

A meeting of the **CABINET** will be held in **CIVIC SUITE 0.1A PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **THURSDAY, 22 NOVEMBER 2012** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES


Contact
(01480)

1. MINUTES (Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 18th October 2012.

Mrs H J Taylor
388008

2. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary, non-disclosable pecuniary or non pecuniary interests in relation to any Agenda item. See Notes below.

3. HOUGHTON & WYTON CONSERVATION AREA BOUNDARY REVIEW (Pages 9 - 36)

To consider a report by the Head of Planning and Housing Strategy on the Houghton and Wyton Conservation Area Character Assessment and Boundary Review.

S Ingram
388400

Hardcopies of the Area Character Assessment and Boundary Review have been circulated to Members of the Cabinet only.

4. THE CONTRIBUTION OF LOCAL AGRICULTURE TO THE ENVIRONMENT AND ECONOMY IN THE CONTEXT OF PLANNING POLICIES (Pages 37 - 44)

To consider the report of the Overview and Scrutiny Panel (Environmental Well-Being).

Mrs J Walker
387049

5. ASSETS OF COMMUNITY VALUE (Pages 45 - 54)

To consider a report by the Head of Legal and Democratic Services outlining proposed arrangements for the Council to deal with applications for listing community assets.

6. CONTROLLED WASTE REGULATIONS (Pages 55 - 66)

To consider a report by the Head of Operations on Controlled Waste Regulations.

E Kendall
388635

7. CHARGING FOR A SECOND GREEN BIN (Pages 67 - 82)

To consider a report by the Head of Operations detailing options for charging for a second recycling bin.

**E Kendall
388635**

**8. GAMBLING ACT - REVISED STATEMENT OF PRINCIPLES
(Pages 83 - 134)**

To consider a report by the Head of Legal and Democratic Services seeking approval for a revised Statement of Principles.

**Ms C Allison
388010**

9. HUNTINGDONSHIRE AREA JOINT ROAD SAFETY COMMITTEE

The Executive Leader to propose a variation to the membership of the Huntingdonshire Area Road Safety Committee.

Dated this 14 day of November 2012



Head of Paid Service

Notes

A. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it*

(a) relates to you, or

(b) is an interest of -

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife; or

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

(a) any employment or profession carried out for profit or gain;

(b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);

- (c) any current contracts with the Council;
- (d) any beneficial interest in land/property within the Council's area;
- (e) any licence for a month or longer to occupy land in the Council's area;
- (f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or
- (g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

B. Other Interests

(4) If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.

(5) A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -

- (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- (b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

Please contact Mrs H Taylor, Senior Democratic Services Officer, Tel No. 01480 388008/e-mail Helen.Taylor@huntingdonshire.gov.uk /e-mail: 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 Cabinet.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

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

If you would like a translation of
Agenda/Minutes/Reports or would like a
large text version or an audio version
please contact the Democratic Services Manager

and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CABINET held in the Civic Suite, Room 0.1A, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Thursday, 18 October 2012.

PRESENT: Councillor J D Ablewhite – Chairman.
Councillors B S Chapman, J A Gray,
N J Guyatt, T D Sanderson and D M Tysoe.

IN ATTENDANCE: Councillor I C Bates for Item No. 49.

45. MINUTES

The Minutes of the meeting of the Cabinet held on 13th September 2012 were approved as a correct record and signed by the Chairman.

46. MEMBERS' INTERESTS

No declarations were received.

47. FINANCIAL MONITORING CAPITAL PROGRAMME 2012/13

By means of a report by the Head of Financial Services (a copy of which is appended in the Minute Book) the Cabinet was acquainted with anticipated cost variations and timing changes in the Capital Programme for 2012/13 financial year. Having received clarification on the extra costs identified in the report, the Cabinet

RESOLVED

that the report be received and the expenditure variations noted.

48. FINANCIAL MONITORING - REVENUE BUDGET 2012/13

The Cabinet received a report by the Head of Financial Services (a copy of which is appended in the Minute Book) on the projected budget outturn for 2012/13 together with details of variations from the previous forecast.

Members were advised that the expected outturn of revenue expenditure was £22m which represented a slight increase in that previously forecasted due to reductions in a number of income streams including estate properties, planning fees, car parks, markets and search fees. Whereupon, it was

RESOLVED

that the contents of the report now submitted be noted.

49. CHARGING FOR SECOND GREEN BIN

(Councillor I C Bates, Member of the Overview and Scrutiny Panel)

(Environmental Well-Being) was in attendance and spoke on this item).

Consideration was given to a report by the Head of Operations (a copy of which is appended in the Minute Book) setting out a case for reducing the cost of the refuse and recycling service by introducing an annual charge of £40 for an additional green waste bin. The document had been considered by the Overview and Scrutiny Panel (Environmental Well-Being) whose comments were relayed to the Cabinet. The Panel were of the opinion that the Council should not introduce a charge.

The Executive Councillor for Environment reported that the Operations Team was looking at ways to reduce its costs while maintaining service standards and raising revenue. He explained that the free collection of the first green bin for all residents would remain but the collection of additional green bins would be regarded as a premium service and therefore should attract a charge. This would be fairer to all residents and would provide a significant return for the Council.

Having regard to the practicalities of the proposals and the set up costs, the Executive Councillor for Environment expressed a view that it would be more cost effective to remove unwanted additional bins from those households not wishing to take up the premium service rather than changing the colour of the bin lid.

At the invitation of the Chairman, Councillor I C Bates, Member of the Overview and Scrutiny Panel (Environmental Well Being) addressed the Cabinet. Councillor Bates explained that the waste collection service was a highly valued service and any charge for an additional bin would damage the public perception of the Council. He stressed that the proposal could impact on the level of green waste collected at a time when the Council should be looking to increase performance by promoting recycling. He argued that the implementation of the proposal would lead to an increase in fly-tipping. Councillor Bates acknowledged that the Council needed to make further savings but was of the opinion that these should be focused on non-statutory services such as leisure. In response to which, the Executive Leader reiterated that the Council was constantly reviewing all services to identify savings as part of the budget process. He also reported that the proposal would impact on a very small percentage of the district's population. With regard to alternative saving streams, the Executive Councillor for Healthy and Active Communities reminded Members that a Business Plan for the future of the One Leisure Service would be considered at the December Cabinet meeting. Finally, the Executive Councillor for Environment assured Members that as fly-tipping was a criminal offence enforcement action would be undertaken where necessary.

Having received a request from the Chairman of the Overview and Scrutiny Panel (Economic Well-Being) that the Panel be given an opportunity to consider details of the proposal, the Cabinet

RESOLVED

that the matter be deferred to the next meeting of the Cabinet

to able the report of the Head of Operations to be considered by the Overview and Scrutiny Panel (Economic Well-Being).

50. LEADERSHIP DIRECTION

By way of a report by the Corporate Team Manager (a copy of which is appended in the Minute Book), the Cabinet was invited to consider the content of the Leadership Direction Plan.

Having noted the plan's main aims and objectives and the views of the Overview and Scrutiny Panels thereon, the Cabinet

RESOLVED

that full Council be recommended to endorse the Leadership Direction Plan.

51. PROPOSED CIL GOVERNANCE PRINCIPLES

Further to Minute No. 11/109 and by means of a report by the Head of Planning Services (a copy of which is appended in the Minute Book) the Cabinet were acquainted with progress being made with the implementation of the Community Infrastructure Levy (CIL) for Huntingdonshire and a proposed governance structure for dealing with CIL spend.

In so doing, Executive Councillors were advised that a business plan would be created by the Growth and Infrastructure Group of the Huntingdonshire Strategic Partnership. The Plan would be a living document responding to the emerging development proposals coming forward to the implementation phase. Infrastructure providers could then bid for funding as infrastructure proposals came forward. The Plan would be endorsed by the Huntingdonshire Strategic Partnership Board prior to it being formally signed off or renegotiated by the Cabinet.

Having referred to the need to continue to monitor the spend of Section 106 monies and in noting the deliberations of the Overview and Scrutiny Panel (Economic Well-Being), the Cabinet

RESOLVED

- (a) that the proposed CIL Governance Structure, appended to the report now submitted, be approved;
- (b) that further work be progressed with partners through the Huntingdonshire Strategic Partnership to develop the framework and draft business plan, to take forward the next stages required in the Governance process;
- (c) that the Head of Planning and Housing Strategy be requested to liaise with the Heads of Finance and of Legal and Democratic Services to agree draft procedural and management protocols; and
- (d) that a further report be submitted to the Cabinet as procedural and management protocols become

clearer.

52. HOUSING STRATEGY 2012-2015

Consideration was given to a report by the Housing Strategy Manager (a copy of which is appended in the Minute Book) to which was attached a copy of the Housing Strategy 2012/2015.

Members were advised that the Strategy spanned a shorter timeframe than previous documents due to the challenges and changes being experienced by the Authority including the impact of the National Planning Policy Framework, Welfare Reform Act and Localism Act and the National Housing Strategy.

Having noted the deliberations of and conclusions reached by the Overview and Scrutiny Panel (Social Well-Being) on the content of the Strategy and in stressing the Council's commitment to enabling housing which meets local needs, the Cabinet

RESOLVED

that the Housing Strategy 2012 – 2015 be approved.

53. DRAFT TENANCY STRATEGY

The Cabinet considered a report by the Housing Strategy Manager (a copy of which is appended in the Minute Book) seeking approval for the adoption of the draft Tenancy Strategy for Huntingdonshire. The Strategy had been presented to the Overview and Scrutiny Panel (Social Well-Being) whose comments were relayed to the Cabinet.

In so doing, Members' attention was drawn to a new statutory requirement under the Localism Act 2011 to have in place a Tenancy Strategy within 12 months of the Act coming into force. Members were advised that the Strategy included seven key principles relating to the offer of fixed term tenancies, affordable rents, conversions and housing management which social housing providers would be encouraged to support within their policies. Members were advised that as part of these measure, the Council would expect all registered providers to take a pro-active approach to tackling anti social behaviour. Whereupon, it was

RESOLVED

that the Tenancy Strategy 2012 be approved.

54. COMMUNITY RIGHT TO CHALLENGE

Consideration was given to a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) outlining proposed arrangements to operate the new Community Right to Challenge.

Members were advised that the Community Right to Challenge had been created by the Localism Act 2011 and introduced a right for defined organisations and persons to submit an expression of interest in taking over the provision of a service on behalf of the Council.

Where a valid expression of interest is received, the Council would be required to undertake a procurement exercise for that service which may lead to the Council awarding a contract for the service's provision. Having considered the proposed process for receiving and dealing with expressions of interest and in noting the views of the Overview and Scrutiny Panel (Economic Well-Being) thereon, the Cabinet

RESOLVED

that the Managing Directors, after consultation with the appropriate Heads of Service and the relevant Executive Councillor, be authorised to accept or reject an expression of interest on behalf of the Council.

55. UPDATE OF THE COUNCIL'S CORPORATE TRAVEL PLAN

By way of a report by the Head of Environmental Management (a copy of which is appended in the Minute Book) the Cabinet was invited to consider the content of a revised travel plan for the Council. The plan sets out four main objectives aimed at lowering costs for the Council, reducing traffic congestion in the District and improving the health and well-being of the Council's employees.

The document had been discussed by the Overview and Scrutiny Panel (Environmental Well-Being) arising from which a suggestion was made that the Council should explore the possibility of providing a bus service from the main settlements to Pathfinder House. Executive Councillors were of the opinion that such an arrangement would not be viable in terms of its environmental impact and the percentage of employees it would reach.

Executive Councillors supported a suggestion by the Panel that greater emphasis should be placed on home working and the Plan's objectives, targets and indicators could be more robust with a greater responsibility being placed on individual managers in order for the targets to succeed.

Having referred to the considerable amount of information contained in the plan, the Cabinet suggested that future Travel Plan data be consolidated into a smaller document. Whereupon, it was

RESOLVED

- (a) that the contents of the updated Corporate Travel Plan for the period 2012 – 2018, appended to the report now submitted, be approved; and
- (b) that Officers be requested to regularly review the targets contained in the Travel Plan, as part of the annual review of the Council's Environment Strategy, reflecting the Authority's focus on continuous monitoring and improvement.

56. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

Given that the report of the Head of Legal and Estates and the

attached revised Gambling Act 2005 - Statement of Principles would be considered by the Licensing Committee at their meeting on 23rd October, the Cabinet

RESOLVED

that the report of the Head of Legal and Democratic Services and the attached Statement of Principles – Gambling Act, be deferred to the next meeting of the Cabinet to enable the deliberations of the Licensing Committee to be considered at that time.

57. SAFETY ADVISORY GROUP

The report of the meeting of the Safety Advisory Group held on 12th September 2012 was received and noted.

58. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information relating to any action taken in connection with the prevention, investigation or prosecution of a crime.

59. HOUSING BENEFIT - INTRODUCTION OF RISK BASED VERIFICATION

Consideration was given to a report by the Head of Customer Services (a copy of which is appended in the Annex to the Minute Book) outlining a proposal to introduce Risk Based Verification for new Housing and Council Tax Benefit claims submitted through the Council's online claim facility.

In noting monitoring arrangements and the financial implications of introducing the new system, the Cabinet were advised that the process would be considered by the District Council's Auditors to ensure that it works correctly and that they would expect to see a reduction in fraud against the Council as a consequence of its implementation.

Members' attention was drawn to the conclusions reached by the Overview and Scrutiny Panel (Economic Well-Being) and the Corporate Governance Panel relating to the scheme's cost and implementation. In that respect, Members were advised that the scheme would apply to Council Tax support claims from April 2013 following the abolition of Council Tax Benefit as well as continuing to apply to Housing Benefit claims. Whereupon, it was

RESOLVED

that the Benefits Risk Based Verification Policy, appended to the report now submitted, be approved.

Chairman

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COMT
OVERVIEW & SCRUTINY (ENVIRONMENTAL
WELLBEING)
DEVELOPMENT MANAGEMENT PANEL
CABINET

29 OCTOBER 2012
13 NOVEMBER 2012

19 NOVEMBER 2012
22 NOVEMBER 2012

THE HOUGHTON AND WYTON CONSERVATION AREA CHARACTER ASSESSMENT AND BOUNDARY REVIEW

(Report by Head of Planning & Housing Strategy)

1. INTRODUCTION

- 1.1 The purpose of this report is to describe the technical and consultation processes that have informed the proposed Boundary Review and Character Assessment of the Houghton and Wyton Conservation Area, and recommend to Cabinet that both documents are supported for formal adoption.

2. BACKGROUND

- 2.1 The key current legislative and policy background that underpins the process of undertaking a Conservation Area boundary review are set out in:
- The Planning (Listed Buildings and Conservation Areas) Act 1990
 - The National Planning Policy Framework (2012)
- 2.2 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places duties on local planning authorities:
- To designate as Conservation Areas any “*areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*” (Section 69).
 - To “*from time to time to review the past exercise of functions under this section and to determine whether parts or any further parts of their area should be designated as conservation areas.*” (Section 69 (2)).
 - To formulate and publish proposals for the preservation and enhancement of its Conservation Areas (Section 71).
- 2.3 Paragraph 127 of the National Planning Policy Framework (March 2012) states that “*when considering the designation of Conservation Areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.*”

2.4 In 2011 Huntingdonshire District Council received a request from Houghton and Wyton Parish Council to undertake a review of the existing Houghton and Wyton Conservation Area (see Appendix 1). This review required an analysis to identify the extent and special interest of the area, which was considered through the preparation of a Conservation Area Character Assessment and related Boundary Review proposals.

2.5 The analysis considered the whole of the existing Conservation Area, and also included additional areas, particularly in the context of St Ives West strategic direction of growth identified in the Core Strategy (adopted 2009).

3. THE CONSERVATION AREA CHARACTER ASSESSMENT AND BOUNDARY REVIEW

3.1 The Houghton and Wyton Conservation Area was originally designated on 14 October 1974. The boundary of the area was drawn tightly around building groups and did not reflect a thorough or justified examination of the wider area's historic merit or development. It was consequently amended on 18 February 1980.

3.2 In 2003, the Houghton and Wyton Conservation Area boundary was considered as a case study under criteria established within the District Council's adopted "*The Review of Conservation Area Boundaries in Huntingdonshire*" document. The case study concluded that the Conservation Area boundary could be amended to include areas of special interest to the north of the A1123 to include historic fields to the south of Thicket Road and parts of Houghton Hill to the north of Thicket Road.

3.3 In 2011, at the request of Houghton and Wyton Parish Council, the case study was re-examined in reference to current best practice, and to take account of potential new development in the area. A thorough re-examination of the earlier Conservation Area boundary review concluded that the 2003 case study had accurately identified the special interest of areas intended for inclusion within any revised boundary. The case study was therefore taken forward through a formal boundary review process, leading to the creation of the Houghton and Wyton Conservation Area Boundary Review document which has been subject to public consultation.

3.4 The enlarged area proposed within the Houghton and Wyton Conservation Area Boundary Review document (see Appendix 2) reflects the findings of an updated Conservation Area Character Assessment that was prepared as part of the boundary review process. A Conservation Area is defined as a 'Designated Heritage Asset' and the policies related to these are a material consideration which must be taken into account in development management decisions. The Conservation Area Character Assessment describes the nature, extent and importance of the historic environment. It provides guidance to residents, developers and agents to assist them to prepare development proposals that seek to sustain and enhance the Conservation Area.

- 3.5 The content of the Character Assessment complies with the 2011 English Heritage guidance and seeks to convey the special architectural and historical interest of the Conservation Area through maps, photographic illustrations and written text. Specific references are made to:
- The essential characteristics of the Conservation Area including settlement pattern, important views, focal points and landmark buildings.
 - Detailed assessments of the character of distinct areas or zones within the conservation area.
 - The historic development of the villages and their listed buildings.
 - The contribution of green open spaces, trees and gardens to the special interest of the Conservation Area.
- 3.6 The amended Conservation Area boundary addresses the historic interest of the settlement, as well as reflecting the setting of the villages and significant views and vistas. It is proposed that some areas of more recent development within the village should be excluded from the Conservation Area as these do not meet the criteria for continued inclusion. The proposed new Houghton and Wyton Conservation Area boundary is shown in Appendix 2.

4. PUBLIC CONSULTATION

- 4.1 The District Council consulted on the draft Conservation Area Character Statement and Boundary Review proposals for 8 weeks from 6 July to 31 August 2012. The consultation commenced with a staffed exhibition at the Houghton and Wyton Village Fete on Saturday 7 July 2012. Consultation letters were sent to the residents at 65 addresses affected by the proposed boundary changes, and 13 stakeholder consultees including local Members.
- 4.2 The District Council's Conservation Team ran two public exhibitions in the Houghton Memorial Hall on 17 and 18 of July 2012. These were advertised by the Parish Council and through the HDC website. The events were based on the consultation documents, and also exhibited historic maps and other relevant information.
- 4.3 The consultation documents were advertised and posted on the HDC website, and responses could be made through the District Council's website based consultation portal, which further advertised the consultation documents to some 3,500 correspondents and statutory consultees. Hard copies of the draft documents and consultation response forms were placed in the Huntingdon Customer Service Centre, Huntingdon and St Ives Libraries.

5. CONSULTATION RESPONSES

- 5.1 The consultation process generated 26 responses which were received via telephone, letter, email and through the Councils' website consultation portal. A summary of all the feedback received may be found as Appendix 3 at the back of this report. A Map indicating the areas suggested by respondents for addition or omission from the revised conservation area is Appendix 4. All the responses have been reviewed and suggested amendments to the proposed boundary assessed against the criteria for inclusion within a conservation area:
- 5.2 Many respondents suggested more than one amendment to the conservation area boundary. Ten additional areas and two lanes (see Appendix 2) were put forward for inclusion within the conservation area. These areas were once again re-assessed to establish whether they met the criteria for inclusion within a conservation area, the test being whether those areas possess special historic or architectural interest or contribute to the special historic or architectural interest of the Conservation Area.

