

Council

Agenda and Reports

For consideration on

**Tuesday, 18th December
2007**

In the Council Chamber, Town Hall, Chorley

At 6.30 pm



PROCEDURE FOR PUBLIC QUESTIONS/SPEAKING AT COUNCIL MEETINGS

- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Council meeting to allow time to prepare appropriate responses and investigate the issue if necessary (12 Noon on the Friday prior to the meeting).
- A maximum period of 3 minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each ordinary Council meeting, excluding the Annual Meeting.
- The question to be answered by the Executive Member with responsibility for the service area or whoever is most appropriate.
- On receiving a reply the member of the public will be allowed to ask one supplementary question.
- Members of the public will be able to stay for the rest of the meeting should they so wish but will not be able to speak on any other agenda item upon using their allocated 3 minutes.

Chief Executive's Office

Please ask for: Gordon Banks
Direct Dial: (01257) 515123
E-mail address: gordon.banks@chorley.gov.uk
Date: 7th December 2007

Chief Executive: Donna Hall

Chorley
Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Dear Councillor

COUNCIL - TUESDAY, 18TH DECEMBER 2007

You are invited to attend a meeting of the Chorley Borough Council to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 18th December 2007 commencing at 6.30 pm for the following purposes.

AGENDA

1. **Apologies for absence**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Mayoral Announcements**
4. **Public Questions**

Members of the public who have requested the opportunity to ask a question(s) on any item(s) on the agenda will be asked to put their questions(s) to the Council. Members of the public will be allowed to ask one supplementary question within their allocated 3 minutes

5. **Minutes (Pages 1 - 6)**

To confirm the Minutes of the Council meeting held on 30th October 2007 as a correct record for signature by the Mayor (copy enclosed)

Continued....

6. **Executive Cabinet**

a) **Sale of Land at Fairview Farm, Adlington (Pages 7 - 12)**

Report enclosed

b) **Formalising Joint Local Development Framework Working and Production of Joint Core Strategy (Pages 13 - 22)**

Report enclosed

c) **Capital Programme 2007/08 - Monitoring Report**

Report to follow

d) **General Report from Executive Cabinet meeting on 15 November 2007 (Pages 23 - 26)**

Report enclosed

e) **General Report from Executive Cabinet meeting on 6 December 2007**

Report to follow

7. **Development Control Committee (Pages 27 - 28)**

General report (enclosed)

8. **Licensing and Safety Committee and Statutory Licensing Committee (Pages 29 - 30)**

General Report (enclosed)

9. **Overview and Scrutiny Committee and Panels (Pages 31 - 38)**

General Report (enclosed)

10. **Standards Committee (Pages 39 - 42)**

General Report (enclosed)

11. **Proposed Revisions to the Council's Constitution (Pages 43 - 70)**

Report of Corporate Director of Governance (enclosed)

In accordance with Paragraph 27.2 of the Council Procedure Rules, the Council meeting held on 30 October 2007 agreed that the recommendations relating to revisions to the Council Procedure Rules be adjourned without discussion to this meeting of the Council.

The Council is requested to authorise the revisions to the Council Procedure Rules as set out in the appendix to the attached report.

12. **Review of Polling Districts and Places (Pages 71 - 74)**

Report of Chief Executive as Returning Officer (enclosed)

13. **Statement of Licensing Policy - Triennial Renewal** (Pages 75 - 152)

Report of Corporate Director of Governance (enclosed)

14. **Questions Asked under Council Procedure Rule 7 (if any)**

15. **To consider the Notices of Motion (if any) given in accordance with Council procedure Rule 8**

16. **Any other item(s) the Mayor decides is/are urgent**

17. **Exclusion of Press and Public**

To consider the exclusion of the press and public during consideration of the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

18. **Market Walk - Phase 2 Update**

Joint report of Assistant Chief Executive (Business Transformation) and Corporate Director (Business) (to follow).

Yours sincerely



Chief Executive

Distribution

To all Members of the Council and Chief Officers.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

COUNCIL**Tuesday, 30 October 2007**

Present: Councillor Adrian Lowe (Mayor), Councillor Terry Brown (Deputy Mayor), Councillors Ken Ball, Nora Ball, Eric Bell, Judith Boothman, Alan Cain, Pat Case, Henry Caunce, Alan Cullens, Magda Cullens, Michael Davies, Mike Devaney, David Dickinson, Mrs Doreen Dickinson, Dennis Edgerley, Anthony Gee, Daniel Gee, Peter Goldsworthy, Mrs Marie Gray, Harold Heaton, Catherine Hoyle, Keith Iddon, Margaret Iddon, Kevin Joyce, Hasina Khan, Roy Lees, Laura Lennox, Marion Lowe, Peter Malpas, Thomas McGowan, June Molyneaux, Greg Morgan, Mick Muncaster, Mark Perks, Geoffrey Russell, Rosie Russell, Edward Smith, Iris Smith, Shaun Smith, Joyce Snape, Ralph Snape, John Walker, Mrs Stella Walsh and Mary Wilson

07.C.89 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Pat Haughton and Margaret Lees.

07.C.90 DECLARATIONS OF ANY INTERESTS

No Member declared an interest in relation to matters under consideration at the meeting.

07.C.91 MAYORAL ANNOUNCEMENTSRemembrance Day

The Mayor invited Members to accompany him in the procession to St Laurence's Church and to the Cenotaph in Astley Park for Remembrance Sunday. If Members were to assemble in the Council Chamber no later than 9.15am with tea and coffee served afterwards in the Council Chamber.

Charity Folk Night

The Mayor informed Members that his Charity Folk Night scheduled for Friday, 16 November at St Bede's Social Centre would no longer be taking place. Those who had already paid would receive a full refund.

Charity Ball

The Mayor commented that Friday, 1 February 2008 would be the date of his Charity Ball to be held at Park Hall Hotel in Charnock Richard. Letters had already been sent out to local businesses offering them the chance to buy tickets but the Mayor wished for as many Councillors as possible to join him for what was sure to be a great night. Tickets would be £30 per person.

The Executive Leader took the opportunity to inform Members that this would be the last Council meeting attended by Paul Morris in his capacity as Deputy Chief Executive pending his retirement at the end of November 2007.

The Executive Leader paid tribute to Mr Morris's period of service with the Council and appreciation of his work in giving advice on a number of important issues.

The Executive Leaders sentiments were echoed by Councillors Dennis Edgerley, Kenneth Ball, Ralph Snape and Anthony Gee, who all thanked Mr Morris for his service to the Council and wished him well in his retirement.

07.C.92 PUBLIC QUESTIONS

There had been no requests from any member of the public to ask a question on any of the agenda items.

07.C.93 MINUTES

RESOLVED – That the Minutes of the Council meeting held on 18 September 2007 be confirmed as a correct record for signature by the Mayor.

07.C.94 EXECUTIVE CABINET

(a) The Annual Refresh of the Corporate Strategy for 2007/08 - 2009/10

The Executive Member for Corporate Policy and Performance presented a report seeking approval to the re-freshed Corporate Strategy for 2007/08 – 2009/10.

The re-freshed Strategy set out the Council's vision, priorities and strategic objectives for the next three years and how the Authority would measure its achievement of the key projects.

Whilst the overall vision and priorities of the Strategy had remained constant with the 2006/07 Corporate Strategy, a few changes had been made to the strategic objectives and long-term outcomes to enable the development of local solutions to climate change issues and to reflect the main strategic 'Big Issues' facing the Authority (eg citizen engagement, improvement of front line universal services; regeneration; use of resources and attraction and retention of high quality staff; and climate change).

