

A meeting of **HUNTINGDONSHIRE DISTRICT COUNCIL** will be held in the **CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 16 DECEMBER 2015 (on the rising of the SPECIAL MEETING OF THE COUNCIL)** and you are requested to attend for the transaction of the following business:-

A G E N D A

		Time Allocation
	APOLOGIES	2 Minutes
	CHAIRMAN'S ANNOUNCEMENTS	10 Minutes
1.	MINUTES (Pages 7 - 18)	2 Minutes.
	To approve as a correct record the Minutes of the meeting held on 30th September 2015 and the Special meeting held on 11th November 2015.	
2.	MEMBERS' INTERESTS	2 Minutes
	To receive from Members, declarations as to disclosable pecuniary or other interests in relation to any Agenda item. See Notes below.	
3.	BY ELECTION - HUNTINGDON EAST WARD	5 Minutes
	The Managing Director to report on the outcome of the By-Election held on 10th December 2015 in the Huntingdon East Ward.	
4.	CAMBRIDGESHIRE FIRE AND RESCUE SERVICE - LOOKING FORWARD	40 Minutes
5.	EXECUTIVE COUNCILLOR PRESENTATION	40 Minutes
	Councillor D B Dew, Executive Councillor for Strategic Planning and Housing to present an update on the Local Plan.	
	(Notes –	
	Executive Councillor presentations	10 minutes each
	Questions to each presenting Councillor	5 minutes each
		15 minutes in total)
	Period for questions to other Members of the Cabinet - 10 minutes).	
6.	REPORTS OF THE CABINET AND PANELS	40 Minutes
	FOR DECISION	
(a)	Cabinet (Pages 19 - 38)	

Report of the meeting held on 10th December 2015 - to follow.

- (b) Corporate Governance Panel (Pages 39 - 52)
- (c) Licensing Committee (Pages 53 - 144)

FOR INFORMATION

- (d) Development Management Panel (Pages 145 - 146)
- (e) Employment Panel (Pages 147 - 148)
- (f) Licensing and Protection Panel (Pages 149 - 150)
- (g) Standards Committee

Report of the meeting on 8th December 2015 – to follow.

- (h) Overview and Scrutiny (Economic Well-Being) (Pages 151 - 154)

Report of the meeting on 8th December – to follow.

- (i) Overview and Scrutiny (Environmental Well-Being) (Pages 155 - 160)

Report of the meeting on 8th December – to follow.

- (j) Overview and Scrutiny (Social Well-Being) (Pages 161 - 166)

(The Chairman of the Cabinet and respective Panels to present their Reports and invite questions.)

7. REPRESENTATION OF POLITICAL GROUPS ON DISTRICT COUNCIL PANELS, ETC 10 Minutes

To consider a report by the Elections and Democratic Services Manager on the representation of political groups on Panels, etc in accordance with Section 15 of the Local Government and Housing Act 1989 and the District Council's Constitution – to follow.

8. VARIATION TO THE MEMBERSHIP OF COMMITTEES AND PANELS, ETC 5 Minutes

Group Leaders to report, if necessary.

9. APPOINTMENTS OF OVERVIEW AND SCRUTINY PANELS

Subject to the approval of the recommendations in Agenda item 6(b), to confirm the membership as follows with effect from 1st January 2016 :-

- | | | |
|---|---------------|--|
| Overview and Scrutiny (Communities Customers) | and Panel and | ❖ Current Members of the Overview and Scrutiny Panel (Social Well-Being) |
| Overview and Scrutiny (Finance) | and Panel and | ❖ Current Members of the Overview and Scrutiny Panel (Economic Well- |

Performance) and Being)
Overview and ❖ Current Members of the
Scrutiny Panel Overview and Scrutiny
(Economy and Panel (Environmental
Growth) Well-Being)

Dated this 8th day of December 2015



Head of Paid Service

Notes

1. 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.

Non-Statutory Disclosable Interests

(4) *If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.*

(5) *A Member has a non-statutory disclosable 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 a disclosable pecuniary interest, 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, or

(c) it relates to or is likely to affect any body –

- (i) exercising functions of a public nature; or
- (ii) directed to charitable purposes; or
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

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

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the COUNCIL held in Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 30 September 2015.

PRESENT: Councillor P L E Bucknell – Chairman.

Councillors J D Ablewhite, T D Alban, K M Baker, I C Bates, Mrs B E Boddington, D Brown, G J Bull, S Cawley, B S Chapman, K J Churchill, Mrs S Conboy, S J Criswell, Mrs A D Curtis, J W Davies, D B Dew, Mrs A Dickinson, R S Farrer, M Francis, R Fuller, I D Gardener, L George, D A Giles, A Hansard, R Harrison, D Harty, T Hayward, R B Howe, B Hyland, P Kadewere, Ms L Kadic, Mrs R E Mathews, D J Mead, J P Morris, M C Oliver, J M Palmer, P D Reeve, T D Sanderson, M F Shellens, D M Tysoe, R J West and J E White.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors E R Butler, R C Carter, Mrs L A Duffy, J A Gray, A J Hardy, Mrs P A Jordan, S M Van De Kerkhove, Mrs D C Reynolds, R G Tuplin and K D Wainwright.

25. PRAYER

The Reverend A Milton, Vicar of All Saints and St. Mary's, Huntingdon, opened the meeting with prayer.

26. CHAIRMAN'S ANNOUNCEMENTS

The Chairman presented to the Council an account of the activities both he and the Vice-Chairman Councillor R J West had attended since the last meeting. These had included his attendance at the Queen's Award for Anglian Water with the Executive Leader, Councillor J D Ablewhite, attendance at the Godmanchester Civic Service, Paxton Pits opening of the new bird hide and the opening of homes on California Road, Huntingdon. Members attention was particularly drawn to attendance at the Battle of Britain events and forthcoming events in relation to the festival of remembrance including a wreath laying in Huntingdon on 8th November 2015 and raising of the flag at Pathfinder House at 11.00am on 11th November 2015. The Chairman concluded by reminding Members of his forthcoming Carol Service on 7th December 2015 led by the Reverend A Milton and the Holocaust Day of Remembrance on 27th January 2016.

27. MINUTES

The Minutes of the meeting of the Council held on 29th July 2015 were approved as a correct record and signed by the Chairman.

28. MEMBERS' INTERESTS

No declarations were received.

29. COUNCIL DEBATE

The Chairman welcomed Mr A Wood, Chief Constable of Cambridgeshire Constabulary to the meeting, accompanied by Ms L Hunt, Chief Inspector of Cambridgeshire Constabulary who had been invited to address the Council.

Mr Wood thanks Members for the invite and indicated that this had been the first Council meeting he had been invited to speak at since his appointment as Chief Constable. He explained that he would be outlining his vision for Cambridgeshire Constabulary and how he would be moving it forward and Ms Hunt would further expand on the specific local policing issues.

In outlining his vision for policing, Mr Wood explained that he would be building upon the vision of creating a safer Cambridgeshire, through the core values of the police officers and the positions they held in the community. He indicated that one of the primary purposes of the police was to safeguard the vulnerable in our communities, which had included the prevalence of domestic burglaries. It had been reported in the press that the police had not been able to attend all burglaries, but Mr Wood had stressed that this had not be the case in Cambridgeshire and they had endeavoured to attend all reported cases and investigate the circumstances.

In addressing the subject of criminality, Mr Wood outlined to Members the work that had been undertaken of preventing crime though working with partners, including Councils and other agencies. This had been a particular challenge with decreasing budgets and whilst enabling value for money and continuing to reassure the public.

The Council had been informed of the relationship with Sir G Bright, Police and Crime Commissioner, whose commitment had been to maintain independence whilst working closely with the police to deliver the best possible service for the Community on Cambridgeshire. The Police and Crime Commissioner had been elected democratically to reflect the views of the constituents of Cambridgeshire and Peterborough.

In referring to the ongoing budgetary constraints that had been challenging all public sector organisations, Mr Wood explained that the Constabulary had identified a £9m budget shortfall in the ensuing financial year and work was ongoing to deliver efficiencies through collaborative work with neighbouring forces, including Bedfordshire and Hertfordshire. Specifically, work had been undertaken on combining the HR and ICT functions with these forces, coming to fruition the following year and would contribute to addressing the budgetary deficit.

Over the term of the current Parliament, budgetary challenges would continue with £24m taken from the Constabulary's budget and Mr Wood indicated his uncertainty of the budget forecast to 2019/20. He explained that the Home Office had suggested that front line services would be critically maintained and an effective front line service would be delivered in Cambridgeshire, but it had not been possible to provide reassurance that the number of front line constables would exist.

Mr Wood outlined the importance of local communities with local teams, particularly with the prevalence of rural crime and he recognised that the fear of rural crime can often be forgotten. The Constabulary had developed a strong Strategy through the deployment of officers to tackle these issues. Mr Wood provided some headline statistics that had been prepared by the National Rural Crime Network and had reported that 39% of the rural population had confidence in the police to tackle rural crime. In addressing these issues, Mr Wood explained that he was keen to explore the development of rural special constables to work with district communities.

Ms Hunt continued the debate focussing on the staffing in Huntingdonshire and outlined the Teams involved and work with Councillors on tackling community safety involving effective communication. Moving forward, Ms Hunt indicated her desire to undertake more work with Councillors and developing work with communities through Speed Watch and Neighbourhood Watch.

Councillor D M Tysoe indicated his interest with relation to engagement with Members and Mr Wood explained that his attendance at the Council meeting had commenced these discussions and also reported that he would like to attend, with Ms Hunt, on a regular basis to update Members and utilise the opportunity to listen to concerns and identify any issues.

In response to a question from Councillor B S Chapman on responses to incidents, specifically in relation to The Priory, St Neots, Ms Hunt explained that they had been working closely with the premises to address the issues.

In relation to a question from Councillor D A Giles regarding the value of CCTV, Mr Wood reported that the presence had made a massive difference to crime and stressed the importance of supporting CCTV in Huntingdonshire and across the county. Ms Hunt also indicated the imminence of streaming CCTV images to front line officers to provide a more effective decision making process.

Councillor T Hayward highlighted problems in his Ward, specifically in relation to Speed Watch and the 20 mph limit and Ms Hunt indicated her support to such schemes through the delivery of warning letters.

Councillor Mrs S J Conboy raised a question in relation to encouraging communities to be more pro-active in utilising 101 and plans for harnessing new technology to assist in reporting. Mr Wood explained that the Constabulary had one of the fastest pick up rates for 101 calls and explained that the use of social media would be

encouraged to reduce the demand on the control room.

In response to a question from Councillor P Kadewere on the anti-social behaviour difficulties he experienced in his ward and his concerns regarding the loss of front line constables, Mr Wood indicated his determination to preserve constables and Police Community Support Officers to deliver local policing within the budgetary constraints.

Councillor T D Sanderson questioned the success on the Public Space Protection Order in existence in Huntingdon Town Centre and Ms Hunt explained that it had been successful through the partnership working with Street Rangers, the Fire Service and other agencies that had policed the area. Unfortunately, a problem still existed with the displacement of previously reported problems to other areas, but was being continually monitored.

In response to a question from Councillor M F Shellens on the fear of crime and measure of response, Ms Hunt explained that they had undertaken a telephone survey on how safe you feel in your community. The results had fed into the development of the Confidence through Communication Action Plan and Mr Wood undertook to improving upon the communication to communities that action had been taken.

Councillor J W Davies shared his concerns regarding the budget reductions and Mr Wood explained that there would be greater use of collaborative working of back office functions to enable front line officers to be maintained.

In concluding the debate, the Executive Leader, Councillor J D Ablewhite shared the views of increased collaborative working and indicated his openness to new ideas within the ongoing constraints of budgetary pressures. Mr Wood thanked Members for the opportunity to address the Council and welcomed a further debate at a future meeting.

30. ELECTORAL BOUNDARY REVIEW

Further to Item No.18 of the meeting of the Council held on 29th July 2015 and in conjunction with a report by the Managing Director (a copy of which is appended in the Minute Book) the Managing Director provided an update of the electoral review of Huntingdonshire. The Council were reminded of the background to the review, specifically in relation to the discrepancies that existed in some wards with electoral imbalances. Members noted that a cross-party Working Group had been convened to consider the options in relation to council size and had met on three occasions.

The Working Group had considered the magnitude of growth predicted in the District over the forthcoming years and the fact that the Councillors currently represented more electors than those in comparison authorities. The growth was likely to be greater in this area compared with many other authorities and it was noted that demands on Councillors time was likely to increase as a result.

In considering the options, Councillor P D Reeve indicated his

concern with a potential move to whole Council elections and the Managing Director reminded Members of the parameters that had been established by the Local Government Boundary Commission for England in relation to retaining elections by thirds with a council size being divisible by three.

In noting that the draft submission had been considered by the Standards Committee, the Executive Leader, Councillor J D Ablewhite, moved and seconded by Councillor R B Howe and

RESOLVED

that the District Council's submission to the Local Government Boundary Commission for England on a Council size of 52 be approved and the Managing Director, after consultation with the Chairman and Leader, be authorised to make any minor amendments to the submission.

31. EXECUTIVE COUNCILLOR PRESENTATIONS

(a) Councillor R B Howe, Executive Councillor for Commercial Activities

Councillor R B Howe, Executive Councillor for Commercial Activities addressed the Council on some of the principal services within the portfolio responsibilities, namely CCTV, the Document Centre, parking services and One Leisure. A copy of Councillor Howe's PowerPoint presentation is appended in the Minute Book.

Councillor Howe updated Members on the shared service arrangement that existed with Cambridge City Council for CCTV and reported that there were 260 cameras in the combined network. As a result £67k of savings had been realised and tranche 3 of the Zero Based Budgeting (ZBB) exercise was underway. He reported that commercial contracts had been renewed with Town and Parish Councils and investigations were underway with a view to expanding the service to external organisations for outdoor events such as the Secret Garden Party. In conjunction with the comments earlier from the Chief Constable, work was also underway to develop an image sharing system with the Police.

Members were acquainted with the level of income that the Document Centre had accrued of £60k compared with £26k in the previous financial year. In addition to this the ZBB process had yielded £91k of efficiencies in the service. A marketing study was underway to engage with neighbouring councils and Councillor Howe outlined the vision of the service to develop a High Security Document Management model operating on a 24/7 basis. Councillor Howe also highlighted the potential for developing a market for small job printing, such as housing associations and estate agents, through the development of website for this purpose.

In terms of the car parking service, Members noted that

income had been £195k above budget with a full year forecast of £350k above budget. Councillor Howe reminded Members of the Council's decision to reject the proposal for Civil Parking Enforcement and reported upon the rationalisation programme for the car parks estate resulting in a capital gain of £650k through their disposal.

Councillor Howe updated the Council on the One Leisure restructuring that had resulted in the appointment of a new Senior Management Team. In terms of the budgetary impact, it was reported that the service was currently profiled to surplus £157k to August 2015 and profiled to forecast a surplus of £350k at the year end. The Council had been informed of the improvement in attendances and increase in admissions and noted the rationalisation programme underway in Ramsey and Sawtry Leisure Centres. In concluding, Councillor Howe reported upon the success of the service in achieving a level of income above expenditure for the first time.

In congratulating the One Leisure Service in its achievement to make profit, Councillor D A Giles sought reassurance from Councillor Howe that car parking charges would not be introduced on Sundays. Councillor Howe confirmed that car parking charges would not be applied on Sundays.

Councillor D M Tysoe and Councillor P D Reeve stressed the community importance of Sawtry and Ramsey Leisure Centres and Councillor Reeve suggested building resilience for these services through the development of community apprenticeships.

In relation to CCTV, Councillor Reeve reported that Ramsey had renewed its contract and questioned that charging level. In response, Councillor Howe explained that the charges would be reviewed but had not been able to provide a timescale.

Councillor K J Churchill raised a question in relation to car parking in areas of high recreational use and Councillor Howe indicated that there were no plans to introduce further parking charges for such car parks but may be reviewed in the future.

In concluding, the Executive Leader, Councillor J D Ablewhite, congratulated the Teams on the achievements that had been highlighted by Councillor Howe and for the work of the Officers and Members involved.

(b) Councillor D M Tysoe, Executive Councillor for Customer Services

Councillor D M Tysoe, Executive Councillor for Customer Services addressed the Council on the Customer Service portfolio, which included the Call Centre, Customer Service Centres, Local Taxation, Housing Benefits and Fraud,

Housing Needs and Resources and IT. A copy of Councillor Tysoe's PowerPoint presentation is appended in the Minute Book.

Councillor Tysoe highlighted measures contained in the Corporate Plan attributable to Customer Service and had indicated that they were all on target. He proceeded to update Members on the new website launch proposal for October 2015 and the shared service arrangement with Cambridge City and South Cambridgeshire for the IT service predicted to realise savings of £330k per annum. Members also noted the forthcoming proposal to relocate the Call Centre from its St Ives location to Pathfinder House to enable a reduction in costs for the service. He also envisaged an improved use of IT and support for Members.

In response to a question from Councillor T Hayward on the depth of training of the Call Centre staff, Councillor Tysoe explained the level of competency training involved and invited Councillor Hayward to provide further details outside of the meeting.

Councillor P D Reeve raised a question in relation to the capacity to encourage more partners and agencies to be located at the Council headquarters. In response, Councillor Tysoe indicated that if space were available the concept could be developed in line with the Citizens Advice Bureau and Department of Work and Pensions developing a One Stop Shop arrangement.

(c) Questions to Other Members of the Cabinet

In response to a question from Councillor D A Giles on the date for the referendum on the St Neots Neighbourhood Plan, Councillor D B Dew reported that a date had not been agreed and undertook to find out further information.

Arising from a question from Councillor J E White on an update of the Cambridgeshire Armed Forces Community Covenant Board, whereby Councillor R Harrison explained that he had met with the Department for Communities and Local Government two years ago to raise concerns regarding the Board as not all Councils had Boards in their areas and now all Councils had established Boards. He reported upon his attendance at a meeting with Cambridgeshire County Council that had been instigated to re-focus the Board due to a change in the Armed Forces grants scheme. Difficulties continued to exist with identifying ex-forces or current serving personnel in the District and access to third party data through the Royal British Legion.

Councillor J P Morris raised a question in relation to the action that the District Council would be undertaking to support refugees fleeing from war zones as recently reported in the Hunts Post. In response, Councillor Ablewhite explained that the Council had many challenges in supporting local communities, with a number of families

living in temporary accommodation and balancing this need with other national priorities. He reported that the Local Government Association had been working with the Government, Cambridgeshire County Council, as the lead authority, and other authorities and indicated his support for the crisis and willingness to support refugees on the basis that the Government would provide full funding for five years.

In response to a question from Councillor P D Reeve on the problems that existed with developers not exploiting the potential of their land for housing needs, Councillor D B Dew reported that the problems existed nationally as well as locally and undertook to investigate further and provide and update at a future meeting.

33. REPORTS OF THE CABINET, PANELS AND COMMITTEES

(a) Cabinet

Councillor J D Ablewhite, Executive Leader of the Council and Chairman of the Cabinet presented the Report of the meeting of the Cabinet held on 17th September 2015.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Cabinet held on 17th September 2015 be received and adopted.

(b) Corporate Governance Panel

Councillor M Francis presented the Report of the meeting of the Corporate Governance Panel held on 16th September 2015.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Corporate Governance Panel held on 16th September 2015 be received and adopted.

(c) Development Management Panel

Councillor Mrs B E Boddington presented the Report of the meetings of the Development Management Panel held on 17th August and 21st September 2015.

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Whereupon, it was

RESOLVED

that the Report of the meetings of the Development Management Panel held on 17th August and 21st September 2015 be received and adopted.

(d) Employment Panel

Councillor J W Davies presented the Report of the meeting of the Employment Panel held on 23rd September 2015.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Employment Panel held on 23rd September 2015 be received and adopted.

(e) Overview and Scrutiny Panel (Economic Well-Being)

Councillor G J Bull presented the Report of the meeting of the Overview & Scrutiny Panel (Economic Well-Being) held on 3rd September 2015.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Economic Well-Being) held on 3rd September 2015 be received and adopted.