Proposed Additional Areas – results of re-assessment

Area One: The How, St Ives

- 5.3 One response proposed that The How and its grounds be included within the Houghton and Wyton Conservation Area. The How is a small country house set within extensive grounds just north of what were previously the clay quarries of The How Brick Works.

Response to Representation

- 5.4 The building is not listed and was previously determined to have insufficient special interest for inclusion within the St Ives Conservation Area. No special historic relationship between The How and Houghton and Wyton could be found and therefore it shall not be included within the Houghton and Wyton Conservation Area.

Area Two: Field to the east of Houghton Grange (BBSRC field)

- 5.5 Eight responses proposed that the former BBSRC field should be included within the Houghton and Wyton Conservation Area. This field was formerly located within the St Ives town boundary and was assessed in 2007 in respect of inclusion within the St Ives Conservation Area. Although it was proposed for inclusion in the draft proposals, this was challenged during the consultation phase of the St Ives boundary review because respondents argued that it did not have special interest or make a significant contribution to the setting of St Ives. Upon re-assessment at that time it was agreed that there was insufficient special interest and therefore the decision was made not to include this field within the St Ives Conservation Area.

Response to Representations

- 5.6 The significance of this field has been re-assessed for inclusion within the Houghton and Wyton Conservation Area. The field now lies within the Houghton and Wyton parish boundary as a result of a change in the parish boundaries following the creation of the Wyton on the Hill administrative area in 2009. The field has historically been farmland in the parish of St Ives but was developed in part as a Poultry Research Station in the late 1950s.
- 5.7 No new evidence to support an assessment of special interest has been put forward by respondents, or revealed in the investigations of District Council's Conservation team. The question is therefore whether the land makes a significant contribution to the setting of the Conservation Area, which is one of the key criteria in assessing whether boundary changes can be justified. This is principally assessed by identifying views from within the Conservation Area which include the land under consideration. The BBSRC field is shielded from the Conservation Area by The Thicket to the south and by the deep hedgerows of the Houghton Grange estate. The land is not visible from the Great Ouse valley or from Thicket Road.
- 5.8 It is therefore considered that, under the criteria required within the Conservation Area boundary review process, the field does not contribute to the special interest of the Houghton and Wyton Conservation Area and should not therefore be included within the boundary.

Area Three: The Thicket

- 5.9 Three responses suggested that The Thicket be included within the Conservation Area.

Response to Representations

- 5.10 The Thicket is already included within the St Ives Conservation Area reflecting its historic connection with St Ives. It is considered that The Thicket should remain a part of St Ives Conservation Area.

Area Four: Field north of Houghton Grange

- 5.11 One response suggested that the field located opposite Houghton Grange should be included in the Conservation Area. This field is now situated within the parish of Wyton on the Hill; the eastern boundary of this field marks the historic boundary between Houghton and Wyton and St Ives. The western boundary is characterised by the trackway and approaches to Houghton Hill Farm.

Response to Representation

- 5.12 Historic map evidence suggests that the field, which was previously sub divided into three, has been farmland since the late 1700s. Crop marks indicate the presence of former ridge and furrow earthworks in the south eastern corner but these have long since been ploughed out. The field has

no special interest that would justify its inclusion within the Houghton and Wyton Conservation Area.

Area Five: Triangle of land centred on the site of the former Black Eagle Windmill

- 5.13 Five responses suggested that the site of the former Black Eagle Mill and surrounding fields bounded by the A1123, B1090 and Cottage Lane be included within the Conservation Area. The Black Eagle Windmill was a post mill situated on the crest of Houghton Hill. One door lock from the Black Eagle Windmill bearing the date of demolition (1902) is kept in the National Mills Archive reference collection and a second lock and key is held in the Norris Museum post-medieval collection. The mill was painted by the artists Henry Woods and David Woodlock.

Response to Representations

- 5.14 Apart from the mill mound, nothing remains of the windmill itself. The miller's house and a small barn survive, the house being Grade II listed. The surrounding land is farmland of no special interest. The building is listed and therefore has special interest in itself, but the loss of the windmill has removed the special interest of its historic context to the conservation area and therefore, on balance, the mill house should not be included within the Conservation Area.

Area Six: Hill Estate

- 5.15 One response suggested that The Hill Estate should be included within the Conservation Area due to historic interest, trees and green space worthy of protecting. The estate was built between 1949 and 1965 and is of a typical post war character and appearance. The grassy central area and mature trees are a valuable amenity resource for residents.

Response to Representation

- 5.16 The Hill Estate is an interesting survival from the post war period but it stands separate from the principal historic area of Houghton and does not have the special interest that would contribute to the character and appearance of the wider conservation area. The area is not suitable for inclusion within the Conservation Area boundary.

Area Seven: Former gravel quarries, now lakes, to north of A1123

- 5.17 Two responses suggested that these ponds should be included within the Conservation Area for their landscape value.

Response to Representations

- 5.18 Although the lakes provide general habitat and landscape value they were created from gravel workings less than 5 years ago and have no special

historic interest that would justify their inclusion within the Conservation Area.

Area Eight: Common land to the south west of Houghton Hall

- 5.19 One response suggested that the area of common land to the south west of Houghton Hall should be included within the Conservation Area. The common land and meadows to the south east of Houghton Hall are already proposed for inclusion within the Conservation Area due to their contribution to the special interest of Houghton and Wyton.

Response to Representation

- 5.20 Upon re-assessing this area it became apparent that the land corresponds to a shared 'common' marking the convergence of Ware Lane, St Ives Road, Ruddles Lane, Mere Way and Meadow Lane. This important historic gateway to Houghton and Wyton, and the associated meadows to the south, remain identifiable to travellers along the A1123 as an area of green space incorporating wide grassy verges and mature hedgerows. The common land contributes to the special interest of the Conservation Area and is therefore proposed for inclusion within the Conservation Area boundary.

Area Nine: Common Land to west of Splash Lane

- 5.21 One response suggested the inclusion of a small area of common land to the west of Splash Lane which has an historic link with the villages but which has been separated from Wyton by the A1123.

Response to Representation

- 5.22 Unfortunately, the historic and physical relationship to the village has been lost and there is not a justification for it to be included within the Conservation Area.

Area Ten: North bank of the River Great Ouse, west of Wyton

- 5.23 Five responses suggested that the north bank of the River Great Ouse west of Wyton should be included within the Conservation Area. The southern bank and water meadows are included within The Hemingfords Conservation Area.

Response to Representations

- 5.24 There are long views across the meadows from The Hemingfords but from the southern bank of the river the character of the land beyond the north bank is of arable land mostly screened by willow trees and natural vegetation. The river bank landscape forms part of the setting to the Houghton and Wyton Conservation Area but it has insufficient special interest in its own right to be included in the Conservation Area.

Ruddles Lane and Splash Lane

- 5.25 One response suggested that Ruddles Lane and Splash Lane should be included within the Conservation Area.

Response to representation

- 5.26 Splash Lane is an historic trackway which has been separated from Wyton by the A1123 and its physical and contextual relationship to the village has been lost. Ruddles Lane is also an ancient trackway that has also been severed from its historic context by the A1123. However, it retains a physical relationship with the common land north of Houghton and contributes to an understanding of the significance of Ware Lane which makes an important contribution to the historic development of Houghton and Wyton. Due to this significance, a 60m length of Ruddles Lane which abuts the common land north of Houghton is proposed to be included within the Conservation Area.

Areas Proposed For Exclusion – results of re-assessment

- 5.27 Two responses suggested that the proposed Conservation Area boundary should be reduced in size to exclude Houghton Grange, and Houghton Hill in its entirety.

Houghton Grange

- 5.28 One respondent suggested that Houghton Grange and its grounds should not be included for the following reasons:
- The site adds no appreciable spatial quality from a longer distance due to screening from belts of trees on three sides
 - The site does not form part of a key settlement edge
 - The existing trees are already protected with Tree Preservation Orders
 - Much of the historic quality of the site has been lost through the piecemeal development of outbuildings and laboratories which are now in disrepair
 - The site has no archaeological significance
 - Opportunities for economic regeneration and character enhancement are already fully covered by the approved residential development

Response to Representation

- 5.29 Having re-assessed Houghton Grange and its grounds it has been concluded that it should remain as part of the proposed Conservation Area for the following reasons:
- The belts of trees surrounding Houghton Grange are part of a planned landscape which defines an historic estate and contributes to the special interest of the Conservation Area.
 - The site marks the furthest eastward expansion of Houghton when wealthy Victorian and Edwardian patrons bought large parts of Houghton Hill to establish their country houses and estates. This makes an important contribution to the special interest of the Conservation Area.
 - The Conservation Area designation is not being made solely to protect veteran trees. The protection afforded by the designation will allow future management of the site to better reveal the significance of surviving heritage assets.
 - A recent Archaeological Evaluation Report¹ suggests limited survival of cut features due to landscaping for the Houghton Grange gardens and due to later BBSRC activity. This does not lessen the special interest of the estate as a whole.
 - Designation will continue protection of the character and appearance of the historic environment after the approved development is complete.

Houghton Hill

Response to representation

- 5.30 Houghton Hill has been shaped by the eastward expansion of Houghton in the 19th Century when wealthy Victorian and Edwardian patrons bought large parts of Houghton Hill to establish their country houses and estates. The estate grounds were planned and modified to enhance the natural landscape. This makes an important contribution to the special interest of the Conservation Area and therefore the proposed part of Houghton Hill shall be included.

¹ Oxford Archaeology East, unpublished archaeological evaluation report No 1046. HER Event No.ECB 2283 (2008).

Consultation feedback - other matters for consideration

County Wildlife Sites

- 5.31 The Wildlife Trust expressed concern that including Wildlife Trust managed land in the Conservation Area would result in unnecessary bureaucracy and disrupt day to day running of the sites, due to the additional protections afforded to trees by the designation of a Conservation Area. The Wildlife Trust asked the Local Authority to consider whether there were any additional benefits to having the County Wildlife Sites included within the Conservation Area.

Response to Representation

- 5.32 The District Council's Trees and Landscape Team confirms that long term agreements which allow for a five year management plan for coppicing tree works would be acceptable. The Wildlife Trust land proposed for inclusion within the Houghton and Wyton Conservation Area has special interest in its own right but is also important in providing the historic landscape setting for the built environment. It shall therefore be included within the Conservation Area as proposed.

General feedback

- 5.33 Invaluable feedback was provided by local historians and other consultees who made suggestions regarding aspects of the historical content of the draft Conservation Area Character Statement and Boundary Review documents, which have been amended and refined as a result.

6. CONCLUSIONS

- 6.1 The production of the Character Assessment and Boundary Review documents for the Houghton and Wyton Conservation Area contributes to the legal obligations of Huntingdonshire District Council as the local planning authority, and reflects the Authority's support for local heritage assets and their contribution to the quality of life of this and future generations.

7. RECOMMENDATION

- 7.1 That Cabinet endorses the revised Houghton and Wyton Conservation Area Character Assessment and Conservation Area Boundary Review and recommends that both documents are supported for formal adoption.

BACKGROUND PAPERS

Huntingdonshire Design Guide SPG 2007

Huntingdonshire Landscape and Townscape Assessment SPG 2007

Conservation Area Boundary Review Policy Document, Huntingdonshire District Council, January 2003.

National Planning Policies Framework, DCLG, 2012.

Understanding Place: Conservation Area Designation Appraisal and Management, English Heritage, 2011.

HDC Internal Conservation Team Document: Houghton and Wyton Conservation Area Review Ranging Survey, 2003. (Full text in Boundary Review document, annex 1).

HDC Internal Conservation Team Document: Houghton and Wyton Conservation Area Review Site Survey, 2003, revised 2011. (Full text in Boundary Review document, annex 2)

CONTACT OFFICER

Nick Armour, Conservation Officer - 01480 388416


Nick.Armour@Huntingdonshire.gov.uk

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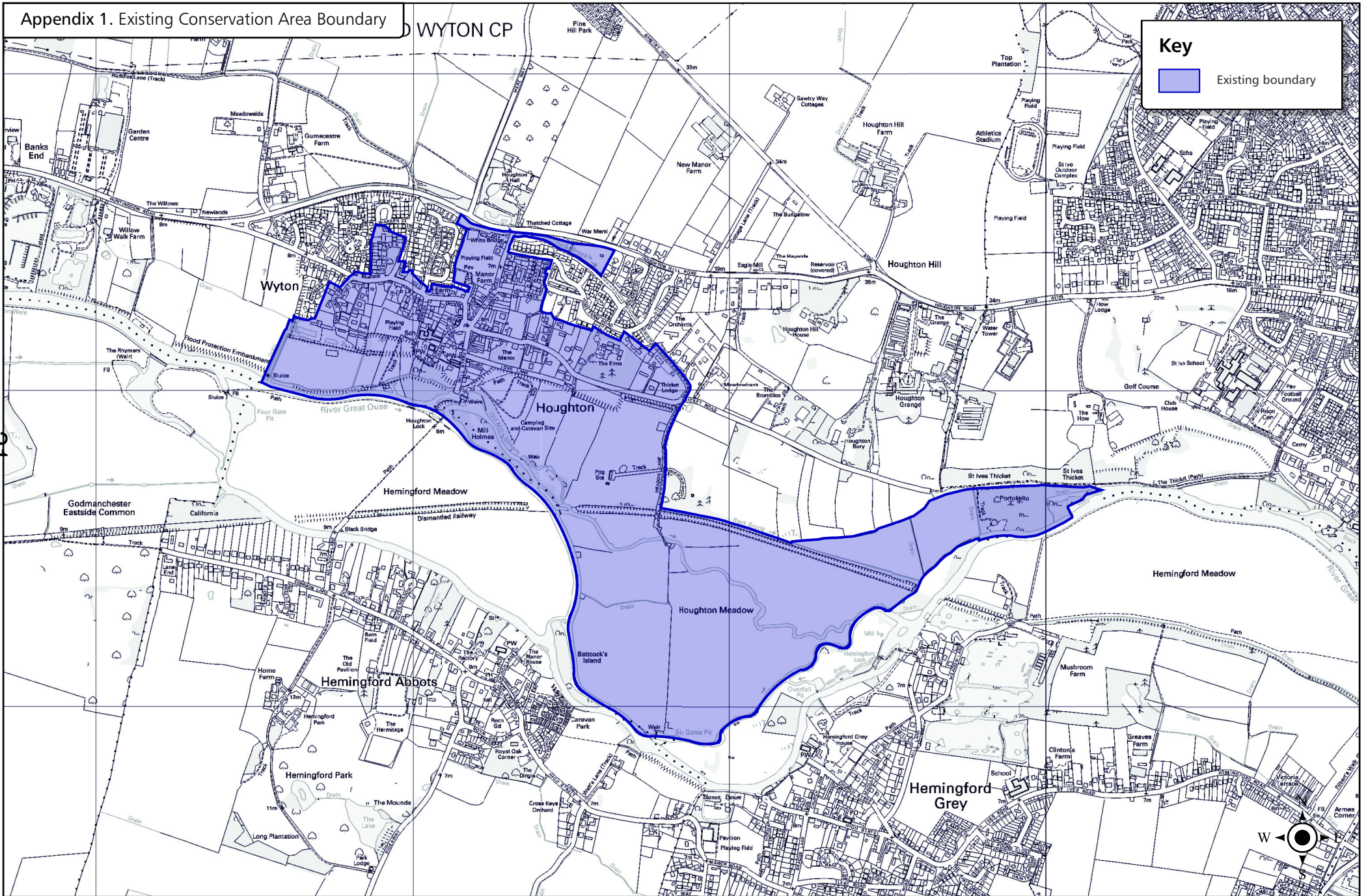
Appendix 1. Existing Conservation Area Boundary

WYTON CP

Key

 Existing boundary

21




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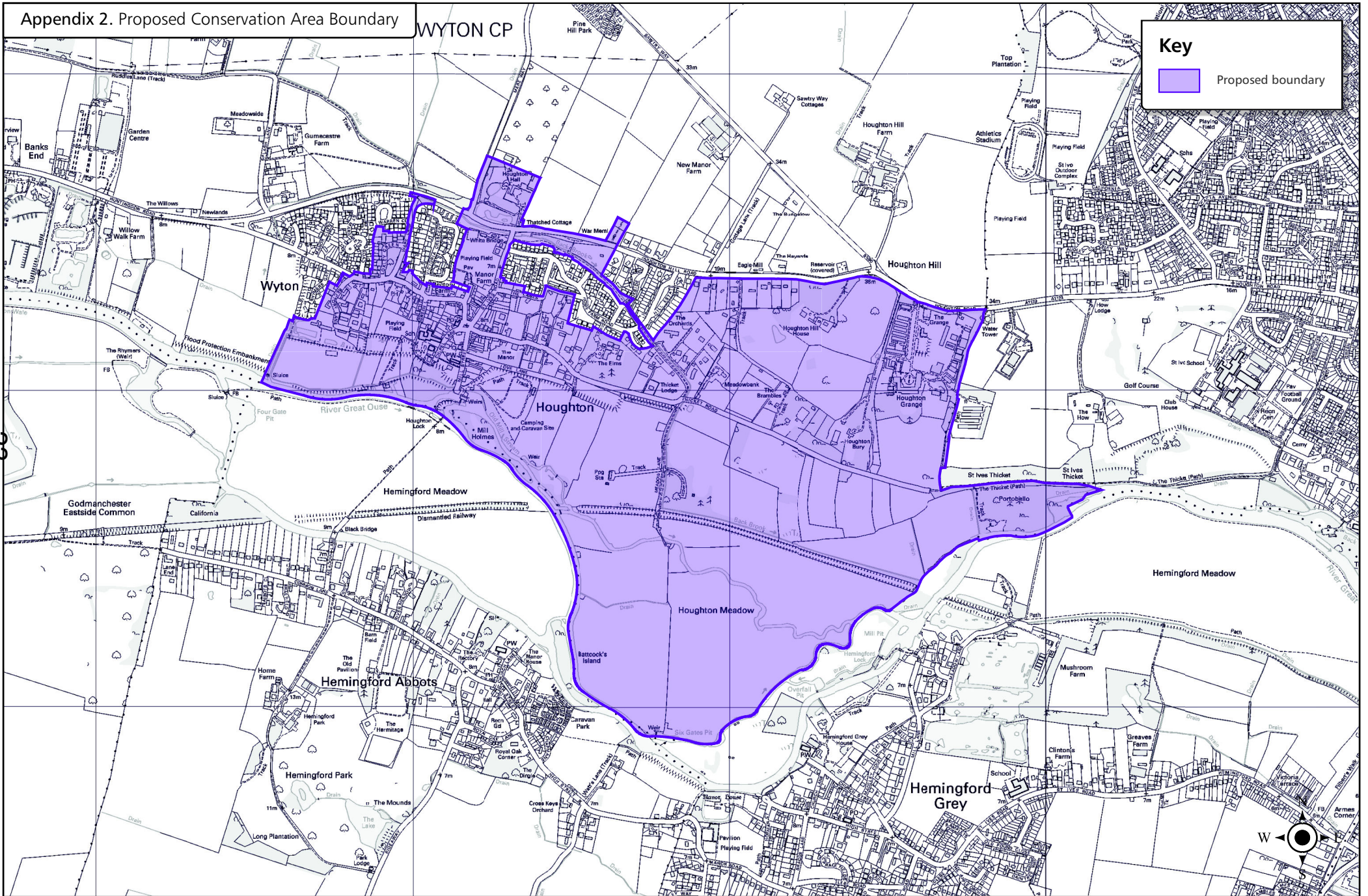
Appendix 2. Proposed Conservation Area Boundary

WYTON CP

Key

 Proposed boundary

23



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Houghton and Wyton Conservation Area review consultation

APPENDIX THREE - RESPONSES SUMMARY

Action Summary:

1 – Amendment to document made.

2 – Amendment to document not made.