The refreshed Strategy also contained a reduced number of key projects (ie 30) which aimed to assist the achievement of the long-term objectives. The projects had been selected on the basis of their potential feasibility and funding. The number of measurable targets, linked to both the key projects and long-term outcomes, had been increased to 47.

The revised Strategy had been compiled after a series of extensive consultations with internal stakeholders, while taking account of the experiences in delivering the current Strategy, the re-freshed Community Strategy and the new challenges facing the Authority.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 1, Outcome 1.3 second bullet point to read

- "Number of Chorley residents moving into sustainable employment and ceasing to claim incapacity benefit and income support. The target 0.2% below the national average.

Would want the target to be the national average."

The amendment was put to the vote and the Mayor declared it lost.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 2 Additional Key Project:

- “Revisit and review the Sports Village Feasibility Study in light of the Support England review of sporting villages.”

A request was made under the Council Procedure Rule 17(2) for a recorded vote on the Labour Group amendment.

For: Councillors Ken Ball, Nora Ball, Terry Brown, Michael Davies, Dennis Edgerley, Anthony Gee, Daniel Gee, Catherine Hoyle, Margaret Iddon, Hasina Khan, Roy Lees, Laura Lennox, Adrian Lowe, Marion Lowe, Thomas McGowan, June Molyneaux, Joyce Snape, Ralph Snape, Mrs Stella Walsh and Mary Wilson (20).

Against: Councillors Eric Bell, Judith Boothman, Alan Cain, Pat Case, Henry Counce, Alan Cullens, Magda Cullens, Mike Devaney, David Dickinson, Mrs Doreen Dickinson, Peter Goldsworthy, Mrs Marie Gray, Harold Heaton, Keith Iddon, Kevin Joyce, Peter Malpas, Greg Morgan, Mick Muncaster, Mark Perks, Geoffrey Russell, Rosie Russell, Edward Smith, Iris Smith, Shaun Smith and Ralph Snape (25).

Abstentions: None.

The Mayor declared the amendment lost.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 3 Outcome 3.1

% of Council Buildings accessible to disabled people. Target 96% by March 2008.

“Does the Executive Member accept that this target has been achieved. Might it not have been better to examine ways in which even where access has been facilitated we could seek further improvement, as an example the stage in The Lancastrian is not accessible.”

The Executive Member for Policy and Performance reported that much progress had been achieved for the accessibility for disabled people but Officers are seeking further improvements and that officers are continuing to work with disabled groups to continue making improvements in areas that the Council can physically achieve.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 3 Outcome 3.2

An additional Key Project at second bullet point of outcome 3.2

- Establish a Mayors Award for Voluntary/Community Service

The Executive Leader in response accepted to implement the idea. The amendment was put to the vote and the Mayor declared it carried.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 4 Additional Key Project

- Establish an invest to save programme for the Council’s use of energy.

The Executive Leader in response accepted that if it was not already covered in the Key Project of “Develop a sustainable resources development plan for the Borough” (4.2) it will be.

The amendment was put to the vote and the Mayor declared it carried.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 5 Additional Key Project

- Affordable dwellings completed target 330 units by March 2009 of which a minimum of 200 should be social rented.

The amendment was put to the vote and the Mayor declared it lost.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 5 Additional Key Project

- Identify land the Council can make available for Social Rented Housing at little or no cost.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 5 Additional Key Project

- Investigate extending Chorley’s green corridor particularly the creation of parks at Ellerbeck and Healey Nab.

Would the Executive Member also within the key project be improving the green corridor look as well as the parks of Astley, Duxbury and Yarrow Valley the recreation grounds and the linear parks on former railway land.

The amendment was put to the vote and the Mayor declared it lost.

The following amendment to the Corporate Strategy was moved by Councillor Dennis Edgerley and seconded by Councillor Laura Lennox.

Column 5 Additional Key Project carried out at outcome 5.3

- Establish a programme for alleygates to be delivered in 2008/2009.

The amendment was put to the vote and the Mayor declared it lost.

It was moved by the Executive Member for Corporate Policy and Performance and seconded by the Executive Leader, and consequently **RESOLVED:**

- 1) That the re-freshed Corporate Strategy for 2007/08 – 2009/10 be approved and accepted as the key strategic document for the Authority.
- 2) That an additional key project at second bullet point of outcome 3.2 to “Establish a Mayors Award for Voluntary/Community Service.”
- 3) That an additional key project, if not already covered in the key project of “Develop a Sustainable Resources Development Plan for the Borough”. (4.2), to “Establish an Invest to save programme for the Council’s use of energy.”

(b) Capital Programme 2007/08 - Monitoring

The Executive Member for Resources presented a report updating Members on the progress of the 2007/08 Capital Programme.

The report outlined the principal reasons for the recommended revision and increase of the agreed capital budget of £8,383,450 to £8,798,310 within which a sum of £40,000 was to be allocated for alleygate schemes.

It was moved the Executive Member for Resources and seconded by the Executive Leader and subsequently **RESOLVED** that the revised Capital Programme for 2007/08 in the sum of £8,798,310 and the appropriate financing arrangements, as set out in the appendices to the established report.

(c) General Report from Executive Cabinet meeting on 4 October 2007

The Executive Leader presented a report which summarised the principal matters considered at the meeting of the Executive Cabinet held on 4 October 2007.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council and subsequently **RESOLVED** that the report be noted.

07.C.95 DEVELOPMENT CONTROL COMMITTEE

The Chair of the Development Control Committee (Councillor H Heaton) presented a report which commented on a few of the more significant planning applications that had been obtained at meetings held on 11 September 2007 and 9 October 2007.

It was moved by the Chair of the Development Control Committee, seconded by the Vice Chair, and subsequently **RESOLVED** that the report be noted.

07.C.96 LICENSING AND SAFETY COMMITTEE/STATUTORY LICENSING COMMITTEE

The Chair of the Licensing and Safety Committee and Statutory Licensing Committee (Councillor Mrs I Smith) presented a report which summarised the principal matters which had been considered by the Licensing and Safety Committee and Statutory Licensing Committee held on 19 September 2007 and 17 October 2007.

It was moved by the Vice-Chair (Councillor Edward Smith), seconded by Councillor John Walker and subsequently **RESOLVED** that the report be noted.

07.C.97 OVERVIEW AND SCRUTINY COMMITTEE AND PANELS

The Chair of the Overview and Scrutiny Committee (Councillor Dennis Edgerley) presented a report which summarised briefly the recent matters discussed at meetings of the Overview and Scrutiny Committee held on 1 October 2007. The report also summarised the activities and issues considered by the Committee's associate Environment and Community and Corporate and Customer Overview and Scrutiny Panels of their recent meetings.

It was moved by the Chair of the Overview and Scrutiny Committee (Councillor Dennis Edgerley), seconded by the Vice-Chair (Councillor Laura Lennox) and subsequently **RESOLVED** that the report be noted subject to an amendment in paragraph 14 by deleting the following "even though it had not" and inserting "and had".

07.C.98 AUDIT COMMITTEE

The Chair of the Audit Committee (Councillor Anthony Gee) presented a report of the Audit Committee summarising the items discussed at the meeting of the Audit Committee held on 27 September 2007.