(f) Overview and Scrutiny Panel (Environmental Well-Being)

Councillor T D Sanderson presented the Report of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 8th September 2015.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 8th September 2015 be received and adopted.

(g) Overview and Scrutiny Panel (Social Well-Being)

Councillor S J Criswell presented the Report of the meeting of the Overview and Scrutiny Panel (Social Well-Being) held on 1st September 2015.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Social Well-Being) held on 1st September 2015 be received and adopted.

(h) Standards Committee

Councillor A Hansard presented the Report of the meeting of the Standards Committee held on 10th September 2015.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Standards Committee held on 10th September 2015 be received and adopted.

34. VARIATION TO THE MEMBERSHIP OF COMMITTEES AND PANELS, ETC

There were no changes to report.

The meeting ended at 9.30pm.

Chairman

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the COUNCIL held in Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 11 November 2015.

PRESENT: Councillor P L E Bucknell – Chairman.

Councillors J D Ablewhite, T D Alban, K M Baker, Mrs B E Boddington, D Brown, G J Bull, R C Carter, Mrs S Conboy, S J Criswell, Mrs A D Curtis, D B Dew, Mrs A Dickinson, Mrs L A Duffy, R S Farrer, M Francis, R Fuller, I D Gardener, L George, D A Giles, J A Gray, A Hansard, R Harrison, T Hayward, Mrs P A Jordan, P Kadewere, Ms L Kadic, Mrs R E Mathews, D J Mead, P D Reeve, Mrs D C Reynolds, T D Sanderson, M F Shellens, D M Tysoe, K D Wainwright, R J West and J E White.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors I C Bates, E R Butler, S Cawley, B S Chapman, K J Churchill, J W Davies, D Harty, R B Howe, B Hyland, S M Van De Kerkhove, J P Morris, M C Oliver, J M Palmer and R G Tuplin.

35. MEMBERS' INTERESTS

No declarations were received.

36. RESOLUTION TO EXTEND 6 MONTH RULE - SECTION 85 LOCAL GOVERNMENT ACT 1972

The Managing Director presented a report (a copy of which is appended in the Minute Book) detailing a request to consider the extension of the six month rule of non-attendance at meetings in relation to Councillor S M Van De Kerkhove in the light of his continuous ill-health.

Councillor M F Shellens and Councillor D A Giles provided updates to the Council on the health of Councillor Van De Kerkhove and Councillor Shellens reported that he had hoped to resume some of his ward duties early in the New Year.

The Executive Leader, Councillor J D Ablewhite commented that given the circumstances party politics should not play a part in taking this decision and this was fully supported by the opposition Group Leaders. In these circumstances, the Council

RESOLVED

(a) that Councillor S M Van De Kerkhove's non-attendance at

meetings be extended until the end of the Municipal Year in accordance with Section 85 of the Local Government Act 1972; and

- (b) that the Council's best wishes be conveyed to Councillor S M Van De Kerkhove for continued improvement to his health.

37. ELECTION FREQUENCY

Further to Item No. 30 of the meeting of the Council held on 30th September 2015 and in accordance with a report by the Managing Director (a copy of which is appended in the Minute Book), the Council received an update in relation to the review by the Local Government Boundary Commission for England (LGBCE) of the Council's electoral arrangements.

In accordance with their decision to retain a Council size of 52 Members, the LGBCE had informed the Council of a requirement to consult on the election cycle and proposals to move to whole Council elections. The consultation had commenced on 23rd October and would conclude on 4th December 2015, whereby the Council noted that the outcome of the consultation would be reported to their meeting on 16th December 2015.

The meeting ended at 7.15pm.

Chairman

Cabinet

Report of the meetings held on 22nd October and 19th November 2015.

Matters for Decision

26. TREASURY MANAGEMENT 6-MONTH PERFORMANCE REVIEW

By way of a report from the Head of Resources (a copy of which is reproduced as Appendix A hereto), **and having considered the comments of the Overview and Scrutiny Panel (Economic Well-Being) (Item No.27 of their Report refers)** the Cabinet has been updated on the Council's treasury management activity for the first 6 months of the year, including investment and borrowing activity and treasury performance.

With the forthcoming Commercial Investment Strategy Business Plan it is anticipated that the Treasury Management report will evolve into a more substantial document. Best practice and prescribed treasury management guidance requires that Members are informed in respect of treasury management activity. As a result the Cabinet has noted the report and

RECOMMENDS

that the Council consider the Treasury Management 6-Month Performance Review report.

Matters for Information

27. REPLACEMENT FINANCIAL MANAGEMENT SYSTEM

The Cabinet has approved the Council's involvement in the procurement and implementation of a new Financial Management System (FMS) in partnership with its strategic partners, Cambridge City Council (CCC) and South Cambridgeshire District Council (SCDC).

The FMS that the Council currently uses has been in operation for a number of years with little improvements or modification to the system. Although the system continues to meet basic accounting requirements a new system will provide better financial reporting, improved financial management and support the sharing of finance resources.

Both CCC and SCDC recently gained approval from their Members for the joint procurement of a new FMS and it is considered that there are

distinct advantages for the Council to enter into a joint procurement exercise.

Until the formal procurement has concluded, the exact costs of a new FMS are unknown and the financial figures contained within the Officer's report are indicative figures. However, CCC undertook some preliminary soft market testing earlier in 2015 and the initial costing exercise has indicated a range of possible costs, which ultimately depend on the system eventually procured. As both CCC and SCDC are statutory landlords and this service is financially resource intensive, it is assumed that the Council's implementation and subscription costs will be less as the Council does not operate a Housing Revenue Account.

The Cabinet has agreed that although the matter has progressed quicker than expected, it is an opportune time to enter into a joint procurement exercise with CCC and SCDC.

In response to questions, the Cabinet has been assured that the replacement FMS would meet the required International Financial Reporting Standards. The savings identified are from the licence fee of the current FMS and other efficiency savings that the replacement system will deliver.

The Cabinet has agreed to release up to £258,667 to finance the £192,000 capital acquisition and implementation costs and £66,667 first year revenue costs from the Special Earmarked Reserve.

The Cabinet has also delegated final approval, subject to a 10% contingency, to the Head of Resources in consultation with the Executive Councillor for Resources, for the release of the reserve to finance this project.

28. URGENT REPAIRS TO THE OCTAGON BUILDING, ST IVES

The Cabinet has approved a capital allocation of £50,000 to repair and preserve the historic Octagon building in St Ives.

The Octagon building is owned by the Council and is located within the Cattle Market Car Park in St Ives. The building is not listed but does have protection against demolition as it is in the Conservation Area.

The condition of the building is such that repairs are now required to ensure that the structure is made safe, is able to be secured and to improve the use of the internal space.

The repairs identified in the visible condition survey were estimated at £40,629. However, as the estimate does not include a contingent for others works that may be necessary, a budget of £50,000 is considered more appropriate.

The budget of £50,000 is able to be accommodated from the 2015/16 capital programme underspend.

Prior to the meeting the Cabinet received written representations from the two Local Ward Members, Councillors J W Davies and Mrs A Dickinson, who both supported the recommendation contained within the Officer's report.

Councillor R Fuller, as a Ward Member for St Ives, expressed support of the recommendation whilst addressing the Cabinet.

There has been little maintenance on the building since the Council carried out a significant amount of work a number of years ago and it is therefore important that the building is maintained in the future.

In discussing the potential uses of the building the Cabinet has suggested that the building is more appropriate to community use than commercial, and community groups will be encouraged to approach the Council.

The Cabinet hopes that the local District Ward Members will engage with the local Town Councillors regarding potential future uses of the building.

29. PRESENTATION ON EMPLOYEE OPINION SURVEY RESULTS 2015

The Cabinet has received a presentation on the results of the Employee Opinion Survey results for 2015.

For comparison purposes and to measure progress, the questions contained in the Survey are largely based on those questions previously asked in 2014. The Council is committed to asking the same questions again on an annual basis to establish whether the actions introduced are making a difference.

There has been an increased response rate to the 2015 survey and the response rate of 55% is considered to be good for a local authority. 82% of responses have indicated which of the seven service areas they work in, compared to 64% last year, which demonstrates that more people feel able to share the details of where they work.

The Cabinet has been acquainted with the broad findings under each of the subject areas in the questionnaire. While there is an overall improvement in nearly all results since the 2014 Survey, with many results appearing to show that the actions taken in response to last year's survey are making a difference, more action is required to make the Council a better place to work.

In response to questions, the Cabinet has been informed that although the Operations Service has the lowest response rate to the Survey, it is only by 1% compared to the next lowest responding service area, and that the Corporate Management Team are most disappointed with the results in relation to questions on communication, harassment and bullying.

The Cabinet has agreed that the results of the Survey are positive and moving in the right direction, which is expected given the significant changes that occurred last year with the appointment of the new Senior Management Team now in place. However, there is still room for improvement which will be made difficult by the financial pressures that the Council continues to experience. The Cabinet anticipates that the results of the Survey next year will improve further.

30. CORPORATE PLAN AND FINANCE – INTEGRATED PERFORMANCE REPORT (QUARTER 2)

Having considered the comments of the Overview and Scrutiny Panel (Economic Well-Being) (Item No.28 and of their Report refers) the Cabinet has received progress against the Key Activities and Corporate Indicators listed in the Council's Corporate Plan for 2015/16 for the period 1st July to 30th September 2015 and updates on current projects.

Progress against the Corporate Plan objectives is reported quarterly and performance data has been provided in the form of a narrative of achievement accompanied with a Red/Amber/Green status against each Key Action in the Corporate Plan.

To enable the Capita software system to be upgraded, the Cabinet has approved the inclusion of this supplementary capital bid to the 2015/16 capital programme. The system enables the processing of payments received by the Council via credit and debit cards using on-line payments on the Council's website, automated phone payments and payments at the Call Centre. The system will be upgraded to a cloud based system with an additional interface to the Leisure Centres as currently these are inputted manually.

The Cabinet expressed appreciation to Officers and Members at the progress the Council continues to make. Capital spend is being well controlled and there is consideration about project costs and how projects are financed. There is now better governance of projects and discipline of the information being input into the system on progress with projects.

As a result of planning permissions not being implemented, the Cabinet were frustrated that the New Home Bonus was not achieving as forecast. It was noted that the Council has granted ample planning permissions. However, developers were choosing to 'land bank' and not progress planning permissions which was a national issue that Government needs to address. The New Homes Bonus is calculated on the annual average completion rate over 25 years and work is underway to provide a more accurate forecast in light of the current situation.

31. REVIEW OF THE COUNCIL'S LETTINGS POLICY

The Cabinet has approved the revised Council's Lettings Policy following necessary changes in light of new legislation and statutory guidance.

The Council is required by law to have an allocations scheme for determining priorities in the allocation of social rented housing, which is the Lettings Policy. Following changes to legislation, the Council is required to review its allocation schemes to provide for social tenants who need to move to be closer to work, or accept an offer of work, where failure to meet that need would cause hardship to themselves or others. The Council's Policy already provides for those people that are in work within the District, providing them with a local connection to the area. However, it does not specifically provide for those that have a genuine offer of employment in the District and may suffer hardship if they are unable to take up that offer.

The Council's Lettings Policy has been amended to include new local connection criteria so that households that meet this criterion and need to move between local authorities are not disadvantaged.

The Council is required to reserve a proportion of its lettings to households within this 'Right to Move' category, which the Secretary of State recommends is at least 1%. This equates to four to six lettings per year in this District and this quota system and percentage has been included within the Lettings Policy.

It has been noted that references in the footer of the document to 'Territorial Army' should be replaced with 'Regular Army Reserve' to ensure the correct use of terminology.¹

32. ESTABLISHMENT OF A PROCESS FOLLOWING THE RECEIPT OF AN EXAMINER'S REPORT INTO A NEIGHBOURHOOD PLAN

Having considered the comments of the Overview and Scrutiny Panel (Environmental Well-Being) (Item No. 23 of their Report refers) the Cabinet has agreed the process in determining whether a Neighbourhood Plan progresses to Referendum and notes the requirements of the Regulations in relation to Referendums.

St Neots Neighbourhood Plan is at the Referendum stage and the Council is receiving more expressions of interest from other Town AND Parish Councils regarding developing Neighbourhood Plans. Therefore a process is required.

Following examination of a Neighbourhood Plan, the Examiner issues a report to the Local Planning Authority and the respective Town/Parish Council preparing the Neighbourhood Plan. The Examiner is required to recommend one of three options:

- i. That the Neighbourhood Plan proceeds to Referendum as submitted;

¹ Following the request of the Cabinet, the definitions in the footer of the Lettings Policy relate to definitions within the 2006 Armed Forces Act, which the Council is required to comply with. The Armed Forces Act has been amended and 'Army Reserve' is now 'Regular Reserve' and the 'Territorial Army' is now the 'Army Reserve'. These amendments will be reflected in the Policy.

- ii. That the Neighbourhood Plan is modified by the Local Planning Authority to meet the basic conditions and the modified version proceeds to Referendum; or
- iii. That the Neighbourhood Plan does not proceed to Referendum as it fails to meet the basic conditions or legislative requirements and cannot be modified to do so.

Following the examination and receipt of the Examiner's Report the Local Planning Authority has limited options. It can:

- a. Where the Examiner recommends that the Plan meets the basic conditions or can meet the basic conditions, subject to modifications, act upon the Examiner's Report and progress the Neighbourhood Plan to Referendum;
- b. Propose to take a decision substantially different from the Examiner's recommendation which is wholly or partly as a result of new evidence or a different view taken by the Local Planning Authority on a particular fact. In this instance the Local Planning Authority must notify all those identified in the consultation statement and invite representations on the alternative decision. Where necessary as a result of the representations the Local Planning Authority must reopen the examination;
- c. Decide not to progress the Neighbourhood Plan to Referendum if the Examiner's report states that it fails to meet the basic conditions or legislative requirements and cannot be modified to do so.

If a Neighbourhood Plan is successful at Referendum it will form part of the Statutory Development Plan for Huntingdonshire.

Once the Examiner's Report on a Neighbourhood Plan has been received the Cabinet will be presented with a report to determine which of the options is appropriate and, if necessary, a draft Decision Statement with modifications that the Examiner considers are required to the Plan to meet the required basic conditions.

Concern has been expressed by the Cabinet that should a Neighbourhood Plan, once adopted, be challenged that the Council will be at financial risk. It is therefore important to ensure that any Plan accords with the Council's policies and that the motivator of devising a Plan is to support local needs and not for supposed financial gain from Community Infrastructure Levy funds. The Cabinet were informed that unless there is general conformity with the Council's Local Plan the Examiner will not recommend that the Plan proceeds to a Referendum.

It has been noted that promotion regarding a Neighbourhood Plan and a Referendum is the responsibility of the respective Town/Parish Council and that there is considerable implications for resources both in terms of staff time and costs for providing assistance to a Town/Parish Council undertaking a Neighbourhood Plan, examination and Referendum. The Department for Communities and Local Government has made grants of up to £30,000 available to local planning authorities for each Neighbourhood Plan which is expected,

by Government, to cover the costs of the Examination and Referendum.

33. ST NEOTS NEIGHBOURHOOD PLAN EXAMINATION OUTCOME AND PROGRESSION TO REFERENDUM

Having considered the comments of the Overview and Scrutiny Panel (Environmental Well-Being) (Item No.24 of their Report refers) the Cabinet has agreed that the District Council should act upon the Examiner's Report and recommended modifications and that St Neots Neighbourhood Plan should proceed to a Referendum.

The process for determining whether a Neighbourhood Plan progresses to Referendum following the receipt of an Examiner's report has been agreed by the Cabinet separately in Item No.32 ante.

St Neots Neighbourhood Plan is the first in Huntingdonshire to progress through Examination. The Examiner has accepted that, with appropriate modifications, the Neighbourhood Plan will meet the basic conditions against which it is required to be tested to be able to progress to Referendum.

The Examination of the St Neots Neighbourhood Plan took place during January to February 2015 with the final report being issued in February 2015. The Examiner proposed a substantial number of modifications which were discussed with St Neots Town Council. The Examiner presented options for the Town Council to consider and has agreed with their preferred modifications which includes deleting the chapter on Entertainment and Leisure in order to designate Riverside Park and Regatta Meadow as local green spaces.

The Cabinet were referred to the copy of the Neighbourhood Plan submitted for Examination and the document detailing the modifications required by the Examiner, as appended to the Officer's report. It has been noted that it is the responsibility of St Neots Town Council to incorporate these amendments into a finalised copy of the Neighbourhood Plan.

It is considered that the modifications as now proposed will enable the St Neots Neighbourhood Plan to meet the basic conditions required and that there is no new evidence or a different view by the Local Planning Authority to require those identified in the consultation statement to be notified or for the Examination to be reopened.

Preparations will be made for a Referendum to be held on the St Neots Neighbourhood Plan in accordance with the Regulations and using the guidance provided by the Planning Advisory Service and Local Government Association. A tentative date of 4th February 2016 has been reserved for the Referendum.

The Examiner is required to recommend the area to be covered by the Referendum. In this instance it is recommended that the Referendum

encompass the St Neots Neighbourhood Plan area, as approved on 17th October 2013.

At the Referendum the electorate will be asked to vote on the question: 'Do you want Huntingdonshire District Council to use the Neighbourhood Plan for St Neots to help it decide planning applications in the neighbourhood area?'

If the results are a majority 'yes' vote Full Council will be asked to adopt the Neighbourhood Plan at its next available meeting. The Plan will then form part of the Statutory Development Plan for the area.

The Cabinet has been advised that it is the responsibility of the respective Town/Parish Council to promote the Referendum and that the Extra Burden Grant should meet the costs of the Referendum.

In discussing the tentative date of the Referendum, the Cabinet suggested that due to adverse weather, Winter is not the optimal time to hold a Referendum. In order to enable better community engagement in the process through a larger turnout, the Cabinet has requested that St Neots Town Council be approached to consider holding the Referendum in May 2016 alongside the scheduled elections.

The Cabinet has agreed that St Neots Town Council has been successful to progress the Neighbourhood Plan to this stage.

34. FINDINGS AND RECOMMENDATIONS OF AFFORDABLE HOUSING WORKING GROUP

At the request of the Overview and Scrutiny Panel (Social Well-being) (Item No. 21 of their Report refers), the Cabinet has been asked to consider and respond to the findings and final recommendations of the Affordable Housing Working Group.

The Working Group was originally established in March 2014 by the Overview and Scrutiny (Social Well-being) Panel to investigate the policies and procedures of Registered Providers. In July/August 2014 the Group's remit was amended to undertake a study on affordable housing.

The Cabinet has endorsed the following recommendations made by the Affordable Housing Working Group, that during the development of the Housing Strategy for 2016-19 and the Local Plan to 2036:

- the Council should actively promote the provision of affordable housing on exceptions sites to Town and Parish Councils;
- where a Parish Council does not support an exceptions site, the Council should continue to fulfil its duty to meet identified affordable housing need;
- a systematic assessment should be carried out of all land to identify potential sites for affordable housing to then be matched to needs (strategic housing land availability assessment); and

- the threshold for developments on which on-site affordable housing can be sought should be lowered from 15 to 10 dwellings.

There have been incidences where a Town and Parish Council have not supported an affordable development on an exceptions site that has resulted in the non-delivery of affordable housing. The Cabinet has agreed that early engagement with Town and Parish Councils is essential to prevent misinformation, to gain their support and to prevent pressure groups forming. It is hoped that Ward Members will assist in this role. However, in the event that a Town or Parish Council does not support a viable exceptions site, the Cabinet endorses the view that the Council should take decisions that are in the best interests of the area and should fulfil its duty to meet identified affordable housing need.

The Working Group has considered Government initiatives and their impact on the supply of new affordable housing. The policy target of 40% affordable housing still applies to all developments but there is the availability of negotiation where this is not viable. The Cabinet has noted that the 40% affordable housing is being achieved on smaller developments.