Respondent	Ref. no.	Address	Summary of Issues Arising	Action
Resident	1	Telephone Caller – Wyton Village	Caller has trouble differentiating colours of areas to be included and excluded on Boundary Review maps 8 and 9. Key shows incorrect line colours.	1
Comments Form	2	N/A	1) Supports boundary change. 2) Does not think proposed boundary is correct. 3) Should be larger. 4) Finds CA documents useful. 5) Will send in more comments. 6) Include river frontage to west and landscape to east.	2
Comments Form	3	N/A	1) Supports boundary change. 2) Thinks proposed boundary is correct. 3) Could include Ruddles Lane but understands why this is not proposed. 4) Finds CA documents useful. 5) No comments on content. 6) No other issues.	2
Comments Form	4	N/A	1) Supports boundary change. 2) Does not think proposed boundary is correct. 3) Include The Thicket. 4) No comment. 5) No comment. 6) No other issues.	2

Comments Form	5	N/A	<ol style="list-style-type: none"> 1) Supports boundary change as a means to giving greater protection to H&W parish. 2) Thinks proposed boundary is correct. 3) No comment. 4) Finds CA documents readable and informative. 5) No comments on content. 6) Ensure implementation of S.106 improvements to Thicket Road. 	2
Comments Form	6	N/A	<ol style="list-style-type: none"> 1) Does not support proposed boundary changes as it is big enough already. 2) Does not think proposed boundary is correct. 3) The area to the east of Houghton should be omitted. 4) Finds CA documents useful. 5) No comment. 6) Character assessment should address proposed development of St Ives. <p>Additional map showing revision to subdivision of area L.</p>	2
Mr and Mrs Lucking (Residents, Ward Close)	7	via email	<ul style="list-style-type: none"> • Have no objection to exclusion of Ward Close from CA. • Agrees with most boundary changes. • Would like to see inclusion of field to east of Houghton Grange to provide protection of 'Green Gap'. • Has concerns about new development increasing traffic along A1123. 	2

Alastair Price (Resident Houghton Hill)	8	via email	<ul style="list-style-type: none"> • Suggests that Hill Estate be included as it has historic interest, trees and green space worthy of protection. • Eagle Mill and surrounding fields should be included to reflect historic relationship with the Houghton Hill House estate. • The field east of Houghton Grange should be included as it is visible from meadows, is historically linked to Houghton Grange, had a fair and is an important landscape setting to the conservation area. • Notes that very little land north of the A1123 has been proposed for inclusion and indicates the presence of historic droves, paths and trackways that cross the fields there. • Notes that Ruddles Lane is historic. • Splash Lane should be included as a historic track with Romano-British associations. • Suggests including the northern bank of the Great Ouse to match the Hemingfords CA. • Proposes widening the CA boundary to include all areas noted above in order to control further development and avoid adverse impacts upon the countryside and local tourism. 	2
Mr G. Sykes	9	Consultation Portal H+WCABR1	<ol style="list-style-type: none"> 1) Supports CA boundary review as a way of assisting in the protection of buildings of local interest. 2) Supports proposed boundary changes. 3) Thinks boundary is correct. 4) Finds CA documents useful. 	2
Mr G. Ridewood Campaign for the Protection of the Rural Environment (Cambs)	10	Consultation Portal H+WCABR2	<ol style="list-style-type: none"> 1) CPRE supports changing the CA boundary. 2) Supports proposed changes. 3) Thinks proposed boundary is incorrect as the three lakes located to the north of the A1123 should be included for landscape value. 4) Finds CA documents useful. 	2

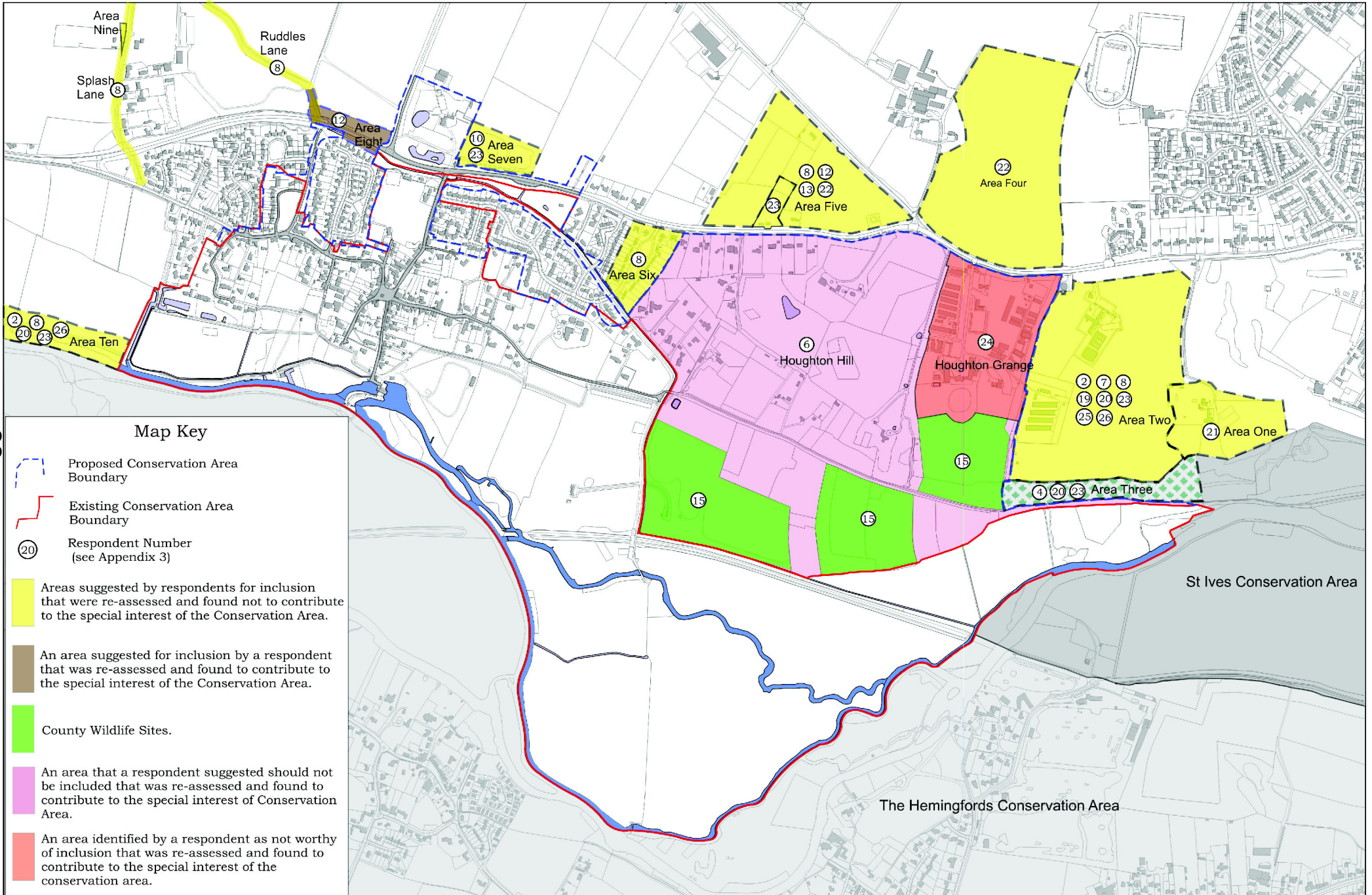
Mrs H. Merryweather	11	Consultation Portal H+WCABR3	<ol style="list-style-type: none"> 1) Supports changing the CA boundary - long overdue for an update. 2) Does not think the proposed boundary is correct. 3) Further comments to follow. 4) Finds CA documents useful. 	2
Mrs L Craig	12	Consultation Portal H+WCABR4	<ol style="list-style-type: none"> 1) Supports changing the CA boundary - long overdue. 2) Thinks the proposed boundary is correct. 3) Suggests the inclusion of common land to the north of the A1123, Splash Lane and Eagle Mill area. 4) Finds CA documents useful. 	2 1
Cllr A. H. Williams	13	via email	<ul style="list-style-type: none"> • Identifies an error in house numbering (annex 3) page 17. • Suggests including a triangle of land centred on former Eagle Mill bounded by B1090, A1123 and Cottage Lane. 	2
Mr and Mrs Feakes Houghton and Wyton Local History Society.	14	via email	Proposes a number of changes regarding factual and interpretive elements of the historic content in the Character Statement.	2
Sian Williams Conservation Officer The Wildlife Trusts	15	via email	<ul style="list-style-type: none"> • The Wildlife Trusts understand the interest in including the Wildlife Trust sites for historic landscape and wildlife reasons. • Expresses concerns that including the Wildlife Trust land in area L would result in unnecessary bureaucracy and disrupt day to day running of the sites. • Requests further consideration be given to reasons for including the nature reserves within the CA and what further benefits this would confer. 	2
Mr Jamie Robert Melvin Land Use Operations Team Natural England	16	via email	Can see nothing that causes concern and therefore makes 'no comment'.	2

Jennifer Dean Planning Liaison Manager Anglian Water Asset Management	17	via email	Has no comment to make.	2
Mrs Dawn Porter Planning Liaison Officer Environment Agency	18	via email	Has no objection to the Character Statement and Boundary review.	2
Sinead O Donoghue Planning Policy Officer Cambs County Council	19	Development Strategy Team, Box No. CC1216, Castle Court, Shire Hall, Castle Hill, Cambridge. CB23 0AP and H&WCABR5	<ul style="list-style-type: none"> • Cambs County Council welcomes proposals to include the medieval field systems and grounds of country house estates on Houghton Hill as this will strengthen landscape-scale biodiversity benefits within the three contiguous conservation areas of Houghton and Wyton, St Ives and The Hemingfords thereby helping fulfil biodiversity duties under the Natural Environment and Rural Communities Act 2006. • Recommends including the former BBSRC field east of Houghton Grange in order to strengthen landscape connectivity across this part of Huntingdonshire. • Identifies various possible typographical errors and failure to map River Great Ouse County Wildlife Site. • Welcomes the inclusion of various public rights of way and their associated historic hedgerows within the CA. 	2

Houghton and Wyton Neighbourhood Working Party	20	via email	<ul style="list-style-type: none"> • Recommends that the farmland to the east of Houghton Grange is included on the grounds of historic landscape characterisation. • The Thicket Bird Sanctuary should be transferred from the St Ives Conservation Area to the Houghton and Wyton Conservation Area. • Extend the CA boundary to include the northern bank of the Great Ouse up to and including Hartford Marina. 	2
Mrs C. Pollock Parish Clerk Hemingford Abbots Parish Council	21	5, Gore Tree Road, Hemingford Grey, Cambs. PE28 9BP	<ul style="list-style-type: none"> • The Parish Council welcomes the inclusion of large parts of Houghton Hill and the historic farmland bordering Thicket Road as they are an important landscape backdrop to Hemingford Abbots parish. • It is strongly recommended that the field to the east of Houghton Grange and the land associated with The How be included within the CA to maintain landscape continuity in the Great Ouse valley. 	2
Ann Enticknap Deputy Town Clerk St Ives Town Council	22	via email	<ul style="list-style-type: none"> • St Ives Town Council Members wish to see additional areas included within the conservation area (indicated on submitted map). • Area A consists of a large field directly north of Houghton Grange across the A1123 which is bounded on the east by the parish boundary and on the west by Houghton Hill Farm. • Area B consist of a triangle of land centred on the former Eagle Mill, bounded by the B1090, A1123 and Cottage Lane. 	2

<p>Mrs H. Merryweather Parish Clerk Houghton and Wyton Parish Council</p>	23	via email	<ul style="list-style-type: none"> • The Houghton and Wyton Parish Council applaud the work undertaken so far but believe the proposed area should be further expanded. • The BBRSC field to the east of Houghton Grange should be included as a vital part of the landscape setting to Houghton Village. The field has an historic landscape characterisation. • Eagle Mill and historic curtilage should be included. • The river frontage should be included to mirror the designated area of the Hemingfords Conservation Area. • The Thicket Bird Sanctuary should be transferred from the St Ives Conservation Area to the Houghton and Wyton Conservation Area and renamed. • The Parish Council endorse the recommendation of the CPRE to include the lakes adjacent to the Houghton Manor site within the CA. 	2
<p>Mr. Martin Page D H Barford & Co. Chartered Surveyors and Planning Consultants On behalf of the Biotechnology and Biological Sciences Research Council</p>	24	Howard House, 17 Church Street, St Neots, Cambs. PE19 2BU	<p>The Agents for the BBSRC suggest that the northern half of the Houghton Grange property is not included within the conservation area for the following reasons:</p> <ul style="list-style-type: none"> • The site adds no appreciable spatial quality from a longer distance due to screening from belts of trees on three sides. • The site does not form part of a key settlement edge. • The existing trees are already protected with Tree Preservation Orders. • Much of the historic quality of the site has been lost through the piecemeal development of outbuildings and laboratories which are now in disrepair. • The site has no archaeological significance. • Opportunities for economic regeneration and character enhancement are already fully covered by the approved residential development. 	2
<p>Mr J Page</p>	25	<p>Consultation Portal Via email H&WCABR6</p>	<ul style="list-style-type: none"> • Extend the conservation area to include eastern part of Houghton and Wyton parish land. • This will preserve the gap between the parish and St Ives by preventing development. 	2

Ms Boothman	26	Consultation Portal H&WCABR7	<ol style="list-style-type: none"> 1) Supports changing the CA boundary – it's always good to review. 2) Thinks the proposed boundary is incorrect. 3) Suggests the inclusion of the farmland to the east of Houghton Grange as it is important to the overall character of the area of Houghton Hill, providing views for the Hemingfords and from the meadows. The riverscape i.e. full river and banks are historically important as are its wildlife and and leisure value to the village. 4) Finds CA documents useful – well researched and thought through. 5) Further Issues – The CA cannot be seen in isolation from The Hemmingfords and St Ives CAs and it would be good to see the documents illustrate this. 	2
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**THE HOUGHTON AND WYTON CONSERVATION AREA CHARACTER
ASSESSMENT AND BOUNDARY REVIEW
(Report by the Overview and Scrutiny Panel (Environmental Well-Being))**

1. INTRODUCTION

- 1.1 At its meeting held on 13th November 2012, the Overview and Scrutiny Panel (Environmental Well-Being) considered the report by the Head of Planning and Housing Strategy on the Houghton and Wyton Conservation Area Character Assessment and Boundary Review. The following paragraphs contain a summary of the Panel's discussions on the report.

2. THE PANEL'S DISCUSSIONS

- 2.1 The Conservation Area Character Assessment and Boundary Review have been produced in compliance with an undertaking given to Houghton and Wyton Parish Council. The Panel has congratulated Officers on the quality and high standard of their content. In particular attention has been drawn to the fact that the size of the Conservation area will increase by 30%. As a result, there will be comprehensive coverage of green space in the Ouze Valley.

- 2.2 Members have discussed a suggestion that Area Two of the map at Appendix 4 should be included in the Conservation Area. An appraisal of this area is included in the report by the Head of Planning and Housing Strategy at paragraphs 5.5 to 5.8. The document needs to be robust enough to withstand legal challenge and, as the area does not meet the Conservation Area criteria, its inclusion might undermine this. The Conservation Area Character Assessment is needed to reinforce the Urban Design Framework (UDF). If the UDF is implemented Area Two will be of a standard that would make it eligible for inclusion in the Conservation Area. It has been argued that, in this case, the opportunity should be taken to include it at this stage. However, given that this might undermine the ability of Conservation Area Character Assessment to withstand a legal challenge, it has been accepted that this matter should be revisited when the obstacles to its inclusion have been removed.

- 2.3 The Panel has recommended the Cabinet to:

- endorse the revised Houghton and Wyton Conservation Area Character Assessment and Conservation Area Boundary Review and adopt both documents, and
- revisit the inclusion of Area Two in the Conservation Area at the appropriate time.

3. CONCLUSION

- 3.1 The Cabinet is requested to take into consideration the views of the Overview and Scrutiny Panel (Environmental Well-Being) as set out above when considering this item.

Contact Officer: A Roberts, Scrutiny and Review Manager 01480 388015

Background Documents - Reports and Minutes of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 13th November 2012.

**OVERVIEW AND SCRUTINY PANEL
(ENVIRONMENTAL WELL-BEING)**

11TH SEPTEMBER 2012

CABINET

13TH SEPTEMBER 2012

**THE CONTRIBUTION OF AGRICULTURE TO THE ENVIRONMENT AND
ECONOMY IN THE CONTEXT OF PLANNING POLICIES
(Report by the Working Group)**

1. INTRODUCTION

- 1.1 At the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 10th January 2012, one of the Agenda items was the Cambridgeshire Green Infrastructure Strategy. Members raised concern that there was no mention of agriculture and its environmental work in the Strategy. A Working Group was established to undertake a study on this subject. Councillors Mrs M Banerjee, P M D Godfrey, G J Harlock and D Harty and Mr D Hopkins agreed to join the Working Group.

2. THE PURPOSE OF THE STUDY

- 2.1 According to The National Farmers' Union (NFU) estimations, up to 80% of land in Huntingdonshire is used in farming and Cambridgeshire County Council data reveals that 51% of people live in villages. Farmers are keepers of the rural environment and they are supported by the Common Agricultural Policy of the European Union. The Working Group judged that the importance of rural areas and agriculture should be reflected to a greater extent in the Council's planning policy framework.

- 2.2 Food security is a national and international concern. The NFU core policy states:

“Farming in the Fens is nationally important and makes a significant contribution to the regional economy. It is essential that all stakeholders continue to support the sustainable growth of the farming and food industries to guarantee the future prosperity of the Fens.”

Agriculture in the Fens earns £1.7bn for the Gross Domestic Product.

- 2.3 Given that the new National Planning Policy Framework (NPPF) removes the detailed planning guidance set out in Planning Policy Statements, Planning Policy Guidance Notes and Circulars it was particularly timely to conduct the review. Through the NPPF the Government's intention is that local planning authorities will be free to develop planning policies which are suitable for their areas. Detailed guidance will be encapsulated in new 'Local Plans' so there is an opportunity to influence the terms of the Plan framework.

- 2.4 The study's terms of reference are:-

- to make recommendations on terms for inclusion in the Local Plan regarding land use and economic development outside the market towns with a view to giving equal value to land use from economic, food security and environmental perspectives;

- to review detailed planning policies relating to planning and conservation in rural areas;
- to investigate the Council's procedure for dealing with applications where agriculture is a factor;
- to examine abuses of conditions and consents for agricultural use and diversification, and
- to consider the policy position relating to minerals/waste land use.

The Working Group is keen to examine how the Council treats planning applications where agriculture is a factor and what happens once such applications have been determined. However, given the timetable for the Local Plan production, Members have decided to focus initially on terms that might be included in the Plan.

- 2.5 The Environmental Well-Being Panel has also discussed the fact that the Great Fen project occupies high quality agricultural land. This suggests there may be a need to look at how agriculture is taken into account when other policies and strategies are developed.

3. EVIDENCE AND INVESTIGATIONS

- 3.1 The Working Group has met on five occasions. During these meetings, Members have interviewed:

- Mr David Felce – Farmer at Midloe Grange farm and LEAF (Linking Environment and Farming) member;
- Mr Paul Hammett – Environmental Adviser, NFU – East Anglia region, and
- Mr Paul Bland – Huntingdonshire District Council's Planning Service Manager (Policy).

Following the interview with Mr Felce, a visit to Midloe Grange Farm was undertaken. In addition to being a demonstration farm for LEAF, Midloe Grange Farm has been in the Countryside Stewardship Scheme since 1992.