It was moved by the Chair of the Audit Committee, seconded by Councillor Mike Devaney and subsequently **RESOLVED** that the report and resolutions be noted.

07.C.99 PROPOSED REVISIONS TO THE COUNCIL'S CONSTITUTION

The Deputy Leader of the Council presented a report on proposed revisions to the rules governing debate at Council meetings.

The proposals aimed to ensure that decisions are made in an effective manner, that the rules for debate at Council meetings are clear and easily understood and that the Council meeting provided a forum for quality political debate.

It was moved by the Deputy Leader of the Council, seconded by the Leader of the Council and subsequently **RESOLVED** that in accordance with Paragraph 27.2 of the Council's Procedure Rules the recommendations contained in the report be adjourned without further discussion to the next Ordinary Council meeting on 18 December 2007.

07.C.100 LANCASHIRE LOCAL COMMITTEE FOR CHORLEY

It was moved by the Leader of the Council, seconded by the Deputy Leader of the Council and subsequently **RESOLVED** that Councillor John Walker replaces Councillor Alan Cain as one of the Council's representatives on the Lancashire Local Committee for Chorley.

Mayor

REPORT OF EXECUTIVE CABINET

SALE OF LAND AT FAIRVIEW FARM, ADLINGTON

1. We considered a report of the Corporate Director (Business) recommending the Council's approval to the transfer of an area of land at Fairview Farm, Adlington to Places for People Housing Association at a nil value for the development of affordable housing units. This follows our decision in June 2007 to support the transfer of the Fairview Farm land to facilitate the provision of 42 units of social rented or low cost dwellings for sale.
2. A copy of the report of the Corporate Director (Business) considered by the Executive Cabinet on 15 November 2007, which sets out the background to the transaction and clarifies the reasons for the recommendation, is attached to this report. Councillors will note from the report that, in the event of the Council accepting the recommendation, the general consent of the Secretary of State will apply to the transaction, as the land to be disposed of is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area and as the value of the land does not exceed £2m.
3. The disposal of the land at a nil value will be offered in exchange for the Council being granted nomination rights for the occupancy of the new dwellings. In addition, the Executive Cabinet is anxious to safeguard the future affordability of the proposed dwellings upon any subsequent re-sales or re-letting of the properties and has requested the Officers to ensure that appropriate measures are agreed to ensure this provision.

Recommendation

4. The Council is recommended:
 - (1) to approve the transfer of land at Fairview Farm, Adlington to Places for People Housing Association at nil value, subject to the Association obtaining funding from the Housing Corporation in the 2008-2011 National Affordable Housing Programme and satisfactory nomination rights being negotiated;
 - (2) to authorise the Officers to examine appropriate mechanisms which can be agreed to ensure that the dwellings constructed retain their affordability upon re-sale or re-letting.

COUNCILLOR P MALPAS
Executive Member for Economic Development and Regeneration

There are no background papers to this report.

AU

This page is intentionally left blank

Report of	Meeting	Date
Corporate Director (Business) (Introduced by the Executive Member for Economic & Regeneration)	Executive Cabinet	15 November 2007

SALE OF LAND AT FAIRVIEW FARM, ADLINGTON

PURPOSE OF REPORT

1. To seek approval for the transfer of land at Fairview Farm, Adlington to Places for People Housing Association at nil value for the development of affordable housing.

RECOMMENDATION(S)

2. To recommend the Council to transfer the land to Places for People Housing Association at nil value subject to the Association being successful in obtaining funding from the Housing Corporation in the 2008-2011 National Affordable Housing Program and satisfactory nomination negotiations to the properties.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

1. To ensure that a supply of low cost and social housing is maintained in the Borough.
2. The Council has a corporate target of providing 250 units of affordable housing by 2009, last year a total of 9 units were completed and none were granted planning permission. This development alone has the potential to provide almost 20% of the corporate target.
3. Places for People have also indicated that they will recycle £900,000 of their Social Homebuy Grant on the development, which in turn reduce the amount that is requested from the Housing Corporation.
4. The land was recommended for the use of affordable housing in 1999, when the original planning permission was granted for the Fairview Farm development.
5. The development of the site was identified in the Council's 2005 Housing Strategy as a proposed development of key strategic relevance.
6. If successful the development will provide approximately 42 units of affordable housing, It is currently proposed to place five 2-bed houses and nine 3-bed house on the site for social renting, and twelve 2-bed houses, three larger 2-bed houses, and thirteen 3-bed houses for

low cost sale, however ongoing discussions are taking place with Development Control.

7. If Places for People Housing Association are unsuccessful in the bid for funds, the land would remain in Council ownership and it would be able to enter into negotiations with other providers.
8. The Housing team are currently negotiating over nomination rights to the development. Although not agreed it is envisaged that the Council will have 100% nomination rights to initial lets and 50% of all subsequent lets.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. Transfer of the land at market value, the scheme would be at risk due to the additional funding required from the upcoming National Affordable Housing Program 2008-2011. The consequence of requesting additional funding is less funding will be available for other proposed new developments within the borough. The Housing Corporation who fund the National Affordable Housing Program may choose not to offer funding to the development due to high costs per unit.
10. Transfer the land to another Registered Social Landlord. The Council could negotiate with another social housing provider, however, discussions with Places for People have been ongoing for a number of years and any agreement reached with another Association would ‘sour’ the working relationship between the Council and Places for People, who are the borough’s second largest housing provider. Any Housing Association would be faced with the same difficulties in securing funding if purchasing the land at market value.

CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance	✓	Develop the character and feel of Chorley as a good place to live	✓
Involving People in their Communities		Ensure Chorley is a performing Organisation	

BACKGROUND

12. A report named Provision of Affordable Housing – Fairview Farm, Adlington was discussed during the June 2007 Executive Cabinet. This report recommended that Chorley Council enters into an agreement with Places for People Housing Association to transfer the land at Fairview Farm for the purposes of providing 42 affordable housing units and to include social rented and low cost housing.
13. Liberata have conducted a land valuation on the plot which has been identified for low cost housing purposes. Strategic Housing have been informed that the current valuation taking into consideration the sale to a Housing Association its designated use for affordable housing, the sites restricted access, culvert and hilly incline is £650,000.

IMPLICATIONS OF REPORT

14. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal	✓		

COMMENTS OF ASSISTANT CHIEF EXECUTIVE (BUSINESS TRANSFORMATION)

15. By offering the land at nil value is effectively sacrificing a potential capital receipt in exchange for the nomination rights. The Council is at liberty to do this in order to achieve its corporate objectives.

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

16. As this will be a disposal of land at less than the best consideration than can reasonably be obtained it will need the consent of the Secretary of State. There is though a general consent which applies where:

a) the local authority considers that the disposal is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area, its inhabitants or some of them and

b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000

The disposal will also need to comply with the European Commission's state aid rules."