The Working Group has been informed that the Council can seek affordable housing contributions where there is a clear case of disaggregation of the site where a developer intends to build on separate parts of a larger site over a long period. The Council's current threshold is 15 homes on urban sites due to previous Government policy.

Whilst referring to Community Land Trusts, it has been noted that the Working Group has been acquainted with examples of Community Land Trusts in various areas, including in East Cambridgeshire. However, the Group does not consider that Huntingdonshire should devote the same level of resources to encouraging Community Land Trusts but considers that they should be recognised amongst the potential tools available to local communities for delivering affordable housing.

It has been noted that there is a need to prevent and to allay fears that affordable housing on rural exception sites developed on charitable land can be purchased by a person without a local connection.

The Cabinet accepts that there is a will and appetite to deliver affordable housing but land owners will not offer land for minimal financial gain. Therefore the Council needs to consider what it can do to enable the development of dwellings that are affordable to allow local people of all ages to remain living where they want to. As a result of these discussions the Cabinet resolved that the Council will:

- take legal advice to explore options to protect local houses for local people on rural development schemes through, amongst other things, covenants, joint ventures and charitable mechanisms.

The Cabinet has expressed congratulations to the Working Group for the comprehensive report.

35. HUNTINGDONSHIRE LOCAL PLAN TO 2036

Having considered the comments of the Overview and Scrutiny Panel (Environmental Well-Being) (Item No. 22 of their Report refers) the Cabinet has noted the Government's new timescales for the plan preparation process and the progress on the preparation of the Huntingdonshire Local Plan to 2036.

Government has announced that it expects new Local Plans '*... to be written ...*' by early 2017. By the end of March 2017 Local Plans need to be at least at the second statutory stage of the Local Plan Examination process – known as the Submission stage. This is the point at which the Local Plan can be deemed to have been 'written' by the Local Planning Authority, although it will still be subject to an Examination in Public by an independent Planning Inspector. Where Local Planning Authorities are not making sufficient progress in preparing new Local Plans the Government has indicated that it will use sanctions if required to intervene.

The Local Plan is being prepared in the format of a single Local Plan document containing Huntingdonshire's Planning Strategy, Development Management Policies and Site Allocations. When adopted the Local Plan will be the District Council's most up to date Statement of Planning Policy and will form the statutory Development Plan for Huntingdonshire, along with any Neighbourhood Plans that are formally 'made' following a local Referendum, the Cambridgeshire County Council's Minerals and Waste Core Strategy (2011) and Site Specific Proposals Plan (2012). It will be compliant with national planning policy and will replace the existing Huntingdonshire Development Plan Documents which are the Huntingdonshire Local Plan 1995, the Huntingdonshire Local Plan Alteration 2002, the Huntingdonshire Core Strategy (2009) and the Huntingdon West Area Action Plan (2011).

Over the years a series of Supplementary Planning Documents (SPDs) have been prepared to complement and provide relevant detail on the current Development Plan policies. It is permissible to maintain a suite of SPDs to complement Local Plan policies and there will need to be a process and programme for considering which SPDs should be removed or updated and whether new SPDs are required.

The next stage in the process is the formal statutory stages, known as the Proposed Submission, Submission, Examination, and Adoption stages. The Examination stage is where the finalised and detailed Local Plan and its supporting evidence base are tested by an independent Planning Inspector. If it is found to be 'sound', the Plan can be adopted as part of the Development Plan for Huntingdonshire.

There are key pieces of supporting evidence for the Local Plan that need to be completed, such as the traffic modelling and an updated Strategic Flood Risk assessment. In order to complete the Supporting

Evidence, the Cabinet has been advised that the Council will need to commission Consultants and that the Planning Policy budget includes provision for this.

The Cabinet has been advised that the National Planning Policy Framework requirement is to identify a supply of sites for years 1-10 and, where possible, for years 11-15. The District Council has been progressing the Local Plan with the intention of identifying a supply of specific, developable sites for years 1-15. The traffic modelling work, still to be completed, is in part required to consider whether and how the proposed allocation at Wyton Airfield could be delivered.

The Cabinet has endorsed the proposed way forward that, alongside the evidence referred to in paragraphs 3.5 and 3.6 of the Officer's report, the District Council explores the identification of a supply of sites for years 1-10 from the date of adoption only if it appears that identifying sites for years 11-15 will unduly delay the submission of the Local Plan.

The Cabinet has instructed that as a priority, infrastructure requirements for Wyton Airfield are further scoped with a view they can be identified and fully costed.

The Cabinet will receive quarterly update reports on progress with the Local Plan.

36. SAFETY ADVISORY GROUP

The Cabinet has received the report of the Safety Advisory Group meeting held on 9th September 2015.

37. HINCHINGBROOKE COUNTRY PARK JOINT GROUP

The Cabinet has received the notes of Hinchingsbrooke Country Park Joint Group meeting held on 16th October 2015.

38. ONE LEISURE NEGOTIATIONS

(The following item was considered as a confidential item under paragraphs 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972).

The Cabinet has approved delegated authority to the Corporate Director (Delivery) after consultation with the Executive Member for Commercial Activities, regarding negotiations relating to One Leisure, as contained within the confidential report.

Having considered the comments of the Overview and Scrutiny Panel (Economic Well-Being) (Item No.30 of their Report refers), the Cabinet were assured that there would be no financial risk to the Council.

The Cabinet considered the additional recommendation from the Overview and Scrutiny Panel (Economic Well-Being) and concluded

that it is more appropriate for the Panel to receive a report once negotiations have concluded.

J D Ablewhite
Chairman

Public
Key Decision – No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Treasury Management 6-month Performance Review

Meeting/Date: Overview & Scrutiny – 5th November 2015
Cabinet – 19th November 2015

Executive Portfolio: Resources: Councillor J A Gray

Report by: Head of Resources

Ward(s) affected: All Wards

Executive Summary:

Best practice and prescribed treasury management guidance requires Members to be kept up to date in respect of treasury management activity for the first half of the year, including investment and borrowing activity and treasury performance.

Recommendation(s):

The Cabinet are asked to:

- Note the treasury management performance for the first 6 months of 2015/16 and to recommend the report to Council for consideration.

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 The purpose of this report is to update Members on the Council's treasury management activity for the first 6 months of the year, including investment and borrowing activity and treasury performance.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 It is regarded as best practice and prescribed treasury management guidance that Members are kept up to date in treasury management activity.
- 2.2 The Council approved the 2015/16 Treasury Management Strategy at its meeting on 12th February 2015.
- 2.3 All treasury management activity undertaken during the period complied with the CIPFA Code of Practice and relevant legislative provisions.
- 2.4 The investment strategy is to invest any surplus funds in a manner that balances low risk of default by the borrower with a fair rate of interest. The Council's borrowing strategy permits borrowing for cash flow purposes and funding current and future capital expenditure over whatever periods are in the Council's best interests.

3. OPTIONS CONSIDERED/ANALYSIS

Cash Flow Management

- 3.1 The vast majority of activity over the past 6 months has been in managing short term fluctuations in cash flow by borrowing or investing for periods that ensure sustainable cash liquidity and at cost that is the most economically advantageous for the Council.
- 3.2 Much of the investment activity has been in call accounts and Money Market Funds. These accounts offer two clear advantages considering the current investment market:
- One of the primary Treasury Management objectives is the security of funds invested; because these accounts allow immediate access to funds this reduces the risk of default.
 - These accounts provide a fair return on amounts invested.
- 3.3 There has been no temporary borrowing during the period.

Long Term Borrowing and Investments

- 3.4 At present the Council has the following investments with external organisations:
- £1.239m to Huntingdon Regional College, which has been back-to-back funded by long-term borrowing for the same amount from the Public Works Loans Board (PWLB).
 - £61,000 to Huntingdon Gym.
 - £4,000 to Alconbury Parish Council.

With regard to the investments in Huntingdon Gym and Alconbury Parish Council, these are currently being financed from within the Councils own working capital.

- 3.5 As at the 30th September the Council had short and long term external investments of £14.6m and borrowing of £11.2m. The following table summarises the transactions during the period and further detailed analysis is shown in Appendix 1.

2014/15			2015/16
£m			£m
3.5	Investments	- as at 31 st March	3.9
(100.8)		- matured in period	(100.3)
106.5		- arranged in period	111.0
9.2		- as at 30 th September	14.6
(17.4)	Borrowing	- as at 31 st March	(11.3)
20.0		- matured/repaid in period	0.1
(19.0)		- arranged in period	0.0
(16.4)		- as at 30 th September	(11.2)
(13.9)	Net investments at 31st March		(7.4)
(7.2)	Net investments at 30th September		3.4

Performance – Interest Return

- 3.6 To give an indication of net investment performance, the summary below excludes the above long-term investments and borrowing to give a fairer comparison with the current benchmark of the 7 day rate.

SHORT-TERM PERFORMANCE FOR THE 6 MONTHS APRIL 2015 – SEPTEMBER 2015					
Net investments	Performance	Benchmark	Variation from benchmark	Managed Funds	
				1 April £m	30 Sept £m
Excluding Huntingdon Regional College, Huntingdon Gym and Alconbury Parish Council	0.20%	0.18%	+0.02%	(2.5)	(13.3)
Note: The Benchmark performance is based on the 7 day LIBID rate provided by the Council's advisors Arlingclose.					

Performance – against budget in 2015/16

- 3.7 The latest forecast outturn is for the net cost of interest to be under budget by £105,000 (net cost of £0.372m against a budget of £0.477m). The small saving is attributable to a combination of low borrowing interest rates (especially between local authorities), reduction in revenue spending, delays in capital expenditure and higher than expected revenue reserves.

Treasury Management Indicators

3.8 The Council measures its exposures to certain treasury management risks with the following indicators which generally relate to the position as at 30th September.

3.9 Interest rate exposures

It is therefore proposed to replace it with the following indicators which better illustrate the position:

		Limits		Actual Sept 2015
		Max.	Min.	
Borrowing: longer than 1 year	Fixed	100%	75%	100%
	Variable	25%	0%	
Investments: longer than 1 year	Fixed	100%	100%	100%
	Variable	0%	0%	

All borrowing and investing for less than one year is variable by definition. Control over the Council's exposure to interest rates will be achieved as follows:

3.10 Maturity structure of borrowing

This indicator prescribes the limits within which the Council can borrow to either maintain effective cash flow or to cover capital expenditure.

Borrowing	Upper	Lower	Actual
Under 12 months	90%	0%	1%
12 months and within 24 months	90%	0%	1%
24 months and within five years	90%	0%	4%
Five years and within 10 years	91%	1%	5%
10 years and above	100%	9%	89%

3.11 Investment repayment profile – limit on the value of investments that cannot be redeemed within 364 days

The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The total principal sums invested to final maturities beyond the period end were:

	2015-16 £m	2016/17 £m	2017/18 £m
Limit on investments over 364 days as at 31 March each year.	33.8	37.2	37.6
Actual principal invested beyond year end as at 30 September 2015	1.2	1.0	0.9

4. COMMENTS OF OVERVIEW & SCRUTINY PANEL

4.1 Comments from the Overview & Scrutiny (Economic Well-being) Panel have been included separately on the Cabinet's agenda at item 11, Comments from Overview and Scrutiny.

5. KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?

5.1 Key impacts and risks are noted in the report above.

6. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

6.1 Actions will be taken as necessary on the borrowing and investing requirement of the Council within agreed policies and approval.

7. LINK TO THE CORPORATE PLAN

7.1 The treasury management function enables the required funds to be available for all Council expenditure and as such linked to all of the Councils strategic theme and outcomes. It is especially linked in with "become more business-like and efficient in the way we deliver services".

8. CONSULTATION

8.1 No consultation has been undertaken.

9. LEGAL IMPLICATIONS

9.1 There are no legal implications

10. RESOURCE IMPLICATIONS

10.1 Resource implications are noted within the report above.

11. OTHER IMPLICATIONS

11.1 There are no known other implications at the present time.

12 REASONS FOR THE RECOMMENDED DECISIONS

12.1 Best practice and prescribed treasury management guidance requires that Members be informed in respect of treasury management activity and therefore the Cabinet is requested to note the report and recommend it to Council for consideration.

13. LIST OF APPENDICES INCLUDED


13.1 Appendix 1 – Investments and Borrowing as at 30th September 2015.

BACKGROUND PAPERS


Working papers in Resources.

CONTACT OFFICER

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APPENDIX 1

Investments as at 30 September 2015

	£m	Investment date	Rate %	Repayment date
Term Deposits				
Alconbury Parish Council	0.004	08/07/13	0.50	08/07/16
Huntingdonshire Regional College	1.239	05/08/13	3.34	05/08/23
Huntingdon Gym	0.061	2/10/13	5.13	30/09/23
Coventry Building Society	1.500	14/09/15	0.41	14/10/15
Nationwide Building Society	1.000	10/09/15	0.43	12/10/15
Nationwide Building Society	1.000	15/09/15	0.43	15/10/15
	4.804			
Liquidity Accounts				
NatWest	0.706	28/09/15	0.25	Call
Cambridge Building Society	0.100	09/10/13	0.50	Call
Blackrock MMF	1.000	21/09/15	0.47	Call
Santander	0.900	29/09/15	0.25	Call
Handelsbanken	1.000	22/09/15	0.30	Call
Barclays	2.175	21/09/15	0.45	Call
Legal & General MMF	1.280	30/09/15	0.47	Call
Standard Life Liquidity MMF	1.600	28/09/15	0.44	Call
PSDF MMF	1.000	15/09/15	0.45	Call
TOTAL	9.761			

Borrowing as at 30 September 2015

	£m	Borrowing date	Rate %	Repayment date
Long Term				
PWLB	1.226	07/08/13	2.44	07/08/23
PWLB	5.000	19/12/08	3.91	19/12/57
PWLB	5.000	19/12/08	3.90	19/12/58
TOTAL	11.226			

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Corporate Governance Panel

Report of the meeting held on 2nd December 2015.

Matters for Decision

22. OVERVIEW AND SCRUTINY PANEL STRUCTURE: CHANGES TO THE CONSTITUTION

By way of a report from the Policy, Performance and Transformation Manager (a copy of which is reproduced as Appendix A hereto), having been considered by the Overview and Scrutiny Panels (Social Well-Being), (Economic Well-Being), (Environmental Well-Being) (Item No's. 22, 29 and 25 of their reports respectively refer) the Panel has considered the proposed changes to the Council's Constitution to amend the structure of the Council's Overview and Scrutiny Panels.

Having noted that the proposed changes have recently been endorsed by the Panels, the Corporate Governance Panel agreed to recommend the amendments to Council, subject to the removal of MTP from paragraph 1.5 as detailed in Appendix 1. Whereupon, the Panel

RECOMMENDS

that the Council approve the amendments to the Constitution to reflect the new structure for the Council's Overview and Scrutiny Panels, as detailed in Appendix 1 of the Officer's report, with effect from 1st January 2016, subject to the removal of MTP as follows:

'1.5 Overview and Scrutiny Panel (Finance and Performance)

Will contribute to the development of, and review the effectiveness of, the Council's Financial Strategy, MTP, Treasury Management and annual budget.'

Matters for Information

23. CORPORATE GOVERNANCE PANEL PROGRESS REPORT

Details of actions taken in response to recent discussions and decisions have been noted by the Panel.

24. CORPORATE FRAUD WORKPLAN AND PROSECUTION POLICY

The Panel has received the Workplan for the Corporate Fraud Team following the transfer of Housing Benefit fraud investigations to the Department for Work and Pensions (DWP).

In May 2015 the responsibility for investigating allegations of Housing Benefit fraud transferred to the DWP. Three Investigating Officers transferred to the DWP and the in-house team now consists of a Team Leader, one Investigating Officer and an Intelligence Officer.

The Workplan has been developed around the types of fraud that currently form the majority of the work for the Team, as well as new and emerging threats, including Council Tax Support fraud; Council Tax discount fraud; Housing Tenancy fraud and Business Rates fraud. The Corporate Fraud Team has been working with service areas across the Council and other partners to determine the level of fraud risk they encounter to establish how the Corporate Fraud Team can assist in reducing risk and investigating allegations of fraud.

In addition the Council has been the lead authority representing Cambridgeshire in securing funding from the Department for Communities and Local Government to establish a countywide initiative called the Cambridgeshire Anti-Fraud Network (CAFN). The principle aim of CAFN has been the creation of a central data-sharing hub across Cambridgeshire to assist in the detection and investigation of tenancy fraud and other fraud identified/reported across the County. Although CAFN is still in its infancy, it has been noted that as a result of Cambridgeshire authorities working together over £1 million of fraud has been identified across the County.

With different types of fraud being investigated, it has required the Fraud Prosecution Policy to be amended to include reference to the legislation used in prosecuting these new areas. The Panel has endorsed the recommendations to the Cabinet on the Fraud Prosecution Policy that establishes the legislation and process that Investigating Officers must adhere to when considering the action to take following fraud investigation.

The Panel has previously agreed that the subject of a new Fraud Working Group would not be considered until the Work Programme of the Corporate Fraud Team has been agreed. The Corporate Fraud Team's remit focuses on Council services most at risk from fraud and loss and as the Team has been in its new format since May 2015, it is still establishing priorities for the future. The work of the Corporate Fraud Team is reported to the Corporate Governance Panel on an annual basis. In addition, monitoring the delivery of the Workplan is to be overseen by the Executive Councillor for Customer Service. It is therefore considered this is sufficient and that the formation of the Fraud Working Group will not add further value at this time.

The Panel has considered whether it wished to receive reports on a more frequent basis. However, as the Annual Report on the Corporate

Fraud Team is scheduled to be presented to the Panel in June 2016, the Panel are satisfied with this approach.

Having noted that a number of new and emerging frauds have been identified including Right To Buy (RTB) fraud, it has been explained to the Panel that proposed changes to legislation could mean that Housing Associations will become increasingly at risk from RTB fraud. In order to combat this, the Corporate Fraud Team is working with Housing Association partners to establish whether their procedures for processing RTB applications are robust and how the Corporate Fraud Team can assist to ensure that only genuine applications are accepted.

Allegations of fraud are encouraged to be reported to the Council via a number of methods including a 24-hour telephone line (automated voicemail system) that is checked daily; email; on-line referral forms; and at any of the Council's offices or in writing.

Prosecutions are regularly publicised in the local press as both a deterrent to prospective fraudsters and as a way of encouraging further referrals.

It has been explained to the Panel that fraud is identified via data matching using various databases such as Council Tax, Electoral Roll and that information is shared via CAFN and other partners such as the Police.

The Panel has acknowledged that despite changes within the Team, that performance during 2015/16 has demonstrated that it continues to be a valuable asset to the Council in combating fraud. The Panel has enquired whether the reduced size of the Corporate Fraud Team could leave the Council at risk and how it compares to other authorities. In response the Panel has been informed that the size of the Fraud Team varies amongst authorities, particularly as Government funding has ceased. Having a Corporate Fraud Team is a deterrent and also generates income via prosecutions. It is considered that the size of the Corporate Fraud Team is currently sufficient to address its Workplan and that data matching allows for joint working and information from a variety of sources to be compared. As a consequence surveillance is not required as a tool for identifying fraud.

25. EXTERNAL AUDIT ANNUAL AUDIT LETTER 2014/15

The 2014/15 audit of the Council's Annual Financial Report, the Annual Governance Statement and relevant grant claims is now complete. Consequently, the Panel has noted the Council's External Auditor's, PricewaterhouseCoopers LLP (PwC), Annual Audit Letter which they are required to issue. The Annual Audit Letter is a digest of the Auditor's findings, recommendations and fees in respect of 2014/15 and concludes the annual audit process.

Referring to the final page of the Annual Audit Letter regarding the final fees for conducting the audit, the Panel has commended Officers as no

additional work had been required and therefore the Council has not incurred any additional fees to that budgeted.

It has been noted that the Annual Audit Letter is easy to understand and the Panel has hoped that the new Auditors will be able to replicate the high standards of PricewaterhouseCoopers LLP (PwC).