4. FINDINGS

- 4.1 The Planning Service Manager (Policy) has advised the working group that, in the past, there has been no need to develop specific local planning policy to protect agricultural land. This position is changing. The pressures for development in this area are well known. Detailed guidance will be required to ensure there is balanced growth across the District.
- 4.2 Population forecasts indicate that Huntingdonshire needs to provide 5,000 to 10,000 new homes plus associated employment, shopping and other facilities in the period up to 2036. Guidance will have to take account of demographic trends and environmental capacity. One of the tools that the Council can use to inform this guidance is an environmental capacity study. An environmental capacity study assesses the quality of the environment and landscape in an area. It factors in agricultural land classifications around each of the main settlements and also the interface with Peterborough along the boundary with Huntingdonshire. The environmental capacity study will enable the Council to identify environmental and landscape constraints to development across Huntingdonshire and, ultimately, define the developable limits of the

settlements in the Plan period. This should minimise the pressure for development on agricultural land around settlements. **The Working Group supports the use of an environmental capacity study to ensure that preference will be given to development on lower quality agricultural land before development on higher quality land is considered. Furthermore, the Working Group recommends the new Local Plan should reflect the fact that there are a number of rural villages that will benefit from low levels of development to ensure they are sustainable.**

- 4.3 Large development sites on the edge of towns and villages have tended to be on Greenfield land, which is also former agricultural land. Changes in employment patterns and the industrial/business base of the District mean that there may be further Brownfield land development opportunities at some older employment areas, thereby reducing the need to use Greenfield land to meet identified development needs. The NPPF recognises the need for a vibrant rural economy to be nurtured through the planning process. It focuses on supporting economic growth within the context of sustainable development. The widely accepted definition of sustainable development refers to development that meets the needs of the present without compromising the ability of future generations to meet their own needs. There is a strong national and local policy stance on development on Brownfield and Greenfield sites. It holds that Brownfield land should be developed first, in preference to Greenfield land. In order to clarify the Council's policy position the **Working Group recommends that definitions of Greenfield and Brownfield sites are produced and consistently applied.**
- 4.4 Existing policy generally prevents development in the open countryside, unless it is justifiable and directly linked to agriculture and rural life or other 'land hungry' activities such as new road building, quarrying and minerals extraction. The latter are covered, in planning terms, by the Minerals and Waste Plan that is prepared by the County Council. The allocations made in that Plan may be shown on the proposals map which will accompany the new Local Plan.
- 4.5 The NPPF's core planning principles seek to recognise 'the intrinsic character and beauty of the countryside' and support 'thriving rural communities within it'. Furthermore, Section 3 of the NPPF guides local planning authorities to take account of the rural economy:

'Supporting a prosperous rural economy

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, Local and Neighbourhood Plans should:-

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and

- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.'

4.6 The only reference in the NPPF to agricultural land is in paragraph 112. It states that:-

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

4.7 In the opinion of the Planning Service Manager (Policy) a policy protecting agricultural land is unnecessary as adequate protections are already in place. However, it is suggested that local green space policy designations might be identified, which could include farm land, giving additional protection against other uses of the land. This will be pursued in the next phase of the study.

4.8 The working group has discussed these principles in detail with David Felce (LEAF) and Paul Hammett (NFU). As a result of their discussions, **it is recommended that the new Local Plan adopts the National Planning Policy Framework's principles relating to the rural economy and agricultural land (see paragraphs 4.5 and 4.6 above).**

4.9 In the course of the study various aspects of detailed planning policies and processes have been identified as meriting close investigation (see Appendix hereto). Given the time constraints of the new Local Plan process recommendations have been made on terms that ought to be included in it. **Further investigations will now be undertaken into the Council's procedure for dealing with applications where agriculture is a factor and into other detailed matters with a view to establishing whether changes need to be made to the existing arrangements or new provisions should be added.**

4.10 The Working Group has not yet had the opportunity to consider the policy position relating to minerals/waste land use. It has suggested that this objective should form the basis of a future study.

5. RECOMMENDATIONS

The Working Group

RECOMMENDS

- (a) that the new Local Plan reflects the fact that there are a number of rural villages that will benefit from low levels of development to ensure their sustainability (para. 4.2);

- (b) that definitions of Greenfield and Brownfield sites are produced and consistently applied (para. 4.3);
- (c) that the new Local Plan takes account of the National Planning Policy Framework's principles relating to the rural economy and agricultural land as set out in paragraphs 4.5 and 4.6 above (para. 4.8);
- (d) that further investigation is undertaken into the Council's procedure for dealing with applications where agriculture is a factor and other detailed matters including the establishment of an Advisory Group to review applications where agriculture is a feature of the proposals (para. 4.9), and
- (e) that the Working Group undertakes a separate study on the policy position relating to minerals/waste land use (para. 4.10).

BACKGROUND INFORMATION

Notes of the Land Use for Agricultural Purposes in the Context of Planning Policies Working Group.

Why Farming Matters in the Fens – NFU Online

National Planning Policy Framework

Contact Officer: **Mrs J Walker, Democratic Services**
 ☎ 01480 387049

Issues Identified by the Local Agriculture Working Group.

Resource Protection

- Renewable energy initiatives need to be in the right place.
- Planning policy should be sympathetic to initiatives that operate within a single site.
- Agricultural land is increasingly being used for environmental purposes.

Pasture

- Unimproved pasture is scarce – there is an EU requirement that each country maintains the same level of cropped pasture as a baseline.
- Permanent pasture is under threat. Ridge and furrow is one of the most threatened features of local farms. There needs to be clarity within planning policies on how building on such land would be regarded.

Planning Policy

- Policy needs to be consistent e.g. wind turbines are granted permission where housing would be refused.
- Where permission is granted for construction of operational buildings, the buildings should only be used for the purpose for which permission was granted. A condition might be imposed to this effect, unless there are exceptional circumstances.
- Agricultural buildings should have regard to their location. Planning conditions might be imposed on the appearance of buildings.
- The Council should be flexible and willing to enter into a dialogue with the agricultural industry. Similarly, the agricultural industry should be flexible in its requirements.
- There is a need for greater agricultural expertise in the planning process. This would help to assess the viability of applications. It has been suggested that a review Working Group might be established, comprising individuals with an in-depth knowledge of the agricultural industry, to advise on applications and negotiate with applicants on acceptable developments. The Working Group should be confined to considering applications for development that has an agricultural purpose or is sought on the grounds of agricultural exceptions.
- A question has been raised over the quality of advice received from consultants for agricultural applications. This should be reviewed.
- Workplace homes in rural communities are viewed positively as they bring benefits to the communities in terms of income and employment.
- Some rural villages would benefit from low levels of development.
- Agricultural policy needs to be taken into account when house building targets are set. Villages need more houses to continue to be viable.
- Diversification needs to be defined. It should not have an adverse effect on the environment.
- Planning permission for developments that have agricultural purposes might be assessed against a range of criteria.
- The criteria need to cover the broad perspectives of the economy, land use and farming.

- Planning permission for development with agricultural purposes might have off-setting conditions attached to them that promote the environment e.g. allow development if wood land is planted or a pond is built.
- There should be a policy for storing run-off water.
- Does the designation of green-field and brown-field sites apply only to buildings or does it include the surrounding land?
- Agricultural development needs to be of the right kind.
- Farmers need to make green areas viable.
- Development should not result in pollution.
- Guidance is required on how the effects of development on the environment might be mitigated.
- No new agricultural planning permission should be granted or permitted development take place if the applicant has existing similar buildings used for non-agricultural purposes with or without planning permission.
- Change of use for non-agricultural purposes should only be approved on condition that, if needed in the future, the premises will revert back to agriculture and there will not simply be a new building.

Housing

- Diversification enables farmers' families to stay in villages where the farm is not big enough to provide an income for all descendants. This helps to maintain the viability of villages.

Enforcement

- It is suspected that the agricultural justification for development might sometimes have been abused; such as using barns for warehousing and selling their houses and applying to build new homes.
- There should be follow up enforcement, for example, if a house is built using agricultural justification and the business is discontinued.
- Planning Officers should have mobile technology that will provide them with data on planning permissions for use when visiting sites.

**OVERVIEW & SCRUTINY PANEL
(ECONOMIC WELL-BEING)**

8 NOVEMBER 2012

CABINET

22 NOVEMBER 2012

**ASSETS OF COMMUNITY VALUE
(Report by the Head of Legal and Democratic Services)**

1. INTRODUCTION

- 1.1 The Assets of Community Value (England) Regulations 2012 came into force on 21 September 2012. The main principles of the Right to Bid as set out in the Localism Act 2011 remain unchanged, but the regulations bring in important detail about the processes and steps which Councils need to have in place and provide some details about the compensation arrangements. This report recommends the arrangements which the Council should put in place in order to deal with applications for listing community assets.
- 1.2 The attached flow-chart at Appendix A, outlines the applicable stages of the application and assessment process.

2. COMMUNITY RIGHT TO BID

- 2.1 This legislation was introduced as part of the Government's policy to assist local community groups in preserving those buildings or lands which they consider to be important to their community's social well-being. It aims to give those in the local community early warning of the intention to sell such assets and to enable them to delay sales by six months to provide time for them to put together a bid to buy the asset. The proposals do not require the landowner to dispose of the asset to a community group, nor force any sale, but are intended to facilitate the transfer into community ownership of property assets felt to have local social value.
- 2.2 A building or land can be considered an asset of community value if:-
 - The current use (which must be the main use and not ancillary), or use in the recent past, furthers the social wellbeing or social interests of the local community ; and
 - It is realistic to think there will continue to be, or will within the next 5 years be, a viable main use that will further, (whether or not in the same way), the social wellbeing or interests of the local community.

"Social interests" are defined as cultural, recreational or sporting interests.
- 2.3 The rights apply to public and privately owned land, unless the land is exempt from listing. The regulations now define exempted land which are very limited, with only residential land (including "land connected with that residence"),

caravan sites and operational land of statutory undertakers, being exempt. All other land is capable of being listed, provided it falls within the definitions set out in the Act.

2.4 The following bodies may make nominations:-

- Parish councils;
- Group of at least 21 local people on electoral roll
- Neighbourhood Forums;
- Community Interest Groups with a local connection (must be charitable/non profit making or similar).

3. NOMINATING AN ASSET

3.1 Briefly, only the above bodies may make a "community nomination" to a local authority, by which they nominate land in that local authority's area for inclusion in the authority's list of assets of community value.

3.2 Community nominations have to comply with certain requirements. They must describe the land, provide ownership/occupier details the nominator has and reasons explaining why the land is of community value, as well as evidence that the nominator is eligible to make a community nomination.

3.3 The Council must take all reasonable steps to notify the parish council, the owner of the land and any occupier that it has received an application. It then has 8 weeks from receiving an application to decide whether or not the land nominated is land of community value with the meaning of s.88 of the Act. The Council has to give reasons for its decision and so will have to consider what the evidence is to justify (or not) putting the land on the register.

3.4 If a decision is made to include the land on the list of community assets, it must also be put on the Local Land Charges register and a restriction put on at HM Land Registry. Councils are required to remove an asset from the list as soon as practicable:-

- after a relevant disposal (other than an exempt disposal)
- if an appeal against listing is successful;
- if they form the opinion that the land/building is no longer of community value;
- after 5 years from the date of entry on the list.

3.5 Applicable Ward Members will be consulted in all instances.

4. LISTING REVIEW

- 4.1 If the local authority decides to list the land, the owner has 8 weeks from being notified of their decision to request a review. The Regulations require an officer (“of appropriate seniority”) who did not take part in making the original listing decision to carry out that review. The Council must complete its review within 8 weeks, unless a longer period is agreed.
- 4.2 The owner may appoint a representative to act on their behalf. The owner may insist on an oral hearing, thus opening up the possibility of a lengthy hearing. If this is not requested representations may be made orally or in writing. The owner and the Council each bear their own costs.
- 4.3 If the owner is not satisfied by the review, they can also appeal to the First Tier Tribunal against the local authority’s decision on a listing review. As listing can also lead to a claim against the council for compensation records must be kept of the decisions at each stage and the reasoning behind them.
- 4.4 If the decision is not to list the land, then this is recorded and the Council must place it on a list of assets nominated, but not listed. The community group can challenge that decision through judicial review.

5. EFFECT OF LISTING - MORATORIUM

- 5.1 The impact of land being listed is felt when the owner wishes to dispose of the land (by either a sale of the freehold or a lease of over 25 years), when they must inform the local authority of their intention to do so. They are then not able to dispose of the land until the interim six week moratorium period has ended without any community interest group making a written request to be treated as a potential bidder in relation to the land. If a community interest group makes such a request within the six week period, the owner is prohibited from disposing of the land (save in certain specific circumstances, e.g. to the local community interest group) for a further six months. Any disposal by an owner during this period (apart from a few exceptions listed in s.95 (5)) is ineffective.
- 5.2 After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to whomever they choose and at whatever price and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell).
- 5.3 The local authority is under no legal duty to participate in any discussion between the community and the landowners, or to facilitate attempts by the community group or parish council to obtain the land.

6. DISPOSALS EXEMPT FROM MORATORIUM ARRANGEMENTS

6.1 Not all disposals are “relevant disposals” for the purposes of the legislation. The following are examples that are not subject to a moratorium:-

- a disposal to a local community group;
- a disposal resulting from a separation agreement or ordered by the court;
- disposals made within families or connected with the administration of an estate;
- a disposal within company groups;
- a disposal of a school or land used for health service provision;
- a disposal where only part of the land is listed, but all of the land is owned by a single owner and all the land can be reached from every other part without having to cross land not owned by that owner.

7. COMPENSATION

7.1 The wording of the regulations relating to compensation payable is extremely wide, and no limit is set upon the amount of compensation that could be requested, provided the owner can show that they have incurred the loss from delay directly due to the listing.

7.2 The Regulations provide that an owner or former owner of listed land or previously listed land is entitled to compensation from the local authority, "of such amount as the authority may determine" in the circumstances where the person making the claim has "incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed".

7.3 The regulations go on to say that for the avoidance of doubt and without prejudice to other types of claim, the following claims may be made:

- arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by relevant disposals of the land being prohibited during the interim moratorium or full moratorium periods; and
- for reasonable legal expenses incurred in a successful appeal to the first tier tribunal against the council's decisions to list the land, to refuse to pay compensations or with regard to the amount of compensation offered or paid.

7.4 Claims for compensation must be made to the council within 13 weeks of the loss or expense being incurred. They must state the amount of compensation claimed with supporting evidence. The Council must determine the claim and is required to give the claimant written reasons for its decisions.

- 7.5 The process for dealing with compensation claims mirrors the requirements for the listing of such assets. Authorities must identify an appropriate officer to decide whether or not compensation should be payable and if so at what amount. Just as with the listing process, a claimant may ask for a review by the local authority of the compensation decision both in respect of whether the compensation should be paid and if so, the amount payable and, once again, an officer of appropriate seniority who did not take any part in making the decision to be reviewed must carry out the review. The same provisions apply regarding representatives and oral hearings. The person who requested the review may also appeal to the First Tier Tribunal against the review decision.

8. FINANCIAL AND OTHER IMPLICATIONS

- 8.1 In practice, the number of nominations for listing and claims for review and compensation the council will face may turn out to be relatively small, although anecdotal evidence nationally has indicated that there is a considerable amount of interest from community groups already and the funding available from the Government (£16m) tends to support this view.
- 8.2 The Government has indicated that it has included the estimated costs of compensation within the new burdens funding, based on an estimated 40 successful claims across all Councils over a year. In addition the government has committed to meet costs of compensation exceeding £20k in one financial year.
- 8.3 Clearly these additional process requirements will have to be met from within existing resources, thereby impacting upon current capacity.

9. RECOMMENDATIONS

- 9.1 To delegate responsibility for receiving and processing applications to the Corporate Team Manager;
- 9.2 To delegate responsibility for determining whether an asset should be listed on the register of community assets or not, to a panel of 3 appropriate Council Officers (who may be drawn from Planning and Housing Strategy, Environmental & Community Services and Legal & Democratic Services, supported by the Corporate Team) to be designated by COMT.
- 9.3 To delegate responsibility for determining reviews against listing of assets by the owners to the Head of Planning & Housing Strategy after consultation with the Head of Legal & Democratic Services (or their nominees);
- 9.4 To delegate responsibility for putting in place appropriate arrangements for determining requests for compensation and any review requests to the Corporate Team Manager.
- 9.5 That the Corporate Team Manager puts in place arrangements for publishing how applicable groups can go about making a nomination.

BACKGROUND PAPERS

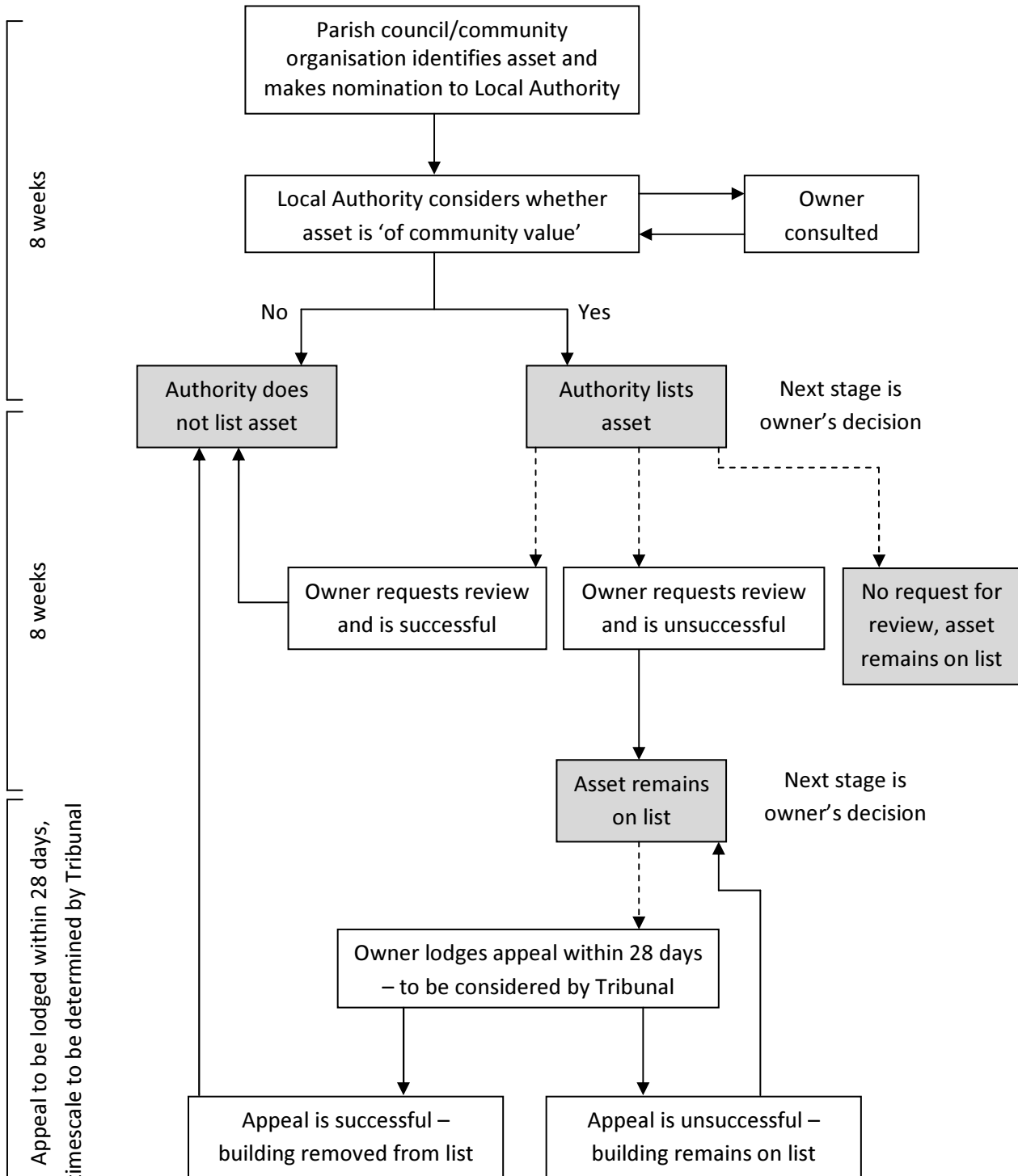
Sections 87- 108 Localism Act 2011

The Assets of Community Value (England) Regulations 2012

Contact Officer: Colin Meadowcroft

Head of Legal & Democratic Services: 01480 388021

Process for nominating and assessing 'assets of community value'



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ASSETS OF COMMUNITY VALUE
(Report by the Overview and Scrutiny Panel (Economic Well-Being))

1. INTRODUCTION

- 1.1 At its meeting held on 8th November 2012, the Overview and Scrutiny Panel (Economic Well-Being) considered the report by the Head of Legal and Democratic Services which outlines the arrangements the Council should put in place to deal with applications for listing community assets. The following paragraphs contain a summary of the Panel's discussions on the report.

