with guidance issued by The Local Better Regulation Office and the Department for Business and Skills.
- 4.5 The Council will be prepared to discuss with businesses any letters, guidance or other communication that Officers have dispatched. Requests made under the Freedom of Information and Data Protection legislation will be dealt with in accordance with the legislation and the Council's procedures.

Complaints about Service

- 4.6 The Council has adopted a feedback procedure which will be made accessible to licence holders, businesses, employees and the public. Complaints made to the Council will be dealt with initially under that procedure. Where a person remains dissatisfied with the outcome of a complaint, the Council will make available the procedure for a complaint to be made to the Local Government Ombudsman that the Council has acted with maladministration. This is without prejudice to any statutory rights of appeal that are available to a business or licence holder which will be explained in writing by the Council.

Proportionality

- 4.7 Enforcement action will be proportionate to the risk and cost involved. Action taken by the Council to ensure that activities are licensed and that licence conditions are complied with will be proportionate to the risk to public safety and to the seriousness of any breach of the legislation or relevant licensing conditions.
- 4.8 Some licensing requirements are prescribed by law with no room for discretion or individual interpretation. However others require action in line with the principles of reasonableness and the regulatory system will apply the concept of proportionality through such principles. Deciding what is reasonable or appropriate to control risks involves the exercise of judgement by businesses and, where permitted by the legislation, by regulators based on sound professional judgement. Where a licence holder and the Council cannot reach agreement, the final determination of what is reasonable in particular circumstances may ultimately be made by the courts.
- 4.9 Risk assessment will be based on all available relevant and quality data, including explicit consideration of the combined effect of the potential impact of non-compliance on regulatory outcomes and the likelihood of non-compliance. In evaluating the likelihood of non-compliance, the Council will consider all relevant factors, including past compliance records and potential future risks, the existence of good systems for managing risks, evidence of recognised external accreditation and a business's management competence and willingness to comply.

Consistency

- 4.10 Consistency of approach means taking a similar approach in similar circumstances to achieve similar ends. Licence holders will expect a consistent approach from the Council and its Officers in the advice provided, the use of powers, the determination of applications

for licences, decisions on whether to prosecute and responses to incidents. In practice, Officers will be faced with many variables such as the severity of the risk to public safety, the attitude and competence of the licence holder and any previous history of non-compliance. Decisions on enforcement will be a matter of sound professional judgement based upon a risk assessment which will be exercised by the Council and its Officers.

Transparency

- 4.11 Assistance and advice will be offered to licensees to enable them to understand what is required of them by the legislation and licence conditions. It also will make clear what can be expected from the Council and the reasons why the Council and its Officers intend to or have taken a particular course of action.
- 4.12 The Council will assess the effectiveness of its information and support services by monitoring businesses' awareness and understanding of the legal requirements, including the extent to which they may have to incur external advice and costs to understand and comply with legal requirements. However there may remain a need for businesses and licence holders with particularly complex practices to use specialist or professional advisers as appropriate.
- 4.13 The Council will encourage businesses and licence holders to reasonably seek and access advice without directly triggering enforcement action. In responding to such an approach, the Council will seek primarily to provide the advice and guidance necessary to help ensure compliance.

Targeting

- 4.14 Targeting means making sure that resources are targeted primarily on those whose activities give rise to the most serious risk to licence holders, employees and the public or where hazards are least well controlled. Action will be focused on the licence holders and businesses who are responsible for the risk and who are best placed to control it.
- 4.10 The Council will prioritise inspections and visits in accordance with the risk to the public and complaints about business activities. Certain licensed or approved operations will receive more regular visits and inspections so that the Council can be satisfied that potentially high risk operations have effective public safety management arrangements in place.
- 4.11 Where formal enforcement action is necessary, it will, where appropriate, be directed against the licence holder or business responsible. Where responsibility is shared by several individuals, the Council will take action against those who can be shown to be in breach of the legislation or licence conditions.

5. SPECIFIC ENFORCEMENT ACTIVITIES

Routine Inspections

- 5.1 Under normal circumstances appointments will be made with a licensee where an inspection and visit to licensed premises is to be undertaken by an Officer. However, inspections and visits to licensed premises will also be made without prior warning where this is considered to be necessary.
- 5.2 Officers will identify themselves at the premises at the time of entry unless for operational reasons the purpose of the visit is for surveillance purposes. Officers will show their identification and their authority to enter licensed premises at the time of entry. It is an

offence for any person to intentionally obstruct an authorised officer in the execution of his or her duties or refuse entry to certain licensed premises.

- 5.3 The main purpose of an inspection or visit is to ensure that licence conditions are being complied with. The Officer will state the purpose of the inspection at the start of the visit to the person in charge at that time. Inspections and visits will normally involve discussion with the licence holder or his representative. It can also include discussions with other employees at working at the premises at that time. Officers will offer to supply any copies of licence conditions or guidance notes at the time of inspection or will supply them later if requested. The conditions, notes or letters can be translated into other languages if requested and interpreters can be used if appropriate.
- 5.4 Generally, enforcement will be undertaken in a graduated approach. In the first instance, a discussion of requirements will take place with the licence holder or his representative. When considering formal enforcement, account will be taken as to whether there is also evidence of significant breaches of other licensing legislation. In the absence of other significant breaches, the Officer may consider a formal approach where
- there is a high risk to public safety; or
 - breaches would be likely to lead a more serious breach of licence conditions which would give rise to an unacceptable risk to public safety; or
 - the licensee has already failed to respond to an informal approach, or
 - there has been an act of obstruction or non-co-operation, or
 - there have been cumulative breaches of legislation.
- 5.5 Offences or breaches of a minor nature may be dealt with by way of advice, verbal warning letter or re-visit or any combination of these.

Investigations

- 5.6 The Council will respond to and, where appropriate, investigate all complaints about activities being undertaken without a licence or about a breach of licence conditions within 3 working days. The response may vary according to the nature of the allegation, its severity, the number of persons at risk and the nature of that risk and the severity of the legislative breach. The licence holder will normally be informed that a complaint has been received and the nature of that complaint. In some instances, by agreement with the complainant, it may be appropriate to release the complainant's details. However, where it is necessary to protect the identity of the complainant, e.g. where there may be a risk of intimidation or the person is an employee of the licence holder, then the personal details of the complainant will remain confidential, unless otherwise required to be released.
- 5.7 Where a complaint is received, the licence holder will be notified as soon as reasonably practicable unless it is not appropriate to do so, e.g. it may hinder a more serious ongoing issue which is subject to a separate investigation. The investigating Officer will, where appropriate, keep the licence holder or his representative informed of the progress of the investigation. At the end of the investigation, the licence holder and interested parties will be informed of the outcome and whether any further action will be taken by the Council.

6. ENFORCEMENT OPTIONS

- 6.1 There are a number of enforcement options available to the Council where a contravention of licensing legislation or breach of licence condition has been identified. These include –
- take no action; or

- take informal action; or
- issue a formal caution; or
- suspend, revoke or refuse to renew a licence; or
- prosecute (which can be taken in addition to the service of a notice of suspension or revocation).

6.2 Where appropriate, a graduated approach to enforcement will be adopted and in the first instance businesses and licence holders will be given the opportunity to discuss and remedy any problems before action is taken, unless immediate action is required. In each situation the Officer will need to assess the degree of risk, the seriousness of the offence and the means of remedying the situation, together with the previous history of compliance. The decision as to which type of enforcement is appropriate will always be governed by the particular circumstances of the case.

6.3 In particular, the Council's sanctions and penalties will -

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and licensing issue;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by licensing non-compliance, where appropriate; and
- aim to deter future non-compliance.