JANE MEEK
CORPORATE DIRECTOR (BUSINESS)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Ian Aldred	5552	15 Oct 07	***

This page is intentionally left blank

REPORT OF EXECUTIVE CABINET

FORMALISING JOINT LOCAL DEVELOPMENT FRAMEWORK WORKING AND PRODUCTION OF JOINT CORE STRATEGY

1. The Corporate Director (Business) submitted a report seeking the Executive Cabinet's instructions on the adoption of the most appropriate means of formalising the current joint working arrangements between Chorley, Preston and South Ribble Councils on the Local Development Framework (LDF) and other planning policies, with a view to the production of a joint Core Strategy for the Central Lancashire area.
2. The report explained and commented on the two options for formalised models of joint working as laid out in Sections 28 and 29 of the Planning and Compulsory Purchase Act 2004. The Section 29 option involves a more formal joint working approach requiring the establishment of a Joint Committee. Section 28 of the Act, however, offers a more informal approach under which the three authorities can enter into an agreement to prepare a Joint Core Strategy. Provision can be made within that agreement for an informal Joint Advisory Body to make recommendations on aspects of the Core Strategy to the constituent authorities for their determination. This will ensure that decisions at key stages will still need to be taken by each Authority's Executive or full Council.
3. The Executive Cabinet accepted the suggestion from the three Councils' Joint Working Group that we adopt the less formal mode of working set out in Section 28 of the 2004 Act and we are, accordingly, recommending the Council to adopt this course. The adoption of the Section 28 option will allow the Council to continue with our joint working with Preston and South Ribble Councils on a formal basis that still requires decisions to be taken by the respective Councils. The other statutory option available through Section 29 of the Act requires a more formal route which will remove or reduce decision making powers from individual Councils.
4. A copy of the report of the Corporate Director (Business) considered by the Executive Cabinet is attached to this report so that Councillors are aware of all relevant factors before arriving at a decision.

Recommendation

5. The Council is recommended to support in principle the formalisation of the Joint Working arrangements between the Chorley, South Ribble and Preston Councils leading to the production of a joint Local Development Framework Core Strategy for the Central Lancashire area by the adoption of the procedures laid out in Section 28 of the Planning and Compulsory Purchase Act 2004, subject to the detailed wording and later approval of a local agreement document.

COUNCILLOR P MALPAS

Executive Member for Economic Development and Regeneration

There are no background papers to this report.

AU

This page is intentionally left blank

Report of	Meeting	Date
Corporate Director (Business) (Introduced by the Executive Member for Economic Development and Regeneration)	Executive Cabinet	15 November 2007

FORMALISING JOINT LDF WORKING AND PRODUCING A JOINT CORE STRATEGY

PURPOSE OF REPORT

1. To set out the pros and cons of the various options for formalising joint working, specifically for producing a joint LDF Core Strategy, so as to gain Member endorsement in principle to a way forward.

RECOMMENDATION(S)

2. That the Council be recommended to support the Section 28 option in principle subject to the detailed wording and later approval of a local agreement document. This option would allow the Council to continue with joint working and to produce a joint LDF Core Strategy with Preston and South Ribble Councils.

EXECUTIVE SUMMARY OF REPORT

3. The three authorities of South Ribble, Preston and Chorley currently collaborate on the Local Development Framework (LDF) Core Strategy and other planning policy matters but there is no formal agreement to work together or to produce a joint Core Strategy. Increasingly the case for formalising joint working and producing a joint Core Strategy is becoming stronger. This includes national policy advice, support from Government Office North West, potential financial incentives through the Housing and Planning Delivery Grant, the inherent difficulties of the current informal arrangements and a need to involve the County Council.
4. The 2004 Planning and Compulsory Purchase Act sets out 2 options for formalising joint LDF working between two or more authorities under Sections 28 and 29 of the Act; the less formal of the two options is Section 28. This is the preferred option and is supported by Working Group Members. It would help ensure Chorley interests are fully taken account of in the future planning of Central Lancashire, integrate Member involvement and reporting, have staffing benefits, bring further cost savings and increase grant prospects.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 5. To continue with joint LDF working it is necessary to formalise the arrangements and Section 28 is the least formal approach that still leaves final decisions to be taken by the respective Councils.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 6. The other statutory options would be more formal and reduce/remove decision making powers from individual Councils. The only other option is to not formalise our arrangements and just work together on evidence gathering and sharing practice. However this would mean a joint Core Strategy involving Chorley could not be produced and so the opportunity to fully coordinate LDF planning across Central Lancashire would be missed.

CORPORATE PRIORITIES

- 7. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region	X	Develop local solutions to climate change	X
Improving equality of opportunity and life chances		Develop the character and feel of Chorley as a good place to live	X
Involving People in their Communities	X	Ensure Chorley is a performing Organisation	

BACKGROUND

- 8. The three local planning authorities in Central Lancashire have co-operated on planning policy and economic development issues for some time. To date this has included joint Core Strategy Issues & Options Papers in November 2006 and November 2007, joint representations on the draft replacement Regional Spatial Strategy and the joint commissioning of elements of the evidence base required for the LDF, eg Strategic Flood Risk Assessment, Employment Land Review etc.
- 9. The three authorities have resolved to collaborate on the production of their LDF Core Strategies and, to this end, the milestones for the Core Strategies and other Development Plan Documents were aligned in the 2006 Local Development Schemes to facilitate joint working. However, at this juncture there is no formal agreement between the three Council's to work together or to produce a joint Core Strategy. Joint working has so far been carried out on an informal basis.
- 10. In its response to the first Issues and Options Paper, the GONW made plain its view that the current "ad hoc" joint working arrangements should be formalised before Core Strategy work proceeds to the next stage (Preferred Options). This has been reinforced by a recent letter from the Government Office, a copy of which is attached to this report as Appendix 1. The letter highlights the positive benefits of formalised joint working and refers to the expectation that the proposed Housing and Planning Delivery Grant regime will include a specific financial reward for authorities committed to joint working.

11. Cross boundary formalised joint working between local authorities is clearly something that the Government is keen to encourage at a national level where it will lead to better service provision. The Local Government White Paper advocates more joint working between local authorities at the sub-regional level with particular emphasis on the development of Local Area Agreements and Multi Area Agreements. This is part of the “place-shaping” agenda, prompted by the recommendations of the Lyons Inquiry. Planning is seen as having a particularly important role in his regard, and the subsequent Planning White Paper expands on this and states that the Government’s intention is to “incentivise” (presumably via the emerging Housing and Planning Delivery Grant) joint working on plan making “*because the geography of housing markets or functional economic areas are rarely confined to administrative boundaries.*”
12. Whilst the practical aspects of the current informal arrangements have been satisfactory to date they can be cumbersome when it comes seeking input from members and making decisions across the three authorities. Currently all LDF-related decisions need to be taken individually by the three authorities, each of which has its own process and sequence of committees, which can take a considerable period of time and creates a risk that one authority could set back the other two to the beginning of the decision-making process. Whilst the formalisation of joint work does not necessarily take LDF decision-making away from the individual authorities (if the less formal Section 28 option is chosen), it will streamline the process and reduce the risk of the programme being delayed. This benefit stems from the fact that any key issues will previously have been aired and discussed in full by a formal joint LDF body.
13. The formalisation of joint working would also present an opportunity to increase the involvement of Lancashire County Council particularly bearing in mind its role as local transport authority.