2. THE PANEL'S DISCUSSIONS

- 2.1 The Panel has been informed that this legislation has been introduced as part of the Localism Act 2011 to assist local community groups in preserving those buildings or lands which they consider to be important to their community's social well-being. Specifically their attention has been drawn to the bodies which may make nominations, the proposed process for nominating an asset and the impact of land being listed when the owner wishes to dispose of the land. In this respect, the Panel has noted that there are a number of disposals which are exempt from the Moratorium arrangements. Members have also been assured that Ward Members will be consulted on all applications.
- 2.2 The Panel has questioned the means by which Parish Councils and other interested charities have been made away of the introduction of the new legislation. A briefing note has been sent to all District Councillors and the Head of Legal and Democratic Services has agreed to circulate this to all Parish Councils, if this has not already been done. It will not be appropriate to provide examples of the assets that might be listed given that the District Council has an obligation to determine applications, and this might be regarded as pre-determination.
- 2.3 The District Council has received one application thus far, which will be determined once the process had been approved by the Cabinet.
- 2.4 In terms of the arrangements for dealing with compensation claims, the Government has indicated that the estimated costs of compensation will be included within the new burdens funding. In addition the government has committed to meet the cumulative costs of compensation exceeding £20k in one financial year. In the event of claims exceeding this limit, the District Council will have to request further reimbursement.
- 2.5 In considering the details of the report, members have requested clarification of two matters the first is whether the group of at least 21 people on the electoral roll who can make a nomination need to reside in the parish in question. The second is whether the list of disposals, which are exempt from Moratorium arrangements, applies in the case of an individual or organisation being placed into administration who is/are depending on the sale of the property. The Head of Legal and Democratic Services has agreed to investigate these matters further.
- 2.6 The Panel has therefore

RECOMMENDED

- a) that the responsibility for receiving and processing applications be delegated to the Corporate Team Manager;
- b) that responsibility for determining whether an asset should be listed on the register of community assets or not be delegated to a panel of 3 appropriate Council Officers (who may be drawn from Planning and Housing Strategy, Environmental & Community Services and Legal & Democratic Services, supported by the Corporate Team) to be designated by COMT;
- c) that responsibility for determining reviews against listing of assets by the owners be delegated to the Head of Planning & Housing Strategy after consultation with the Head of Legal & Democratic Services (or their nominees);
- d) that responsibility for putting in place appropriate arrangements for determining requests for compensation and any review requests be delegated to the Corporate Team Manager; and
- e) that the Corporate Team Manager be requested to put in place arrangements for publishing how applicable groups can go about making a nomination.

**Contact Officer: Claire Bulman
Democratic Services Officer
(01480) 388234**

Agenda Item 6

COMT

29th October 2012

OVERVIEW & SCRUTINY
(ENVIRONMENT WELL BEING)

13th November 2012

CABINET

22nd November 2012

Controlled Waste Regulations 2012 (Report by the Head of Operations)

1. PURPOSE

- 1.1 To inform members of the changes introduced in the Controlled Waste Regulations 2012 and seek approval for recovering the full cost of the imposed disposal charge from those organisations affected.

2. BACKGROUND

- 2.1 The Controlled Waste Regulations 1992 as amended set out previously how household waste from different types of premises would be treated. As a result a number of premises, in Schedule 2 of those regulations, were exempt from a charge for disposal but a charge could be made for the collection of the waste.
- 2.2 The Controlled Waste Regulations 2012 have revised the exempt premises and as a result a number of premises, i.e. Universities, can now be charged for disposal. This is very much in keeping with philosophy of the “polluter pays” principle. The new charging regime will take effect from April 2013.
- 2.3 This Council collect waste from a number of the previously exempt premises and consequently we will now be charged by the County Council for the disposal of that waste. To ease the burden on the premises previously exempt the County Council have approved a local policy (Annex A) to provide clarification as to who will be required to pay and who will receive transitional relief. As a lot of the premises are County Council run services they have in the policy had regard to those services and sought not to increase service costs unnecessarily in specific areas.
- 2.4 The new regulations do provide some leeway for disposal authorities to prescribe whether a charge should be made or not. Appendix 1 of the Local Policy lists those premises/ organisations where a charge will be made and Section 4 sets out a list of those premises where the local policy will apply and this is in respect of :-
 1. Residential, nursing and Care homes
 2. Universities and colleges (Higher Educational Establishments)
 3. Hospitals

4. Premises used wholly or mainly for public meetings (51% of the lettings are in relation to public meetings)
- 2.5 This Council collect very little trade waste but do collect from a considerable number of premises which will be subject, in future, for the disposal cost. However, the Local Policy does allow for free disposal of waste from residential, nursing and care homes where the collection authority collected prior to April 2012. Any new customers will be charged the disposal cost. In respect of the other premises above the local policy does clarify where the charge will be made i.e halls of residence will continue to be exempt.

3. PROPOSAL

- 3.1 It is proposed that the Council recover the full cost of the disposal charged by the County Council from any customers subject to the new charge. In doing this it means that there is no longer any advantage for most of the premises, apart from those subject to the local policy, remaining with this Council. Consequently, we are already seeing private collection companies aggressively targeting this previously exempt group of premises.

4. RISKS

- 4.1 In recovering the full cost it is highly likely that we will lose customers to the private sector. If this proves to be the case then we will need to factor it into the round optimisation because we collect this waste as part of the household residual waste collections.

5. FINANCIAL IMPLICATIONS

- 5.1 If all the customers continue to receive the service from the council then there would be no financial implications for the Council as we would be recovering the disposal charge from the customer.
- 5.2 If customers choose to migrate to a private contractor then we will lose income which we currently get from charging for the collection from these premises. Unfortunately the trade waste database is not sufficiently developed in this Council to provide a breakdown of the customers to ascertain how much income is generated from these premises. We will be manually interrogating the system and I hope to be able to provide further detail at the Scrutiny meeting.


6. CONCLUSION

- 6.1 The discretion under these regulations lies with the County Council and in setting their local policy they have clearly spelt out where the additional disposal charges will be levied. Therefore as the collection authority the only decision necessary is whether we recover all or part of the increased charge.

7. RECOMMENDATION

- 7.1 It is recommended that approval be given for the recovery of the full cost of disposal from those premises previously exempt from the charge, except where they continue to be exempt under the County Council's local policy.

Contact Officer: Eric Kendall, Head of Operations

 01480 388635

Cambridgeshire and Peterborough Waste Partnership local policy on the implementation of the Controlled Waste (England and Wales) Regulations 2012 as amended by the Controlled Waste (England and Wales) (Amendment) Regulations 2012

1. Overview and principles

- 1.1 The Controlled Waste (England and Wales) Regulations 2012¹ came into force on 6 April 2012. These Regulations were slightly amended by the Controlled Waste (England and Wales) (Amendment) Regulations 2012 which come into force on 9th October 2012. These two Regulations are collectively referred to in this policy document as the CWR 2012. Whilst Government were seeking to clarify the previous regulations (CWR 1992) there remains some ambiguity in the new Regulations, in particular around local discretion on charging so that decisions can be made by local authorities that are best suited to local circumstances. The purpose of this document is to set out the local policy to be adopted by the RECAP Partners in the Cambridgeshire area.
- 1.2 The CWR 2012 will be applied unless an organisation is affected by a specific policy listed in Section 4 of this document. The organisations where the CWR 2012 will be applied are listed in Appendix 1.
- 1.3 Based on the results of the national consultation², which included representation from all stakeholders, a local consultation with RECAP Operations Panel and the local priorities of Cambridgeshire authorities the following principles were agreed: -
- 1) The Councils support the polluter pays principle.
 - 2) Council tax payers' money should not be used to offset / subsidise public/private sector commercial waste collection and disposal costs.
 - 3) Care needs to be taken when imposing charging which impacts on services that are commissioned by Cambridgeshire County Council (County Council) and results in higher cost for those services.
 - 4) Care should be taken where facilities directly support local communities or are owned or controlled by that community within the County.
 - 5) Consideration should be given to the impact decisions would have on the County Council and the District Councils in the area.

¹ <http://www.legislation.gov.uk/uksi/2012/811/contents/made>

² <http://archive.defra.gov.uk/corporate/consult/controlled-waste-regs/120315-controlled-waste-regs-summary-responses.pdf>

- 1.4 The national and local consultation, the five principles above and the Government Response to the Consultation³ were used to reach the decisions contained in section 3 and 4 of this policy.

2. Legislative context

- 2.1 The CWR 2012⁴ prescribes how certain types of household, commercial and industrial waste must be treated. This includes defining when a collection charge for household waste may be made. It also defines when household waste must be classified as commercial waste for the purposes of charging for disposal of the waste collected subject to the exemptions provided by the CWR 2012.⁵
- 2.2 The CWR 2012 are not therefore totally prescriptive and leave the decision on whether to charge or not to each local authority for some property types.
- 2.3 The District Councils as Waste Collection Authorities (WCAs) have a duty to arrange for the collection of commercial waste when requested to do so⁶. The authority can make a reasonable charge for the collection and disposal of commercial and industrial waste collected.⁷
- 2.4 The County Council has a duty to make arrangements for the disposal of waste collected by the WCAs⁸ and the County Council is entitled to reimbursement for the disposal charges from the Districts for their collection of commercial and industrial waste⁹.

3. Overarching Policy:

- 3.1 Organisations will be identified to the best of the Local Authorities ability so that the appropriate charging policy may be applied. Where there is ambiguity in the CWR 2012 and in this policy, the Operations Panel will reach a decision on how to class that premise type so that a joint approach can be adopted across Cambridgeshire on the charging policy.
- 3.2 Payment of council tax is used as criteria to distinguish those organisations that may be classed as a non-chargeable under the CWR 2012.
- 3.3 A District Council may choose not to apply a charge for collection because of the principles set out in section 1.3 of this policy. The District will inform the County Council of such decisions and a disposal charge will not be applied. These decisions will be taken back to Operations Panel so that a joint approach can be adopted across Cambridgeshire.
- 3.4 Cambridgeshire County Council may decide not to apply a disposal charge to those wastes classified as commercial waste because of the principles set out in section 1.3 of this policy. These decisions will be taken back to Operations Panel so that a joint approach can be adopted across Cambridgeshire.
- 3.4 Disposal charging will be implemented from 1 April 2013.
- 3.5 This policy will be reviewed as required or at least every 5 years.

³ <http://www.defra.gov.uk/publications/2012/03/15/pb13727-controlled-waste-regulations/>

⁴ <http://www.legislation.gov.uk/ukxi/2012/811/contents/made>

⁵ CWR 2012 Schedule 1 subparagraph 4(8) and CWR (Amended) 2012 section 4A

⁶ Environmental Protection Act, Part II Section 45

⁷ EPA, Part II Section 45 (4)

⁸ EPA, Part II Section 51 (1)

⁹ EPA Part II Section 52 (9)

4 Policy on waste types from specific premises

As previously mentioned, there remain some property types where the District Councils and the County Council can use their discretion whether or not to make a charge. In deciding whether a charge should or should not apply, the relevant principles in paragraph 1.3 above are shown in italics for each case.

4.1 Residential, nursing and care homes

Aligned to principles 1 to 5

Waste from a residential, care and nursing home is classified as household waste.

- a) These premises will be charged for waste collection and disposal when more than 50% of their residents are non-council tax payers.
- b) Premises receiving a District Council Collection with free disposal prior to 6 April 2012 will continue to do so providing there is no break in contract. Returning customers to District Services would be charged disposal as in paragraph 4.1 (a).

4.2 University and Colleges (Higher Educational Establishments)

Aligned to principles 1, 2 and 5

Waste from a University and Colleges (Higher Educational Establishments) is classified as household waste.

- a) These premises will be charged for waste collection and disposal, unless otherwise exempt, for all waste from its business that is carried out on site, for example lecture /seminar rooms, staff offices, libraries. This will include Halls of Residence that are part of the establishments that carries out business on behalf of the University/College and is subject to University/College Rules and Regulations.
- b) Clarification on this definition was sought from Defra and was used to decide the above.

4.3 Hospitals

Aligned to principles 1, 2 and 5

Waste from a hospital is classified as household waste.

- a) These premises will be charged for waste collection and disposal, unless otherwise exempt, for all waste from its business that is carried out on site, including waste from business, health care facilities and some accommodation.
- b) These premises will not be charged for disposal for accommodation that is occupied by council tax payers or accommodation is provided for persons with no other permanent address and the waste is collected separately from other waste collected on site, for example, multi-occupancy residential buildings.

4.4 Premises used wholly or mainly for public meetings

Aligned to principles 1, 3, 4

Waste from a premises used wholly or mainly for public meetings is classified as household waste for which a collection charge may be made. For

purposes of assessing wholly or mainly, this will apply if 51% or more of the lettings are for public meetings. For clarity, premises not used for public meetings can be classed as commercial waste.

5. Clarification of premise types

5.1 Waste from premises used for charitable purposes is dealt with in three places within the Regulations and can be either commercial or household waste. The following provides clarification:

- a) Waste from premises occupied by a charity, for example headquarters and offices, is to be regarded as commercial waste (Schedule 1 paragraph 2 row 13 of the Regulations).
- b) For charity shops selling donated goods originating from a domestic property, waste will be regarded as household waste for which a collection charge can be made. Where waste originates from a non-domestic property a collection and disposal charge can apply (Schedule 1 paragraph 4 row 11).
- c) Waste from a community interest company or charity or other non for profit company which collects goods for re-use or waste to prepare for re-use from domestic property is household waste for which a collection charge can be made. Where waste originates from a non-domestic property a collection and disposal charge can apply (paragraph 4 row 12).

Appendix 1

Below lists organisations where there is no local policy and the CWR 2012 will be applied. This list is not exhaustive and the CWR 2012 will be consulted when making any decision.

The CWR 2012 provides the following exemptions: -

- (i) The exemption will be for those premises which are (i) currently – i.e. immediately before the Regulations came into force – receiving free disposal **and** (ii) receiving Small Business Rate Relief as defined in section 43(1) of the Local Government Finance Act 1998, calculated in accordance with section 43 (4A)(a).
- (ii) Publicly funded schools and Further Educational colleges who currently benefit from free disposal immediately prior to Regulations coming into force will continue to be exempt from waste disposal charges.

Household waste

- Places of worship – *no collection or disposal charge applied (Schedule 1 para 2, row 5)*
- Residential hostel – *A collection charge can be applied. No disposal charge can be applied. (Schedule 1 para 2, row 10)*
- Publically funded schools and Further Education Colleges or other education establishments (publically funded as defined in Schedule 1 subparagraph 4 (8)) benefitting from a District Council collection with free disposal prior to 6 April 2012. *A collection charge can be applied. (Schedule 1 para 2, row 15)*
- Non-publicly funded schools, nursery and preschools – *A collection charge can be applied. A disposal charge may be applied, unless they qualify for an exemption as per (i) and (ii) above. (Schedule 1 para 2, row 15)*
- Penal institution – *A collection charge can be applied. A disposal charge may be applied, unless they qualify for an exemption. (Schedule 1 para 2, row 17)*

Commercial waste (all must be charged, collection and disposal, unless they qualify for an exemption as per (i) above)

- Self catering accommodation, campsites and caravan sites used as holiday accommodation
- Premises occupied by a clubs, societies or any association of persons in which activities are conducted for the benefit of members.
- Premises occupied by a court, government department, local authority, persons appointed to discharge public functions and body incorporated by Royal Charter.
- Hotel
- Trade or commercial business

- General Practitioners

Industrial waste (*all must be charged collection and disposal*)

- Workshop Laboratory waste
- Science research association
- Premises used for the breeding, boarding or stabling of animals

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CONTROLLED WASTE REGULATIONS
(Report by the Overview and Scrutiny Panel (Environmental Well-Being))

1. INTRODUCTION

- 1.1 At its meeting held on 13th November 2012, the Overview and Scrutiny Panel (Environmental Well-Being) considered the report by the Head of Operations on Controlled Waste Regulations. The following paragraphs contain a summary of the Panel's discussions on the report.

2. THE PANEL'S DISCUSSIONS

- 2.1 The Panel has been advised that the Controlled Waste Regulations 2012 has revised the premises which are exempt from a charge for disposal. This Council collects waste from a number of previously exempt premises and consequently will now be charged by the County Council for the disposal of that waste. Members have been assured that the majority of customers will still enjoy free disposal if they were Council customers prior to April 2012.
- 2.2 In discussing the service currently offered by the Council, the Panel has discussed the possibility of offering and promoting an enhanced trade waste service as a means of generating income for the authority. It is argued that there would be a marginal cost to providing such a service as the Council already has waste collection rounds in place. The Council already competes in other commercial sectors such as leisure. Given the financial pressures on the Council, it has been suggested that the development of the trade waste service should be investigated.

3. CONCLUSION

- 3.1 The Cabinet is requested to take into consideration the views of the Overview and Scrutiny Panel (Environmental Well-Being) as set out above when considering this item.

Contact Officer: A Roberts, Scrutiny and Review Manager 01480 388015

Background Documents - Reports and Minutes of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 13th November 2012.

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**OVERVIEW & SCRUTINY
(ENVIRONMENT WELL BEING)**

9th October 2012

CABINET

22nd November 2012

**Charging for 2nd Green Bin
(Report by the Head of Operations)**

1. PURPOSE

- 1.1 To set out the case for reducing the cost of the refuse and recycling service by introducing a charge for second green bins.
- 1.2 The report identifies the potential net income and seeks Cabinet approval to introduce a charge for new and existing customers from June 2013.

2. BACKGROUND

- 2.1 The Council introduced an alternate weekly wheeled bin collection system in July 2004 in response to the EU Landfill Directive which required that a high proportion, by weight, of waste collected should be recycled or composted. As a result the service introduced sought to address that by having an alternate weekly collection system, whereby one week the residual bin was collected and the next week a garden waste bin was collected.
- 2.2 The policy in regard of bin provision allows for residents on request to be provided with a second green bin and currently 7,865 properties are benefitting from that policy. The green waste collection now accounts for 31% of the total waste collected by the Council which is a significant cost to this Council in collecting that waste and to the County Council who pay the treatment costs.
- 2.3 The charging for green waste collection is allowed under the Controlled Waste Regulations 1992 (as amended) and a growing number of councils have taken opportunity to charge for green waste collection. However, as far as I have been able to ascertain only one other council is seeking to charge for the second green bin only.
- 2.4 Following the introduction of the in vessel composters in 2010 food waste was allowed to be put in with the garden waste. As a consequence the Council was able to provide a weekly collection of food waste in that it can be placed in the residual bin one week and the green waste bin the next. The residual waste is treated by the Microbiological Treatment plant (MBT) at Waterbeach and therefore food waste is treated whichever way it is disposed of.
- 2.5 The charges levied by other councils vary considerably but the mean is around £40 per annum. 13 Councils charge for the collection of second

green bins or for bags. 83 councils charge for the collection of all green waste. The following table sets out the detail of those councils who charge for supplementary green waste collections:-

Waste Authority	Collection	Charge £	Comment
Derbyshire Dale		47/1 st year for 240l bin 21 thereafter	Restricted to 1 bin per customer
High Peak		15/year	
Hinckley and Bosworth		15.41/qtr 61.60/annum	
West Lindsey		27.90/annum, for 240l bin	
Ipswich		42/annum	
Suffolk Coastal		40/annum	
Three Rivers		140/annum	Only 400 customers
Eden Valley		44.10/annum	
Dorset Partnership	Waste	35/annum 240l bin £1 a bag or £25/reusable bags	
Lichfield		£35/annum	
Stafford		£30/year	
Staffordshire Moorland		£61 for the bin collection free	
Hambleton		£2.50 for 10 compostable sacks	

2.6 A lot of councils close to Huntingdon charge for all their green waste collections with examples in the table below:-

Waste Authority	Collection	Charge £	Comments
Harlow		£90/annum 60p per bag	
Mid Suffolk		£40/annum	
Babergh		£40/annum	Plus £5 delivery for new customers
North Norfolk		£40.40/annum	
South Norfolk		£43/annum	Discount for direct debit £39
East Northants		£45/year	(currently offering free delivery instead of the normal 11.20 charge)

3. PROPOSAL

- 3.1 The proposal is that the first green bin collection will continue to be collected free of charge but for the 2nd green bin an annual charge of £40 is applied.
- 3.2 The introduction of this charge will present difficulties in a number of different areas such as identification of the charge for bins, shared bins

at multiple properties, the payment and debt collection systems, and users such as churchyards and village halls. The intention will be to monitor this and if necessary revisit the issue of bin identification.