26. INTERNAL AUDIT SERVICE: INTERIM PROGRESS REPORT

The Panel has received details on the work completed by the Internal Audit Service during the period April to October 2015, together with associated performance issues.

The Panel has been informed of key issues that have impact on the work of the service including that no IT audit reviews have been completed in the period. This is due to the IT audit contract that ended in January 2015 not being re-let. The Internal Audit and Risk Manager has decided not to re-let the contract on account of uncertainty as to which authority would become the employing authority for the IT service under the shared services project and the work to examine options for developing an alternative internal audit service delivery model.

The Council has since become the employing authority for IT staff and responsible for the delivery of IT services to the three Councils. However, the Internal Audit Service has been considered for inclusion in phase two of the shared service project and the Internal Audit and Risk Manager has led on reviewing alternative service delivery options for internal audit across the three partner Council's. As yet no decision has been taken as to the preferred method of delivery.

It has been reported that once the shared service decision is known, and if it is appropriate to do so, contractors will be appointed to undertake IT audit reviews during the current financial year. This will leave the option available to seek a longer term partner from 2016/17 onwards who will not only provide IT audit services but also provide advice on developing an alternative service delivery model.

Whilst the lack of IT audit is a concern, the Panel has been informed that some of the risks associated with the lack of audit reviews has been mitigated by the Cabinet Office renewing the Council's Public Services Network (PSN) compliance certificate. Therefore the Council has demonstrated that its infrastructure is sufficiently secure and that its connection to the PSN does not present an unacceptable risk to the security of the network.

Having referred to the debts that remain uncollected through the accounts receivable process and the risk that debts may not be pursued, recovered or may become time-barred, the Panel has been assured that the Head of Resources is aware of the matter and undertaking work to resolve the issue.

The Panel has expressed concern at the declining service delivery target for 'complete audit fieldwork by date stated on the audit brief',

currently at 33%. It has been explained that due to the variable hour contracts that the Internal Audit Team work it is difficult to reschedule meetings cancelled at short notice and this is impacting upon the target. The Head of Resources has emailed Managers to explain the importance of these meetings and will be closely monitoring progress and is looking to see an improvement by the time the Annual Report of the Internal Audit Service is presented to the Panel.

Whilst noting the Internal Audit and Risk Managers adequate assurance opinion over the internal control environment and system of internal control; that no IT audit reviews have been completed in the financial year to date; and that a replacement audit actions monitoring system is to be purchased, the Panel has tasked the Head of Resources to improve the declining service delivery target regarding 'complete audit fieldwork by date stated on the audit brief' and that progress is to be reported to the next meeting of the Panel.

27. IMPLEMENTATION OF AUDIT ACTIONS

Performance information regarding the implementation of agreed internal audit actions for the year ending 31st October 2015 has been presented to the Panel. Four actions have not been introduced, but despite targets not being achieved performance is improving. The Internal Audit and Risk Manager has expressed appreciation to the Panel for the support they have given to achieve this level of performance.

In response to questions by the Panel it has been explained that since the publication of the report one of the four outstanding actions, relating to the procedure notes for One Leisure Impressions, has now been completed, which will be included in the next report that the Panel receives.

The three outstanding actions relate to cross Council arrangements for CCTV; overtime arrangements; and the identification of post holders responsible for circulating details on changes to legislation. Previously this was the responsibility of Legal. However, as Legal Services is now part of LGSS it is suggested that Managers should be responsible for updating Officers regarding changes to legislation.

28. WORK PROGRAMME AND TRAINING

Members of the Panel have received and approved details of their anticipated work programme over the ensuing year.

Members have been informed that a Special Meeting of the Corporate Governance Panel is required to consider the Review of the Constitution and of the tentative date scheduled prior to Special Meeting of Council in February 2016. Due to existing commitments of the Panel, it has been agreed that the Special Meeting of the Corporate Governance Panel is to be held on Monday 25th January 2016.

As a result of the Special Meeting it has been agreed that the Chairman will discuss the Panel's future training with the Internal Audit and Risk Manager.

Prior to concluding the meeting the Panel were introduced to Mr Rob Murray, from Ernst and Young, the Council's new External Auditors, who had been seated in the public gallery.

M Francis
Chairman

**Public
Key Decision – No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Overview and Scrutiny Panel Structure: Changes to the Constitution

Meeting/Date: Corporate Governance Panel – 2 December 2015

Executive Portfolio: Councillor Jason Ablewhite, Executive Leader

Report by: Daniel Buckridge, Policy, Performance & Transformation Manager (Scrutiny)

Ward(s) affected: All

Executive Summary:

For the Panel to approve the change to the Council's Constitution to allow a change to the structure of the Council's Overview and Scrutiny Panels, which was endorsed by the existing Panels at their November 2015 meetings.

It is considered that the proposed new structure is a better fit to the organisation's strategic priorities than the current structure as it is aligned to and consistent with the Corporate Plan. The new structure proposed should help balance the workload of Members involved, creating capacity for more in-depth work such as studies by Task and Finish Groups. Amendments to the Constitution to allow us to set up the new structure would also introduce greater flexibility and encourage more joint working between panels.

No changes are proposed to the powers available for Overview and Scrutiny at the Council.

Recommendation(s):

That the Panel recommends to Council that the Constitution be amended to reflect the new structure proposed for the Council's Overview and Scrutiny Panels, as set out in Appendix 1.

1. PURPOSE

- 1.1 For the Panel to approve the change to the Council's Constitution to allow a change to the structure of the Council's Overview and Scrutiny Panels, which was endorsed by the current Panels at their November meetings.

2. BACKGROUND

- 2.1 The Corporate Governance Panel has responsibility for considering proposals to review the Council's Constitutional arrangements and making appropriate recommendations to the Council. The changes proposed in this report have been considered and endorsed by the Head of Paid Service and Monitoring Officer, as well as the existing Overview and Scrutiny Panels.
- 2.2 At the Scrutiny Away Day in February 2015, the current structure of Overview and Scrutiny panels was questioned. With recent changes to portfolio responsibilities of Cabinet Members, the remit and alignment of panels may not support the best possible opportunity for effective Overview and Scrutiny. There were also concerns about the balance of workload between panels.
- 2.3 Members of Cabinet and the Chairmen and Vice-Chairmen of the Overview and Scrutiny panels have considered a range of options for a new structure. With consensus in support of a single option, the Chairmen and Vice-Chairman have met with senior officers to explore how this could work in practice and a report on the preferred new structure has been considered by all three panels. The panels endorsed the new structure at their November meetings and are requesting that amendments be made to the Constitution to allow the new structure to be adopted.

3. OPTIONS CONSIDERED

- 3.1 Three different options were considered. Each of these proposed a total of three panels to include a 'Finance and Performance' panel. Option 1 proposed that this panel should be accompanied by 'Delivery' and 'Services' panels to reflect the Corporate Director responsibilities. Option 2 proposed 'Economy and Growth' and 'Communities and Customers' panels to align with the strategic priorities in the Corporate Plan and Option 3 proposed 'Internal' and 'External' panels.

4. PROPOSED NEW STRUCTURE

- 4.1 The Overview and Scrutiny Panels have considered and endorsed Option 2, which would establish three new panels based on 'Economy and Growth', 'Communities and Customers' and 'Finance and Performance'. These Panels would have the following links to the Council's Corporate Plan 2014-16.

Economy and Growth	Communities and Customers	Finance and Performance
Links to Corporate Plan Strategic Priorities: 'A strong local economy' 'Enabling sustainable growth'	Links to Corporate Plan Strategic Priorities: 'Working with our communities' 'Ensuring we are a customer focussed and service led Council' (the 'To ensure customer engagement drives service priorities and improvement' objective)	Links to Corporate Plan Strategic Priorities: 'Ensuring we are a customer focussed and service led Council' (the 'To become more business-like and efficient in the way we deliver services' objective)

4.2 This option is considered to have the clearest links to the Corporate Plan's strategic priorities and objectives. Work undertaken has indicated that the preferred option would result in a more balanced workload for the panels and their Members. It should also create capacity for more in-depth work through Task and Finish Groups or similar approaches which the Chairmen/ Vice-Chairmen of the existing panels are keen to make greater use of.

4.3 In amending the Constitution to introduce the new Scrutiny panel structure, it is recommended that this should be less prescriptive with regard to which panel is responsible for each service area. This will help ensure that capacity, links to existing work programmes and the need or potential for cross-panel working are taken into account when allocating new items to panels. Appendix 1 sets out proposed changes to the Constitution, which will allow items to be allocated to panels as appropriate, rather than having to follow the portfolio/service-based approach which is currently required.

5. RESOURCE IMPLICATIONS

5.1 The changes to the Overview and Scrutiny panel structure proposed will require relatively minor amendments to the Constitution, as set out in Appendix 1. Setting up new panels will require some changes to our committee minutes system and website and officers will need to work with the Chairmen and Vice-Chairmen to establish agenda plans for the new panels.

6. LEGAL IMPLICATIONS

6.1 The proposed change to the Constitution will need to be considered by the Corporate Governance Panel and then approved by full Council. Less prescriptive definitions of the panels and their remits would allow greater flexibility without further changes to the Constitution being required so the changes could be implemented in time for the new year. No changes to powers related to Overview and Scrutiny are proposed.

7. OTHER IMPLICATIONS

7.1 Amendments to the Overview and Scrutiny panel structure would need to be accompanied by clear communication with Members, officers, partners and residents in announcing the changes. This would present a good opportunity to raise awareness of the role of Overview and Scrutiny at the Council.

8. RECOMMENDATIONS

8.1 The Corporate Governance Panel is invited to:

- Recommend to Council that the Constitution be amended to reflect the new structure proposed for the Council's Overview and Scrutiny Panels, as set out in Appendix 1.

BACKGROUND PAPERS

CONTACT OFFICER

Daniel Buckridge, Policy, Performance & Transformation Manager (Scrutiny)
(01480) 388065

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CODE OF FINANCIAL MANAGEMENT

Current wording:

1.5 Overview and Scrutiny Panels

Will contribute to the development of, and review the effectiveness of, the Council's Financial Strategy, MTP, Treasury Management and annual budget.

Proposed new wording:

1.5 Overview and Scrutiny Panel (Finance and Performance)

Will contribute to the development of, and review the effectiveness of, the Council's Financial Strategy, MTP, Treasury Management and annual budget.

Licensing Committee

Report of the meeting held on 21st October 2015.

Matters for Decision

3. GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

Further to Item No. 2 of their previous report to Council and with the assistance of a report by the Head of Community (reproduced as Annex 1 hereto) the Committee has reviewed the contents of a proposed new Statement of Principles for the District Council under the Gambling Act 2005. The current Statement is due to expire on 30th January 2016 and a new version must be place to set out how the Council will exercise its functions under the Act in advance of this date.

The revised Statement has been drafted to take into account the relevant provisions of the draft fifth edition of the Gambling Commissions Guidance to Local Authorities and appropriate comments received from the public consultation which ran from 26th June to 4th September 2015. It must comply with the Gambling Act 2005, codes of practice and guidance issued by the Gambling Commission and be consistent with the licensing objectives. As approval of the Statement is reserved to Full Council, the Committee therefore

RECOMMEND

that the revised Statement of Principles be approved with effect from 31st January 2016 for a period of three years.

4. LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

Following a period of public consultation and with the aid of a report by the Head of Community (reproduced as Annex 2), the Committee has reviewed the contents of a draft Statement of Licensing Policy for the District Council. The Policy sets out how the Council will exercise the statutory duties relating to its licensing function and must be reviewed every five years.

The revised Statement has been re-drafted in its entirety to take into account substantial changes in legislation, updated Government Guidance, a new best practice framework for the review of licensing policy statements and the appropriate comments from the consultation. In reviewing the consultation response, the Chairman expressed his disappointment at the limited number of responses received from Town and Parish Councils and it was suggested that future consideration could be given to the methods of engagement with other local authorities.

Having acknowledged that the Council has a statutory duty to adopt and publish a new Statement of Licensing Policy in order for the Council to fulfil its legal obligations, the Committee

RECOMMEND

that the Licensing Act 2003 – Statement of Licensing Policy be approved for a period of five years with effect from 7th January 2016.

Matters for Information

5. CLASSIFICATION OF FILM

The public exhibition of film on licensed premises must either be classified by the British Board of Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003. Under the Act, the Council as the Licensing Authority is the classification body for the public exhibition of unclassified films shown in the District. In addition the Authority may also be asked to reclassify films or receive appeals from distributors against decisions by the British Board of Film Classification (BBFC).

To enable the Council to perform its statutory responsibilities relating to the exhibition of film and subject to an amendment to make clear that the determination of any requests must be undertaken by three individuals at all times, the Committee has approved a policy and procedure for determining matters relating to film classification.

Having a procedure in place will ensure that films are classified appropriately and negate the risk of moral or psychological harm being caused to members of the public, in particular children by film exhibitions containing strong language, horror / violence or sexual expletives. It will also aid consistency of practice.

As part of the procedure and in the interests of speed and efficiency, the Committee has authorised the Head of Community (or in his absence the Licensing Manager) to determine requests to amend the classification of films by the BBFC and to classify films that have not been classified which are intended for public exhibition in the District. This must be undertaken in consultation with the Chairman and Vice-Chairman of the Panel (or a nominated representative if one of the two is unable to attend).

6. LICENSING SUB COMMITTEES

The Committee has noted details of the two meetings of the Licensing Sub Committee that took place between and 1st July and 20th October 2015.

R Fuller
Chairman

**Public
Key Decision Yes**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Gambling Act 2005 – Statement of Principles 2015

Meeting/Date: Licensing Committee - 20 October 2015
Council – 16th December 2015

Executive Portfolio: Councillor Roger Harrison, Executive Councillor for
Strategic Economic Development and Legal

Report by: Chris Stopford, Head of Community

Ward(s) affected: All

Executive Summary:

The Council is required to produce a Gambling Act 2005 Statement of Principles on which it will base its decisions. The production of the document required the Council to undertake a period of public consultation which ended on 4 September 2015. This report provides the Licensing Committee with a draft of the final revised document and seeks the recommendation for approval of the Committee on the document, and the approval and adoption by Full Council.

The costs of reviewing the statement will be set against the income from the application and annual licence fees received under the Gambling Act 2005 regime.

Recommendation:

1. That Members of the Licensing Committee note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2016 that has been produced following the required consultation; and further recommend that the Statement of Principles be referred to Council for approval.
2. That Full Council approve and adopt the Gambling Act 2005 – Statement of Principles 2016

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 The Gambling Act 2005 (the Act) requires the Council to prepare and publish a 'Statement of Principles' stating how it will exercise its statutory duties, having firstly undertaken public consultation and considered any feedback. Our current statement expires on 30 January 2016, so we must draw up, adopt and publish a further statement of principles before the 3 January 2016, four weeks before its coming into effect on 31 January 2016. If the Council fails to do this, then it will be unable to fulfil its statutory duties, with possible additional financial and legal consequences arising as a result. It is vital therefore that we progress the approval and endorsement of the revised draft document to enable us to meet the statutory timeframe.
- 1.2 The purpose of this report is to invite Members to recommend approval of the revised draft, having undertaken public consultation and considered all comments received.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council is the Licensing Authority for the purposes of 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.
- 2.2 The current statement was approved by the Licensing Committee on 23 October 2012 and full Council on 19 December 2012. It came into effect on 31 January 2013 and therefore expires on 30 January 2016.
- 2.3 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. All comments received must be considered.
- 2.4 The current statement of principles was drawn up from templates issued by the Local Authority Co-ordinators of Regulatory Services (LACORS) and took into account changes arising from the fourth edition of the Gambling Commission Guidance to Licensing Authorities, published in September 2012.
- 2.5 The Gambling Commission has developed its thinking in a number of areas and although this has been communicated in other forms, the Commission considers it appropriate and timely to further update their Guidance. As a consequence, the Gambling Commission consulted upon a draft 5th edition of Guidance to Licensing Authorities between 30 March and 22 June 2015, with the final version expected to be published in the autumn of 2015.
- 2.6 Attached as an appendix is a revised draft 'Statement of Principles', which has been re-drafted to take into account the relevant provisions as they apply to Huntingdonshire District Council and all comments received as a result of public consultation.

3. CONSULTATION

- 3.1 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.

- 3.2 Ten weeks' consultation took place between 26 June and 4 September 2015, in accordance with Cabinet Office guidelines. Wide consultation was undertaken in accordance with the legislation by a variety of means, including our website, in libraries and council offices.
- 3.3 Approval of the 'Statement of Principles' is reserved to Full Council. Approval by the Council at their meeting on 16 December 2015 will be in time to publish the statement four weeks before it comes into effect on 31 January 2016.
- 3.5 It is important that the views of the consultees are taken into account. One response was received. The response has been attached and is summarised in Appendix 2 with the consideration given in the drafting of the final version. It is a requirement that the statement complies with the Gambling Act 2005, 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 decisions taken.
- 3.5 The statement was prepared using the most current 4th Edition of the Gambling Commission's Guidance to Licensing Authorities and taking into account their draft 5th Edition. Although the final version of the 5th edition was scheduled to be released in the autumn, at the close of our consultation period, we had received no indication from the Gambling Commission of a likely publication date. We have anticipated the changes likely to arise and have included them in the drawing up of our statement. Publication must not delay the timeframe for approval of the attached statement because, should it prove necessary, a further revision can be undertaken in due course.

4 OPTIONS

- 4.1 The Council has a statutory duty to approve and publish a Statement of Principles before 3 January 2016, four weeks before it comes into effect on 31 January 2016 in order to fulfil its legal obligations under the Act.

5. LEGAL IMPLICATIONS

- 5.1 Should the Council fail to have a policy in place by 31 January 2016, then it will be unable to fulfil its licensing duties under the Act. The Gambling Act sets out key principles of:
- 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;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling, with possible additional financial and legal consequences arising as a result.

Clearly, these principles have cognizance with our own Corporate Priorities and therefore the provision of a Gambling Act 2005 licensing regime must remain a priority

- 5.2 The Gambling Act 2005, Section 349 places a statutory obligation on the Council to prepare its Statement of Principles.

6. RESOURCE IMPLICATIONS

- 6.1 The cost of implementing the Statement is covered from the fees income generated under the Gambling Act 2005.

7. OTHER IMPLICATIONS

- 7.1 No other implications are envisaged.

8 REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 The present statement must be reviewed and replaced for a further period of three years. It is therefore:

RECOMMENDED

1. That Members of the Licensing Committee note, and provide any further comments on the Gambling Act 2005 – Statement of Principles 2016 that has been produced following the required consultation; and further recommend that the Statement of Principles be referred to Council for approval.
2. That Full Council approve and adopt the Gambling Act 2005 – Statement of Principles 2016

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Gambling Act 2005 - Statement of Principles 2016

Appendix 2 – Consultation response and summary

BACKGROUND PAPERS

LACORS Statement of Principles template – Version 3 - May 2009

Gambling Commission Guidance to Licensing Authorities – 4th Edition – September 2012

Gambling Commission Guidance to Licensing Authorities – 5th Edition Consultation Document – March 2015

Gambling Commission – GLA special bulletin – April 2015

Gambling Commission Licensing Authority Bulletins – May and July 2015

CONTACT OFFICER

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Gambling Act 2005

Statement of Principles

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PREFACE

With effect from 1 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 31 January 2016 and replaces the Statement of Principles adopted by the Council in 2013

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 in September 2012 together with consideration of the draft 5th edition published in March 2015. They 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 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 of Licensing Principles was approved by the licensing authority at a meeting of Huntingdonshire District Council held on 19 December 2012 in accordance with section 349 of the Gambling Act 2005 ('the Act').
- 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 170,000 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.
- 2.4 The Social Responsibility Code which comes into effect on 6 April 2016 requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises and have policies, procedures and control mechanisms to mitigate those risks. Additionally, applicants will have to undertake a local assessment when applying for a new or variation of a premises licence, to take account of significant changes in the local circumstances or when there are significant changes at the licensee's premises.