OPTIONS FOR FORMALISED JOINT WORKING

14. Should the three authorities resolve to move towards formalised joint working (that would ultimately need to be a decision of the three individual Councils), a local agreement would need to be prepared and signed. Having looked at the agreements that currently exist between authorities elsewhere in the country that are already signed up to joint working, a local agreement would need to cover the following areas:
 - Governance
 - Project or Programme Management / Co-ordination
 - Administration
 - Procurement
 - Conflict resolution
15. Whilst all the above issues are important and will ultimately require attention, the main issue for discussion at this stage and on which a consensus is sought is the Governance issue. If it is agreed that the three authorities wish to formalise joint LDF working and move towards a joint Core Strategy as recommended by GONW, there are essentially 2 options:
 1. The Section 29 option¹
 2. The Section 28 option

The Section 29 option

16. This is the more formal of the two options. Where authorities agree to establish a Joint Committee under Section 29. The authorities that are in agreement to work jointly must be

¹ Section 28 and 29 refer to the respective sections of the 2004 Planning and Compulsory Purchase Act

resolved to do so and must establish a local agreement - signed and approved by the Council of each constituent authority. The local agreement must set out the local planning authorities who will form the Joint Committee, the matters for which the Joint Committee will be responsible and the area for which the Joint Committee will be responsible (on a map). It must also set out arrangements for issues such as membership of the committee, tenure of office, casual vacancies, meetings and proceedings, staffing the work of the Joint Committee, financial matters and termination of the agreement.

17. Having finalised the local agreement, a request should be sent to establish a Joint Committee to the GONW. Given the legal and parliamentary processes involved, the minimum period in which an Order can be made is approximately 6 months. The advantage is that, once established, the joint committee becomes the local planning authority for the matters set out in the Order, and the decisions of the joint committee don't need separate approval by the constituent authorities, thus considerably simplifying processes and shortening decision times.
18. If the County Council is to be formally involved, then the Section 29 option is the one we must follow. If we decide upon an informal involvement by the County Council then we can still use the Section 28 route. It is crucial that we reach an early agreement about the desired involvement of the County Council, as this clearly underpins the options available.
19. To date, there is only one example in the country (North Northamptonshire authorities) where formal joint working arrangements have been established under Section 29. This has involved establishing a joint Planning Committee with decision making powers (for the joint Core Strategy, not planning applications), supported by a joint Planning Unit (headed by a manager, supported by staff on secondment).

The Section 28 option

20. If it is agreed that the formal Section 29 arrangements are not appropriate, then the alternative is to enter an agreement under Section 28 for the District Councils to prepare a joint Core Strategy. It would be possible for that agreement to include provision for an informal Joint Advisory Body. This body would make recommendations on aspects of the Core Strategy to the constituent authorities for their determination. Decisions at key stages would still need to be taken by each authority's executive or Full Council.
21. Currently each authority has a Member Working Group to advise officers in the preparation of the Local Development Framework. Preston's comprises 7 members, Chorley have 17 members and South Ribble have 10. Whilst joint meetings have been held successfully, the potential membership of some 34 members would be too great to effectively direct joint work on the Core Strategy. The representation from each Council needs to be equal, and the total number of members reduced substantially. Other joint working authorities tend to have 3 or 4 members each on the Joint Advisory Body.
22. Under the informal Section 28 arrangements there is no requirement to involve the County Council, although there are benefits of doing so. For example, the County Council's resources and expertise are particularly valuable in relation to transport matters. There could also be advantages in terms of influencing strategic planning, particularly where LCC has not previously endorsed the three authorities' aspirations in relation to the Regional Spatial Strategy.
23. If it is decided to go down the Section 28 route it would also be possible to establish a Joint Committee of the District Councils under Section 101 (5) of the Local Government Act 1972 and section 20 of the Local Government Act 2000. That Joint Committee could make decisions on behalf of the Executives of each of the Districts. However, key decisions in respect of the Core Strategy such as the approval of the document for formal public consultation, its approval for submission

for independent examination and its adoption would have to be made by each full Council individually.

The 'Do Nothing' Option

24. If Members are not in favour of moving towards formalised joint working and a joint Core Strategy, there is the option of continuing with the current informal / ad hoc arrangements.
25. The options are summarised in a table at the end of the report.

OUTCOMES OF LDF MEMBER WORKING GROUP DISCUSSIONS

26. In the light of the above, the main points that have been discussed by the three Working Groups at their recent joint meeting and subsequently at the meeting of Chorley's Group on 15 October are set out below. Each matter will require a formal decision of each Cabinet at this stage endorsement of the principles are sought.
 - A) Should the three authorities produce a joint Core Strategy (which requires a more formal arrangement for LDF Joint Working)?
 - B) What role should Lancashire County Council play in the new arrangement?
 - C) If the answer to A is yes, should the three authorities pursue the more formal Section 29 option or the less formal Section 28 approach?
 - D) If the Section 28 option is preferred, how many members from each authority should make up the Joint Advisory Body?
 - E) If the Section 28 option is preferred, do we also establish a Joint Committee under Section 101?
27. Both the joint meeting of the Member Working Groups and Chorley's that met on 15 October 2007 supported the preparation of a joint Core Strategy under Section 28 and so with the County Council acting in a non-voting advisory role. Both Sections 29 and 101 approaches were considered inappropriate but Members suggested the possibility of a Section 101 Committee be reviewed at a later date. The Chorley Working Group favoured three Members from each authority to include the appropriate Executive Members and opposition Councillors however these are details that would need to be established later in the detailed wording of a formal local agreement.

BENEFITS OF JOINT WORKING FOR CHORLEY

28. There are various benefits to Chorley of formalising joint working, including:
 - Better co-ordinated planning and infrastructure provision in Chorley in relation to the remainder of Central Lancashire
 - Authorities able to help each other to provide for development to mutual advantage
 - A more streamlined and integrated Member involvement and reporting procedure fully integrating Chorley interests and needs

- Greater opportunities for Officer self help, sharing of good practice and the development of specialists which should help the Council in terms of staff retention and recruitment
- More prospects for cost savings through joint procurement
- Increased Housing and Planning Delivery Grant

IMPLICATIONS OF REPORT

29. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

30. The legal implications are contained within the report. The decision to reach an agreement under either section 28 nor 29 lies with full Council. If there is a wish to establish a Joint Committee then that is an Executive decision.

JANE E MEEK
CORPORATE DIRECTOR (BUSINESS)

Background Papers

Background Papers			
Document	Date	File	Place of Inspection
Local Government White Paper – Strong and Prosperous Communities	October 2006		Civic Offices, Union St.
Lyons Inquiry into Local Government – Place-shaping: a Shared Ambition for the Future of Local Government	March 2007		Civic Offices, Union St
Planning White Paper – Planning for a Sustainable Future	May 2007		Civic Offices, Union St

Report Author	Ext	Date	Doc ID
Julian Jackson	5280	23 October	LDF JOINT WORKING

Mr John Crellin
Preston City Council
PO Box 10, Lancaster House
77-79 Lancaster Road
PRESTON, Lancashire
PR1 2RH

**City Tower
Piccadilly Plaza
Manchester
M1 4BE**

**Tel: 0161 952 4244
Fax: 0161 952 4106**

September 2007

Email: steven.fyfe@gonw.gsi.gov.uk

Dear John,

CORE STRATEGY: NEXT STEPS

Thank you for inviting me to join you and colleagues recently as you progress the considerable work involved in developing your core strategies. We have been happy to support your informal joint approach to Core Strategy development thus far. As you know, the process requires you now to make a more formal commitment if you are to pursue a joint Core Strategy through to adoption.

We support joint working on Local Development Frameworks in principle, for two main reasons.

Firstly, it often provides considerable practical benefits in terms of best use of authorities' resources and time, particularly in putting together and analysing the robust evidence base the LDF system requires. I hope your experience so far would bear that out.

Secondly, strategies covering more than a single district often relate much better to the reality of how places function on the ground, making it easier to develop and deliver effective strategies. Clearly, you as authorities have the best understanding of the situation in Chorley, South Ribble and Preston, but from a regional viewpoint, we see considerable merit in producing a joint Core Strategy for the three districts.