No Action

6.4 Where an inspection or investigation reveals that at the time of the visit full compliance with the legislation and licence conditions has been achieved, no further action may be required other than record the outcome of the inspection.

Informal Action

6.5 Informal action may consist of any or all of the following -

- advice and offering general assistance and guidance;
- a verbal warning; and
- a letter requesting action.

6.6 Officers will use informal action if they believe that such a procedure will secure compliance with the requirements of the relevant Act and ancillary legislation within a timescale that is reasonable in the circumstances. If an Officer decides to use informal methods such as written advice, this should not result in a lower standard of compliance with the Act and ancillary legislation than would be achieved by more formal action.

6.7 While the action taken by the Officer will depend on the circumstances of the particular case, for guidance purposes only, the Council considers the following circumstances to be appropriate for informal action to be taken –

- the offence is not serious enough to warrant formal action, e.g. a minor technical offence which creates little or no risk to public safety;
- from past history, it can reasonably be expected that informal action will achieve compliance;
- confidence that the business management involved is high.

- 6.8 Where informal action has already been adopted in relation to the same business or licence holder but without success, Officers will consider using a more formal approach.

Formal Caution

- 6.9 The Council may consider issuing a formal caution in appropriate cases as an alternative to a prosecution. The person receiving a caution will be made aware of the implications and the fact that a further breach of licensing legislation or licence conditions is likely to lead to the suspension or revocation of a licence and/or prosecution. The purpose of a caution is to –

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

- 6.10 Where a formal caution is under consideration, the following conditions must be fulfilled before it is given –

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction if a prosecution were to be taken as an alternative; and
- the suspected offender must admit the offence; and
- the suspected offender must understand the significance of a formal caution and give an informed consent to being cautioned.

- 6.11 The formal caution will only be administered by the Head of Democratic and Central Services or Central Services Manager. Where a person declines the offer of a formal caution, it will be necessary to consider taking alternative enforcement action. This could include suspension or revocation of or refusal to renew a licence or prosecution. The criteria for prosecution will be reconsidered in the light of the person's unwillingness to accept a formal caution.

Prosecution

- 6.12 Prosecution is one of a number of enforcement options available to the Council. Each case needs to be considered on its own merits and any policy therefore cannot be prescriptive. The prosecution policy is attached as Appendix B and is consistent with the Enforcement Concordat agreed by central and local government and which the Council has adopted.

- 6.13 Through its Constitution, the Council has delegated responsibility for licensing matters to the Licensing and Protection Panel. The Licensing Committee is a statutory committee established by legislation. Both the Panel and the Committee have delegated authority to institute proceedings for contravention of legislation to the Director of Central Services or the Head of Democratic and Central Services, after consultation with the Chairman or Vice Chairman of the Panel or Committee, as appropriate. The Council's Head of Law, Property and Governance will be consulted as part of the decision making process and dependent on the case in question other appropriate persons and bodies may be consulted including the Council's Head of Environmental and Community Health Services, Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service and external professionals/experts in connection with licensing issues.

- 6.14 Officers will gather appropriate evidence and prepare the case for prosecution on behalf of the Council. Where, having considered all the evidence, it is felt by Officers that a prosecution may be warranted, the authorisation of the Director of Central Services or the Head of Democratic and Central Services will be sought. Following agreement to proceed,

the Head of Law, Property and Governance will instigate the prosecution in consultation with the Case Officer. Regard will be had during the investigation to the requirements of the Police and Criminal Evidence Act 1984 (PACE), the Criminal Procedure and Investigation Act 1996 (CPIA) and the Regulation of Investigatory Powers Act 2000 (RIPA).

LICENSING ACTIVITIES

GAMBLING

Gambling Act 2005

Casinos
Bingo premises
Betting offices
Track betting
Adult gaming and family entertainment centres
Gaming and machine permits
Prize gaming
Small society lotteries

ENTERTAINMENT

Licensing Act 2003

Sale and supply of alcohol
Regulated entertainment comprising plays, films, indoor sporting events, boxing and wrestling, live and recorded music, and dance.
Late night refreshment
Temporary events notices

Local Government (Miscellaneous Provisions) Act 1982

Sex establishments comprising sex cinemas, sex encounter establishments and sex shops

HACKNEY CARRIAGE AND PRIVATE HIRE

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

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

TRADING AND COLLECTIONS

Police, Factories, etc (Miscellaneous Provisions) Act 1916

Street collections

House to House Collections Act 1939

House to house collections

Local Government (Miscellaneous Provisions) Act 1982

Acupuncture, tattooing, ear piercing and electrolysis
Street trading

Local Government (Miscellaneous Provisions) Act 1976

Pavement cafes

PROSECUTION POLICY

1. In order to ensure public safety, the Council will use a variety of means to ensure that the law relating to various licences listed in Appendix A and for which the Council is the licensing authority is complied with within the District. This will include education, advice, guidance, formal cautions, statutory notices and prosecution.
2. The Council will use discretion in deciding whether to initiate proceedings leading to a prosecution. In general, Officers will attempt to ensure compliance with the licensing legislation and licence conditions by informal means except where they have grounds to consider that it is necessary to serve a formal notice or recommend prosecution. The Council recognises that the decision to prosecute is significant and could have far reaching consequences on the offender. Before deciding whether to initiate proceedings leading to a prosecution, they will take account of the criteria set out in paragraph 3 below.
3. The decision to prosecute has been delegated by the Council's Licensing and Protection Panel and Licensing Committee to the Director of Central Services or the Head of Democratic and Central Services, after consultation with the Chairman or Vice Chairman of the Panel or Committee. Public safety will be of paramount consideration and the following matters will be taken into account in addition to any other matter which may be considered relevant in any particular case –
 - 3.1 Whether the evidence available is sufficiently reliable, admissible and substantial to provide a realistic prospect of conviction, having regard to the evidential and public interest tests set down in the Code for Crown Prosecutors and any other prosecution code or government guidance for the time being relevant to the case under consideration.
 - 3.2 The general record and attitude of the offender.
 - 3.3 The attitude and reliability of any witnesses.
 - 3.4 The gravity of the offence (including where the alleged offence involves a breach of the licensing legislation or licence conditions such that public safety or well-being is placed at risk).
 - 3.5 The failure by offenders to comply with previous written directions given by Officers provided that offenders have been given reasonable opportunity to comply with those directions.
 - 3.6 Whether it is desirable to deter others from similar failures to comply with licensing legislation or licence conditions.
 - 3.7 Whether it is more appropriate after consideration of all of the circumstances and on being satisfied of a person's guilt and the offender accepting that guilt, to offer a formal caution in accordance with guidance laid down in Home Office Circular 30/2005.

4. This prosecution policy also relates to the prosecution of individuals and individual managers or directors whether the Council considers that a conviction is warranted and it can be shown that the offence was committed with their consent or connivance or to have been attributable to neglect on their part.
5. Having decided to prosecute, the policy of the Council is to prosecute without any unnecessary delay. Once the prosecution has been determined by a court of law, the Council will contact the witnesses involved to inform them of the outcome.
6. The Council take seriously its obligations arising from the Human Rights Act 1998 and associated legislation. It will endeavour at all times to act compatibly with this legislation.
7. This policy is consistent with the Enforcement Concordat agreed by central and local government and the Regulators' Compliance Code.