- 3.3 The issues for the crews will be they will not have time to check bins for stickers to see if they are chargeable and this is why changing the bins or the lids was considered as the best way to second bins to prevent fraud. If the fraud is small, and problems with identification at communal collection points are minimal, then it is argued that the extra expense from introducing the measures above will not be cost effective. Unfortunately there are a number of HDC green bins which residents may have “acquired” which we have no record of and consequently, as there is no identification we will continue to collect these from the communal collection points. In theory as we will be recovering any second green bins from residents who decline the new service the number of “additional” bins not recorded will be small. As a result that should only leave the first free bins and the chargeable second bins. Any excess bins at other properties will be reported by the crews. It is inevitable that we will receive complaints from aggrieved residents that their neighbours are continuing to get the extra service without paying the charge which will then need to be investigated. Therefore it is proposed to run with this option and see if there is a problem. All the recovered bins from residents not taking up the service will be serviced, cleaned and then reissued either for new properties or as replacement bins.
- 3.4 Due to the delay in this report being decided it is going to be very difficult to implement the scheme as was originally proposed but it is intended to try and do so for 1st June 2013 for all customers, new and existing. If the scheme is approved the existing customers will be notified early 2013 so we can get early notification of those bins which require to be recovered.
- 3.5 The payment system needs to tie in with the current system provided by Capita, and as a consequence there will be a one off charge of approximately £15k (this has yet to be agreed with Capita) to set up the new payment mechanism. In addition there will need to be a link to the new CRM system and the Operations division and currently this is being investigated by IMD. In addition there would be a continuing revenue charge of £5k per annum for the continued use & support of these systems.
- 3.6 The other side of charging is what we will do if someone signs up for the service but does not pay when invoiced. In normal circumstances we would seek to recover the debt but as this is an upfront payment it is proposed that a more simpler system is used where we remove the bin instead. This would require Operational Services to send out a first reminder letter and then failure to pay will result in a second letter informing the resident that the bin will be removed if the charge isn't paid.

- 3.7 The payment could be made in a number of different ways but it is considered that an annual payment running from June to June, with new and existing customers paying a pro rata charge for 14 months would be the best way of collecting the charge. The reason for suggesting June is to stagger the work in collecting charges which is very heavy in April. Currently it would not be possible to provide Direct Debit facilities as the payments could not be reconciled with who made the payment. However, the charge could be paid by credit card with the charge for using the credit being passed onto the customer, which is currently 1.6% dependant on the card used. The latter may be subject to change as it has been indicated that retailers may not be able to recover that charge from the customer. To reduce handling costs it is proposed to incentivise on-line payments.
- 3.8 The other aspect of charging for the second green bin is how it will apply to certain premises such as churchyards, village halls and schools. If exemptions are to be applied it is worth noting that there has been a recent change to the Control of Waste Regulations 1992 which means the classification of some of these premises has changed. Consequently they are now charged for the collection and disposal of their waste. The exception to this are schools who are collected by local councils where they will be exempt still from the disposal charge. Those schools who switched to a private company will not be exempt. There is an argument that as part of our drive to educate the children we should continue to provide a free green waste service to schools where we have already provided bins for their garden waste and it is proposed therefore that schools are exempted from the charge where this is the case..
- 3.9 There would be an increased administrative burden associated with this proposal as in addition to the management of the system there will be the extra cost of invoicing, collecting the payments, dealing with the enquiries via the Call Centre, issuing new bins and chasing of payments or organising the removal of the bin. It is estimated that this will require the equivalent of 1 full time post across the various services but in particular the Call Centre and the Operational Administrative team. This has been assessed by comparing with the trade waste service and the time required administering that. The administrative work associated with this should not be underestimated because the experience of other authorities is that when you start to charge residents expect a good standard of service to be provided and for their enquiries to be dealt with quickly and efficiently.

4. RISKS

- 4.1 Introducing a charge for the second bin does present a risk that the composting performance could be affected due to residents with 2nd bins not wanting to participate. However, this drop in performance would be approximately 3.4%, even if no residents with 2nd bins took up the scheme.

- 4.2 A more realistic assumption would be that a proportion would not pay the charge but this is mitigated by introducing the charge in April when there is demand for the service. The alternatives available to residents are either to start home composting or to transport the green waste themselves. The growth in fuel costs will make the latter an expensive option and therefore it is considered that a significant proportion of the residents with a need for 2 or more bins will eventually subscribe to the scheme. The evidence from other areas is that there is a significant drift back in the following year when residents have had time to trial alternatives. However, there is no doubt there will initially be resistance and so a conservative estimate based on others experience is that on average there may be a 40% drop out rate.
- 4.3 There is a political risk in introducing this charge but this is mitigated to some extent by the fact that the majority of households do only have one or no green bins. These residents may actually support the introduction of the charge as they perceive it to be a fairer way of paying for green waste collection. The spread of location of second green bins is quite concentrated in that 8 wards have 71% of the bins. A map is attached at Appendix A showing the breakdown. It can be expected therefore that the main opposition will come from those wards where there is a high percentage of 2nd green bins such as the Hemingfords.
- 4.4 The environmental risk is that more residents could start using their cars to take their green waste to the household waste recycling centres which would result in a lot more carbon being released to the atmosphere. It has been calculated that if none of the residents with the extra bins chose to take up the new service 120 tonnes of CO₂ would be produced in people travelling to the household waste recycling centres to dispose of their green waste. If the number of second green bins reduced there would be very little saving because the vehicle would still have to go the same route and the number of tips would in the main be the same. The round reorganisation will balance the rounds to ensure the rounds were being collected efficiently but if residents subsequently decide they want the service it will require further round reorganisation in respect of the green if there are a large number returning.
- 4.5 The costs in relation to the implications for IMD are only estimated at this time and it maybe that these could be higher once all the investigation and modelling has been completed.
- 4.6 This scheme does not cause any risk to the food waste collection as it can be placed either in the residual waste bin or the primary green waste bin, which will remain free of charge.
- 4.7 The introduction of this charge in June 2013 may impact on other Projects currently being managed by the Council, due to be introduced around the same time such as the new CRM system for the Call Centre; Round Optimisation and two new payment schemes for other

services. This will mean additional resources will be required to deal with the increased number of customer enquiries relating to the new charge.

- 4.8 There is a risk that residents may put extra green waste in their residual waste bins which could affect the recycling performance and diversion targets but any extra will be limited by the bin size and an enforcement of the non removal of side waste. Other authorities who have implemented charged for green waste have not had any problems with fly tipping or additional green waste in the residual bin but they have had an increase in garden waste disposal at their Household Waste Recycling Centres.
- 4.9 The investigation of missed bins, especially as there is no identification of the second bins, will inevitably cause problems initially and consequently this will lead to an increased workload for supervisors and team leaders. Once the system has settled down is it envisaged that this pressure will not be as great.

5. EQUALITY

- 5.1 A full Equalities Impact Analysis is to be carried out to assess the effect on various groups but a great deal of analysis has been done which has revealed that 8.8% of residents who have a second green bin are on benefits. In urban wards the percentage of second green bins is much lower than the rural wards. Only Huntingdon East (11%) having a high number of second bins but an issue here is the high number of customers (14%) who are on benefits. This could be an extra burden on those people who are already facing benefit payment reductions next year and consequently an exemption could be considered for those on Council Tax and Housing Benefits. Other groups, such as the old and disabled, could also be affected as it is more difficult for them to lift and transport the green waste themselves. If we were to allow exemptions the complexities of the administering the system would be significant and lead to an increase in the administrative costs, whilst at the same time losing the income. Therefore it is proposed that there are no exemptions for these groups.
- 5.2 In respect of the rural wards the distance away from a household waste recycling centre can mean a greater distance to travel if they decide to dispose of their own green waste from the 2nd bin, but conversely a number of the properties have quite large gardens which could accommodate a compost bin(s). It is proposed that a campaign in respect of home composting be carried out to encourage residents to get their own composting bins. The Council do operate a scheme for the purchase of discounted compost bins.
- 5.3 A further argument is that a lot of rural properties have a high council tax banding and that the second green bin is some compensation for that.

6. FINANCIAL IMPLICATIONS

- 6.1 The refuse collection service, which includes residual, recycling and green waste collection, has a cost of £3,648k per annum and the collection of green waste accounts for 35.8% of that budget, i.e. £1,306k per annum.
- 6.2 If a charge of £40 per annum was introduced for the 2nd green bin and there was a 40% drop off in residents subscribing to the new service the Council would still receive an income of £190,000 but this would be offset by the setup costs and the extra revenue costs including 1 full time equivalent post across Operational Services and the Call Centre.

Capital (based on retaining 60% of customers)	2013/14	2014/15	2015/16	2016/17	2017/18
IMD costs –payments, CRM development	20	28			
Total	20	28	0	0	0

Revenue	2013/14	2014/15	2015/16	2016/17	2017/18
Income from charges					
Based on 40% returns	-158	-190	-190	-190	-190
Set up costs					
Admin costs –postage etc	6	4	4	4	4
Collection of returns	16				
Admin staff 1FTE (<i>plus 6 months additional in 2014 for implementation</i>)	35	23	23	23	23
IMD costs – support		5	5	5	5
Net saving/cost Based on 40% returns	-101	-158	-158	-158	-158

Sensitivity					
20% returns	-157	-221	-221	-221	-221
60% returns	-45	-94	-94	-94	-94

Note: Income for 2013/14 based on 10 months charge for existing customers.

The Council does not receive any recycling credit from the County Council for green or for food waste collected in the green or residual waste streams. Therefore there would be no detrimental effect on recycling credits if a reduced tonnage of green waste were collected.

- 6.3 The set up costs are all associated with the increased administration and dealing with customer enquiries but the sensitivity analysis shows that even if 60% of the current customers declined the service, the scheme will, realise net savings in the first year. Therefore as an income generating scheme for the council this is a low risk scheme.
- 6.4 The costs provided by IMD are only estimates and when it is clearer exactly what is required they may increase.

7. CONCLUSION

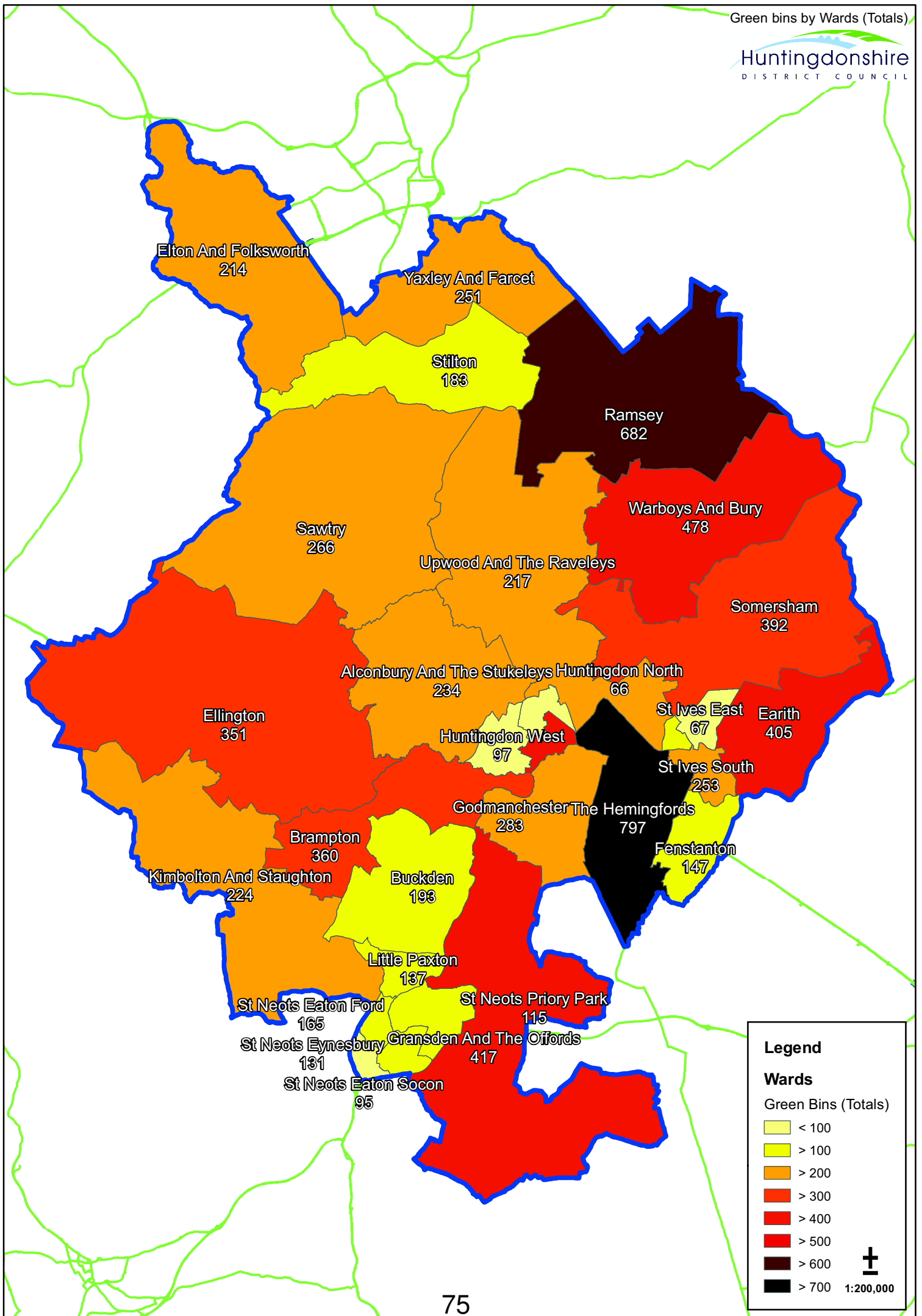
- 7.1 It is opportune to consider this charge now before the round optimisation is completed so this variable can be included in the analysis.
- 7.2 The imposition of a charge for a 2nd green bin on a small proportion of residents is a fairer system in that the majority of residents do not benefit from this extra bin.
- 7.3 The concentration of the majority of second green bins in a small number of wards is a concern and from a political point of view could be a significant risk.
- 7.4 The presence of a large number of these bins 9% being in households where benefits are paid could have an impact as with impending changes to benefits they will have less income.

8. RECOMMENDATION

- 8.1 Members are invited to recommend whether or not to introduce a charge for a second green bin.

Contact Officer: Eric Kendall, Head of Operations

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**CHARGING FOR A SECOND GREEN BIN
(Report by the Overview & Scrutiny Panel Economic Well-Being)**

1. INTRODUCTION

- 1.1 At its meeting held on 8th November 2012, the Overview and Scrutiny Panel (Economic Well-Being) considered the report by the Head of Operations on Charging for a Second Green Bin.
- 1.2 The report had previously been considered by the Overview and Scrutiny Panel (Environmental Well-Being) who had unanimously agreed that the Council should not introduce a charge for second green bins. The Cabinet had subsequently deferred the matter for consideration by the Economic Well-Being Panel.

2. THE PANEL'S DISCUSSIONS

- 2.1 Councillor D M Tysoe has informed the Panel that the Council currently spends £1.3M on collecting green waste, which represents 40% of the Council's total costs for waste collection and for which the Council does not receive any additional funding. He has explained that a significant number of other Authorities charge a separate fee for all green waste collection. The Council is proposing to provide free collection of the first green bin for all its residents but the collection of the second green bin should be regarded as a premium service and, therefore, should attract a charge. For the majority of residents in the District this will represent no change to the current service and will also be fairer to all residents as the collection of the second bin is a premium service residents should be expected to pay for it.
- 2.2 Councillor Tysoe then sought to address the concerns which had been raised previously with regard to the impact of the changes on green waste collection levels within the District. He has suggested that although there may be an immediate reduction in the green waste collected in response to the charging proposal, he would be surprised if the level of green waste collection in the medium term is reduced. If every second green bin is returned there will be a reduction of 3.4% of waste collected. The Panel's attention has been drawn to the sensitivity analysis which has been undertaken in section 6.2 of the report. It is based on a 40% reduction in residents subscribing to the new service this is expected to generate an additional income of £190,000 for the District Council.
- 2.3 In his concluding remarks, Councillor Tysoe has reiterated that the whilst the Council has previously sought to resist making cuts to services, the current budgetary situation dictates that consideration will need to be given to a number of difficult decisions in the near future.
- 2.4 In considering the proposal, Members have asked about the experience of other Councils who have introduced a charge for the collection of a second green bin. The Panel has noted that there are currently 13 Authorities who made such a charge, which range from £15 to £140 per annum. The majority of these have not resulted in a reduction in the levels of green waste collected and that those who are paying for the additional bin are keen to make maximum use of it. It has also been reported that there has been no related

increase in fly tipping in these areas. Members have indicated that it would have been useful to have included this type of information together with the detailed financial analysis within the report.

- 2.5 In terms of the proposed level of charge for the collection of a second green bin, Members have asked how this figure has been determined. It has been explained that £40 is the median figure for other authorities. There has been no price analysis undertaken.
- 2.6 Members have expressed concerns that the proposal will result in residents putting additional green waste into their domestic waste bins. However members have been assured that waste collection operatives would not collect any bins in which green waste had been deposited and a note would be placed on the bin to this effect. The weight of a bin is normally a good indication as to whether green waste had been included.
- 2.7 Members have also enquired as to what steps the Council will take if a resident does not pay the charge for their second green bin. In response, the Head of Operations has explained that all green bins remain the property of the District Council, who would instigate a recovery procedure in these circumstances. In other areas, Councils have seen a number of residents regret their initial decision to return their second bin and have subsequently requested that it be returned. Fly tipping is a criminal offence and the Council will undertake enforcement if necessary.
- 2.8 With regard to the question of whether there is any scope to encourage residents to obtain discounted compost bins through the Council's Compost Bin Scheme, the Panel has been advised that it is not possible to discount further what already was a very good rate.
- 2.9 Members have commented that the proposal would have a particular effect in the rural areas, where a number of properties have a higher Council tax banding and, therefore it could be perceived as unfair. Particular reference has been made to the likely public reaction from residents from Wyton on the Hill, which is a private estate and the level of the charge compared to the District Council's portion of the Council Tax.
- 2.10 On the question of the set up costs associated with the implementation of the charge, efforts have already been made to reduce the capital costs and as a result, it has been decided not to pursue a proposal to fit different coloured bin lids to the existing bins. The inclusion of the cost of 1FTE within the costings for the scheme is an estimate of the time which will be required from an analysis of all the tasks involved in both the Operations, Finance and Customer Service divisions. It will not be possible to absorb the administration into existing workload.
- 2.11 Councillors Mrs M Banerjee, I C Bates and P L E Bucknell have addressed the Panel on this matter. Councillor P L E Bucknell has reported on his attendance at the Environmental Well-Being Panel on 9th October. He has expressed the view that residents will not pay for a second bin and will instead put green waste in grey bins and that the change could lead to an increase in fly tipping. He has also reiterated that VAT will apply because the charge is for a service and has indicated that he has further information on this matter. He has reported on his discussions with a representative of a

London Council, which has introduced such a charge, who has expressed the view that it was a mistake to do so. He has also reported on his discussions with other local authority representatives whose investigations have led them to conclude that it would not be in their interest to introduce a charge for the collection of the second green bin.