2.5 The licensing authority is aware that there is no mandatory requirement to have a local area profile, but recognises that one could offer a number of benefits. Should evidence be obtained to identify local risk areas, then these will be subject to a separate document.

2.6 Enquiries with relevant organisations during the consultation of this document have not revealed any data to suggest that there are any areas within the District that could be identified as a risk.

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 licensing authority is required to take account of such 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.

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 shall 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.

6.4 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 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.

7.2 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.

7.3 The licensing authority acknowledges that operators may be able to demonstrate that they already have extensive policies developed in accordance with the Gambling Commissions Licence Conditions and Codes of Practice.

7.4 Each application or review and the circumstances prevailing at each premises will be decided on its 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. If an applicant can show how licensing objective concerns can be overcome, the licensing authority will take that into account in its decision making.

7.5 Any objections to new premises or requests for a review should be based on the licensing objectives. It should be noted that the Act does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.

7.6 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.

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

Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.

- 7.8 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.
- 7.9 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.
- 7.10 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 disorder, organised criminal activity etc., 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.
- 7.11 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.
- 7.12 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.
- 7.13 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

- 7.14 The Gambling Commission does not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. 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.

- 7.15 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

- 7.16 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.
- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 In exercising its powers under S153 the licensing authority will consider whether any measures are necessary to protect children, such as whether staff will be able to adequately supervise the gambling premises. Supervision also applies to premises that are themselves not age-restricted, but which make gambling products and facilities available.
- 7.21 Where the structure or layout of the premises is considered to be an inhibition or potential inhibition to satisfying the licensing objective, the licensee should consider what changes are required to ensure the risk is mitigated. Such changes might include the positioning of staff or CCTV, the use of floor-walkers and the relocation of the staff counter to enable direct line of sight.
- 7.22 If the operator fails to satisfy the licensing authority that the risks are sufficiently mitigated, it may be appropriate to conduct a review of the premises licence.

- 7.23 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.
- 7.24 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.
- 7.25 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.

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 -
- ◆ 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 individual merits. The authority will have regard to the examples contained in the Gambling Commission’s guidance to licensing authorities (Section 8), 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;
- ◆ activities taking place at 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 relevant legislation, guidance from the Commission and will adopt the principles of better regulation. 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.

11. INSPECTION AND CRIMINAL PROCEEDINGS

- 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 statutory principles of good regulation and the Regulators Code which is a central part of the Government's better regulation agenda. The code is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.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 inspection programmes 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. Such an approach could include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more effectively concentrated on potential problem 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 26 June and 4 September 2015, following Cabinet Office guidelines. 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 16 December 2015 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 writing to the above address or by e-mail to licensing@huntingdonshire.gov.uk. 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. REVIEWING AND UPDATING THE POLICY STATEMENT

- 13.1 The statement will have effect for a maximum of three years and must be reviewed thereafter, but the licensing authority may review and alter the policy at any time during the three year period. The first statement came into effect in January 2007, the second statement in January 2010, the third statement in January 2013 and this fourth statement will come into effect on 31 January 2016. Where the statement is reviewed and changes proposes, the licensing authority will consult on any revision for those parts that are revised and the statement then will be re-published and advertised in the same way as a new statement.

14. DECLARATION

- 14.1 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

15. GENERAL PRINCIPLES

- 15.1 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.
- 15.2 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) to (c) above).
- 15.3 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.

16. DEFINITION OF "PREMISES"

- 16.1 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.
- 16.2 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

- 16.3 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.
- 16.4 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 from 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

- 16.5 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

- 16.6 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

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

Conditions

- 16.8 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 -

- ◆ evidence based;
- ◆ 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.

They will only be attached when operators existing conditions are considered inadequate to specifically address concerns.

16.9 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.

16.10 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.

16.11 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.

16.12 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.

16.13 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

16.14 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.

16.15 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).

17. ADULT GAMING CENTRES

- 17.1 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.
- 17.2 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.

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

18. LICENSED FAMILY ENTERTAINMENT CENTRES

- 18.1 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.
- 18.2 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.

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

18.4 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.

19. CASINOS

19.1 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.

19.2 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.

20. BINGO PREMISES

20.1 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.

20.2 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.

- 20.3 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.

- 20.4 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.

21. BETTING PREMISES

- 21.1 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.

- 21.2 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.

- 21.3 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.

22. TRACKS

- 22.1 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.
- 22.2 Track operators are not required to hold an operator's 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.
- 22.3 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.
- 22.4 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.
- 22.5 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.

- 22.6 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

- 22.7 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

- 22.8 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

- 22.9 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).

23. TRAVELLING FAIRS

- 23.1 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.
- 23.2 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.

24. REVIEWS OF PREMISES LICENCES

24.1 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.

24.2 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

25. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

25.1 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.

25.2 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.

25.3 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.

25.4 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.

25.5 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.

26. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

26.1 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.

26.2 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.

26.3 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.

26.4 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.

26.5 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.

27. PRIZE GAMING PERMITS

27.1 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.

27.2 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.

27.3 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.

27.4 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.

27.5 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.

28. CLUBS

28.1 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.

28.2 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.

28.3 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.

28.4 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.

28.5 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.

29. TEMPORARY USE NOTICES

29.1 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.

29.2 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.

30. OCCASIONAL USE NOTICES

30.1 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.

30.2 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

31. GENERAL

- 31.1 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.
- 31.2 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.
- 31.3 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.

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.

- 31.4 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.
- 31.5 The Commission has produced a number of advisory documents and quick guides, including , *Organising small lotteries*, *Lottery proceeds*, a leaflet for fundraisers, *Running a Lottery*, and a frequently asked questions section, all of which are available on the Commission's website www.gamblingcommission.gov.uk . The documents will provide advice to enable potential applicants to establish what type of lottery they plan to operate.
- 31.6 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.

31.7 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.

31.8 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 388361
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 Community
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN



01480 388302

HM Revenues and Customs

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



0845 302 1448

Text

0845 302 1452

Child Protection Services

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



01480 372439

LIST OF CONSULTEES

Responsible Authorities:

Cambridgeshire Constabulary- Chief Officer of Police
Cambridgeshire County Council- Child Protection Services
Cambridgeshire Fire & Rescue Service
The Local Environmental Health Authority
The Gambling Commission
The Local Planning Authority
HM Revenues & Customs

Persons representing interests of persons affected in the area:

Association of British Bookmakers Ltd
BACTA
The Bingo Association
British Beer and Pub Association
Greyhound Board of Great Britain
British Holiday and Home Parks Association
Business in Sport and Leisure
GAMCARE
Greater Cambridge Partnership
Huntingdon Racecourse
Huntingdon Community Safety Partnership
Huntingdonshire Business Against Crime
Huntingdonshire Business Network
Huntingdonshire Chamber of Commerce and Industry
Huntingdonshire Citizens Advice Bureau
Huntingdonshire Primary Care Trust
Neighbouring Councils:

- Cambridge City Council
- South Cambridgeshire district Council

Public Health, Cambridgeshire County Council
Racecourse Association Ltd
St Ives Chamber of Commerce and Industry
Town Parish Councils in Huntingdonshire
Town Centre Partnerships in Huntingdonshire;

- St Ives Town Initiative
- BID, Huntingdon
- St Neots Town Council Initiative
- Ramsey Initiative

Persons representing interests of businesses in the area:

Coral Racing Ltd
Ladbrokes Betting and Gaming Ltd
Paddy Power
Popleston Allen Solicitors
Power Leisure Bookmakers
Pubwatch:

- St Ives
- Huntingdon
- St Neots
- Ramsey

Racecourse Investments Ltd
S+D Bookmakers Ltd
Talarius Ltd
William Hill Organisation Ltd

The public via:

Huntingdonshire District Council website
Huntingdonshire District Council Offices
Libraries:

- Buckden
- Huntingdon
- Ramsey
- Sawtry
- St Ives
- St Neots
- Warboys
- Yaxley

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 Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited	Unlimited
B1	£5	£10,000*
B2	£100 (in multiples of £10)	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
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 penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 maybe a money prize)

*or £20,000 if linked to another category B1 machine on the same premises

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	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Cribbage & dominoes</u> No limit <u>Poker</u> £100 per premises per day <u>Other gaming</u> £5 per person per game
Limits on prizes	No limit	No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
Maximum participation fees – per person per day	<u>Bridge and/or whist*</u> £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £3 (commercial club) £1 (members' club)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £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.

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Power Leisure Bookmakers Limited response to Huntingdonshire District Council's Consultation on its draft Statement of Gambling Principles – Appendix 2

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. Where local risks are to be addressed, an evidenced based approach should be taken.

Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed by the Gambling Commission.

General Policy Commentary

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet

demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.

Location and local area risk assessment

Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, proximity to certain premises, ethnicity and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated. Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. We believe the draft policy must be amended to follow these principles, as the suggested draft does not adhere to better regulation.

Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems which may be associated with gambling premises are not realised. Operators are under existing obligations to regularly review their policies and procedures incorporating risk assessment at a local premises level and, as such, it may not be appropriate for the Authority to prescribe the nature of such assessment as internal processes should already be responsive to evidence of changes in local operational risk profiles.

The Authority must consider the extensive policies, already implemented by operators, in accordance with the Gambling Commission's LCCP. Without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications will not be proportionate or necessary, as this would duplicate the requirements under operating licence provisions. For example, whilst obligations with regard to advertising practice, self-exclusion, age verification, training and the provision of appropriate

information are not conditions under sections 167 and 168 of the Gambling Act 2005, they are imposed as code provisions under the Licensing Conditions and Codes of Practice.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (section 7). In order to fully address any potential concerns, all risk profiles must be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission's LCCP, do not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any additional proposed measures to mitigate those risks will only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.

When considering crime and disorder, although the policy identifies that there is a clear distinction between disorder and nuisance, the Authority must consider that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority must consider the prevalence of illegal gambling and ensure that any policies or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.

Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy must not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

Primary Authority

Power Leisure Bookmakers Limited has established Primary Authority Partnerships with Reading Council. The primary authorities worked with each other and the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.

Conditions

Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.

Conclusion

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.

Summary of consultation response to draft Statement of Principles

Appendix 2

Date received	From	Comment summary	Response	Action
6.9.2015	Poppleston Allen acting for Power Leisure Bookmakers Ltd	Paragraphs 1-4 provides background to Paddy Power as a business and to the Regulators' Code to which the Authority must have regard. It advises that Licensing Authorities must avoid approaches to regulation if their policy statement which mirror those already imposed by the Gambling Commission.	Comments considered and noted. Paragraphs 7.2 and 16.6 of the draft policy refer to the Authority seeking to avoid any duplication with other statutory or regulatory regimes so far as is possible.	No further action considered necessary
		<p>General Policy Commentary – Paragraph 5</p> <p>Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives.</p> <p>The draft statement correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.</p>	<p>Comments considered.</p> <p>Paragraphs 3.1 and 5.2 of the draft statement refer.</p> <p>Paragraphs 7.2, 16.5 and 16.6 of the draft statement refer.</p>	<p>No further action considered necessary</p> <p>No further action considered necessary</p>
		Location and local area risk assessment- Paragraphs 6-12		Three new paragraphs, 2.4 – 2.6 have been added to the statement to reflect Local area Profiling and area risk assessment matters raised.

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		<p>6. We believe the draft policy must be amended to follow the better regulation principles contained within the Regulators' Code as the suggested draft does not adhere to better regulation.</p> <p>7. Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns.</p> <p>8. The Authority must consider extensive policies already implemented by operators in accordance with the Gambling Commissions LCCP. Without evidence to suggest such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications will not be proportional or necessary and it would duplicate the requirements under operating licence provisions.e.g. advertising practice, self-exclusion, age verification, training and the provision of appropriate information are imposed as code provisions under the licensing conditions and codes of practice.</p> <p>9. The draft confirms that the Authority will pay attention to the protection of children and vulnerable persons from being harmed or exploited by gambling and that consideration will be given to the location of proposed premises, in particularly</p>	<p>Comment considered and noted. Section 11 of the draft statement addresses a risk based approach, reflecting the district and there is specific reference to the Regulators Code. Comment considered and noted.</p> <p>Comment considered and noted. Each application is considered on its individual merits/ on a case by case basis. Para 7.4 and 16.9. of the draft statement.</p> <p>Comment noted and agreed. Contained within paragraphs 7.16-7.25 of draft policy</p>	<p>No further action considered necessary</p> <p>No further action considered necessary</p> <p>New paragraph 7.3 inserted</p> <p>No further action considered necessary.</p>
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		<p>sensitive locations along with known high levels of crime and disorder. To fully address concerns all risk profiles must be based on factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed premises do not pose a gambling related risk to children and young people and additional measures control or conditions should not be imposed to address wider social issues.</p> <p>Any reference to vulnerability should address evidence based risks of gambling related harm caused to individuals and populations identified. Any proposed measures to mitigate those risks will only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation</p> <p>10. Although the policy identifies there is a clear distinction between disorder and nuisance, the Authority must consider that nuisance was rejected as a licensing objective. As a part of any analysis of crime and disorder the Authority must consider the prevalence of illegal gambling and ensure that any policy or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.</p> <p>11. If introducing policies regarding the location of specific gambling premises, details should be provided to stakeholders at that time. Any evidence</p>	<p>Noted. This would need to be addressed in a separate risk profile document, should an evidential risk be identified.</p> <p>Comment considered and noted. Illegal activity covered in 11.5 of the draft policy</p> <p>Comment considered and noted</p>	<p>No further action considered necessary at the present time.</p> <p>No further action considered necessary</p> <p>Addressed by new paragraphs above</p>
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		<p>gathered should correlate with actual risks identified in those locations assessing any detrimental impact the proposed gaming provision may have.</p> <p>12. Any finalised policy must not suggest that gaming related applications pose an inherent risk to vulnerable people regardless of status or evidence of actual harm.</p>	We believe our statement does not identify this suggestion.	No further action considered necessary
		<p>Primary Authority – Paragraph 13</p> <p>Power Leisure has established Primary Authority Partnerships with Reading Council.</p>	Noted, but for consistency, is not considered as being appropriate or necessary for inclusion within the policy.	No further action considered necessary.
		<p>Conditions – Paragraph 14</p> <p>The Authority must consider that operators are required to uphold social responsibility.</p> <p>Additional conditions should only be imposed in exceptional circumstances where evidence based risk are identified and operators existing provisions are considered inadequate to specifically address those concerns.</p>	<p>Considered and noted</p> <p>Sections 16.8 – 16.15 in the draft policy address conditions, acknowledging that mandatory and default conditions have been set by the Secretary of State. The draft policy (16.8) states that any conditions attached to the licence by the licensing authority will be proportional to the circumstances they are seeking to address. 16.9 refers to a perceived need.</p>	<p>No further action considered necessary</p> <p>Paragraph 16.8 expanded</p>

**Public
Key Decision Yes**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Licensing Act 2003 - Statement of Licensing Policy

Meeting/Date: Licensing Committee - 20 October 2015
Council – 16th December 2015

Executive Portfolio: Councillor Roger Harrison, Executive Councillor for
Strategic Economic Development and Legal

Report by: Chris Stopford, Head of Community

Ward(s) affected: All

Executive Summary:

The Council is required to produce a Licensing Act 2003 Statement of Licensing Policy on which it will base its decisions. The production of the document required the Council to undertake a period of public consultation which ended on 4 September 2015. This report provides the Licensing Committee with a draft of the final revised document and seeks the recommendation for approval of the Committee on the document, and the approval and adoption by Full Council.

The costs of reviewing the statement will be set against the income from the application and annual licence fees received under the Licensing Act 2003 regime.

Recommendation(s):

1. That Members of the Licensing Committee note, and provide any further comments on the Licensing Act 2003 – Statement of Licensing Policy that has been produced following the required consultation; and further recommend that the Statement of Licensing Policy be referred to Council for approval.
2. That Full Council approve and adopt the Licensing Act 2003 – Statement of Licensing Policy 2016

1 WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 The Licensing Act 2003 (the Act), requires that for each five year period, the Council must determine its policy on how it will exercise its statutory duties relating to its licensing function and publish a statement of that policy before the beginning of the period. The Statement of Licensing Policy must be kept under review and approved by Full Council.
- 1.2 The current Huntingdonshire District Council policy expires on 6th January 2016 and the Council is required to determine the policy for the period 7th January 2016 to 6th January 2021, having undertaken public consultation and considered any feedback. If the Council fails to do this, then it will be unable to fulfil its licensing duties under the Act. It is vital therefore that we progress the approval and adoption of the revised draft document to enable us to meet the statutory timeframe.
- 1.3 The purpose of this report is to invite Members to recommend the approval of the revised draft, having undertaken public consultation and considered all comments received.

2 WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council is the 'Licensing Authority' for the purposes of the Act, having taken on its licensing responsibilities in 2005, when the Act came into effect. The Act requires the Licensing Authority to prepare and publish a 'Statement of Licensing Policy' that it proposes to apply in exercising its functions under the Act. The policy statement must be kept under review and reviewed at least every five years.
- 2.2 The Council is now required to undertake a review of its policy. The policy must be drafted and consulted upon prior to it being adopted. All comments received must be considered.
- 2.3 The current policy, prepared in 2010, reflected the legislation and Government Guidance at that time. Since this date, there have been some substantial changes to the legislation and a number of updated versions of the Government Guidance have been issued, the latest being in March 2015. Additionally, in October 2012 the LGA published a best practice framework for the review of licensing policy statements.
- 2.4 The policy has therefore been re-drafted in its entirety, following the best practice framework. It takes into account the relevant legislative changes and provisions as they now apply to Huntingdonshire District Council and all comments received as a result of public consultation. The revised document is attached as Appendix 1.

3 CONSULTATION

- 3.1 Before determining or revising its policy, legislation requires the licensing authority to consult with bodies prescribed in the Act. These include the police, fire and rescue and persons/bodies representative of local holders of personal and premises licences, club premises certificates and persons/bodies representative of businesses and residents in the area.

3.2 Ten weeks consultation took place between 26 June and 4 September in accordance with Cabinet Office guidelines. Wide consultation was undertaken in accordance the legislation by a variety of means, including our website, in libraries and council offices.

3.4 It is important that the views of the consultees are taken into account. One response with comments and two acknowledgements were received. The response has been attached and is summarised in Appendix 2 with the consideration given in the drafting of the revised statement recommended for approval. The policy must comply with the Act and Statutory Guidance. For this reason, it is not always possible to adopt all suggestions put forward. Appendix 2 indicates the consideration given to each comment received and provides reasons for the decisions taken. The changes made have been highlighted in the policy.

4 OPTIONS

4.1 The Council has a statutory duty to adopt and publish a Statement of Licensing Policy before 7th January 2016 in order to fulfil its legal obligations under the Act.

5 LEGAL IMPLICATIONS

5.1 Should the Council fail to have a policy in place by 7th January 2016, then it will be unable to fulfil its licensing duties under the Act, with possible additional financial and legal consequences arising as a result. The Licensing Act sets out key principles of:-

- the prevention of crime and disorder,
- public safety,
- prevention of public nuisance, and.
- the protection of children from harm.

Clearly, these principles have cognisance with our own Corporate Priorities and therefore the provision of a Licensing Act 2003 licensing regime must remain a priority

5.2 The Licensing Act 2003, Section 5 places a statutory obligation on the Council to prepare its Statement of Licensing Policy

6 RESOURCE IMPLICATIONS

6. 1 The cost of implementing the policy is covered from the fees income generated under the Licensing Act 2003.

7 OTHER IMPLICATIONS

7.1 No other implications are envisaged. The legislation sets out four licensing objectives to be followed and provides certain checks and balances to protect the local environment and community.