CONTACT POINTS

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

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

Telephone – 01480 388010/388209

Fax. – 01480 388099

E-mail – Greg.Peck@huntsdc.gov.uk

John.Frampton@huntsdc.gov.uk

Charlotte.Dean@huntsdc.gov.uk

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

Completed applications and temporary events notices should be sent to –

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

An applicant must give notice of his/her application to each of the following responsible authorities and such other persons as may be prescribed within the prescribed period –

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

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

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

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

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

The Director of the Office of Children and Young Persons
Cambridgeshire County Council
Shire Hall
Cambridge
CB3 0AP

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

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

Or

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

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

Standards Committee

Report of the meeting held on 2nd December 2010

Matters for Information

10. REPORTS OF SUB-COMMITTEES

The Chairmen of each of the Standards Sub-Committees have updated the Committee on the business they have dealt with, in general terms, since September and have reported on the outcome of each case considered.

In total, four allegations of misconduct have been considered by the Assessment Sub-Committee and no further action was recommended in each case. In response to an appeal against a decision in one of these cases, the Review Sub-Committee has met and upheld the original decision, having concurred with the conclusion of the Assessment Sub-Committee that there had been no breach of the Code of Conduct in the case in question.

A meeting of the Consideration and Hearing Sub-Committee also has been convened to hear the outcome of an investigation into a complaint involving Yaxley Parish Council. The Sub-Committee concurred with the recommendations of the Investigating Officer and agreed that the Councillor involved be suspended for a period of two months from 25th November 2010 to 25th January 2011 or until such time as he undertook training on the Code of Conduct. It was also strongly recommended that the other Members of the Parish Council and the Parish Clerk should receive training on the Code of Conduct and subsequently a session for this purpose was held on 24th November 2010. This was well received by those concerned.

11. STANDARDS UPDATES

Further to Item No. 2 of the Report to the meeting held on 29th September 2010, the Committee has now been advised that the Decentralisation and Localism Bill will be published before the end of December. In the absence currently of any further information, the Committee has noted the content of a press release issued by the Department of Communities and Local Government which appears to suggest that it is the Government's intention to replace the current Standards regime by making serious misconduct a criminal offence dealt with by the Courts, Councillors having to continue to register personal interests in publicly available registers and an enhancement of the powers of the Local Government Ombudsman.

Against this background of uncertainty, the Committee has endorsed the Monitoring Officer's decision to postpone the process of the appointment to the Committee of an additional Town and Parish Council representative but noted that an article has been included in the December edition of District-wide regarding the availability, online, of the Committee's 2009/10 Annual Report.

12. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY: CONSULTATION

The Committee has been advised that on 29th September 2010, the Government published for consultation a new Code of Recommended Practice on Local Authority Publicity. Regrettably the timescale for the response was short and the closing date for representations fell outside the Committee's cycle of meetings. However, the Committee has noted that the proposed new Code will be underpinned by seven guiding principles which will require local authority publicity to be lawful, cost-effective, objective, even handed, appropriate, to have regard to equality and diversity and to be issued with care during periods of heightened sensitivity such as election periods. To give effect to the Government's commitment to stop perceived unfair competition by local authority newspapers, the proposed Code will also contain specific guidance on the frequency, content and appearance of local authority newspapers or magazines. This suggests that they must not appear more frequently than once a quarter, must only include material that is directly related to the business, services or amenities of the authority or other local service providers and that they should be clearly marked as being published by the local authority. The Code also proposes to prohibit the use of lobbyists where their expenditure is intended to influence local people on political issues.

The Committee raised no objections to the principles of the new Code.

13. LOG OF CODE OF CONDUCT ENQUIRIES

The Committee has noted the nature of the Code of Conduct enquiries recently recorded by the Monitoring Officer and has been reminded that the area of the Code which appears to cause the most concern related to the declaration of personal and prejudicial interests.

14. LATEST GUIDANCE

For training purposes, the Committee has noted the content of guidance published by "Standards for England" on dual-hatted Members and the Code of Conduct and details of a recent case considered by North Tyneside Council and one which had been determined by the First Tier Tribunal General Regulatory Chamber.

Mr D L Hall
Chairman

Overview & Scrutiny Panel (Economic Well-Being)

Report of the meeting held on 11th November 2010

Matters for Information

28. DRAFT BUDGET 2011/12 AND MTP 2012/16

(All Members of the Council were invited to attend and take part in the debate on this item)

In conjunction with the Cabinet (Item No. 41 of their Report refers) the Panel has examined the draft Budget for 2011/12 and Medium Term Financial Plan (MTP) for the period 2012-16. Members have been acquainted with the present position in relation to the draft budget and MTP and have been informed of proposed spending changes, potential Council tax options and the assumptions being made with regard to the level of grant the Council will receive from the Government following the Comprehensive Spending Review. The Panel has acknowledged that a number of significant uncertainties exist and only some of these will be resolved before the Council has to approve the final budget and MTP in February 2011.

Members have reiterated the view that the Council should approach the financial planning process strategically through a vision for the District and for the Council. This will enable the Council's priorities to be weighted and make it possible to take better informed decisions on the budget. Although the Government is constantly changing the requirements on local authorities, the view has been expressed that this should not affect the overarching vision and that changes only have an impact on the delivery of it. With regard to the need for a strategic approach to financial planning, a Panel Member has recommended that contingency plans should be prepared that address a range of scenarios and identify options for future action to respond to changing events. In addition, it has been suggested that a rationale should be produced for each of the proposed changes and the Panel has been assured that decisions will be informed by detailed pieces of work as the Council's plans develop.

As part of their deliberations the Panel has suggested that rather than completely delete some services immediately, the Council should first investigate alternative delivery methods. For example, local office services might be provided through shared buildings and employees or on reduced hours using fewer employees. An assessment of all local public sector assets

might assist in this task. At the same time caution has been expressed that shared services can incur their own problems and costs especially in the field of information technology. Moreover, it has been pointed out that delegating functions down to Town and Parish Councils can result in increased service costs and it may be preferable to seek contributions from these Councils for the District Council to continue to operate them. If this is to be done, it has been stressed that Town and Parish Councils should be informed at the earliest opportunity to enable them to make the necessary provisions in their budgets.

Some Members have expressed specific concerns in relation to the potential loss of customer service centres. The Panel has been advised that investigations are ongoing into ways of making savings but at the same time still providing services locally. The view also has been expressed that front-line services should be retained. Although it is thought to be preferable to seek savings in the back office, it has been acknowledged that this can be difficult to define and that this is an important part of the Council's role, through such activities as local strategic planning.

With regard to the indicative figures presented to the Panel on likely reductions in employee numbers, Members have suggested that the Council should investigate ways of making better use of its employees. They might be a source of income creation, could promote growth and the Union should be consulted on opportunities for job sharing. The latter would mean that skills would not be lost and there could be savings on redundancy costs.

Other suggestions for general approaches to alternative delivery methods include outsourcing and selling the Council's services to other organisations. Particular suggestions have been made on the potential to outsource the grounds maintenance service and on selling the call centre service to other local authorities. The idea of creating a single customer centre for Cambridgeshire also has been suggested.

Members have commented on proposed changes to services. On proposals to reduce the grants paid to voluntary organisations, it is recognised that the Council will honour its existing commitments, but it has been pointed out that voluntary organisations will have an important role in the new localism agenda and that their services will be more in demand as a result of changes to the welfare system. As a result, it has been suggested that the Council should look at the value of the work that they do and what it will cost the Council to replace the activities that will be lost.

Comments have been made on the proposals for CCTV. It is felt by a number of members that this service is needed and it will be costly to reintroduce if this is deemed necessary. It is suggested that the impact of the proposals and other options should be reviewed in conjunction with the police and the Community Safety Partnership. There is the potential to share the cost of the service with Cambridgeshire Constabulary or to adopt an arrangement such as that used by some parish councils who pay for equipment, which is linked to the District Council's CCTV control room. The Overview and Scrutiny Panel (Social Well-Being) has already decided to undertake some work in these areas.