Government is keen to encourage joint working, and, while details are still to be confirmed, we expect the proposed Housing and Planning Delivery Grant regime to include specific financial reward for authorities committed to formal joint working.

Copies of this letter also go to Julian Jackson at Chorley and Janet McDonald at South Ribble. If we can provide any further advice, do let Stephen Ottewell here (0161 952 4203) or myself know.

Yours sincerely

STEVEN FYFE
Head, Local Planning Team

SUMMARY COMPARISON OF THE LDF JOINT WORKING OPTIONS

	Section 29	Section 28 (with s.101 Committee)	Section 28 (without s.101 Committee)	Do nothing
Procedure for setting up	Local agreement sent to GONW. Parliamentary process – approx 6 months	Local agreement required but no parliamentary process	Local agreement required but no parliamentary process	N/a
Decision-making	Joint Committee becomes LPA for all agreed matters. No separate approval required by constituent authorities.	Joint Committee makes decisions which are responsibility of the constituent Council’s Executive (Cabinet) but not the responsibility of the Council	Joint Advisory Body makes recommendations only. Decisions still taken by constituent authorities’ Executives and Councils	Current decision-making processes continue involving LDF Working Groups, Planning Committee (for SRBC), Councils’ Executives and Councils
‘Efficiency’	Simplifies and shortens decision times	Simplifies and shortens decision times for early stages of documents, but not submission and adoption stages	Opportunity to streamline constituent authorities’ decision-making processes. Recommendation from Joint Advisory Body should increase certainty through process	Joint LDF Working Group of 33 members remains. Time-consuming decision-making processes continue
Role of LCC	Must be formally involved and fully represented on Joint Committee	Discretionary informal involvement. LCC can be represented but cannot make decisions	Discretionary informal involvement. LCC can be represented on Joint Advisory Body	Advisory / consultee
Financial Incentives from Government	Qualifies for Housing and Planning Delivery Grant	Qualifies for Housing and Planning Delivery Grant	Qualifies for Housing and Planning Delivery Grant	None

REPORT OF EXECUTIVE CABINET

GENERAL REPORT

1. The Executive Cabinet has met twice since the last Ordinary Council meeting on 15 November and 6 December 2007. This report summarises briefly the principal items considered at the 15 November meeting. A report summarising the main issues and decisions taken at the 6 December meeting will be issued in advance of the Council meeting. Separate reports on the matters that require a specific Council decision appear elsewhere on the Council's agenda.

Audit Commission – Application for Re-Categorisation

2. We welcomed the receipt of a letter from the Audit Commission confirming that the Regional Panel that considered the Council's application for CPA re-categorisation is satisfied that the Council has submitted sufficient evidence of improvement to warrant a corporate re-assessment of our current CPA score. The application has been assessed against a criterion that there will be a reasonable prospect of the Council ultimately achieving a reclassified score. We will be advised shortly when the Audit Commission's re-assessment will take place within a national programme.

Jointly Working with Blackpool Council on Policy and Performance Issues

3. The Executive Cabinet has authorised a joint working initiative between Chorley and Blackpool Borough Councils in the field of policy and performance management.
4. This follows an approach from Blackpool Council for Chorley's Assistant Chief Executive (Policy and Performance) and her team of Performance Advisors and Communications Manager to advise and assist the restructure of Blackpool's Policy Team, a review of the Authority's LSP and its Community, Corporate and Marketing/Communications Strategies, as well as strengthening its performance management frameworks.
5. The part-time joint working venture is expected to operate initially up to March 2008 and to generate a flat fee income to this Council of £25,000.
6. In addition to benefiting Blackpool Council, the joint initiative, which accords with the concept of shared value for money services, will provide Chorley's professional staff with valuable work experience with a Unitary Authority and will generate extra income for the Council.

Performance Monitoring – Second Quarter of 2007/08

7. The Executive Cabinet received and considered a report of the Assistant Chief Executive (Policy and Performance) reviewing the Authority's performance in the delivery of the key projects and measures in the Corporate Strategy and against national Best Value Performance Indicators (BVPIs) during the second quarter of 2007/08.
8. The report reveals an overall commendable performance in the delivery of the Corporate Strategy's key projects, with 30 of the 44 projects having been completed and the remaining 14 progressing on course. 75% of these indicators have either met or exceeded their respective targets.
9. In respect of the Council's BVPI performance, 58% of BVPIs have shown consistent or improved performance, with 18 (55%) indicators being included in the national top quartile and 66% of indicators being on course to meet their respective targets by the year end. Only two indicators relating to early retirement and the average length of stay in bed and breakfast

accommodation are included in the bottom quartile nationally and action plans have been produced for each of the BVPIs which has failed to reach its target over the last two quarters.

10. In response to the comments of a few Members present at the meeting, we were assured that each of the broader strategic housing issues impacting on the current demand to accommodate homeless people will be assessed in advance of a further report on these matters being brought to the Executive Cabinet.

Direction of Travel Self Assessment, 2007

11. The Assistant Chief Executive (Policy and Performance) presented the Council's Direction of Travel Self-Assessment report for 2007. The report will be taken into account by the Audit Commission in the production of its Direction of Travel Assessment of the Council to be included in the Annual Audit and Inspection letter to be published in March 2008.
12. The report demonstrates and highlights each of the significant achievements of the Authority across each of its four priority areas over the past 12 months in its quest to deliver better services and outcomes for Chorley residents. The recognition of those achievements by a number of external bodies through several awards and commendations is highlighted in the Self Assessment document.

Moving Forward with Project and Programme Management

13. We were presented with a report of the Assistant Chief Executive (Policy and Performance) reviewing the Council's project and programme management achievements and outlining planned actions to further strengthen the systems.
14. The report contains an overview of the Council's past achievements, including the development of a management toolkit, which has been recognised nationally as a best practice tool, and outlines actions put in place to address a small number of risks identified by a recent internal audit of project management. In addition, the report comments on the outcome of a regional survey commissioned by the North West E-Government Group, which had compared the Council's project management with other neighbouring authorities. This survey has revealed the maturity of the Council's management approach and processes to be above average for six of the nine themes measured.
15. We were pleased to note that the report concludes that, overall, the Council's project management systems are robust and effective and that the Officers are actively addressing means of improving a small number of areas (eg training, capacity and governance arrangements) in our efforts to maintain the Authority's high reputation in the field of project management.

Chorley Council's Actions to reduce Carbon Emissions and Impact on Climate Change

16. The Executive Cabinet received a report of the Corporate Director (Business) on the actions and measures that the Council has either instigated or are proposing to develop in order to reduce its carbon emission and, thus, mitigate the impact of global climate change.
17. We welcomed the report and expressed our support of the various actions and initiatives being instigated by the Council in its community leadership role. These measures include:
 - the formation of the Climate Change Task Group comprising all Heads of Service with a remit to examine all the Council's activities and produce a Climate Change Strategy within the next 6 months to reduce the Council's environment footprint;
 - the Council's membership of the Local Government Information Unit Carbon Trading Pilot Project set up to assist and advise local authorities and organisations on the reduction of carbon emissions;

- the provision of a baseline survey by Liberata on energy consumption within the Council's operational properties;
- the introduction of a sustainable procurement policy; and
- the addition of a new priority to develop local solutions to global climate change in the LSP's refreshed Community Strategy.