8 REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 The present Statement of Licensing Policy must be replaced for a further maximum period of five years and be kept under review. It is therefore:

RECOMMENDED

- 1 That Members of the Licensing Committee note, and provide any further comments on the Licensing Act 2003 – Statement of Licensing Policy that has been produced following the required consultation; and further recommend that the Statement of Licensing Policy be referred to Council for approval.
- 2 That Full Council approve and adopt the Licensing Act 2003 – Statement of Licensing Policy 2016

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Statement of Licensing Policy
Appendix 2 – Consultation response and summary

BACKGROUND PAPERS

Revised Guidance issued under section 183 of the Licensing Act 2003- March 2015 edition
Best Practice Framework for the Review of Licensing Policy Statements – October 2012

CONTACT OFFICER

Christine Allison, Licensing Manager
☎ 01480 387075

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**THE LICENSING ACT 2003
STATEMENT OF LICENSING POLICY**

7TH JANUARY 2016

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

Licensing Act 2003
Huntingdonshire District Council Statement of
Licensing Policy for
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol

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1. Executive Summary

- 1.1 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy beginning with such day as the Secretary of State may by order appoint. The last policy commenced on 7th January 2011 and was initially for a period of three years, but was extended to five years following the Police Reform and Social Responsibility Act 2011.
- 1.2 This policy statement will therefore take effect from 7th January 2016. The policy statement will remain in existence for up to five years. This Licensing Authority may make revisions to it as it considers appropriate. It will be subject to review and further consultation before 7th January 2021, or as required by law.
- 1.3 Huntingdonshire District Council is the authority responsible for the licensing of such activities within Huntingdonshire and is referred to in this statement as the 'Licensing Authority'. This document sets out the Licensing Authority's policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.
- 1.4 It is recognised that licensed entertainment provides a valuable contribution which can have a positive impact towards the economy of the area. This authority seeks to balance the needs of local businesses and licensees, whilst protecting those of local residents and giving tougher controls for the police and the Licensing Authority.
- 1.5 This Licensing Authority recognises that in the absence of relevant representations it will grant licenses on the terms sought.
- 1.6 The Licensing Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. This Council may deviate from the guidance but will demonstrate good reasons for doing so.
- 1.7 The Licensing Authority may depart from this policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. This Council may deviate from this policy but will demonstrate good reasons for doing so.
- 1.8 The policy relates to all types of premises covered by the Act.

2. Purpose and Scope of the Licensing Policy

- 2.1 The Licensing Authority has a duty under the Act to carry out its functions by promoting the four licensing objectives, which are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance, and
 - The protection of children from harm
- 2.2 The Act regulates the following activities:
 - The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club, or to the order of a member of a club
 - The provision of regulated entertainment
 - The provision of late night refreshment
- 2.3 The Licensing Authority will take this policy into account where its discretion is engaged (i.e. at a hearing following representations).
- 2.4 In determining its statement of licensing policy, this Authority will have regard to the guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally.
- 2.5 Licensing decisions will be made in accordance with the current legislation, case law, relevant

guidance and in accordance with this policy.

- 2.6 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and to have any such application considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 2.7 Licensing is about regulating licensable activities on licensed premises, such as qualifying clubs, pubs and at temporary events which fall within the terms of the Act. Any conditions imposed will focus on matters that individual licensees and others in possession of relevant authorisations are able to control.
- 2.8 This Licensing Authority will primarily focus on the direct impact the activities taking place at the licensed premises will have on those living, working or engaged in normal activity in the area concerned.
- 2.9 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy in Huntingdonshire.
- 2.10 The views of all of those consulted will be given appropriate weight when the policy is determined together with those of any other persons or bodies which the Authority considers appropriate to consult with. When undertaking consultation exercises, this Authority will also have regard to cost and time.

3. Duplication

- 3.1 So far as is possible, this policy seeks to avoid duplication with other regulatory regimes and if the control measures contained in any conditions sought are already provided for in other legislation, they cannot be imposed in the context of licensing law. It is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety (First Aid) Regulations 1981 and the Regulatory Reform (Fire Safety) Order 2005.

4. Strategies and Partnership working

- 4.1 By consultation and liaison, the Licensing Authority seeks to secure the proper integration of this licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural, **health and wellbeing** strategies and any other plans introduced for the management of the town centres and the night-time economy. Many of these strategies may impact upon the four licensing objectives.

5. Live Music Act

- 5.1 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music.
- 5.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits.

6. Objectives

6.1 Prevention of crime and disorder

Conditions attached to premises licenses and club premises certificates will so far as possible reflect local crime prevention strategies and should be targeted on deterrence and preventing crime and disorder e. g. the use of Closed Circuit television cameras in certain premises, or a requirement for door supervisors, with security staff holding an appropriate licence.

Various 'PubWatch' schemes operate in Huntingdonshire which aim to counter individuals who damage property; are violent and cause disorder; or use or deal in drugs through exclusions. This Licensing Authority is supportive of such schemes and considers premises should join where it is appropriate to do so.

6.2 Public safety

This Licensing Authority recognizes that licence holders have a responsibility to ensure the safety of those using their premises. Matters in relation to public safety that could be considered include, fire safety matters, the presence of trained first aiders on the premises, waste disposal methods and CCTV provision. The measures that are appropriate to promote public safety will vary between premises and these matters may not apply in all cases.

Applicants should consider their individual circumstances when making applications, which steps are appropriate to promote the public safety objective and to demonstrate how they will achieve it.

6.3 The prevention of public nuisance

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law definition.

The public nuisance objective is designed to focus on the effect of licensable activities at specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. These issues may concern noise nuisance, light pollution, noxious smells and litter.

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from the premises e.g. noise limiters, that doors and windows remain closed, or notices asking patrons to leave quietly.

6.4 The protection of children from harm

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language, sexual expletives, violence or frightening images, for example, in the context of film exhibitions, or where adult entertainment is provided.

Applicants will be expected to be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Aspects of an application that would be likely to raise concerns in relation to access by children would include:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors, or with a reputation for allowing underage drinking;
- it is known that unaccompanied children have been allowed access;
- there is known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

It is not possible to provide an exhaustive list of the entertainment or services that are of an adult or sexual nature, therefore a common sense approach will be taken to interpretation. However such entertainment or services would also include entertainment involving strong and offensive language.

A very serious view is taken of the persistent and illegal sale of alcohol and other age-restricted goods to children. Together with the appropriate external partners, this Licensing Authority will continue to seek to ensure that illegal sales of alcohol and other age-restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence. The Licensing Authority will maintain close contact with our partners regarding unlawful activities and share actions and intelligence where appropriate

7. The Licensing Authority as a responsible authority

- 7.1 This Licensing Authority acknowledges that it is now included in the list of responsible authorities. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. Therefore, it is for this Licensing Authority to determine when it considers it appropriate to act in its capacity as a responsible authority.
- 7.2 This Licensing Authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 7.3 This Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.
- 7.4 In cases where this Licensing Authority is also acting as responsible authority there will be a separation of powers between those officers who exercise that role and those who administer the licensing application to ensure procedural fairness and eliminate conflicts of interest.

8. Health as a responsible authority

- 8.1 Cambridgeshire County Council Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings.
- 8.2 This Licensing Authority envisages that DPH will be useful in providing evidence of alcohol-related health harms that might be directly relevant to an application under the Act or when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders.
- 8.3 This can include evidence such as:
- alcohol-related hospital admissions;
 - alcohol specific admissions;
 - alcohol related deaths;
 - treatment data on the number of people in a structured alcohol treatment service;
 - ambulance service data.

9. Responsible Authorities are:

- 9.1 **Police:**
The Chief Officer of Police, Cambridgeshire Constabulary , Huntingdon Police Station, Ferrars Road, Huntingdon, PE29 3DQ
Tel: 01480 456111
- 9.2 **Fire and Rescue:**
Cambridgeshire Fire and Rescue Service, Fire Safety Department, Huntingdon Fire Station, Hartford, Huntingdon, Cambs, PE29 3RH
- 9.3 **Child Protection:**
Child Protection Services, Licensing Applications, OCYPS, PO Box 144, St Ives, Cambs, PE27 9AU

Tel: 0345 045 5203

9.4 Public Health:

The Director of Public Health, C/O Head of Public Health Programmes, Cambridgeshire County Council, Scott House, PO Box No SCO2213, 5, George Street, Huntingdon, PE29 3AD

9.5 Trading Standards:

Supporting Business and Communities, Cambridgeshire County Council, PO Box 450, Great Cambourne, Cambridge, CB23 6ZR

9.6 The Licensing Authority, Planning, Environmental Protection and Health and Safety:

The Licensing Authority - Licensing
Planning – The Head of Planning Services
Environmental Protection and Health & Safety – The Head of Community

Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN
Tel 01480 388388

9.7 In addition, for vessels:

Great Ouse and Stour Waterways, Environment Agency, Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, Cambs, PE2 7ZR
Tel 01733 371811

The Surveyor in Charge, Maritime and Coastguard Agency, East Terrace, Walton-on-the-Naze, Essex CO14 8PY
Tel 01255 682107

The Team Leader, River Nene, Nene House, Pytchley Road Industrial Estate, Pytchley Lodge Road, Kettering, Northants, NN15 6JN
Tel 01536 517721

10. Planning

- 10.1 The planning and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing Committees are not bound by decisions made by a planning committee and vice versa. It should be noted however that there is no legal basis for the licensing authority to refuse a licence application because it does not have planning permission.
- 10.2 When a terminal hour has been set as a condition of planning permission that is different from the licensing hours, the applicant must observe the earlier of the two closing times.
- 10.3 Where appropriate there will be liaison between the Licensing Committee and the Planning Committee.

11. Licensing Hours

- 11.1 When the Licensing Authority's discretion is engaged, consideration will be given to the individual merits of an application in line with the four licensing objectives and any relevant representations.
- 11.2 This Licensing Authority recognises that in some circumstances, flexible licensing hours for the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 11.3 Shops, stores and supermarkets, will generally be permitted to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives for restricting those hours.

12. Temporary Event Notices

- 12.1 This requires the notification of a qualifying event to the Licensing Authority, Environmental Health

and Cambridgeshire Constabulary, subject to fulfilling certain conditions.

- 12.2 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice, given the possibility of police intervention. Event organisers are encouraged to contact the police and environmental health as early as possible about their proposed event(s).
- 12.3 Where the application is not within the parameters defined in the legislation, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 12.4 Notice givers will be advised of police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises.

13. Sexual Entertainment

- 13.1 This Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 13.2 This Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly,

14. Entertainment Provision

- 14.1 This Licensing Authority welcomes a broad range of entertainment provision for enjoyment by a wide cross-sector of the public. The Authority will endeavour to strike a balance between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives.

15. Cumulative Impact and Special Policies

- 15.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 15.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that this Licensing Authority can consider.
- 15.3 This Licensing Authority can adopt a special policy on cumulative impact if there is an evidential basis that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.
- 15.4 The absence of a special policy does not prevent any responsible authority or other person making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.
- 15.5 If after considering the available evidence and consulting relevant individuals and organisations, this Licensing Authority is satisfied that it is appropriate to include an approach to cumulative impact in the statement of licensing policy, a special policy will be included in the statement that the licensing authority will generally refuse new applications for premises licences or club premises certificates whenever relevant representations are received about the cumulative impact on the licensing objectives.
- 15.6 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy will be:
 - The identification of concern about crime and disorder, public safety, public nuisance or the protection of children from harm;
 - Consideration as to whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm;
 - If such problems are occurring, to identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;

- Identification of the boundaries of the area where problems are occurring;
- Consultation with those specified in the Act and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement.

Other mechanisms for controlling cumulative impact

15.7 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:

- Planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
- the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question;
- raising a contribution to policing the late night economy through the Late Night Levy;
- Early Morning Alcohol Restriction Orders

15.8 The above may be supplemented by other local initiatives that seek to address these problems, for example through the Huntingdonshire Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the district.

16. Early Morning Restriction Orders

16.1 The power for this Licensing Authority to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions and the regulations prescribing the requirements in relation to the process were brought in force on 31st October 2012. Government Guidance has also been produced.

16.2 The legislation provides this Licensing Authority with the discretion to restrict sales of alcohol by introducing an EMRO to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of this licensing authority's area and if relevant on specific days and at specific times. This licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

16.3 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

16.4 The decision to implement an EMRO will be evidence based. The function of making, varying or revoking an EMRO is specifically excluded from the delegation of functions and may not be delegated to the licensing committee.

17. Late night levy

17.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.

17.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions. Government Guidance has been produced.

- 17.3 These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. The function of making, varying or ceasing the requirement for a levy may not be delegated to the licensing committee.

18. Public Spaces Protection Order

- 18.1 The Designated Public Place Order (DPPO) was replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. DPPO's continue to be valid for a period of three years following commencement of the PSPO. Once the three year period expires, they are treated as a PSPO and enforceable as such.

19. Children

- 19.1 There are a great variety of premises for which licences may be sought, including theatres, cinemas, restaurants, concert halls, cafes, take-away food businesses and fast food outlets, community halls and schools, as well as public houses and nightclubs.
- 19.2 This Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of harm to children. Conditions requiring the admission of children to any premises cannot be attached to licences or certificates.
- 19.3 No statement of policy can properly anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application will be considered in each case.
- 19.4 Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm will be carefully considered. Conditions restricting access of children to premises will also be considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors, or with a reputation for allowing underage drinking;
 - it is known that unaccompanied children have been allowed access;
 - there is known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 19.5 The range of alternatives which may be considered for limiting the access of children where they are appropriate to protect children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18)
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 19.6 The Licensing Authority commends the Portman Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.
- 19.7 This Licensing Authority recognises the Office of Children and Young People's Services (Social Care) of Cambridgeshire County Council as being competent to advise on matters relating to the protection of children from harm.
- 19.8 Where a premises licence or club premises certificate authorises the exhibition of a film, a condition will be included requiring the admission of children to films be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence e.g. the British Board of Film Classification, or by this Authority itself.

19.9 This Licensing Authority will expect licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (or other body designated under section 4 of the Video Recordings Act 1984) or the licensing authority itself.

20. Conditions

- 20.1 Conditions (other than the statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions.
- 20.2 Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 20.3 Blanket standard conditions will not be imposed without regard to the merits of the individual case.

21. Reviews

- 21.1 The proceedings set out in the Act for reviewing premises licences and club premise certificates represents a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premise certificate.
- 21.2 At any stage following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask this Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 21.3 This Licensing Authority will work in partnership with other responsible authorities to achieve the promotion of the licensing objectives and will give licence or certificate holders early warning of any concerns identified at a premises. The Licensing Authority will also encourage other responsible authorities to do the same.
- 21.4 When a review has been requested the role of the Licensing Authority will be to administer the process and determine its outcome at a hearing. Where the Licensing Authority had applied to review an authorisation, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest.
- 21.5 This Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any appropriate steps to promote the licensing objectives. In appropriate cases this Authority may issue an informal warning to the licence holder and/or recommend improvement within a particular period of time. Any warnings will be issued in writing.
- 21.6 Where this Licensing Authority considers that action under its statutory powers is appropriate it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - exclude a licensable activity from the scope of the licence;
 - remove the designated supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 21.7 In cases where the crime prevention objective is being undermined, this Licensing Authority will seriously consider revocation of the licence, even in the first instance.

22. Enforcement

- 22.1 This Licensing Authority will consult and liaise with the local police and any other relevant enforcement body on enforcement issues. This will provide for the targeting of agreed problem and high- risk premises which require greater attention while providing a lighter touch for low risk premises or those that are well run.

22.2 In general, action will only be taken in accordance with the Council's licensing compliance and enforcement policy, as adopted at the time, which reflects the Council's obligations relating to licensing enforcement. The key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained. The policy is available on our website www.Huntingdonshire.gov.uk or a copy can be made available upon request. This Licensing Authority will also have regard to the Regulators' Code <https://www.gov.uk/government/publications/regulators-code> or any future replacement.

23. Licence Suspensions

23.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. The procedure to be used is set out in regulation.

24. Administration, Exercise and Delegation of Functions

24.1 The functions of the Licensing Authority under the Act may be taken or carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

24.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part be delegated to officers as set out in the Huntingdon District Council Constitution.

24.3 On applications where there are relevant representations these will be dealt with by a Committee or sub committee of the Licensing Authority, as will any application for review of a licence.

24.4 This Licensing Authority will expect applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

24.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule.

24.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature, functions will be delegated to the appropriate level within the organisation where possible. See Annex 1.

25. Advice and Guidance

25.1 Advice can be obtained via the Licensing Team and we will assist people on the types of licences they will need to apply for, the team can be contacted in the following ways:-

Website:

www.huntingdonshire.gov.uk

Email :

licensing@huntingdonshire.gov.uk

Telephone: 01480 3887075

In person or writing to:

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

26. Appendices

- 26.1 The following appendices are provided with this policy:
- Appendix 1 – Delegation of Functions
 - Appendix 2 – Other policies, legislation and guidance sources
 - Appendix 3 – Useful references (organisations)

27. Equal Opportunities

- 27.1 This Licensing Authority will have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 27.2 In implementing the Licensing Act 2003, associated legislation and guidance, this Licensing Authority is committed to ensuring that the obligations and duties within this legislation are met.

28. Review of the Policy

- 28.1 This licensing policy will be formally reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy will be subject to the consultation process. In addition, Section 5(4) of the Act provides that the licensing authority must keep its policy under review during each five year period and make appropriate revisions. Again, any revisions will be subject to consultation.
- 28.2 Where a special policy relating to cumulative impact or early morning restriction orders is adopted this will be reviewed regularly at least every five years, to assess whether it is needed any longer, or indeed needs expanding.

Appendix 1 - Delegation of functions

Matter to be dealt with	Full Committee	Sub Committee or Panel	Officers
Application for personal Licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
Application for premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim Authorities	-	If a police objection	All other cases
Application to review premises licence/club premises certificate	-	All cases	-
Decision on whether a representation is irrelevant frivolous vexatious etc.	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of application to vary premises licence at community premises to include alternative licence	-	If a police objection	All other ca
Decision whether to consult on other Responsible authorities on minor variation Application	-	-	All cases
Determination of minor variation application	-	-	All cases
Determination of a police objection to a temporary event notice	-	All cases	-

Appendix 2 Other policies, legislation and guidance sources

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement this authority's licensing policy. In particular the policy should provide a clear indication of how the licensing authority will secure the proper integration of the licensing policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and the local alcohol policy.