Discussion has taken place on the leisure centres. It is suggested that the economic costs and social benefits of them should be identified, as should the projected rate of return on the Council's planned investments in them. In addition, a Councillor is of the view that the Council should immediately investigate the options to place the leisure centres into a trust to inform future plans. Others have said that if the leisure centres, through investment, become profitable, they should be retained so that the Council will benefit from this income. Another suggestion is that some Customer Service Centre functions might be provided through them if local offices are closed.

On the subject of street cleansing, comment has been made that either the budget should be reduced and the Town Councils asked to make up the difference or the existing budget should be more equitably distributed amongst the District's towns and villages. Comment has also been made that the Council should review its plans only to produce District Wide electronically as this method of communication will not reach a significant number of residents who do not have access to electronic communications. Some means of communicating with as many residents as possible needs to be found. It has further been suggested that planned increases in car parking charges should be staggered.

In the course of their discussions, the Panel has considered a preliminary response to the proposals presented by the Liberal Democrat Group to the Council meeting on 3rd November 2010. The Panel has been advised of details of the current grants provided to voluntary organisations and that further consideration will need to be given to funding for voluntary organisations, that the Employment Panel is currently considering changes to the Payroll System and that a number of the suggestions relating to the potential for job sharing, sub-letting of Council premises and sharing back office staff are already being undertaken or currently being pursued. Members have been advised that investigations have revealed that it will not be feasible to sell and lease back Pathfinder House. With regard to the proposal to reduce the number of elected members and the size of the Cabinet and the Overview and Scrutiny function, the Panel has noted that any electoral changes are subject to approval by the Boundary Commission and are unlikely to generate savings in the current four year term. Similarly the size of the Cabinet is a matter for consideration by the Leader.

At the conclusion of the debate, the Panel has recommended that the Cabinet approve a draft budget for submission to the Council, subject to the Panel's comments on:

- ◆ weighting the Council's priorities;
- ◆ investigations taking place into ways of retaining some services through shared services and job sharing;
- ◆ investigations taking place into alternative ways of delivering services rather than completely deleting some services;
- ◆ shaping the MTP into a vision

- ◆ concerns regarding reductions in planning enforcement activities and grants to voluntary organisations;
- ◆ outsourcing;
- ◆ using leisure centres for the provision of customer services;
- ◆ the need for a rationale on mothballing CCTV and consultations with the Community Safety Partnership on this service;
- ◆ reviewing the proposals on District Wide through a strategic approach to communication with residents;
- ◆ reviewing further back-office functions;
- ◆ delegating functions to Town and Parish Councils and the need to communicate any proposals as soon as possible;
- ◆ the need for investments to be informed by business plans;
- ◆ the need for contingency planning and for a rationale to be produced for changes; and
- ◆ staggering increases in car parking charges.

29. TREASURY MANAGEMENT – REVIEW OF PERFORMANCE

Having been reminded of the background to the introduction of enhanced arrangements for overseeing the management of the Council's financial investments and borrowing, the Panel has reviewed the performance of the Council's Investments for the period 1st April to 30th September 2010. Members have been pleased to note that funds have performed well and that the latest forecast outturn shows that there is likely to be an increase in the interest the Council receives on its investments compared with the net budget.

Attention having been drawn to the Council's current approach to the security and liquidity of investments, the Panel has been acquainted with the rates available for investments and borrowing. In so doing, the Panel has discussed the extent to which the Council should accept some minor level of risk in return for higher levels of interest. Members have been advised that while some local authorities prefer to accept a lower return for complete security, it is considered that the securities offered by Building Societies are sufficient to minimise the risk associated with their use for short term investments. In addition, there are limits on the amounts that can be invested and they are available immediately.

The Panel has endorsed a decision to invest with the Cambridge Building Society. Not only has this achieved a higher rate of return compared with other Building Societies for a short term investment, it also provides funds for the Building Society that it can lend to local businesses, thereby promoting local economic growth.

Following changes in the definition imposed on the Council for fixed and variable rate investments, the Panel has endorsed a proposal to change the limits for investments. This will give the Council flexibility to react to changes in interest rates.

The Panel has recommended the Cabinet to submit the review of the Council's Treasury Management Performance to the Council.

30. PERFORMANCE MANAGEMENT

Details of the Cabinet's deliberations and decisions in response to a previous report by the Overview and Scrutiny Panel on the Council's performance against its priority objectives have been received. Having noted that the matter concerning the cost of external consultants has been referred back to the Corporate Plan Working Group for further review, the Panel has agreed that this work might be better undertaken by the Overview and Scrutiny Panel (Economic Well-Being) and has established a working group for this purpose.

Other Matters of Interest

31. LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN

The Panel has been acquainted with details of the current Forward Plan of Key Decisions. Members have been advised that the Budget and MTP will be presented to the Panel for consideration in February in conjunction with the Treasury Management Strategy and Prudential Indicators. In doing so, the Panel has acknowledged that changes to the meeting schedule for future years will provide them with a longer timescale to comment on reports before they are considered by the Cabinet.

32. WORKPLAN

The Panel has reviewed its work plan and received details of studies being undertaken by the other Overview and Scrutiny Panels. Councillor M F Shellens has undertaken to consult the Chairman on the potential for a study into the future financial implications of the Council's housing responsibilities.

33. SCRUTINY

The Panel has considered the latest edition of the Decision Digest and discussed matters contained therein. Following the recent receipt by a Member of a tree replacement notice, comment has been made that the Council should review the information, which is currently circulated to Members, as this could realise cost savings.

J D Ablewhite
Chairman

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Overview & Scrutiny Panel (Environmental Well-Being)

Report of the meeting held on 9th November 2010

Matters for Information

27. GREEN HOUSE PROJECT

Following a tour of the two properties in St. Ives and St. Neots modernised by the Council as part of the "Green House Project", the Panel has suggested that the cost savings associated with the energy saving measures should be widely publicised to householders alongside the reduction in carbon emissions.

With regard to the staffing implications of having the houses manned whilst they are open to the public, Members have been advised that it will be possible for officers to work from the houses due to the availability of wi-fi capability.

28. ABANDONED SHOPPING TROLLEYS

The Panel has been advised that at the previous meeting of the Huntingdon Neighbourhood Forum complaints had been raised by members of the public about the number of shopping trolleys being abandoned by customers of town centre shops. Members have been informed of the powers available to the District Council if Section 99 of the Environmental Protection Act 1990 were to be adopted which would enable the Council to seize shopping trolleys that appeared to have been abandoned and store them for up to six months. The cost of seizing, storing and returning a trolley can be recovered by the Council from the owner of the trolley if the company asks for its return.

The Panel has been advised that the Council has only received eight complaints of abandoned shopping trolleys since 2004. Furthermore, good working relationships have been established with the major supermarkets, some of which have engaged a company to collect abandoned trolleys, while others will collect their own abandoned trolleys if the locations are reported to them.

With regard to the possibility of adopting Section 99 of the Environmental Protection Act 1990, the Panel has been advised that the Council has limited storage facilities for any trolleys that are collected and that the low number of complaints together with the co-operation of supermarket owners make such a venture unnecessary.

29. ST. NEOTS EAST URBAN DESIGN FRAMEWORK

Prior to its consideration by the Cabinet, the Panel has considered a report on the development opportunities for land east of the railway line, St. Neots. The Panel has also received the comments of the Development Management Panel on the Urban Design Framework document.