Central Lancashire Health and Well-Being Board

18. We sanctioned the Council's membership of the Central Lancashire Health and Well-Being Board to be established by the Central Lancashire Primary Care Trust.
19. The principal intention of the Board is to maximise partnership working between the PCT and its constituent local authorities. The Board will enable senior decision makers to foster good relationships, develop joint training opportunities across these structures and explore innovative approaches to means of improving the population's health and well-being and reducing health inequalities.

Refuse and Recycling Contract – Procurement Evaluation Model

20. The Executive Cabinet approved the use of the criteria and assessment processes outlined in a report of the Director of Streetscene, Neighbourhoods and Environment in the evaluation of the tenders received for the new Refuse and Recycling Collection Contract.
21. Adoption of the criteria, based on an evaluation of various weightings, forms part of the procurement process laid down in the Council's Contract Procurement Rules and will assist the Council's aim to secure the most economically advantageous bid for the service.

Revenue Budget, 2007/08 – Monitoring

22. We received and considered a report of the Assistant Chief Executive (Business Transformation) monitoring the Council's financial performance during the second quarter period of 2007/08 in comparison with the budgetary and efficiency savings targets for the current financial year in respect of the General Fund.
23. An overspend of £91,000 was anticipated within the report, but we envisage that sufficient savings will be identified during the remainder of the financial year to ensure that a balanced budget is achieved at the year end. While no specific remedial action is considered necessary at this stage, we accepted that a number of budget areas will need to be monitored closely (ie corporate savings and efficiency targets; refuse collection costs; and concessionary travel and benefits costs).
24. After taking account of recent concerns about the effective and satisfactory delivery of the Homelessness service, we agreed to give notice to Chorley Community Housing of the Council's intention to terminate the current Housing Agency Agreement in respect of the provision of the homelessness service. The transfer back to the Council of responsibility for the management of this service will allow the Council more direct control and supervision of the service and the adoption of more satisfactory and effective processes.

Recommendation

25. The Council is recommended to note this report.

COUNCILLOR P GOLDSWORTHY
Executive Leader

AU/LM

There are no background papers to this report.

REPORT OF DEVELOPMENT CONTROL COMMITTEE

GENERAL REPORT

1. Since the last Council the Development Control Committee met on 13 November 2007. This report refers briefly to the more significant proposals that were considered at this meeting.

13 November 2007

Planning Application 07/00953/OUTMAJ

2. We considered the above outline planning application that sought permission for the erection of 102 dwellings at Buckshaw Village. The application site, referred to as Group 4 North, had not formed part of the original outline planning permission for Buckshaw Village, however the site was immediately adjacent to the village, to the east, and would utilise the highway infrastructure constructed as part of the village.
3. Details relating to design would be dealt with at the reserved matters stage but it was envisaged that large detached dwelling houses would be located on the site. The scale of the properties had been submitted and they would include a range of two and two and a half storey dwellingshouses.
4. The development was considered to be acceptable in respect of a major developed site as it was not considered that the proposal would have greater impact than the existing use on the openness of the Green Belt.
5. The development represented a low-density development that was below the recommended minimum of 30 dwellings per hectare set out in PPS3: Housing. Due to the nature of the Green Belt location we considered that the low-density development would be more in scale and keeping with the surrounding landscape and would enable an open rural feel that easily integrated with the surroundings.
6. After considering all the information in the officer's report, we decided to grant the proposed development subject to a legal agreement.

Planning Application 07/00993/REMMAJ

7. We considered the above reserved matters application for the erection of 149 dwellings at Eaves Green, Chorley.
8. Outline planning permission had been granted in June 2006 for the residential development of the site and this reserved matters application related to the design and scale of the dwellings.

9. The scheme did not incorporate a typical residential; development, the principles of Homezone had been incorporated into the scheme. Homezone principles involved the construction of streets where people and vehicles share the road space equally. There would be no distinction between footways and roads and street furniture would be incorporated into the highway to reduce speeds and create a more aesthetically pleasing environment.
10. The submission of this application had followed an extensive tendering programme with the English Partnerships, Chorley Council, Lancashire County Council and various developers, of which Morris Homes had been chosen as the preferred developer.
11. The site was an allocated housing site within the Adopted Chorley Borough Local Plan and the road layout within this development had been designed in accordance with the Home Zone Design Guidelines prepared by the Institute of Highways Incorporated Engineers (IHIE) and was to be the first of its type in Lancashire.
12. There would be four main gateways into the site, which would define the change from a standard highway to the shared vehicular/pedestrian Homezone areas. Two off the bus loop, one off the eastward extension of Yew Tree Close and one off Lower Burgh Way. It was proposed to erect piers at these points to indicate the change into the Homezone area.
13. The Committee was shown a DVD of the proposed development and after considering all the information in the officer's report we decided to grant permission of the reserved matters application.

Recommendation

14. That the report be noted.

COUNCILLOR H HEATON
Chair of Development Control Committee

DS

There are no background papers to the report.

REPORT OF LICENSING AND SAFETY COMMITTEE AND THE STATUTORY LICENSING COMMITTEE

GENERAL REPORT

1. This report sets out a brief summary of the main items considered at the meetings of the Licensing and Safety Committee and the Statutory Licensing Committee held on 28 November 2007.

LICENSING AND SAFETY COMMITTEE - 28 NOVEMBER 2007.

Proposed Increase in Hackney Carriage Fares

2. We considered the report of the Corporate Director of Governance outlining a request made by the local Hackney Carriage Association for an increase in hackney carriage fares.
3. Hackney carriage fares were last increased in November 2005 and due to the increases in fuel prices and rises in the cost of living, an increase has been requested.
4. It is the responsibility of the Council to set hackney carriage fares, after having considered the request by the Hackney Carriage Association. Members considered a comparison chart of neighbouring authorities enclosed with the report.
5. We resolved that the proposed increase in Hackney Carriage fares be agreed, subject to the necessary notice being advertised and no objections being received.

Licensing and Registration - Summary of Activity from 2 October 2007 To 2 November 2007

6. We received and noted a report of the Corporate Director of Governance on the activity of the Licensing Section for the period 2 October 2007 to 2 November 2007 under the Licensing Act 2003.

Application for a Licence to Drive a Hackney Carriage/Private Hire Vehicle in Chorley Borough

7. We received a report of the Corporate Director of Governance requesting the Committee to consider an application for a licence to drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley.
8. The applicant attended the meeting to make representations and answer questions from the Committee.

9. Following careful consideration of the application we agreed that it be refused on the basis that the applicant was not a fit and proper person to hold a private hire/hackney carriage drivers licence and we agreed the grounds for the decision.

Application for a Licence to Drive a Hackney Carriage/Private Hire Vehicle in Chorley Borough

10. We received a report of the Corporate Director of Governance requesting the Committee to consider an application for a licence to drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley.
11. The applicant attended the meeting to make representations and answer questions from the Committee.
12. Following careful consideration of the application we agreed that a Hackney Carriage/Private Hire Drivers Licence be granted to the applicant.

STATUTORY LICENSING COMMITTEE– 28 NOVEMBER 2007

Licensing and Registration - Summary of Activity from 2 October 2007 - 2 November 2007

13. We received the report of the Corporate Director of Governance on the activities of the Licensing Section for the period 2 October 2007 to 2 November 2007 under the Licensing Act 2003 and Gambling Act 2005.