(i) Legislation

- The Health and Safety at Work etc. Act 1974
- The Environmental Protection Act 1990
- The Noise Act 1996
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Anti-Social Behaviour Act 2003
- The Clean Neighbourhoods and Environment Act 2005
- The Gambling Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health Act 2006
- Violent Crime Reduction Act 2006
- Policing and Crime Act 2009
- Equalities Act 2010
- Crime and Security Act 2010
- The Police Reform and Social Responsibility Act 2011
- Live Music Act 2012
- Anti-social Behaviour Crime and Policing Act 2014
- Deregulation Act 2015

Note: These and other relevant pieces of legislation can be found at www.opsi.gov.uk

(ii) Strategies and Policies

- Alcohol Strategy
- Alcohol Harm Reduction Strategy in Cambridgeshire
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Crime & Disorder Reduction Strategy
- Council's Licensing Compliance and Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- Memorandum of Understanding and Joint Enforcement Protocol
- National and local PubWatch schemes
- Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
- Purple Flag (ATCM)
- Regulators' Code

- Safer Socialising

(iii) Guidance Documents

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Safer Clubbing Guide](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)
- [LACORS/TSI Code of Practice on Test Purchasing](#)
- [The Event Safety Guide](#)
- [Licensing large scale events \(music festivals etc.\)](#)
- [Managing Crowds Safely](#)
- [5 Steps to Risk Assessment](#)
- [The Guide to Safety at Sports Grounds](#)
- [Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances](#)
- [UK BIDS: Business Improvement Districts \(national BIDS advisory service\)](#)
- [BIS Code of Practice on Consultation](#)
- [The Plain English Campaign](#)

(iv) Relevant case law regarding policy statements

- Limits of licensing policy:
BBPA & Others v Canterbury City Council [2005] EWHC 1318 (Admin)
- “Strict” licensing policies and exceptions to policy:
R (Westminster City Council) v Middlesex Crown Court and Chorion plc [2002] LLR 538
- Cumulative impact policies and hours
R (JD Wetherspoon plc) v Guildford Borough Council [2006] EWHC 815 (Admin)
- Duplication and conditions:
R (on the application of Bristol Council) v Bristol Magistrates’ Court [2009] EWHC 625 (Admin)
- Extra-statutory notification by the licensing authority:
R (on the application of Albert Court Residents Association and others) v Westminster City Council [2010] EWHC 393 (Admin)
- The prevention of crime and disorder: ambit of the objective
Blackpool Council, R (on the application of) v Howitt [2008]
- Crime and disorder: sanctions on review: deterrence
Bassetlaw District Council, R (on the application of) v Workshop Magistrates Court [2008]

Note: This list is not exhaustive

Appendix 3 Useful References (organisations)

Local Government Association:

<http://www.local.gov.uk/regulatory-services-and-licensing>

Association of Convenience Stores (ACS)

<http://www.acs.org.uk/>

Association of Licensed Multiple Retailers (ALMR)

Now incorporating Bar, Entertainment and Dance Association (BEDA)

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Better Regulation Delivery Office (BRDO)

<http://www.bis.gov.uk/brdo>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk/>

http://

British Institute of Inn Keeping (BII)

<http://www.bii.org/home>

British Retail Consortium (BRC)

http://www.brc.org.uk/brc_home.asp

Cinema Exhibitors' Association (CEA)

<http://www.cinemark.org.uk/>

Department for Culture, Media and Sport

www.culture.gov.uk

Home Office

www.homeoffice.gov.uk

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Licensing and Enforcement Officers (NALEO)

<http://www.naleo.org.uk/>

The Portman Group

<http://www.portmangroup.org.uk/>

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Summary of consultation response and amendments to draft Statement of Licensing Policy
Appendix 2

Date received	From	Relevant section	Comment Summary	Response	Action
21.8.15	Cambridgeshire County Council, Public Health Directorate	4.1 – Strategies and Partnership Working	Consider adding ‘health and wellbeing’ within the list of strategies that the policy seeks to integrate	Considered and agreed	Paragraph amended as appropriate.
		6. Objectives	Examples of management practices given to assist applicants in preparing their operating schedules. Examples given relate to 6.2 Public Safety, 6.3 The prevention of public nuisance and 6.4 The protection of children from harm.	Comments considered. Similar examples are given in the Government S182 Guidance to which the Licensing Authority must have regard. For conciseness and to avoid duplication, they have not therefore been repeated in the policy for this authority.	No further action is considered necessary.
		8. Health as a Responsible Authority	Recognition of Health as a Responsible Authority is welcomed.	Noted	No further action necessary
		9. Responsible Authorities	Contact detail updates given	Noted	Amended as appropriate
		15. Cumulative Impact	Consider including additional points: <ul style="list-style-type: none"> Health Data including the wider public health and local alcohol profiles for England (LAPE) data www.lape.org.uk Data on alcohol related hospital admissions, alcohol specific admissions and alcohol related deaths in the local area Treatment data on the number of people in the area in a structured 	Comments considered. Paragraph 8.2 acknowledges that the Director of Public Health will be useful in providing evidence of alcohol-related health harms when there is a revision of policy particularly in relation to cumulative impact policies. Paragraph 8.2 makes reference to cumulative	Section 8 has been expanded to include the additional areas identified.

			alcohol treatment service	impact policies, so it is not considered necessary to duplicate this in Section 15. Paragraph 8.3 envisages that the Director of Public Health will be useful in providing evidence such as alcohol related A&E admissions or ambulance service data. The additional areas specified in the response have been noted.	
24.7.15	Hemingford Grey Parish Council		The parish council has no comments to make.	Noted	No further action necessary
6.8.15	Catworth Parish Council		Catworth Parish Council is content with the proposal.	Noted	No further action necessary
Additional amendment	March 2015 edition of S182 Government Guidance to Licensing Authorities	Paragraph 13.55	Children and cinemas – The statement of policy should make clear that in the case of premises giving film exhibitions the licensing authority will expect licence holders or clubs to include in the operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the BBFC or the licensing authority itself.	Noted	New paragraph 19.9 added to reflect latest Government Guidance
Additional amendment	March 2015 edition of S182 Government Guidance to Licensing Authorities	Paragraph 13.40	Two new bullet points added.	Noted	Paragraph 15.7 of policy amended to reflect Government Guidance

Additional amendments	Legislation update	Appendix 2	Some legislation omitted. Not in logical order.	Noted	Appendix updated.
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f/licensing/Licensing Act 2003/Policy Statement/consultation responses/summary of consultation responses

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Development Management Panel

Report of the meetings held on 19th October and 16th November 2015.

Matters for Information

6. DEVELOPMENT APPLICATIONS

The Development Management Panel has considered 15 applications for planning permission in the course of its two meetings. Of these, twelve have been approved and two refused with one deferred. Two of the decisions to approve applications were contrary to the Officer recommendations.

The application, which has been deferred relates to the proposed change of use of 8 Market Hill, St Ives to a public house. The purpose of the deferral is to enable Officers to hold further discussions with consultees and with the applicant on the frontage and the beer garden.

7. DEVELOPMENT MANAGEMENT - SECTION 106 AGREEMENT - FORMER RAF BRAMPTON, BUCKDEN ROAD, BRAMPTON

Following changes in the rules covering affordable housing, the Panel has considered two revised hybrid applications relating to the former RAF Brampton, Buckden Road, Brampton. Having received assurances from the Agent that affordable homes will be delivered through a contract between the developer and Metropolitan Housing Trust, subject to a conclusion being reached on the affordable housing position and to the completion of a Section 106 Agreement, the Head of Development has been authorised to determine both applications.

8. CONFIRMATION OF ARTICLE 4 DIRECTIONS – THE ROYAL OAK, HAIL WESTON

The Panel has confirmed an Article 4 direction in respect of the Royal Oak, High Street, Hail Weston. Members have been advised that the Parish Council supports the direction and of its implications. The direction removes permitted development rights for change of use from Class A3 (food and drink).

Other Matter of Interest

9. APPEAL DECISIONS

The Development Management Panel has been acquainted with recent decisions by the Planning Inspectorate. Five appeals recently have been heard and in each one the Council's decision has been upheld.

Mrs B E Boddington
Chairman

Employment Panel

Report of the meeting held on 18th November 2015

Matters for Information

12. WORKFORCE INFORMATION REPORT (QUARTER 2)

The Panel has received a quarterly report on Human Resource matters impacting on the performance of the organisation during the period 1st July to 30th September 2015. The report includes the latest position and trends relating to:

- employee numbers;
- salary costs; and
- sickness absence reporting.

In reviewing the workforce information, the Panel have been informed that the workforce headcount has decreased slightly since the last quarter as staff within Building Control and Legal have been TUPED over to Cambridge City Council.

Members have been advised that the number of sickness days has increased by 367 days when compared to the previous quarter. The Panel has been advised that although sickness has increased, short term sickness has reduced with the rise attributed to long term sickness. In response to questions the Panel has been advised that stress is the biggest cause of long term sickness followed by musculoskeletal issues.

The Panel has noted that stress is not just an issue at the Council as the Chartered Institute of Personnel and Development (CIPD) has stated that stress related sickness has risen across all the sectors. Stress within the public sector accounts for 79% of long term sickness absences compared to 34% within the Council. The CIPD have given the following reasons for work related stress: workloads and volumes of work, non-work factors, pressure to meet targets and lack of support from managers.

Following a query, Members have been advised that the Council are looking for opportunities to encourage staff back to work and that Human Resources will be speaking with the Heads of Service individually regarding cases of long term sickness within their Departments.

In response to a question on the benefits of working for the Council, the Managing Director has stated that the benefits include: the working environment (modern offices), flexible working schemes, no core

hours, generous leave packages, generous training opportunities, staff discounts at One Leisure, cycling packages and childcare packages.

13. LGSS QUARTERLY PERFORMANCE AND MONITORING REPORT

The Panel has received data on the performance of LGSS Human Resources, Payroll and Organisational Workforce Development services across the key service measures agreed under the current contract during the period 1st July to 30th September 2015.

LGSS' performance is measured in four areas, namely:

- General Service Standards;
- HR Strategic and Advisory;
- Recruitment and Payroll; and
- Organisational Workforce Development.

The Panel has been advised that a number of policies will be presented to the Panel within the next six months as there is a need for a rationalisation of policies across the Shared Services.

Members have been informed that LGSS provides the Council with 500 training places each year, however these include online accounts of which there are 367 at the Council. It is currently not known how active the online accounts are, as new starters have to activate an online account to carry out mandatory training but tend not to use the account afterwards. The Panel has been informed that the Council are now able to determine if new starters have completed their mandatory training.

The individual courses attended by employees have been presented to the Panel. Members have welcomed the new addition and have expressed their wish to see its inclusion continue. In addition, Members have requested a separate report to be presented at the next meeting of the Panel regarding the payment data inaccuracy highlighted within the performance and monitoring report.

Following a query regarding the requirement for employees to pay back training costs should they leave the Council within a defined period, the Managing Director has stated that in many employees' contracts there is no clause, however the Council have implemented the insertion of a clause into new starters' contracts.

J W Davies
Chairman

Licensing and Protection Panel

Report of the meeting held on 20 October 2015.

Matters for Information

5. SERVICE PLAN FOR FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY MONITORING

The Panel has received an update on progress being made against the Council's Food Safety and Health and Safety Service Plans for 2015/16.

Members have expressed their concerns that the Service is behind target on the delivery of the Food Safety Service Plan. This is a direct result of a number of factors including staffing resources, two significant accident investigations, the impact of an unforeseen reactive workload, a higher than expected increase in the number of new food business and a higher than anticipated level of formal enforcement actions being undertaken.

Members have discussed specifically the number of planned food hygiene inspections, which are significantly behind schedule. Having noted the reasons for this, the options which are available to address the situation and the actions which may be taken by the Food Standards Agency if the Authority fails to meet its statutory targets, the Panel has been informed that the matter will be discussed further by the Corporate Management Team. Members have also been assured that the Executive Member for Strategic Economic Development and Legal is aware of the situation.

In recognition of Members' concerns and in view of the time until the Panel's next meeting, the Head of Community has undertaken to update the Chairman and the Vice-Chairman on the situation on a regular basis. Members have also agreed that further information should be circulated to the Panel as and when it becomes available. Panel Members have suggested that the Authority should work with Further Education providers if there is a wider recruitment issue and have expressed their support for the use of apprenticeships / work placement training schemes to enable the establishment of a sustainable workforce.

In reviewing the other specific performance indicators within the Plan, the Panel has noted that there has been an increase in food related service requests and notifications for infectious disease control. Members have been pleased to note that the number of Food Hygiene revisits and the number of alternative enforcement interventions remains on target and that the number of required

inspections of temporary food business has not been as high as originally foreseen. It is expected that activity within the Primary Authority Partnership with the Cambridgeshire School Service will increase in the next quarter.

With regard to Health and Safety premises inspections, Members have noted that whilst this was behind target, most of the preparatory work in connection with targeted health and safety interventions has been completed and the Head of Community is confident that the Authority would be back on target by the end of the year.

Overall, Members have welcomed the preparation of a monitoring report to enable the Panel to monitor the delivery of the Food Safety and Health and Safety Service Plans throughout the year. However Members have made a number of suggestions with regard to additional information that they would like to see in future reports.

6. LICENSING AND PROTECTION APPLICATIONS SUB-GROUP

The Panel has noted details of the three meetings of the Applications Sub-Group that took place between 2nd July and 8th October 2015.

R Fuller
Chairman

Overview and Scrutiny Panel (Economic Well-Being)

Report of the meetings held on 8th October and 5th November 2015.

Matters for Information

25. PROJECT MANAGEMENT SELECT COMMITTEE – SIX MONTH REVIEW

The Panel has received a six month review report on projects at the delivery stage, as requested by the Project Management Select Committee.

An update on the In-Cab Technology project had been requested by the Select Committee; however, this project has been placed on hold until a review of the Waste Service's core processes and systems has been completed. Members have been informed that the Operations database containing all details of the collections service (property details, bins and routing and rounding schedules) needs to be replaced as soon as possible as it is now an unsupported system. The replacement database will enable links to be made between the Council's Customer Relationship Management (CRM) system and the In-Cab Technology. Procurement of In-Cab Technology is expected to commence in early 2016, and it is likely to be introduced around the Autumn of 2016.

Members have received an update on project activity over the last six months, including an overview of compliance with corporate project management guidance and the recording of information on Sharepoint project sites. The Panel has received a demonstration on how the Sharepoint site has been used to manage the new website project and to share information.

Members have examined security in relation to the Sharepoint site. Anyone on the Council's network can access the site but access to individual project sites, libraries and individual documents can be restricted by amending permission settings. All information about a specific project is generally viewable and editable by members of the Project Team. There is also a clear audit trail, which can identify who has made changes to documents and when.

Although employees have access to the network, public sector network restrictions require the Council to follow a code of compliance, which prevents Councillors from having access to it. Information for Members is included on the extranet site and

performance reports provide them with additional information. Officers can provide Members with information on request.

The Panel is of the view that the Council has improved in how it manages projects.

26. SHARED SERVICES UPDATE

The Panel has received a presentation on Shared Services by the Corporate Director (Services). The timing of the presentation was considered to be opportune following the completion of consultation and transfer of staff on 1st October 2015. The partnership with Cambridge City and South Cambridgeshire District Councils is branded as “3C Shared Services”.

Transition planning activity to date and next steps planned in integrating services have been explained to the Panel. Information on the Governance model, the role of Members and the sovereignty guarantee has also been covered in the presentation. Members have queried whether the sovereignty guarantee would only last for the initial five year life of the partnership or cover its whole life if it continues thereafter. The Panel has been advised that this suggestion would be considered when setting the governance arrangements took place, and it would need to be agreed by all authorities.

The Panel has questioned whether a March 2016 target for ICT is too ambitious. Members have been informed that the transition target is March–May 2016, when a new structure to deliver ICT services should be in place. Delivery of items in the service catalogue will take longer. There are around 60 posts in the new ICT shared services.

The flexibility for withdrawing from or adding other local authorities into the shared services arrangements has been discussed. The Panel has been informed that the partnership agreement is for five years with a review in year three and an exit strategy is included. Flexibility already exists so the scope of shared services could be widened relatively easily. Others could be involved on either a partnership or a contractual basis, as appropriate. The partnership agreement includes a disagreement resolution process.

27. TREASURY MANAGEMENT 2015/16 BIENNIAL REVIEW

The Panel has been acquainted with details of the Council’s borrowing and investments for the period 1st April to 30th September 2015. Having commented on a loan by the Council and on the spread of the Council’s investments, Members have received additional detailed information on the terms of those investments.

28. INTEGRATED PERFORMANCE REPORT 2015/16 QUARTER 2

The Panel has reviewed progress against the Council’s Key Indicators for 2015/16 in the period 1st July to 30th September 2015, the status of current projects and financial performance on revenue

and capital spend as at 30th September 2015. 83% of the key actions are on target. This is the first time the complete set of integrated performance information had been submitted to the Panel. At the suggestion of the Chairman, it has been decided that key areas will be allocated to Members of the Panel who will then focus on them. This task will be completed at the next meeting.

The Council appears not to be achieving some Development Management targets but it has made savings by holding open a number of posts in that section. It is accepted that the service has experienced problems but the vacant posts have not necessarily caused them. Development Management is subject to review and practices have been changed, which have resulted in more effective recruitment. The appointment of a Planning Services Manager (Development Management) is the first step and he has been given a number of key additional roles. Improvements in performance have already been achieved.

With particular reference to fast track pre-application advice, although the target had been missed, it is most disappointing that only one such enquiry has been received. An Officer recently has been appointed who will be solely responsible for this service. Members have commented generally on the need to improve communications between Development Management and other sections within the Council and with developers. They have been advised that measures have been taken in these areas and that ambitious targets had been adopted, which are achievable.

The Panel has established that One Leisure's financial targets are to achieve commercial rates of return on the capital employed within five years.

On the uptake of activities for young people, it has been reported that the Youth Service had taken over the referral process but, following cuts to the service, this had ceased. The Council is looking into taking this over. It has been suggested that the Police and Crime Commissioner might provide funding for youth services.

Through the Financial Performance Monitoring Suite for September 2015, Members have considered a proposal to use an underspend in the current year to bring forward the procurement of an upgrade to the Capita payments system. On the grounds that it will improve resilience and the disaster recovery arrangements, the proposal has been supported.

29. OVERVIEW AND SCRUTINY PANELS STRUCTURE

In conjunction with the other two Overview and Scrutiny Panels, the Panel has endorsed a new structure for the Overview and Scrutiny function and has accordingly recommended that the necessary amendments are made to the Constitution. The new arrangements better reflect the Council's strategic priorities and will permit more cross-remit working. The Chairmen and Vice-Chairmen jointly will determine how work is allocated.

30. ONE LEISURE NEGOTIATIONS

On the understanding that reports on progress and on the terms of any agreement reached are submitted to Overview and Scrutiny, the Panel has recommended the Cabinet to authorise the One Leisure Business Development Manager – Development to undertake negotiations on behalf of One Leisure.

Other Matters of Interest

31. NOTICE OF KEY EXECUTIVE DECISIONS

The Panel has been acquainted with the contents of the Notice of Key Executive Decisions which has been prepared by the Executive Leader.

Having been acquainted with the circumstances surrounding the submission of an urgent item to the Cabinet relating to the procurement of a new financial management system, the Panel has been informed that the procurement will be undertaken jointly with Cambridge City and South Cambridgeshire District Councils, who have already made decisions in principle to procure a new system. The new system will enable improved and more efficient financial reporting. The Panel has discussed the costs involved, the implementation date and how the new system will be financed. The target for implementing a new system is October 2016.

32. OVERVIEW AND SCRUTINY PANEL (ECONOMIC WELL-BEING) – PROGRESS

The Panel has reviewed its programme of studies at each of its meetings.

33. WORKPLAN STUDIES

The Panel has received details of the studies being undertaken by the other Overview and Scrutiny Panels. Following a suggestion accepted by the Social Well-Being Panel the previous week, it has been agreed to appoint Members to a Joint Working Group to collate the views of interested parties and partner organisations on the County Council's budget proposals and to make a co-ordinated response to the consultation from a Huntingdonshire perspective. It will also enable Members to look at the actions the Council and other organisations might need to take if the proposals are implemented.

34. SCRUTINY

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

G J Bull
Chairman

Overview and Scrutiny Panel (Environmental Well-Being)

Report of the meeting held on 10th November 2015.

Matters for Information

21. WASTE POLICY DEVELOPMENTS AND HUNTINGDON NEEDS ANALYSIS OF OPEN SPACES AND PLAY FUNCTIONS

The Interim Head of Operations has updated the Panel on the Waste Policy Developments and Huntingdon Needs Analysis of Open Spaces and Play Functions.

As part of the Waste Policy Developments the service was required to develop a new lane end collection policy and a new dry recyclates contamination policy. The new lane end collection policy required the individual survey of 87 tracks, lanes and unadopted roads in the District.

The Panel has been informed that there has been difficulty in collecting from unadopted roads. Options offered to the resident include a request for them to move the bin to the end of the unadopted road on collection day or ask the resident to sign a warranty in order the refuse collection crews to enter the unadopted road and collect from the property. Members have been advised that the warranty ensures that the Council would not be liable for any damage caused by the refuse lorries.

The new policy for dry recyclates has evolved as a result of high dissatisfaction with the number of bins rejected. If refuse collection crews find small items they remove them and bag them up, explaining to the resident that the particular item cannot be recycled. However if there is more contamination, a photograph will be taken and transferred to the Call Centre so if the customer contacts the Call Centre Staff would be able to explain why the bin was not collected.

Members have been advised that now the Huntingdon Needs Analysis has been completed the Department will work on completing an open spaces needs analysis of Sawtry, Godmanchester and St Neots by the end of March 2016.