The Panel's principal areas of concern were highways and educational provision. Members support the aim of integrating the eastern expansion into St. Neots as a whole and have acknowledged that, without careful planning, there is a danger of a separate community developing which is not integrated with the remainder of the town.

The Panel has accepted that the idea of a third secondary school in St. Neots located within the eastern expansion might exacerbate the sense of a separate identity and therefore Members have not supported the recommendation of the Development Management Panel in this respect. Nevertheless, the Panel has suggested that an adequate financial contribution be secured from the developers to ensure that the existing secondary education establishments in St. Neots can be expanded to meet the anticipated increase in pupil numbers.

With regard to primary education, the Panel has been advised that the County Council had sought a minimum of three new schools as part of the development as there is under capacity west of the rail line in existing establishments. The land use plan suggests an allocation of land for two new schools in addition to the existing primary school already provided as part of the Loves Farm development. However, the Panel has queried whether this is sufficient for a projected development of 5,000 homes. Notwithstanding their support for integration of the new development, Members did not consider it appropriate for children of primary school age to have to travel far to school as this could lead to traffic congestion and reduce the number of children walking or cycling to school. The Panel has queried the proposed distribution of sites for primary schools within the eastern expansion with those houses in the north-eastern sector of the new development being some distance from the primary schools proposed.

The Panel has also commented on the proposed highway provision and particularly the uncertainty over improvements to the A428 before the development takes place, with a new development creating greater pressure on the already congested road. The Panel has supported ongoing efforts to encourage investment in the upgrading of the road to accommodate the inevitable traffic growth. The Panel is also keen to ensure that there are sufficient vehicular links between the development and the town in addition to those proposed for cyclists and walkers as a failure to do so could lead to unacceptable congestion on those which currently exist via Cambridge Street and the A428.

This matter was considered by the Cabinet at their meeting on 18th November 2010. Item No. 46 of their Report refers.

30. PLANNING FOR SCHOOLS DEVELOPMENT CONSULTATION

A Member has drawn attention to a recently published Planning for Schools Development consultation exercise which invites views on the Government's proposals to make changes to the General Permitted Development Order to give permitted development rights for a change of use for school development. The purpose of the proposals is to support the Department for Education's policy on new "free schools" but there is a concern that a proposed absence of any requirement for planning permission will prevent local objection to the opening of a new school, dispense with the requirement for a traffic impact assessment and remove any democratic involvement in the process.

Under the circumstances it has been agreed that an ad-hoc working group be established comprising Councillors Downes on behalf of the Panel, Councillor P G Mitchell as Chairman of the Development Management Panel and Councillor D B Dew as Executive Councillor for Planning Strategy and Transport to draft a response to the consultation document for consideration at the next meeting of the Panel prior to the closing date for comment of the 10th December 2010.

Other Matters of Interest

31. WORKPLAN

The Panel has reviewed its workplan and received details of studies being undertaken by the other Overview and Scrutiny Panels. Members have been advised that the first meeting of the Local Drainage Liaison Group has been held and a progress report is now awaited from Anglian Water's Collection Manager.

The Panel have also been updated on the work to date on the preparation of a tree strategy and it has been agreed that Councillor M G Baker be co-opted onto the Tree Strategy Working Group in view of his interest in the subject and to ensure that this has cross party representation.

P M D Godfrey
Chairman

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Overview & Scrutiny Panel (Environmental Well-Being)

Report of the meeting held on 7th December 2010

Matters for Information

32. TREE STRATEGY

The Panel has received a presentation from the Council's Arboricultural Officer on the development of a Tree Strategy for Huntingdonshire. Members have been advised of the desire to ensure that the District has a plentiful, healthy and attractive tree population that is managed and maintained to a high standard for the benefit of all which, it is hoped will be achieved by the Tree Strategy. In compiling the strategy officers will be establishing the nature and extent of the resource to be managed and consulting widely to ensure that the strategy meets the needs of the community. A small working group of the Panel have been established to assist in the process.

33. ENVIRONMENT STRATEGY REVIEW

Prior to its consideration by the Cabinet, the Panel has considered a report on the Council's Environment Strategy. The Panel has been advised that the recent budget consultation had highlighted that environmental projects were perceived as a low priority to the District's residents. However, the Environmental Management Team remain committed to delivering the aims set out in the Environment Strategy with the implementation of environmental projects providing an opportunity to save both the Council and residents money in energy costs, by becoming more environmentally efficient and making the district more economically competitive. Members have been informed that the Environment Strategy places the District Council at the forefront of moving forward the low carbon agenda.

Members have congratulated officers for their work to date on the Environment Strategy and endorsed the report for submission to the Cabinet.

34. PERFORMANCE MANAGEMENT

The Council's performance against the environmental well-being targets within the Corporate Plan "Growing Success" has been reviewed by the Panel.

35. PLANNING FOR SCHOOLS DEVELOPMENT CONSULTATION

The Panel has endorsed a response to the recently published Planning for Schools Development consultation exercise which invites views on the Government's proposals to make changes to the General Permitted Development Order to give permitted rights for a change of use for school development. The response to the consultation highlights the Panel's concerns that the proposed absence of any requirement for planning permission will prevent local objection to the opening of a new school, dispense with the requirement for a traffic impact assessment and remove any democratic involvement in the process.

Other Matters of Interest

36. WORKPLAN

The Panel has reviewed its workplan and received details of studies being undertaken by the other Overview and Scrutiny Panels. Members have been advised that the first meeting of the Local Drainage Liaison Group has been held and a progress report is now awaited from Anglian Water's Collection Manager.

P M D Godfrey
Chairman

Overview and Scrutiny Panel (Social Well-Being)

Report of the meeting held on 2nd November 2010

Matters for Information

31. HOMELESSNESS STRATEGY: CONSULTATION DRAFT

The Homelessness Act 2002 places a statutory duty on the Council to produce a Homelessness Strategy and to review it every five years. The review is now due. In conjunction with the Cabinet (Item No. 45 of their Report refers) the Panel has been appraised with the contents of the draft Strategy, which has been produced for consultation.

Homelessness is of growing concern for the Council and increased financial and resource pressures and changes prompted by the Government to the housing benefit system will further add to the increasing levels of demand for housing advice and homelessness within the District. While considering the trends in homelessness experienced locally over the previous ten years, Members have been advised that a number of preventative measures employed by the Council have contributed towards the achievement of a reduction in the number of homeless people in the District. The most successful of these measures is the Rent Deposit/Rent In Advance Scheme; however, there are limitations on the debt allowance for this Scheme. This is to allow for the fact that some customers may default on their loan payments, resulting in a cost to the Council.

Owing to the fact that funding from the Government's Homelessness Prevention Budget might not continue beyond 2010/11, the Panel has registered concern at the need to identify funding and resources for a number of actions contained within the Strategy. The Strategy will be updated to take into account recent developments such as the Government's Comprehensive Spending Review and the Council's future budget process and efficiency programme. It is, however, acknowledged that the challenge to identify resources will remain. Other matters discussed by the Panel include the types of accommodation available, migrant workers and the factors that constrain the Council in using exception sites within the District.

Subject to their comments, the Panel has recommended the Cabinet to approve the draft Homelessness Strategy for wider consultation with partners, stakeholders and customers.

32. CAMBRIDGESHIRE LOCAL INVESTMENT PLAN

In conjunction with the Cabinet (Item No. 44 of their Report refers) the Panel has considered the Cambridgeshire Local Investment Plan (CLIP) which has been prepared for submission to the Homes and Communities Agency (HCA) by Cambridgeshire Horizons in conjunction with Cambridgeshire local authorities. The CLIP is currently subject to consultation. It is intended to facilitate the delivery of investment in a range of housing, infrastructure, regeneration and community activities taking into account locally determined priorities and a number of existing Countywide strategies and plans. The CLIP identifies investment needs across Cambridgeshire and will primarily be used as evidence to support bids to draw in external funding to the area.