- 2.11 Councillor Mrs M Banerjee has reminded the Panel that the collection of green waste had been introduced to respond to a European Union Directive. At that time the use of a second green bin had been encouraged. To remove this facility will be very unpopular with Huntingdonshire residents and it will also damage public perception of the Council.
- 2.12 In terms of performance targets, Members have been informed that there is no statutory requirement for the District Council to achieve any statutory composting rates and that the European Union target for recycling had been removed some time ago.
- 2.13 Councillor I C Bates has urged the Panel to consider the consequences of endorsing the proposal which were set out in the report of the Overview and Scrutiny Panel (Environmental Well-Being). He has reiterated that the Environmental Panel has unanimously agreed that the Council should not introduce a charge for a second green bin. The waste collection service is a universal service, which is valued and recognised by the Community. The introduction of a charge will have an adverse effect on recycling rates and will represent a loss of service to the public. Finally, and in recognising the need for the Council to make budgetary savings, he has expressed concern that the Panel is being asked to consider one proposal in isolation and not a range of possible options. He has suggested that savings could be achieved in staffing costs and from the Leisure Service. He has recommended that the Council should not take a decision on this matter until other options have been assessed.
- 2.14 In response, Councillor D M Tysoe has informed the Panel that the Cabinet is looking at a number of options to achieve budgetary savings for the Authority. Members have been reminded that the Council does not have a statutory responsibility to collect green waste and that the majority of Huntingdonshire residents will not see a difference in the current service they receive. He has also drawn attention to the fact that 83 Councils within the Country currently charge for the collection of the first green bin which is not something that this Council is intending to introduce. He does not believe that the introduction of this proposal will reduce recycling and has reiterated that fly tipping is a criminal offence and the Council will undertake enforcement. Advice has been received that VAT would not apply on residential collections.
- 2.15 In terms of the Council's financial position more generally, the Chairman has drawn the Panel's attention to the recent announcement by Central Government that increases in Council Tax in 2013 should be limited to 2%. This will require the District Council to find additional savings in the region of £680K to £940K. With this in mind the Chairman has indicated that he would like the Panel to give further consideration to a range of possible options for delivering these savings.
- 2.16 The Executive Leader has confirmed that the Cabinet is looking at a number of 'big ticket' items for generating further savings. For example a Business

Plan for One Leisure is currently being prepared, though this has been delayed for further work to be undertaken.

- 2.17 Having agreed that the business case for the additional charge was sound Members are, however, of the opinion that it should be considered in the context of a range of other options for achieving budgetary savings. The Executive Councillor indicated that he could support this approach.
- 2.18 In view of concerns about the likely damage to the public's opinion of the Council, it has been suggested by a Member that the charge should only apply for new requests for second green bins or where there is a change of ownership. On being put to the vote this proposition has been defeated.
- 2.19 Following a further vote on the recommendation, it has unanimously been agreed that the proposal should be supported in principle, subject to it being considered as part of a package of savings.

3. CONCLUSION

- 3.1 The Cabinet is requested to take into consideration the views of the Overview and Scrutiny Panel (Economic Well-Being) as set out above when considering this item.

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**CHARGING FOR A SECOND GREEN BIN
(Report by the Overview and Scrutiny Panel (Environmental Well-Being))**

1. INTRODUCTION

- 1.1 At its meeting held on 9th October 2012, the Overview and Scrutiny Panel (Environmental Well-Being) considered the report by the Head of Operations on Charging for a Second Green Bin. The following paragraphs contain a summary of the Panel's discussions on the report.

2. THE PANEL'S DISCUSSIONS

- 2.1 Councillor D M Tysoe has informed the Panel that the Council is looking at ways of increasing its income. This proposal has this purpose. It should be seen in the context of some London Councils that charge for all green waste collection. This Council is proposing to provide free collection of the first green bin for all its residents but the collection of the second green bin should be regarded as a premium service and, therefore, should attract a charge. This will be fairer to all residents and will provide a significant return for the Council.
- 2.2 Councillor P L E Bucknell has addressed the Panel on this matter. He has expressed the view that residents will not pay for the second bin and will instead put green waste in grey bins; this will have an adverse effect on the waste service budget. In addition, the change could lead to an increase in fly tipping. The charge itself is a significant amount compared to the District Council's portion of the Council Tax. He has suggested that VAT will apply because the charge is for a service. Finally, he has reported on his discussions with a representative of a London council, which has introduced such a charge, who has expressed the view that it was a mistake to do so.
- 2.3 Members of the Panel have raised further concerns about this proposal. They have stressed that the waste collection service is the most highly valued service provided by the Council. They have also drawn attention to the fact that it is a universal service and is one of the best performing in the Country. There is concern that this performance will worsen if this proposal is adopted. It will also damage public perception of the Council. It is argued that the Council should instead be promoting recycling. In this respect, the Council might take steps to encourage composting of green waste. Furthermore, it is suggested that the Council should focus on non-statutory services when looking to make savings rather than on services such as waste collection, which are a statutory requirement.
- 2.4 Councillor Tysoe has responded by pointing out that the change will not affect the majority of residents and that if every second green bin is returned there will be a reduction of 3.4% of waste collected. At the same time the Council has extended the range of materials it collects, which will increase recycling. He has further indicated that fly-tipping is a criminal offence and the Council will undertake enforcement. Advice has been received that VAT would not apply.
- 2.5 During discussion on fly tipping it has been established that the additional cost of enforcement has not been factored into the business case presented

in the report. Experience at other authorities suggests that there will be an initial increase in fly tipping but this will decline over time. If it continues to be a problem there will be a need for additional resources. For this reason and to provide more relevant information on how the scheme might work in Huntingdonshire, the Panel would have preferred to have had information on how similar schemes have operated in other rural areas.

- 2.6 On being put to the vote the Panel unanimously agreed that the Council should not introduce a charge for second green bins. The main reasons for this decision are its adverse effect on recycling rates, the likely damage to the public's opinion of the Council, the potential for there to be an increase in fly tipping and the level of the charge compared with the District Council portion of the Council Tax. Representatives of the Panel will attend the Cabinet meeting when this item is considered.

3. CONCLUSION

- 3.1 The Cabinet is requested to take into consideration the views of the Overview and Scrutiny Panel (Environmental Well-Being) as set out above when considering this item.

Contact Officer: A Roberts, Scrutiny and Review Manager 01480 388015

Background Documents - Reports and Minutes of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 9th October 2012.

**LICENSING COMMITTEE
CABINET**

**23 OCTOBER 2012
22 NOVEMBER 2012**

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES (Report by the Head of Legal and Democratic Services)

1. INTRODUCTION

- 1.1 The Council is the licensing authority for the purposes of the Gambling Act 2005 (the Act), taking over licensing responsibilities when it came into effect in September 2007. Section 349 of the Act requires the licensing authority to prepare and publish a Statement of Principles that it proposes to apply in exercising its functions under the Act. The Statement of Principles must be kept under review and reviewed at least every three years.
- 1.2 The current statement was approved by the Licensing Committee on 27th October 2009 and full Council on 2nd December 2009. It came into effect on 31st January 2010 and therefore expires on 30th January 2013.
- 1.3 The Council is now required to undertake a review of its statement. The statement must be drafted and consulted upon prior to it being adopted. A draft policy was approved by the Licensing Committee on 20th June 2012. Twelve weeks public consultation took place between 9th July and 1st October 2012. All comments received must be considered and reported back to the Licensing Committee with a view to recommending approval to Full Council.
- 1.4 Attached as Appendix 1 is a revised statement of principles, which has been re-drafted to take into account the relevant provisions as they apply to Huntingdonshire District Council, with the consideration of all comments received as a result of the consultation exercise. The Statement has been prepared following the Local Government Association June 2012 template and taking into account the 4th version of the Gambling Commission's Guidance to Licensing Authorities published on 28th September 2012.
- 1.5 The purpose of this report is to invite members to consider the revised draft Statement of Principles and to recommend to Full Council its approval for publication and subsequent adoption with effect from 31st January 2013.
- 1.6 The Act specifies that the functions of the Licensing Authority be delegated to the Licensing Committee, with three exceptions where decision making falls to the Full Council and cannot be delegated. One of these exceptions is the publication and adoption of the Statement of Principles.

2. CONSULTATION

- 2.1 Section 349 of the Act requires that the Council consults with the police, persons representing the interests of people carrying on gambling businesses in the area and persons likely to be affected by the exercise of the authority's functions under the Act.

- 2.2 Twelve weeks consultation took place between 9th July and 1st October 2012 in accordance with the best practice set by the Department for Business, Innovation and Skills. Consultation was undertaken in accordance with the guidance and was undertaken by a variety of means, including our website, in libraries and at the authority's offices in Pathfinder House, St Mary's Street, Huntingdon PE29 3TN.
- 2.3 Approval of the Statement of Principles is reserved to Full Council but requires the consideration of the Cabinet before a recommendation can be made. Cabinet will therefore be asked to endorse the statement at its meeting to be held on 22nd November 2012 for approval by the Council on 19th December 2012. This will be in time to publish the statement four weeks before it comes into effect on 31st January 2013 and will enable us to continue to fulfil our statutory duties.
- 2.4 It is important that the views of consultees are taken into account. Four responses have been received. The responses have been attached and are summarised in Appendix 2 with consideration given in the drafting of the final version. It is a requirement that the Statement complies with the Gambling Act 2003, codes of practice and guidance issued by the Gambling Commission and is reasonably consistent with the licensing objectives. For this reason it is not always possible to adopt suggestions put forward. Appendix 2 indicates the consideration given to each comment received and provides reasons for the decision taken.

3. CONCLUSION

- 3.1 The Council has a statutory duty to approve and publish a revised Statement of Principles before 3rd January 2013 in order to fulfil its legal obligations under the Act.

4. RECOMMENDATIONS

- 4.1 It is therefore

RECOMMENDED

that the Council be recommended to approve the Statement of Principles under Section 349 of the Gambling Act 2005 as set out in Appendix 1 for a period of three years commencing on 31st January 2013.

BACKGROUND INFORMATION

LGA Statement of Principles template – June 2012 version
Gambling Commission Guidance to Licensing Authorities – 4th Edition – September 2012

Contact Officer: Christine Allison, Licensing Manager
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Filepath: F://licensing/ GA2005 statement of principles report Oct 2012



Gambling Act 2005

Statement of Principles

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PREFACE

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

Huntingdonshire District Council, along with other licensing authorities, is responsible under the Act for the licensing of premises where gambling and betting is taking place, the issue of various permits and certain other activities such as the registration of small lotteries. This document explains how the District Council, as the licensing authority for Huntingdonshire, intends to approach its responsibilities under the Act. It comes into effect on 31st January 2013 and replaces the Statement of Principles adopted by the Council in 2010.

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

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This Statement of Principles has had regard to the Gambling Commission's Guidance to Licensing Authorities 4th edition that was published in September 2012. It can be viewed on the Commission's website at www.gamblingcommission.gov.uk.

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

PART A

GENERAL

1. INTRODUCTION

- 1.1 This Statement of Licensing Principles was approved by the licensing authority at a meeting of Huntingdonshire District Council held on 19th December 2012 in accordance with section 349 of the Gambling Act 2005 ('the Act'). Copies are available on request from the licensing authority at Pathfinder House, St Mary's Street, Huntingdon, Cambs. PE29 3TN and can viewed at public libraries in Huntingdonshire and on the Council's website at www.huntingdonshire.gov.uk
- 1.2 This Statement of Principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.

2. HUNTINGDONSHIRE

- 2.1 Huntingdonshire District Council is one of five district councils situated in the County of Cambridgeshire. Huntingdonshire has a population which is currently estimated at 167,300 and covers an area of 906 square kilometres. Huntingdonshire's population has grown rapidly in recent years and is expected to continue to grow more quickly than in most other districts in the next decade. Nevertheless it remains predominately rural with four main market towns, St. Neots, Huntingdon, Ramsey and St Ives. A map of the District is attached as Appendix A.
- 2.2 The District is prosperous economically with good communications links. It has higher than average earnings and low unemployment, although relatively small pockets of deprivation exist in some of the market towns.
- 2.3 There are no areas within the District that are considered particularly suitable or unsuitable for the provision of facilities for gambling. Potential operators should refer to the Core Strategy and the emerging Local Development Framework for details about the local planning authority's approach to planning permission for development where such activities may take place by contacting the Planning Division or visiting the authority's website at www.huntingdonshire.gov.uk.

3. GAMBLING COMMISSION

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

3.2 The Commission is required to provide licensing authorities with guidance under section 25 of the Act about the manner in which they should exercise their licensing functions and the principles which should be applied. The 4th edition was issued in September 2012. The licensing authority is required to take account of the guidance in producing this statement of principles and in undertaking its responsibilities under the Act.

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

3.4 The Gambling Commission can be contacted at -

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

Website: www.gamblingcommission.gov.uk
e-mail: info@gamblingcommission.gov.uk

4. LICENSABLE ACTIVITIES

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

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

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

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

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

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

5. THE LICENSING OBJECTIVES

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

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

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

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

6. LICENSING AUTHORITY FUNCTIONS

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

6.2 The licensing authority is responsible for -

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

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

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

7. STATEMENT OF PRINCIPLES

7.1 The licensing authority is required by the Act to publish a statement of the principles which it proposes to apply when exercising its functions. This statement must be published at least every three years. The first statement came into effect in January 2007, the second statement in January 2010 and this 3rd statement will come into effect on 31st January 2013. The statement will be reviewed and revised from time to time, subject to consultation on those parts that are revised and the statement then will be re-published.

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

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

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

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

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

especially where it receives representations to that effect.

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

7.6 The three licensing objectives contained in the Act are referred to more specifically below.

Preventing gambling from being a source of crime and disorder

7.7 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling or being associated with providing such facilities.

7.8 Anyone applying to the licensing authority for a premises licence (other than in the case of tracks if the gambling is to be provided by others) will have to hold an operating licence from the Commission before a premises licence can be issued. Therefore the authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability do arise, the authority will bring those concerns to the attention of the Commission.

7.9 If an application for a licence or a permit is received in relation to premises which are in an area noted for particular problems with organised crime, the licensing authority will consider, in consultation with the police and other relevant authorities, whether special controls need to be applied to prevent those premises from being a source of crime.

7.10 There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The licensing authority does not therefore intend to use the Act to deal with general nuisance issues relating for example to parking problems, which can be dealt with under existing alternative powers.

7.11 Issues of disorder will only be dealt with under the Act if the disorder amounts to activity that is more serious and disruptive than mere nuisance and it can be shown that gambling is a source of that disorder. For example, a disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor that could be taken into account is how threatening the behaviour was to those who see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.

7.12 When making decisions in this regard, the licensing authority will give due weight to any comments by the police.

Ensuring gambling is conducted in a fair and open way

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

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

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

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

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

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

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

Article 6 – right to a fair hearing

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

Article 10 – right to freedom of expression.

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

8. RESPONSIBLE AUTHORITIES

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

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

Service);

- ◆ the local planning authority (i.e. Huntingdonshire District Council);
- ◆ the local environmental health authority (i.e. Huntingdonshire District Council);
- ◆ HM Revenues and Customs; and
- ◆ a body designated by the licensing authority to advise about the protection of children from harm (see below)

8.2 The Secretary of State may also prescribe any other person as a responsible authority.

In relation to a vessel, the following are also responsible authorities -

- ◆ the Environment Agency
- ◆ the British Waterways Board

8.3 The licensing authority is required by regulations to state the principles it will apply in exercising its duty to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. Those principles are -

- ◆ the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- ◆ the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

8.4 The licensing authority has designated the Office of Children and Young People's Services of Cambridgeshire County Council for this purpose.

8.5 The contact details of all the responsible authorities are set out in Appendix B and available on the licensing authority's website at www.huntingdonshire.gov.uk.

8.6 Any representations by a responsible body in relation to their own functions cannot be taken into account unless they are relevant to an application itself and the licensing objectives. In this regard, the licensing authority generally will not take into account representations which are not deemed to be relevant, such as -

- ◆ there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account);
- ◆ the premises are likely to be a fire risk (because public safety is not a licensing objective);
- ◆ the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives);
- ◆ the premises will cause crowds to congregate in one area causing noise and nuisance (because this can be dealt with under other legislative powers and public nuisance is not a licensing objective).

8.7 Each representation will be considered on its own individual merits.

9. INTERESTED PARTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. EXCHANGE OF INFORMATION

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

10.2 The principle that the licensing authority will apply is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to the Commission's Guidance to Licensing Authorities (Part 13) which contains information about the protocols by which the information exchange is managed and sets out the nature of the returns that the authority is required to forward to the Commission each quarter.

11. COMPLIANCE AND ENFORCEMENT

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

In terms of compliance and enforcement activity, the Commission and the licensing authority are required to act in a proportionate manner to reflect the Regulators Compliance Code which is a central part of the Government's better regulation agenda. The code is available at www.bis.gov.uk/files/file45019.pdf.

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

12. CONSULTATION

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

- ◆ one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 12.2 The consultation took place between 9th July and 1st October 2012, following best practice as set out by the Department for Business, Innovation and Skills. A full list of comments made and their consideration by the authority is available on request to the licensing section on 01480 387075 and via the Council's website at www.huntingdonshire.gov.uk.
- 12.3 The policy was approved at a meeting of the Council held on 19th December 2012 and will be published via the authority's website. Copies have been placed in public libraries in the District and are available at the authority's offices at Pathfinder House, St Mary's Street, Huntingdon, Cambs, PE29 3TN.
- 12.4 Any comments with regard to this statement of principles should be addressed to the authority's Licensing Manager by e-mail at licensing@huntingdonshire.gov.uk or by writing to the above address. This statement of principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.
- 13. DECLARATION**
- 13.1 In producing this statement of licensing policy, the licensing authority declares that it has had regard to the licensing objectives contained in the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

PART B

PREMISES LICENCES

14. GENERAL PRINCIPLES

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

15. DEFINITION OF "PREMISES"

- 15.1 Premises are defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. However it is possible for a single building to be subject to more than one premises licence, provided they relate to different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. However the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 15.2 The licensing authority takes particular note of the Gambling Commission's guidance to authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the authority will be aware –

- ◆ of the need to protect children from being harmed by gambling. In

practice this means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating;

- ◆ that entrances and exits to and from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. In this context, it should not normally be possible to access the premises without going through another licensed premises or premises with a permit; and
- ◆ that customers should be able to participate in the activity named on the premises licence.

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

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

Provisional Statements

15.3 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that a reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. It will be a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. Requiring a building to be complete also ensures that the authority can inspect it fully, if necessary, as can other responsible authorities with inspection rights.

15.4 A person therefore may make an application to the authority for a provisional statement in respect of premise that he/she expects to be constructed, expects to be altered or expects to acquire a right to occupy. It should be noted that, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account in the grant of a premises licence unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances. The authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters -

- ◆ which could not have been raised by objectors at the provisional

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

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

Location

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

Duplication with other regulatory regimes

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

Licensing objectives

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

Conditions

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

The following mandatory conditions will apply to all premises licences -

- ◆ the summary of the terms and conditions of the premises licence issued by the licensing authority must be displayed in a prominent place on the

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

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

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

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

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

15.9 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures that the licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signs for adult only areas etc. Specific comments are made in this regard under some of the licence types referred to below. The authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

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

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

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

displayed notices indicating that access to the area is prohibited to persons under 18

These considerations will apply to premises including buildings where multiple premises licences are applicable.