With regards to the needs analysis, Officers have been identifying current and future provision in the towns and parishes. In regards to Huntingdon there has been some concern over allotment provision. However with regards to the play area provision the analysis identified that four play areas require upgrading from a Locally Equipped Area

for Play (LEAP) to a Neighbourhood Equipped Area for Play (NEAP) with funding to do so available through existing Section 106 (S106) funding. The areas are highlighted as follows:

- The Pits, Sapley Road Play Area;
- Sallowbush Road;
- Stukeley Meadows Primary School; and
- Elsie's Way.

In relation to a question regarding the identification of the 87 lanes and other locations, Members were informed that the lanes had been identified by the refuse collectors, local knowledge and customer feedback. Officers have stated that they believed not all the lanes have been identified, however would be liaising with residents in order to establish the location of other lanes.

In response to a query from a Member regarding the possibility of losing S106 funding, Officers have confirmed that the risk existed however a Red, Amber and Green (RAG) status has been established to assist with minimising the risk.

In response to a query regarding the cost to Town and Parish Councils of ongoing maintenance, Members have been advised that the Council needs to have the dialogue with the Town and Parish Councils. The ongoing maintenance costs are covered by the Town and Parish Councils, however if the cost is too great then decommissioning becomes an option.

Members have been advised that in response to a shortage of allotments, that a different range of options have been considered, including identifying areas for allotments outside of Huntingdon and releasing land for community gardens however further consultation needs to be undertaken.

Members have explained that one of the problems with recycling contamination was education, as some residents still believed that textiles could be recycled. In response, the Panel has been informed that there would be an awareness campaign to inform residents of the specific items that could be recycled.

22. LOCAL PLAN TO 2036 - UPDATE

The Panel has been informed of an update to the Local Plan to 2036. Members has been advised that progress on the Local Plan has slowed, due in part to the need for strategic transport modelling, which was needed in particular to assess the transport effects of the proposed housing allocation at Wyton Airfield.

The Panel's attention has been drawn to the Government's requirement that Local Plans need "to be written" by early 2017 and the consequence of not achieving this will be that the Government will intervene to arrange for the Local Plan to be written for Huntingdonshire. The Government has yet to clarify the meaning of "to be written", however to ensure that the Government does not take over

the writing of Huntingdonshire's Local Plan, these statements should be interpreted as a requirement to submit the proposed Local Plan to the Government by March 2017.

Members have been informed that the Council will be exploring the identification of a supply of sites for years 1-10, alongside continuing to develop the current approach to the Local Plan which has identified a supply for years 1-15. If the traffic impacts of development at Wyton Airfield have not been resolved using the transport modelling in time to submit the Local Plan by the early 2017 deadline, the Council will consider whether to submit a Plan. The Plan will include the 10 year supply of sites and exclude specifically the allocation of Wyton Airfield. This approach will require a commitment to an early review of the Plan.

The Panel have been advised that Local Plans are required to demonstrate that sufficient infrastructure will be provided to meet the needs of planned development. This is different to earlier planning rules where it is assumed that such infrastructure will be provided when development takes place. Members have been pleased to note the inclusion of infrastructure planning within the Local Plan.

The Panel has highlighted their concerns with how the Government will progress with Local Plans. Members have been advised that the Government has been attempting to improve the economy through development and see Local Plans as a mechanism to achieve this. However there appears to be little understanding within the Government on why developments take time to progress, for reasons such as resident opposition and developers not building on land that has permission for development.

In response to a question regarding Neighbourhood Plans, the Panel has been advised that Neighbourhood Plans have been considered as supplementary planning documents, once 'made' Neighbourhood Plans will become part of the adopted Development Plan. The Panel has expressed their agreement with having a twin tracked approach-exploring the 10 year Local Plan option, although have indicated a preference for a 15 year Local Plan.

23. NEIGHBOURHOOD PLANS

The Panel has been informed about the establishment of a process for progressing Neighbourhood Plans from examination to Referendum following the receipt of an Examiner's report into the Neighbourhood Plan.

The Panel has requested that the options available to planning authority following the examination is fully explained to Town and Parish Councils as they need to know under what limited circumstances the Cabinet can hold up or reject a Neighbourhood Plan. In addition Members have indicated that clear timescales need to be set out for Town and Parish Councils, particularly in relation to when the Neighbourhood Plan is passed to the Council for the Examination and Referendum.

In response to a question regarding Town and Parish Council who have decided not to create a Neighbourhood Plan, the Panel has been advised that having a Neighbourhood Plan increases the amount of Community Infrastructure Levy (CIL) the Town or Parish Council will receive on a development from 15% to 25%. However it has been noted that a Town or Parish Council can decide to produce a Neighbourhood Plan at a later date if they wish.

The Panel have emphasised to the Cabinet the requirement for a Town or Parish Council to adopt a project plan when developing a Neighbourhood Plan. In addition Members have been reminded that it is the responsibility of the Town or Parish Council to produce a clean copy once the Cabinet have considered the content.

24. ST NEOTS NEIGHBOURHOOD PLAN

The St Neots Neighbourhood Plan has been presented to the Panel. Members have been informed that after the Examination in February 2015 the Neighbourhood Plan can proceed to a Referendum subject to the modifications being made as recommended by the Examiner.

Following a discussion regarding community involvement, Members have highlighted their concerns that the Neighbourhood Plan may be rejected if there is a low turnout at a Referendum. In response, the Panel has been assured that a majority vote of electors will allow the Neighbourhood Plan to be adopted regardless of turnout.

In response to a concern that St Neots has been losing out on Community Infrastructure Levy (CIL) funding, the Panel has been reassured that to date St Neots has not missed out on CIL funding, which is due after the final planning conditions have been discharged. In addition, the Panel has been reminded that Neighbourhood Plans are intended primarily as a way for communities to develop a shared vision for how they want their area to developed and that CIL funding can be seen as a secondary bonus.

Members have questioned the timings of the progression of the Neighbourhood Plan to Referendum, as it was submitted in April 2014 and is only being submitted to the Cabinet in November 2015. The Panel have been advised that in hindsight the process could have been quicker. The process has been a learning experience for the Council, since the St Neots Neighbourhood Plan is the first Plan in Huntingdonshire to be progressed this far in the process. The Panel has also been informed that the Council is not in control of all the timescales: specifically, the Neighbourhood Plan has to undergo a statutory six week consultation after submission before the Neighbourhood Plan can be submitted to an Independent Examiner.

The Panel has asked for further clarity on the timescales involved between submission, examination and Referendum of Neighbourhood Plans. In response it has been clarified that the process as referred to in Item No.23 will give a clear indication of timelines and that the Huntingdonshire Community Planning Support report, to be considered by the Panel in December 2015, will clearly set out the process.

Following concerns the Panel has been reminded that the Neighbourhood Plans process should not be concerned with completion before the Local Plan is adopted. Neighbourhood Plans should be consistent with, and complement, both the adopted and emerging Local Plans, giving the Town or Parish some control of local planning issues such as the amount and location of development.

The Panel has recommended to the Cabinet that the timescales for the process of creating a Neighbourhood Plan should be made clearer. In addition once the Cabinet has considered the Neighbourhood Plan and has agreed to proceed to a Referendum it should be made clear that it is the responsibility of the Town or Parish Council to produce a 'clean copy' of the document.

25. OVERVIEW AND SCRUTINY PANEL STRUCTURE

In conjunction with the other two Overview and Scrutiny Panels, the Overview and Scrutiny Panel Structure report has been presented to the Panel. Members have been advised that at the Scrutiny Away Day in February 2015, the structure of the Council's Overview and Scrutiny Panels have been reviewed and alternative arrangements have been explored. The Panel has endorsed Option 2 which includes the following:

- Rename the 'Social Well-being' Panel to 'Communities and Customers';
- Rename the 'Economic Well-being' Panel to 'Finance and Performance'; and
- Rename the 'Environmental Well-being' Panel to 'Economy and Growth'.

The Panel has been informed that the preferred option is considered to have the clearest links to the Corporate Plan's strategic priorities and objectives. It is also expected that the preferred option will result in a more balanced workload for the Panels, with the Chairman and Vice-Chairman meeting regularly to review the Agenda Plan.

Members have been advised that in addition to the changes to the Panels, two Task and Finish Groups will be established. The first will investigate the impact of County Council Budget Cuts upon services in Huntingdonshire. The second Group will investigate Registered Social Providers and the challenges faced by them in the future.

Other Matters of Interest

26. NOTICE OF KEY EXECUTIVE DECISIONS

The Panel has been acquainted with the contents of the Notices of Key Executive Decisions which has been prepared by the Executive Leader.

27. OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) – PROGRESS

The Panel has reviewed its programme of studies. Members have been informed that the Huntingdonshire Infrastructure Business Plan will be presented to the Panel at their meeting in December 2015.

The Panel has indicated that they would like to investigate the cost of open spaces maintenance. In regards to litter polices Councillor D A Giles has informed the Panel that he has a meeting with the Environmental Education and Promotions Officer in order to progress the matter.

Members have been advised that the Decision Digest will no longer be included with the Agenda but will be circulated electronically. The Panel will continue to consider the Decision Digest at future meetings under the Agenda Item 'Overview and Scrutiny Progress'.

28. WORKPLAN STUDIES

The Panel has received details of the studies being undertaken by the other Overview and Scrutiny Panels. The Panel has appointed Councillors Mrs S J Conboy, D A Giles, T D Sanderson and R J West to the Impact of the County Council Budget Cuts Task and Finish Group

T D Sanderson
Chairman

Overview and Scrutiny Panel (Social Well-Being)

Report of the meetings held on 6th October, 3rd November and 1st December 2015.

Matters for Information

18. VOLUNTARY FUNDING UPDATE PRESENTATIONS

Six voluntary and community sector organisations in receipt of three year funding awards (Strategic Grants) from the Council have each given presentations to the Panel and have answered questions arising from Members.

The Head of Community has provided the Panel with a brief introduction to the process for awarding Strategic Grants, concentrating on the following key points:

- The current Strategic Grants have been allocated for a three year period from 1st April 2013 to 30th March 2016;
- The Council's budget for voluntary and community sector funding should be considered in line with the Council's Medium Term Financial Strategy to ensure the sector is not disproportionately affected;
- The presentations are intended to inform Members about what each of the organisations have delivered, how they consider they have assisted the District Council in addressing its corporate objectives and what they consider their future challenges to be;
- Further reports will be presented to the Panel in advance of the Council setting its budget for 2016/17 in February 2016; and
- An application process for future grant funding will be opened once the budget available for this has been confirmed for 2016/17.

The Head of Community has re-iterated that the budget available for future voluntary and community sector grant funding will not be finalised until February 2016. Members have stated that they would expect an application process for this but have expressed some concern about timescales for those organisations with funding arrangements due to finish in March 2016. The Head of Community will bring a further report to an upcoming meeting of the Panel.

19. HINCHINGBROOKE HEALTH CAMPUS PRESENTATION

The Panel has received a presentation from Mark Cammies, Estates and Facilities Director, Trust Board, Hinchingsbrooke Healthcare NHS

Trust on the Hinchingsbrooke Health Campus Development Plans. Mr Cammies has informed the Panel that the Trust has invested £20m in the site since 2012. The following development plans have been proposed:

- the building of staff residencies and medical student accommodation;
- the creation of a dementia and elderly care village;
- a health and well-being facility;
- private patient unit;
- support function building; and
- a new GP Surgery.

In addition to the proposed developments, the Trust is to rationalise the size of the acute hospital element in order to have the additional care facilities.

In response to questions submitted by Members regarding the size of the acute hospital Mr Cammies has informed the Panel that there is no agreement on what acute services could be impacted although he has confirmed bed numbers would be reduced. It was hoped that by focussing on specific acute services the hospital will be in a form that is more sustainable.

The Panel has asked why the number of acute beds would be reduced when Huntingdonshire is a growing District and the population is ageing. Mr Cammies has informed Members that the Treatment Centre is currently running at 65% capacity so there is room for efficiencies. In regards to elderly patients, the Trust and the patients themselves do not want elderly people in acute beds where possible, but rather a different type of bed more suited to their clinical and social needs.

Mr Cammies has informed the Panel that the idea for the location of a GP surgery at Hinchingsbrooke was in response to a suggestion from GPs.

The Panel has requested that Mr Cammies provide regular updates to the Panel on progress.

20. SPORT AND ACTIVE LIFESTYLES ANNUAL REPORT 2014/15

The Panel has received the Sport and Active Lifestyles (SALT) Annual Report 2014/15. Members have been informed that in addition to 10 paid members of staff, SALT uses 50 part time volunteers to help deliver the service. The cost of SALT is £1.50 per head of population per annum. The Panel has been advised that 2014/15 was the best year in terms of attendance and the service continues to achieve high levels of customer satisfaction.

In response to Members' concerns over the changing financial circumstances at the County Council and the potential withdrawal of funding Members have been advised that funding has not been

withdrawn at the time of the meeting. As a result, SALT will be able to offer a free Exercise Referral service for the ensuing year, however if funding is withdrawn the service will probably revert to a chargeable service.

The Panel have been informed that SALT will raise its profile in the wider community by launching a communications campaign. The introduction of clothing and merchandise for some activities will have the additional benefit of increasing income and advertising of the service.

21. AFFORDABLE HOUSING WORKING GROUP REPORT

The Panel has received the Affordable Housing Work Group Report. Members have been informed that the Working Group has covered everything within their remit and has made the following recommendations:

- The Council should actively promote the provision of affordable housing on exception sites to Town and Parish Councils;
- Where a Parish Council does not support an exceptions site, the Council should continue to fulfil its duty to meet identified affordable housing need;
- A systematic assessment should be carried out of all land to identify potential sites for affordable housing to then be matched to needs (Strategic Housing Land Availability Assessment); and
- The threshold for developments on which affordable housing can be sought should be lowered from 15 to 10 dwellings.

Members have identified that the affordable housing threshold proposed by the Working Group appears to be different to Government policy. The reference to Government policy states that on-site affordable housing can be sought on developments over 10 homes meaning on developments sized 11 homes and above as opposed to the Working Group's suggestion of developments sized 10 homes and above.

22. OVERVIEW AND SCRUTINY PANEL STRUCTURE

In conjunction with the other two Overview and Scrutiny Panels, a proposed new Overview and Scrutiny Panel Structure has been presented to the Panel. At the Scrutiny Away Day in February 2015, the structure of the Council's Overview and Scrutiny Panels has been reviewed and alternative arrangements have been explored. The Panel has endorsed Option 2 which includes the following:

- Replace the 'Social Well-Being' Panel with a scrutiny panel focussing on 'Communities and Customers';
- Replace the 'Economic Well-Being' Panel with a scrutiny panel focussing on 'Finance and Performance'; and
- Replace the 'Environmental Well-Being' Panel with a scrutiny panel focussing on 'Economy and Growth'.

The Panel has been informed that the preferred option is considered to have the clearest links to the Corporate Plan's strategic priorities and objectives. It is also expected that the preferred option will result in a more balanced workload for the Panels with the Chairman and Vice-Chairman meeting regularly to review the Agenda Plan.

Members have been informed that the Chairmen of the Panels are keen to see greater use of the Task and Finish Groups. Two new Task and Finish Groups have been proposed, with the Overview and Scrutiny Panel (Social Well-Being) taking the lead with both Groups. The first will investigate the impact of Cambridgeshire County Council Budget Proposals upon services in Huntingdonshire and the second group will investigate Registered Social Providers and the challenges faced by them in the future.

In response to a query regarding the assessing of skills and strengths of each Member to ensure that they will be on the correct panel and to maximise their skills the Managing Director has indicated that a skills audit will be useful to be carried out.

The Panel has appointed Councillors D Brown, S Criswell, M Francis, T Hayward and P Kadewere to the Impact of Cambridgeshire County Council Budget Proposals upon Services in Huntingdonshire Task and Finish Group. The Panel has appointed Councillors D Brown, R Fuller, T Hayward, P Kadewere, M C Oliver and Mrs D C Reynolds to the Registered Social Providers Task and Finish Group.

23. CAMBRIDGESHIRE HOME IMPROVEMENT AGENCY (CHIA) SHARED SERVICE REVIEW AND DISABLED FACILITIES GRANT BUDGET

The Panel has received a report on the Cambridgeshire Home Improvement Agency (CHIA) Shared Service Review and the Disabled Facilities Grant (DFG). Members have been informed that:

- the CHIA delivered on 437 enquires in the District for the year 2014/15;
- the End of Year 3 (2014/15) figures show that the shared service delivered a surplus of £18k;
- customer satisfaction in the District at 89% is lower than both Cambridge City (97%) and South Cambridgeshire (100%);
- the average time taken to complete works following a referral within the District is 26.3 weeks on cases costing below £10k and 69.6 weeks on cases costing above £10k. Both are above their respective key performance targets of 26 weeks (below £10k) and 45 weeks (above £10k); and
- the Partnership Agreement runs out in March 2016 and will require renewing for a further two year period.

In response to a query regarding the timescales Members have been informed that the targets include the whole progress from assessment to sourcing quotes to carrying out the work. For low level work such

as the installation of a rail, CHIA provides a handyman service so that the work can be carried out swiftly.

The Panel have been informed that the District has more DFGs and the reasons for this are that the size of population of the District, especially the elderly population, is larger than Cambridge City and South Cambridgeshire and therefore there is more demand for DFGs.

The Panel identified that there is an opportunity with the Better Care Fund to alleviate pressure upon Social Care budgets however noted that the Fund can be difficult to access for social care and preventative treatments.

Following a query regarding the 11% of customers dissatisfied Members have been informed that most of those customers cite workmanship issues as the reason they are dissatisfied.

24. HUNTINGDONSHIRE COMMUNITY SAFETY PARTNERSHIP ANNUAL UPDATE 2014/15

The Panel has received the Huntingdonshire Community Safety Partnership (HCSP) Annual Update 2014/15. Members have been informed that the Council has reduced its financial input into the Partnership as a result of the Chairmanship transferring over to the Police Constabulary.

The Panel have been informed that the HCSP received £24,225 from the Cambridgeshire Police and Crime Commissioner for the year 2014/15. The Partnership has spent the funding on projects linked to their priority 'Victims and Vulnerabilities'.

When discussing the crime statistics Members noted that crime in the District has fallen in line with national trends however there has been an increase in violent crime within the District. In addition the Panel have been advised that the ward of Huntingdon North has seen the highest repeat victimisation.

In response to a query regarding the increase of weapons and sexual offences and the nationalities of the perpetrators the Panel have been advised that there is currently no statistics to suggest that the increase in those offences is as a result of an increase in immigration.

Members have been informed that the Breakfast Club for EU residents living in Huntingdon North Ward which has received HCSP funding is no longer running as a result of a lack of volunteers. The Panel expressed concern that the focus on EU residents could have put off non-EU residents from attending the club.

Following a query regarding the lack of Police response to Pub Watch's concerns in St Ives the Panel has discussed the use of a Public Spaces Protection Order (PSPO) in the town however Members preferred the enforcement of the existing legislation not the creation of new legislation.

The Panel has agreed that they would like to invite Chief Inspector Laura Hunt to a future Panel meeting in order to discuss the crime statistics in more depth and the working relationship the Council has with the Police Constabulary.

Other Matters of Interest

25. NOTICE OF KEY EXECUTIVE DECISIONS

The Panel has been acquainted with the contents of the Notice of Key Executive Decisions which has been prepared by the Executive Leader.

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

The Panel has reviewed its programme of studies at each of its meetings. Members have asked to receive from the Cambridgeshire and Peterborough Clinical Commissioning Group statistics on the number of young men aged 16 to 23 who have been receiving treatment for a mental health issue.

27. WORKPLAN STUDIES

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

28. SCRUTINY

The Panel has considered the latest edition of the Decision Digest and discussed matters contained therein. Members have noted that the Decision Digest has appeared for the final time at the meeting in November 2015. The Decision Digest will be circulated electronically and discussed under the Overview and Scrutiny Progress Agenda Item at future Panel meetings.

S J Criswell
Chairman