The Panel has discussed the complex structure of partnerships that exists across the County. It has been acknowledged that the establishment of a Local Enterprise Partnership (LEP) will help to streamline the current framework, whilst also encouraging cross boundary working. Some Members are of the view that the funds allocated by the HCA should be devolved to local authorities, but others have argued that collaboration has advantages and will bring benefits to the area. The importance of the CLIP in competing for financial resources has been acknowledged by the Panel, particularly as the Homes and Communities Agency has experienced a 50% reduction in its funding following the Government's Comprehensive Spending Review.

The Panel has registered their concern at the way upgrades or improvements to the local road network infrastructure have been prioritised. The implications of this in encouraging housing and economic growth in the area have been stressed. Members are of the opinion that the road network infrastructure should be viewed in the national context. Particular reference has been made to the A14 and the A428 and they have highlighted the need to upgrade the A14 as it plays a significant part in the road network infrastructure on the local, national and European levels.

Discussion has taken place on the housing schemes within Huntingdonshire that have been identified for completion between 2010/11 to 2013/14. The Panel has suggested that the data employed by the County Council should be updated, particularly as the population projections for the District appear to be too low.

Finally, the Panel has requested a further report on the implications of the CLIP for local housing including any potential shortfalls in the delivery of affordable housing within the District.

Subject to the comments that have been reported, the Panel has endorsed the CLIP for submission to the Cabinet.

33. MONITORING OF SECTION 106 AGREEMENTS (PLANNING OBLIGATIONS)

Members have received an update on the receipt and expenditure by the Council of money negotiated under Section 106 Agreements. In the course of their deliberations Members have been informed of the Section 106 Agreement Advisory Group's response to their recommendations on the way monitoring is carried out. The Advisory Group has not accepted the Panel's suggestion that a project plan should be adopted for each scheme as it is felt that the current arrangements are satisfactory. As the Panel is still of the view that such a plan will enable more effective monitoring to take place, Councillor P G Mitchell has agreed to raise the matter at the next Development Management Panel meeting.

34. PROVISION OF PLAY FACILITIES

Pursuant to Item No. 14 of their Report to the meeting of the Council on 29th September 2010, the Panel has been acquainted with the revenue costs associated with the maintenance of the outdoor youth facilities for which the Council is responsible. Members have noted that the Council currently spends an estimated £22,300 per year on six skate park facilities located within the District. This covers weekly inspections, surface painting, other repairs and ROSPA inspections. Members have requested that details of external organisations that provide this kind of maintenance service are circulated before they take any further action on the study.

35. PERFORMANCE MANAGEMENT

The Panel has been acquainted with the outcome of the Cabinet's deliberations in response to the Overview and Scrutiny Panels' report on the Council's performance against its priority objectives and other matters relating to performance management. The recommendation relating to the Council's use of external consultants has been referred back to the Corporate Plan Working Group for further review including the criteria employed in the appointment of consultants and an assessment of the cost and value gained from using them.

36. CAMBRIDGESHIRE ADULTS WELL-BEING AND HEALTH SCRUTINY COMMITTEE

The Panel has received an update on matters currently being considered by the Cambridgeshire Adults Well-Being and Health Scrutiny Committee including the Older Peoples' Mental Health Strategy.

Other Matters of Interest

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

The Panel has reviewed its programme of studies. Hinchingsbrooke Hospital is shortly due to commence a review of its revised car parking pricing structure and concessions scheme. Members previously have carried out an investigation on this subject and submitted its findings to the Hospital. The Hospital has given an undertaking that the Panel will be asked to contribute to the review. Clarification is being sought of how Members will be involved in it.

The Panel will be pursuing its study on the Council's consultation processes at its next meeting.

38. WORK PLAN STUDIES

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

39. LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN

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

40. SCRUTINY

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

S J Criswell
Chairman

Overview and Scrutiny Panel (Social Well-Being)

Report of the meeting held on 7th December 2010

Matters for Information

41. CAR PARKING AT HINCHINGBROOKE HOSPITAL

Pursuant to Item No 19 of their Report to the meeting of the Council held on 29th September 2010, the Panel has received a presentation from the Facilities Business Manager at Hinchingsbrooke Hospital reviewing the revised car parking pricing structure at the Hospital since it came into effect on 1st July 2009.

Background information on the parking provision available at the Hospital site has been received. Parking charges had been revised during 2010 following concerns that the previous fee structure was not appropriate for the needs of patients and visitors, particularly as the three pricing bands lacked flexibility. The absence of a comprehensive scheme of concessionary rates for long-term patients and their visitors and the provision of only a limited amount of short-term and disabled parking spaces added to the need for the fee structure to be revised.

Since the implementation of the revised pricing structure, the Hospital has considered a number of further improvements to its parking arrangements including the installation of new car park machines with credit card readers, improved signage, a review of staff and public spaces, improved short-term facilities and an enhanced concessionary rates scheme. As a result the Hospital is proposing to introduce new rates with effect from 1st January 2011 as follows:-

- ◆ Up to 2 hours - £2.50
- ◆ Up to 4 hours - £4.00
- ◆ Up to 24 hours - £6.00

The Panel has received an explanation of the rationale behind the proposed charges, which have been modelled around average times for visits to clinics, visiting hours and concessionary rates. The Panel has questioned the need for the proposed 4 hour rate and has been informed that this will apply to those visiting the Hospital who do not qualify for concessionary rates, including those travelling from outside the local area. Without this charge, such visitors would be liable to pay the 24 hour rate.

Members have queried a number of aspects of the proposals including the principle of charging for parking at hospitals, the pricing structure at Addenbrookes Hospital, the level of income generated from the car park compared with the revenue costs associated with maintaining and administering the facility and contribution made towards running the Hospital's services, the possibility of charging blue badge permit holders and the potential for the franchisee that takes over its management to use parking fees to raise additional income for the Hospital. Other matters discussed include staff and commuter parking on site.

Having noted that a comprehensive Communications Plan has been developed through which the proposals will be discussed including consultation with patients liaison groups, staff briefings and use of the internet and intranet, the Panel has expressed support for the proposals.

42. STUDY: CONSULTATION PROCESS

Pursuant to Item No 16 of their Report to the meeting of the Council held on 29th September 2010, the Panel has given further consideration to its study on the Council's consultation processes. Members have discussed a number of matters including the timing of consultations, interpretation of data at Ward level together with the potential implications of this for statistical reliability, the role of Councillors in communicating with their constituents on consultations, the information provided to the public before and after consultations including the reasons why a chosen course of action has been taken following a consultation exercise and utilisation of the internal consultation calendar and database resource.

The Panel has discussed the validity of the methods employed by the Council to undertake the recent budget consultation exercise. Having noted that the questionnaire surveys had been used to augment qualitative research, it has been confirmed that the decisions that have subsequently been made by the Council are reflective of the public consultation responses.

The Panel has appointed a Working Group to pursue the investigation further. The Working Group will review the Council's guidance on consultation methodology and evaluate examples of previous consultations.

43. PERFORMANCE MANAGEMENT

In conjunction with the Overview and Scrutiny Panels for Environmental Well-Being and for Economic Well-Being, the Panel for Social Well-Being has reviewed the Council's performance against its priority objectives, which are contained in "Growing Success" - the Corporate Plan. The Panel has endorsed the views of the Corporate Plan Working Group, particularly with regard to the objectives where targets have not been achieved.