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

Door Supervisors

- 15.14 If the licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children or young persons) then it may require that the entrances to the premises are controlled by a door supervisor and is entitled to impose a premises licence to this effect
- 15.15 Where it is decided that the supervision of entrances/machines is appropriate for particular cases' A consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Gambling Commission Guidance to Licensing Authorities, Part 33).

16. ADULT GAMING CENTRES

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

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

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

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

17. LICENSED FAMILY ENTERTAINMENT CENTRES

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

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

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

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

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

- 17.4 The authority will refer to the Gambling Commission's website to view any conditions that apply to operating licences covering the way in which the area containing category C machines should be delineated.

18. CASINOS

- 18.1 The licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. If the authority decides to pass such a resolution in the future, it will update this statement of principles with details of that resolution. Huntingdonshire is not a District that has been chosen for the issue of a casino premises licence.
- 18.2 However the authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators who will want to run the casino. In such circumstances, the authority will comply with the provisions of Schedule 9 of the Gambling Act 2005 and any regulations made thereunder, as well as following the procedure set out in Part 17 of the Gambling Commission's guidance.

19. BINGO PREMISES

- 19.1 Bingo is a class of equal chance gaming that will be permitted on premises licensed for the supply of alcohol and in clubs, provided that it does not exceed certain thresholds. Rules are laid down in the Act about the playing of bingo in those premises within exempt gaming allowances but where these are exceeded, a bingo operating licence will be required from the Gambling Commission. The holder of a licence can provide any type of bingo game, including both cash and prize bingo.
- 19.2 Prize bingo is subsumed within the allowances for prize gaming in adult entertainment centres, both licensed and unlicensed family entertainment centres and travelling fairs (or premises with a prize gaming permit). Commercial bingo halls will require a bingo premises licence from the licensing authority and amusement arcades providing bingo will require a prize gaming permit, also from the authority.
- 19.3 Children and young persons are allowed to enter premises licensed for bingo, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young persons are allowed.

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

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

20. BETTING PREMISES

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

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

21. TRACKS

- 21.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place or is intended to take place. In addition to horse racecourses and dog tracks, this can include a variety of other sporting or competitive venues where betting facilities are provided. The restriction that only one premises licence can be issued for any particular premises at any one time does not apply to a track.
- 21.2 Track operators are not required to hold an operators licence issued by the Gambling Commission. Therefore a premises licence for a track that is issued by the licensing authority is likely to contain requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting. A track operator has an important role to play in ensuring that betting areas are properly administered and supervised.
- 21.3 Although primarily there will be a betting premises licence for a track, there may be a number of other licences, provided each licence relates to a specified area of the track. The authority will have particular regard to the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas that they are not permitted to enter.
- 21.4 The authority will expect the applicant for a betting premises licence for a track

to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Although children and young persons will be permitted to enter track areas where facilities for betting are provided on days when horse and/or dog racing takes place, they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

21.5 Mandatory conditions set by the Secretary of State will attach to track premises licences. Default conditions also have been set by the Secretary of State. The authority will expect applicants to offer their own measures to meet the licensing objectives which may cover issues such as -

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

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

21.6 Specific guidance on the responsibilities of track premises licence holders in relation to the promotion of socially responsible gambling on their premises can be found in the *Advice to track premises licence holders* document available on the Gambling Commission's website.

Gaming machines

21.7 A betting premises licence in respect of a track does not give any automatic entitlement to use gaming machines. However where a licence holder has a pool betting operating licence issued by the Commission and intends to use his entitlement to four gaming machines, these machines should be located in areas from which children are excluded, unless they are category D machines.

Betting machines

21.8 Betting operators may install betting machines or bet receipt terminals on tracks. There is no restriction on the number of bet receipt terminals that may be in use but operators must supervise such terminals to prevent them being used by those under 18 years of age or by vulnerable people. The authority will also take into account the size of the premises when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

- 21.10 In order to gain a proper understanding of what it is being asked to license, the licensing authority will require an applicant to submit detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). Plans for tracks need not be of a particular scale but should be drawn to scale and be sufficiently detailed to include the information required by the regulations. (see the Commission’s Guidance to Licensing Authorities paras 20.28-20.35).

22. TRAVELLING FAIRS

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

23. REVIEWS OF PREMISES LICENCES

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

PART C

PERMITS AND TEMPORARY & OCCASIONAL USE NOTICES

24. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 24.1 If a premises does not hold a premises licence but wishes to provide category D gaming machines, application be made to the licensing authority for a gaming machine permit. However the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 24.2 The Act states that a licensing authority may prepare a statement of principles that it proposes to consider in determining an application for a permit, including the suitability of an applicant for a permit. A statement has not been prepared but in considering applications, the authority need not (but may) have regard to the licensing objectives, and shall have regard to any relevant guidance issued by the Commission.
- 24.3 An application for a permit may be granted only if the authority is satisfied that the premises will be used as an unlicensed family entertainment centre and the chief officer of police has been consulted on the application. As an unlicensed family entertainment centre will not require an operating licence or be subject to scrutiny by the Commission, the authority will wish to be satisfied as the applicant's suitability before granting a permit. In so doing, the authority will require an applicant to demonstrate -
- ◆ a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre;
 - ◆ that the applicant has no relevant convictions;
 - ◆ that employees are trained to have a full understanding of the maximum permissible stakes and prizes; and
 - ◆ that there are policies and procedures in place to protect children and vulnerable persons from harm.

The authority cannot attach conditions to this type of permit.

- 24.4 Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will be considered on their merits but they may include appropriate measures and training for staff with regard to suspected truant school children on the premises, and how they would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises.
- 24.5 An application for the renewal of a permit may be refused by the authority only on the grounds that an authorised officer of the authority has been refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with the licensing objectives.

25. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

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

issued by the Gambling Commission and are available on the Commission's website. A summary of the gaming entitlements for clubs and pubs is also reproduced as Appendix F which can be found at the end of this statement.

26. PRIZE GAMING PERMITS

26.1 Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally prizes are determined by the operator before play commences.

26.2 Prize gaming may be provided in bingo premises as a consequence of a bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, provided that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

26.3 The licensing authority may prepare a statement of principles that it proposes to apply in exercising its functions in relation to prize gaming permits which may specify particular matters that the authority proposes to consider in determining the suitability of an applicant for a permit.

The statement will require an applicant to set out in the application the types of gaming that is intended to be offered and that the applicant should be able to demonstrate -

- ◆ that he/she understands the limits to stakes and prizes that are set out in regulations; and
- ◆ that the gaming offered is within the law.

The authority will also consider any child protection issues and have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place for this purpose.

26.5 In making its decision on an application for a permit, the authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

26.6 There are conditions in the Act with which the holder of a permit must comply but the authority cannot attach conditions. The conditions specified in the Act are -

- ◆ the limits on participation fees, as set out in regulations, must be complied with;
- ◆ all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be

played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- ◆ the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- ◆ participation in the gaming must not entitle the player to take part in any other gambling.

27. CLUBS

27.1 Members clubs (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit. A club gaming permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C or D (subject to only one B3A machine), equal chance gaming and games of chance as set out in regulations. A club machine permit will enable the premises to provide up to 3 gaming machines of categories B3A, B4, C or D.

27.2 Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is restricted to bridge and whist. A members club must be permanent in nature, not established as a commercial enterprise and conducted for the benefit of its members. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations. A commercial club is a club established for commercial gain (whether or not they are making a commercial gain). Examples include snooker clubs established as private companies and clubs established for personal profit. Commercial clubs may only apply for club machine permits.

27.3 The licensing authority may refuse an application only on the grounds that -

- ◆ the applicant does not fulfil the requirements for a members or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
- ◆ the applicant's premises are used wholly or mainly by children and/or young persons;
- ◆ an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- ◆ a permit held by the applicant has been cancelled in the previous ten years; or
- ◆ an objection has been lodged by the Gambling Commission or the police.

27.4 There is also a fast-track procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under this procedure there is no opportunity for objections to be made by the Commission or the police and the grounds upon which an authority can refuse a permit are reduced, as follows -

- ◆ that the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act;

- ◆ that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- ◆ that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

27.5 There are statutory conditions on both club gaming and club machine permits that no child uses a category B or C machine on the premises. A permit holder is also required to comply with the Code of Practice for *Gaming Machines in clubs and premises* issued by the Commission about the location and operation of gaming machines and which can be viewed on its website.

28. TEMPORARY USE NOTICES

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

28.2 The authority will consider whether to give a notice of objection to the person giving the temporary use notice having regard to the licensing objectives.

29. OCCASIONAL USE NOTICES

29.1 Where betting is to be provided on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. Tracks include, not only a horse racecourse or a dog track, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place.

29.2 The licensing authority has little discretion with regard to occasional use notices but will ensure that the statutory limit of 8 days in a calendar year is not exceeded and whether the person giving the notice is permitted to avail him/herself of the notice within the definition of a track.

PART D
LOTTERIES

30. GENERAL

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

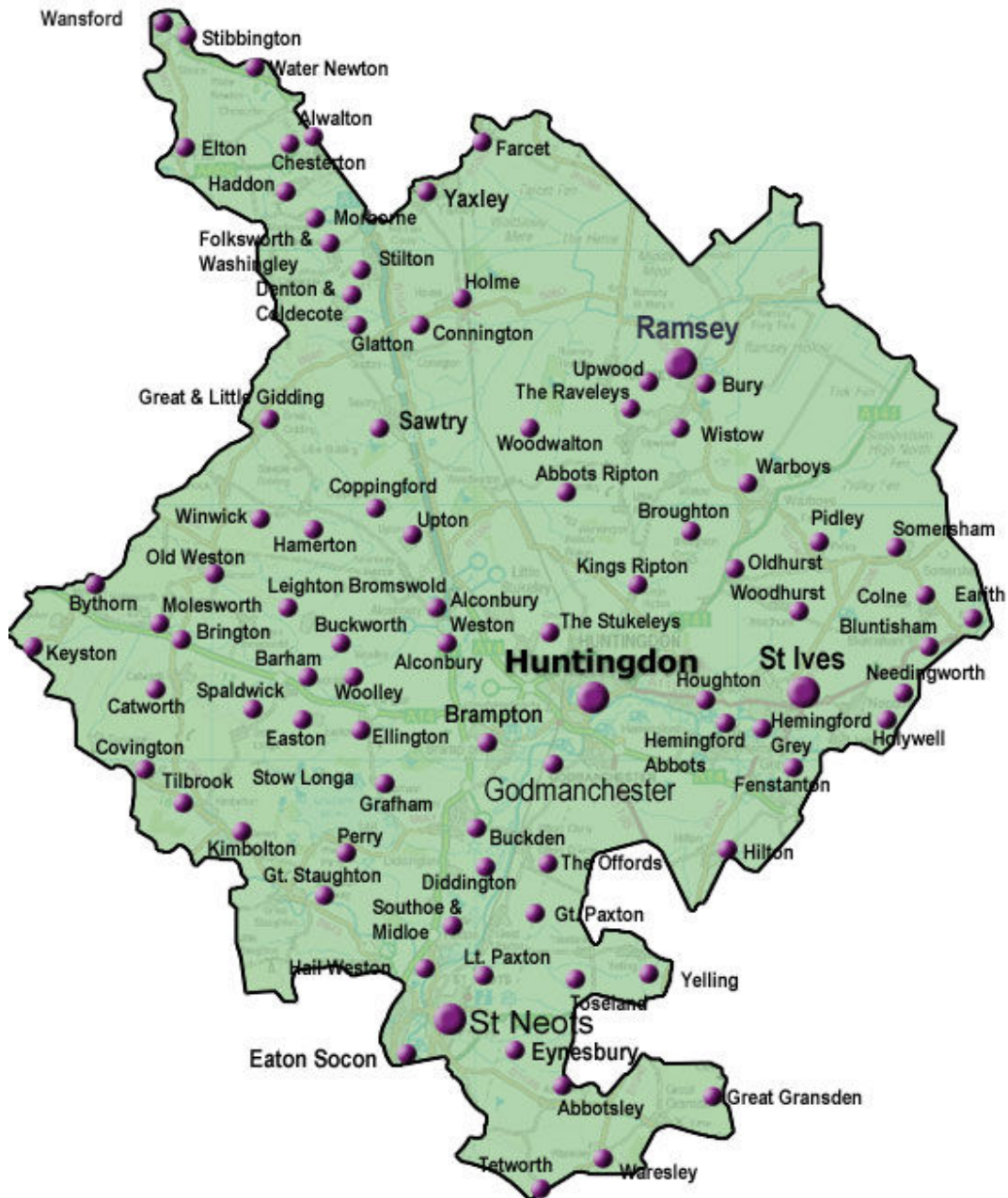
lotteries fails to comply with any of the conditions of running such lotteries, it will be operating in an illegal manner, irrespective of whether it is registered with the licensing authority or not. Although small society lottery operators may be prosecuted by the Commission, the police or the licensing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

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

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

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

DISTRICT OF HUNTINGDONSHIRE




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RESPONSIBLE AUTHORITIES


The Licensing Authority

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

 01480 387075
Fax 01480 388099
E-mail Licensing@huntingdonshire.gov.uk


The Gambling Commission

4th Floor,
Victoria Square House
Victoria Square
Birmingham
B2 4BP

 0121 230 6500
Fax 0121 237 2236
info@gamblingcommission.gov.uk


The Chief Officer of Police

The Licensing Section
Cambridgeshire Constabulary
Huntingdon Police Station
Ferrars Road
Huntingdon
PE29 3DQ

 01354 606504


Cambridgeshire Fire and Rescue Service

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


 01480 433297

Local Planning Authority


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

 01480 388423/
01480 388424


Local Environmental Health Authority

Head of Environmental and Community Health  01480 388302
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

HM Revenues and Customs

National Registration Unit  0845 302 1448
Portcullis House  0845 302 1452
21 India House
Glasgow
G2 4PZ

Child Protection Services

Audit Manager  01480 372439
Child Protection and Review Unit
Castle Court
Shire Hall
Cambridge
CB3 0AP

LIST OF CONSULTEES

Association of British Bookmakers Ltd

Ground Floor,
Warwick House
25 Buckingham Palace Road
London SW1W 0PP
☎ 020 7434 2111
Fax: 020 7434 0444
Email: mail@abb.uk.com
Website: <http://www.abb.uk.com/>

BACTA

134-136 Buckingham Palace Road
London SW1W 9SA
☎ 020 7730 6444
Fax: 020 7730 8103
Email: infi@bacta.org.uk
Website: www.bacta.org.uk

The Bingo Association

Lexham House
75 High Street
NORTH DUNSTABLE
Beds
LU6 1JF
☎ 01582 86092
Fax: 01582 860925
Email: info@bingo-association.co.uk
Website: <http://www.bingo-association.co.uk>

British Beer and Pub Association

Brewers' Hall,
Aldermanbury Square
London EC2V 7HR
☎ 020 7627 9191
Email: contact@beerandpub.com
Website: www.beerandpub.com

Greyhound Board of Great Britain

Proctor House
1 Proctor Street

LONDON
WC1V 6DW
☎ 0207 421 3770
Fax: 0207 421 3777
Website: www.thedogs.co.uk

Racecourse Association Ltd

Winkfield Road
Ascot
Berkshire
SL5 7HX
☎ 01344 626 067
Fax: 01344 627 233
Email: info@racecourseassociation.co.uk
Website: www.britishracecourses.org

British Holiday and Home Parks Association

6 Pullman Court
Great Western Road
GLOUCESTER
GL1 3ND
☎ 01452 526911
Fax: 01452 508508
Email: enquiries@bhhsa.org.uk
Website: <http://www.bhhsa.org.uk>

Business in Sport and Leisure

Andy Sutch
Executive Director
12 Thornton Road
East Sheen
LONDON
SW14 8NS
☎ 0793844238
Fax: 0208241 8390
Email: andy.sutch@bisl.org
Website: <http://www.bisl.org>

Huntingdonshire Chamber of Commerce and Industry

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

Cambridgeshire Business Services (Business Link)

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

Cambridgeshire Constabulary

Please see details in Appendix B

Cambridgeshire County Council

Shire Hall
Castle Hill
CAMBRIDGE
CB3 0AP

Cambridgeshire Fire & Rescue Service

Please see details in Appendix B

The Gambling Commission

Please see details in Appendix B

GAMCARE

2nd Floor
7 – 11 St John's Hill
LONDON
SW11 1TR

Greater Cambridge Partnership

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

HM Revenues & Customs

Please see details in Appendix B

Huntingdonshire Business Against Crime

Hannah Hancock
23A Chequers Court
HUNTINGDON
PE29 3LZ

Huntingdonshire Business Network

PO BOX 513
HUNTINGDON
Cambs
PE29 2YR

Huntingdonshire Citizens Advice Bureau

6 All Saints Passage
HUNTINGDON
PE29 5AL

Huntingdonshire Primary Care Trust

The Priory
Priory Road
ST IVES
PE27 4BB

Huntingdon Racecourse

Ms S Hodgkinson
CEO
Thrapston Road
Brampton
HUNTINGDON
PE28 4NJ

Child Protection Services

Please see details in Appendix B

St Ives Chamber of Commerce and Industry

Town Parish Councils in Huntingdonshire

The Local Environmental Health Authority

Please see details in Appendix B

The Local Planning Authority

Please see details in Appendix B

Town Centre Partnerships in Huntingdonshire

SUMMARY OF MACHINE PROVISIONS BY PREMISES

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

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

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of Machine	Maximum stake (from July 2011)	Maximum prize (from July 2011)
A	No category A machines are currently permitted	No category A machines are currently permitted
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£2	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D -money prize (other than a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or	10p	£8 (of which no more than £5 may be a money prize)

penny falls machine)		
D - combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 maybe a money prize)

SUMMARY OF GAMING ENTITLEMENTS FOR CLUBS AND ALCOHOL LICENSED PREMISES

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

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

Date received	From	Comment summary	Response	Action
09.07.2012	Mike Shellens	Requests e-mail address on covering letter	Noted.	Will take into account for future consultation covering letters. No action required to policy.
		9.8 enjoins us not to contact a member of the Licensing Sub Committee. I assume this is for predetermination reasons.	Agreed	No action required.
		In 24.3 vulnerable people get no mention.	Noted	Amended as requested
		The document does not make it clear that virtual gambling is excluded by virtue of it being referred to in primary legislation. For completeness it should be made clear in this document that the Lottery/ virtual gambling are excluded from our consideration	6.3 of the policy states that the licensing authority will not be involved in the licensing of remote gambling which is the responsibility of the Gambling Commission. The National Lottery is regulated by the National Lottery Commission , not the Gambling Commission .	6.3 refers All exclusions are omitted for consistency reasons.
26.07.2012	St Ives Town Council Planning Committee	No comments to make	Noted	No action required
27.07.2012	The Racecourse Association	Location: Racecourses cannot be transferred to another location	Noted	No action required.
		Conditions: The council may impose conditions to ensure the licensing objectives are met. The council is asked to ensure that these conditions do not exceed those outlined	Any conditions imposed will be proportionate to the circumstances the licensing authority is seeking to address. They will be relevant, reasonable and will be made on a case by case basis. The licensing	This authority intends to follow the Commission's guidance.

		in the mandatory and default conditions.	authority also notes the Commission's view that conditions necessary for the general good conduct of gambling premises are those set as default and mandatory conditions. The guidance continues that where there are specific, evidenced risks or problems associated with a particular locality or specific premises a licensing authority will be able to attach individual conditions to address this.	
		Door supervisors: Under the LA2003 and PSIA2001 racecourses are already required to provide door supervisors in some roles.	Comment noted and accepted.	No action required
		Betting machines: Racecourses do not hold operating licences. Betting machines are provided by other operators. Racecourses contractually require these operators to fulfil any conditions regarding provision and supervision of these machines.	Comment noted and accepted.	No action required.
28.09.2012	Association of British Bookmakers Ltd	We are satisfied with the proposed policy.	Noted	No action required