Members have questioned the process through which targets have been set in respect of the number of admissions to the Leisure Centres. The Panel has noted that the target figure took into account the receipt of external funding, which subsequently has not been awarded to the Council. In order that underlying trends can be monitored, changes in admissions/participants attributable to such developments will in future be reported separately.

44. HUNTINGDONSHIRE COMMUNITY SAFETY PARTNERSHIP VIEWS ON CCTV

The Panel has been acquainted with the views of the Huntingdonshire Community Safety Partnership on the value of CCTV in the District. The report had been requested to enable Members to ascertain the likely effect of the Council's budget plans in respect of CCTV.

The Partnership has indicated that there are no immediate concerns about the anticipated service reductions in 2011/12 but that it would be preferable to maintain the basic service thereafter. It is intended that the Partnership will undertake an impact assessment on the proposals next year and investigate alternative methods of maintaining CCTV surveillance in Huntingdonshire.

Members of the Panel have commented on the likely increase in crime levels if the CCTV service ceases. The Panel has requested that the views of the Police on the proposals including those of front line Police Officers form part of the Partnership's impact assessment. The Executive Councillor for Operational and Countryside Services has advised the Panel that efforts are being made to preserve the service through alternative mechanisms.

The Panel's comments will be submitted to the Partnership at its next meeting in December. A report back from the Partnership will be submitted to the Panel's meeting in January 2011.

45. CONSULTATION: EAST OF ENGLAND AMBULANCE SERVICE NHS TRUST

The Panel has been acquainted with details of a consultation exercise being undertaken by the East of England Ambulance Service NHS Trust on its plans to become an NHS Foundation Trust. The consultation seeks views on the proposals, which are designed to give local people a greater say on the Ambulance Service and how it develops in the future.

The Panel has queried a number of matters raised within the consultation document. In particular, clarification has been sought on the Ambulance Service's relationship with MAGPAS and how the service it currently provides will be maintained.

A full response to the consultation will be submitted to the East of England Ambulance Service NHS Trust before the closing date of 31st December 2010.

46. REPORT OF THE CABINET

The Panel has been acquainted with the outcome of the Cabinet's deliberations in response to its reports on the Cambridgeshire Local Investment Plan and the Homelessness Strategy.

47. CAMBRIDGESHIRE ADULTS WELL-BEING AND HEALTH SCRUTINY COMMITTEE

The Panel has received an update on matters currently being considered by the Cambridgeshire Adults, Well-Being and Health Scrutiny Committee including the Older Peoples Mental Health Service in Huntingdonshire and Fenland, a Member led review of access to services and support for people with dementia and their carers, rehabilitation services in Cambridge City and South Cambridgeshire, scrutiny of the adult support services integrated plan and day care services in Cambridgeshire.

Other Matters of Interest

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

The Panel has reviewed its programme of studies. It has been noted that, subject to approval from the Department of Health and other regulators, Circle has been appointed to take over the management of Hinchingsbrooke Hospital with effect from 1st June 2011. The Panel will extend an invitation to Circle to attend a Panel meeting in June/July 2011 to discuss their plans for the Hospital.

The Panel will be undertaking work on the voluntary sector and on the Council's Customer Service Centres at future meetings. This work is intended to inform the Council's future decisions on the budget.

49. WORK PLAN STUDIES

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

50. LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN

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

51. SCRUTINY

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

S J Criswell
Chairman

Development Management Panel

Report of the meeting held on 15th November 2010

Matter for Decision

14. DEVELOPMENT APPLICATION - PROPOSED DEPARTURE FROM DEVELOPMENT PLAN AND SECTION 106 APPLICATION - DEVELOPMENT OF WORLD WAR II AIRFIELD SITE TO PROVIDE TWO PURPOSE BUILT FACTORY UNITS WITH ASSOCIATED HARDSTANDING AND EXTERNAL STORAGE, LAND NORTH OF HIGHFIELD HOUSE, CHURCH ROAD, WARBOYS

Enclosed at Agenda Item No. 7 for the Council meeting is a report by the Planning Service Manager (Development Management) containing details of an application considered by the Panel for the erection of two units comprising 13,620 square metres which would be used for B2 (General Industrial), ancillary storage and office purposes on a site east of the B1040, 1.4 kilometres south of Warboys. The application which has been submitted by Ruston's Engineering Company Ltd (RECO) would enable the company to vacate their existing site (within the Huntingdon West Action Plan Area) located on Brampton Road, Huntingdon, relocate approximately forty staff and consolidate its business on one site (by bringing its operations in Huntingdon and Wisbech together).

The application is placed before the Council as a departure because the site lies within the open countryside and its development in principle, would be contrary to policy En17 of the Huntingdonshire Local Plan, 1995 and policy P7 of the Development Management DPD: Proposed Submission. In considering the application, therefore, the Panel was required to consider whether there were material planning considerations which justified supporting the development as a departure from the adopted Development Plan. To assist their deliberations, the Panel received representations from Mr Ruston, the applicant. The Panel also were advised of the views of the Section 106 Agreement Advisory Group who had indicated their support for the terms proposed in a planning obligation which would ensure that RECO is the first occupier of the proposed site and secure the cessation of the use of the site in Huntingdon following their occupation of the new development.

In reaching its conclusion, the Panel was aware that planning consent already had been granted for a new road linking Brampton Road and Ermine Street through the area west of Huntingdon Town Centre. The link and the wider redevelopment of the area requires RECO to vacate the current premises at Brampton Road. Not wishing to see

any job losses, the Panel has been assured that the relocation would meet two key objectives of the adopted Core Strategy - the redevelopment of the area west of Huntingdon Town Centre (policies CS2 and CS7) and the retention/provision of employment opportunities. Therefore, having taken into account the relevant material considerations, having recognised that the proposal presents an opportunity to bring the Huntingdon and Wisbech operations to one site, that there would be only a limited visual impact and no significant detrimental impact on local residents and businesses, the Panel

RECOMMEND

- (i) that the Director of Central Services be authorised to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that Ruston's Engineering Co Ltd is the first occupier of the proposed new factory units at Church Road, Warboys and to secure the cessation of the use of the company's existing site in Huntingdon following its occupation of the proposed new development; and**
- (ii) that, subject to the completion of the Agreement referred to in recommendation (i) above and to conditions to be determined by the Head of Planning Services the Council be recommended to approve the application.**

Matters for Information

15. OTHER DEVELOPMENT APPLICATIONS

In addition to the application discussed at Item No. 14, the Panel has determined a total of fourteen applications of which nine were approved and five were refused. Whilst the majority of applications determined related to minor development, three had wider public interest as the Panel, having indicated their support for the proposal, authorised the Head of Planning Services to determine an application for a new scout and guide centre at Great Drove and Mere View, Yaxley subject to the prior submission of a ground contamination risk assessment that demonstrates that the site is or can be made suitable for the proposed use. In addition, the Panel refused an application for the erection of a new Lidl neighbourhood foodstore on Stukeley Road, Huntingdon principally because the applicant had failed to demonstrate why the store could not be located in the town centre. Arising from the Panel's discussion of an application concerning a mobile home park at Wood Lane, Ramsey, the Head of Planning Services has undertaken to bring forward a policy which would enable the provision of affordable units to meet the housing needs identified in specific rural locations.

16. SECTION 106 AGREEMENT ADVISORY GROUP

The Panel has appointed Councillor P L E Bucknell to replace Councillor Mrs B E Boddington in the membership of the Section 106 Agreement Advisory Group.

**17. DEVELOPMENT MANAGEMENT:
PROGRESS REPORT - 1ST JULY - 30TH SEPTEMBER 2010**

Further to Item No. 8 of their Report to the meeting of the Council held on 29th September 2010 and following the regular review of the activities of development management services over the period 1st July - 30th September, the Panel was pleased to note that the number of applications submitted in the quarter had improved over that recorded during April to June which had in turn resulted in a consequential increase in income.

P G Mitchell
Chairman

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Employment Panel

Report of the meeting held on 15th November 2010

Matters for Information

12. RECOMMENDATIONS ARISING FROM THE EMPLOYEE LIAISON ADVISORY GROUP

Having been made aware of a request from Employees Side Representatives to extend the period during which employees may apply for the Voluntary Release Scheme until the Council's Budget has been determined in February 2011, the Panel has concluded that it would not be practical or equitable to extend this stage of the scheme and noted that Directors and Heads of Service in preparing plans for achieving savings in 2011/12 had been requested to discuss them with employees affected at the earliest stage.

The Panel has also been acquainted with the discussions which had taken place at a recent meeting arranged for all staff by Employee Side and Unison representatives, on the Council's draft Budget and the implications for employees and on progress with the suggestion scheme for savings identified by employees.

13. CHANGES TO THE EMPLOYEE LIAISON ADVISORY GROUP

The Panel has been acquainted with the outcome of the review by the Democratic Structure Working Group on the operation of the Employment Panel and its related structures, which had been endorsed by the Council at their meeting in September 2010.

Although the Council had made no adjustments to the operation of the Employment Panel, the Panel has noted the changes which had been made to the membership and operation of the Employee Liaison Advisory Group (ELAG). Consequently the Panel has appointed Councillors J W Davies, Mrs P A Jordan, P A Swales and T V Rogers to serve on the Group for the remainder of the Municipal Year.

The Panel has also endorsed minor changes to the Group's terms of reference. These changes related to the size of the quorum and also will enable attendance of Trade Union representatives on an advisory or consultative basis if required.

14. VOLUNTARY REDUNDANCY SCHEME

The Panel has received an update on the roll-out of the Voluntary Release Scheme across the Council. Having noted that the first stage

had now concluded, the Panel was informed that three applications had recently been considered by the Employee Selection Panel.

The Panel also has been advised of progress with the second stage, noted that there were 6 weeks remaining and received details of the guidance and support which was being given to Managers and employees by HR Services.

As part of their deliberations, the Panel were updated on the ongoing review of Pay, Pay Structure and Allowances, which would form the basis of discussions with employees in due course.

15. DISABILITY AT WORK POLICY

To comply with the 2010 Equality Act and reflect best practice, the Panel has adopted a policy for disability at work. The Policy is intended to ensure that disabled employees are supported at work and that they do not encounter unfair discrimination or harassment on the grounds of disability. It also provides managers and employees with guidance on a range of reasonable adjustments that the Council can provide to disabled employees to support them in the workplace.

16. EQUAL OPPORTUNITIES MONITORING REPORT

Having noted that the 2010 Equality Act requires the Council to publish information relating to the characteristics of its employees, the Panel has received and noted the results of the equal opportunities monitoring of its workforce over the period 1st April 2009 to 31st March 2010.

In reviewing the statistics, the Panel has observed several issues which reflect well on the organisation and suggest that there is no evidence of discrimination within the Council. The Panel has also noted that further reports will be produced as required under the Act, Regulations and Codes of Practice and that every effort would be made to ensure that they provide a cost benefit.

Further details are available from the People, Performance & Partnerships Division on request.

P A Swales
Chairman

Corporate Governance Panel

Report of the meeting held on 8th December 2010

Matters for Information

**13. EXTERNAL AUDITOR'S REPORT:
ANNUAL AUDIT LETTER 2009/10**

The Panel has been acquainted with the Council's Annual Audit Letter 2009/10 and noted the key areas for action by the Council over the 2010/11 financial year.

14. CALCULATION OF COUNCIL TAX BASE 2011/12

In accordance with the Local Government Finance Act 1992 and the Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended), the Panel has approved the amount calculated by the District Council as the tax base for the whole District for the year 2011/12 as 59,460. The amounts for the same year shall be for the Parishes of:-

Abbotsley	245
Abbots Ripton	130
Alconbury	555
Alconbury Weston	276
Alwalton	125
Barham & Woolley	25
Bluntisham	744
Brampton	1805
Brington & Molesworth	140
Broughton	85
Buckden	1160
Buckworth	50
Bury	607
Bythorn & Keyston	142
Catworth	141
Chesterton	58
Colne	350
Conington	73
Covington	41
Denton & Caldecote	25
Diddington	28
Earith	580
Easton	75
Ellington	232
Elton	294
Farcet	580
Fenstanton	1170

Folksworth & Washingley	345
Glatton	134
Godmanchester	2430
Grafham	237
Great & Little Gidding	122
Great Gransden	455
Great Paxton	370
Great Staughton	325
Haddon	25
Hail Weston	240
Hamerton & Steeple Gidding	52
Hemingford Abbots	330
Hemingford Grey	1155
Hilton	450
Holme	238
Holywell-cum-Needingworth	980
Houghton & Wyton	810
Huntingdon	7395
Kimbolton & Stonely	595
Kings Ripton	83
Leighton Bromswold	84
Little Paxton	1280
Morborne	11
Offord Cluny & Offord D'Arcy	505
Old Hurst	96
Old Weston	85
Perry	262
Pidley-cum-Fenton	150
Ramsey	2900
St Ives	5795
St Neots	10565
Sawtry	1730
Sibson-cum-Stibbington	210
Somersham	1385
Southoe & Midloe	160
Spaldwick	230
Stilton	785
Stow Longa	65
The Stukeleys	418
Tilbrook	110
Toseland	37
Upton & Coppingford	85
Upwood & The Raveleys	425
Warboys	1370
Waresley-cum-Tetworth	146
Water Newton	42
Winwick	38
Wistow	215
Woodhurst	152
Woodwalton	85
Wyton-on-the-Hill	415
Yaxley	2975
Yelling	142
	<u>59460</u>

15. ANNUAL REVIEW OF THE RISK MANAGEMENT STRATEGY

The Panel has endorsed minor textual amendments to the Risk Management Strategy.

16. REVIEW OF HOUSING BENEFIT FRAUD INVESTIGATION ACTIVITY AND THE COUNCIL'S WHISTLEBLOWING POLICY

The Panel has been acquainted with the activity of the Benefits Fraud Investigation Team over the period from 2007 to 2010 and has received details of new work areas undertaken by the Team which include the collection of debts arising from benefit overpayments.

In terms of the annual review of the whistleblowing policy and guidance, the Panel has been advised that no changes are required and that 19 incidents were received through the various whistleblowing channels over the past year.

17. REVIEW OF THE ANTI-FRAUD AND CORRUPTION STRATEGY

The Panel was acquainted with the outcome of a review of the Anti-Fraud and Corruption Strategy. The review has taken into account the implications for the Council of the Bribery Act 2010, which requires minor changes to be made to the strategy, Employees Code of Conduct and Code of Financial Management. Given that the alterations to the latter two Codes would require changes to be made to the Council's Constitution, the proposed amendments will be managed as part of imminent reviews of the code of conduct and the constitution which will be considered by the Panel in the spring cycle of meetings. The Panel has therefore endorsed the amendments to the two codes in principle. Additionally, Members have approved changes to the Strategy and requested Heads of Service to review and identify service areas that may be susceptible to bribery and introduce appropriate controls to minimise the opportunity for offences.

T D Sanderson
Chairman

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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