Gambling Act Training

14. We heard that an additional session could be arranged for those Councillors who were not able to attend the Gambling Act training held on 22 November. The handouts were distributed and Members would contact officers if they required an additional session.
15. A further training session on the Gambling Act would be held on 12 December at 2.00pm in the Council Chamber, Town Hall.

Recommendation

16. The Council is recommended to note the report.

COUNCILLOR MRS I SMITH
Chair of the Licensing and Safety Committee

RH
There are no background papers to this report.

REPORT OF OVERVIEW AND SCRUTINY COMMITTEE

GENERAL REPORT

1. This report summarises the business transacted at meetings of the Overview and Scrutiny Committee held on 12 November 2007 and 3 December 2007, as well as a brief summary of the recent activities and matters discussed at meetings of the Environment and Community Overview and Scrutiny Panel and Corporate and Customer Overview and Scrutiny Panel.

OVERVIEW AND SCRUTINY – 12 NOVEMBER 2007

Revenue Budget 2007/08 Monitoring

2. We received a monitoring report from the Assistant Chief Executive (Business Transformation) setting out the current financial position of the Council as compared against the budget and efficiency savings targets it set itself for 2007/08 for the General Fund. The report contained details of the Council's expected spending for 2007/08 and summarised the main variations from the original budget.
3. Excellent progress had been made in achieving the Corporate Savings Targets of £278,000 for the year and it was likely that further savings could be made as the year progresses. The report identified the areas that would be monitored closely as the year progressed.

Business Improvement Plan Monitoring Statement – Policy and Performance Directorate

4. We received from the Assistant Chief Executive (Policy and Performance) the Business Improvement Plan Monitoring Statement relating to her Directorate, identifying the progress made against the key actions and performance indicators for the period 1 July 2007 to 31 September 2007.
5. The report indicated the activities of the Directorate and reported that with the exception of a couple of actions around Equality and Diversity, the Directorate had delivered all the actions set out in the Business Improvement Plan scheduled for completion during the 2nd quarter of 2007/08.
6. Considerable activities had been undertaken to work with partners to develop and agree the Sustainable Community Strategy as well as undertaking the Council's own assessment review of the Corporate Strategy.
7. Work had been developed in the Council's approach to consultation and participation through the development of a Consultation and Participation Strategy Action Plan and supporting toolkit.
8. The Directorate had also developed and submitted the Council's application for CPA reassessment which will be considered by the Regional Panel and if successful will be eligible for a Corporate Assessment sometime from Mid May 2008.
9. All risks have been managed and were on track to deliver planned cashable and non-cashable efficiencies.

Corporate 2nd Quarter Performance Report 2007/08 – Monitoring Report for the Period Ending 30 September 2007

10. We received from the Assistant Chief Executive (Policy and Performance) the second quarter performance management report indicating the Authority's performance in relation to both the Best Value Performance Indicators and the Council's Corporate Key Performance Indicators.
11. The report indicated that overall the performance in key projects was very positive and of the 44 key projects approved in December 2006, 30 had been completed. The remaining 14 were progressing on or ahead of plan and 75% of Corporate Strategy indicators had met or exceeded their target.
12. Overall BVPI performance was good and the Council's quartile position remained positive with 58% of BVPI's showing consistent or improved performance and 18 (55%) in the quartile nationally 66% of BVPI's were on course to meet the year end target. BVPI performance generally matched or improved upon last year's performance. However, because the organisation was relatively small and very susceptible to small fluctuations some indicators had seen a slight deterioration in terms of improving PI's for the first quarter of 2007/08.
13. Our attention was drawn to the action plan that had been drawn up to address deteriorating performance and to drive up the number of BVPI's showing improving performance in the year. The report detailed the analysis of those BVPI's, which showed deterioration.
14. Explanations were given on each of these areas with specific attention made to indicator BVPI 183a relating to the average length of stay in Bed and Breakfast accommodation and the contributing factors impacting on the poor performance as well as outlining the corrective action to be undertaken.

Introduction of Neighbourhood Working in Chorley

15. The Chair of the Environment and Community Overview and Scrutiny Panel presented the Committee with a report on the Panel's completed inquiry into Neighbourhood Working and putting forward recommendations for the adoption and implementation of a system of neighbourhood working for Chorley.
16. The system would provide for:
 - The establishment of neighbourhood teams.
 - Support for working within existing neighbourhood based groups.
 - The funding mechanisms to support local initiatives.
 - The reinforcement of the role of the Ward Councillors in neighbourhoods.
 - Support for relatively deprived and poorly organised neighbourhoods.
17. The Environment and Community Overview and Scrutiny Panel had held a number of inquiry hearings, interviews and questions on a number of interests from Partners such as the Police, registered social landlords, community organisations, Parish Councils, Active Citizens, local sector organisations and private individuals.
18. The report set out the evidence that had been heard by the Panel and drawing on the evidence the Panel considered three models of Neighbourhood Working for Chorley.
19. The Panel proposed that one model should be adopted in Chorley and that would be the Area Teams approach but would also include an element of capacity building using community development techniques, which were established in Chorley in the Target Area Partnerships (TAPS).

- 20 The Committee was asked to finalise a recommendation from the two potential footprints based on the existing eight boundaries of Neighbourhood Policing Area and the Lancashire County Council seven electoral divisions.
21. The Committee agreed that there be eight neighbourhood areas based on the Neighbourhood Policing Area, that the Executive Cabinet gives consideration to Parishing the non-parished areas of Chorley and also to the future of Target Area Partnerships (TAPS).

Forward Plan

22. We received the Council's Forward Plan setting out details of the key executive decisions expected to be taken between 1 November 2007 to 29 February 2008.
23. The Plan identified several matters for potential decisions to be taken by the Executive and the Committee was requested to indicate those items that it wanted to examine in advance of consideration by the Executive.
24. We had already requested at a previous meeting to see the report on Pay and Workforce Strategy and the Committee requested to examine the report on Joint District and LCC Locality Plan for Chorley before the Executive takes a decision.

OVERVIEW AND SCRUTINY – 3 DECEMBER 2007

Capital Programme, 2007/08 - Monitoring

25. The Overview and Scrutiny Committee received and noted a report of the Assistant Chief Executive (Business Transformation) updating Members on the progress of the 2007/08 Capital Programme.
26. The report contained a scheme-by-scheme analysis of the programme and identified the proposed changes and slippage to 2008/09, which accounted for the proposed increase of the current capital budget from £8,798,300 to £10,175,240.
27. A few Members commented on a number of identified projects, with particular reference being made to the design, quality of material and maintenance costs associated with the Market Street paving scheme. In response to those comments, the Committee was assured that the Officers are currently re-examining the Market Street environmental improvement scheme and will be submitted a further report to a future Executive Cabinet meeting.

Joint District and Lancashire County Council Locality Plan for Chorley

28. The Assistant Chief Executive (Policy and Performance) presented a report introducing the Joint Locality Plan for Chorley, which has been produced by the Lancashire County Council, and Chorley Council.
29. The Plan has emerged from the enhanced two-tier working arrangements with the aim of identifying a number of the main objectives and projects linked to both Councils' corporate priorities to be pursued over the next 12 months by both Authorities either separately or jointly. The Officer emphasised that the Plan represents an indicative illustration of the principal schemes for which both Authorities will be responsible to assist the community's understanding of their distinct functions.
30. I was requested to advise the Executive Committee that, while the Overview and Scrutiny Committee considers that there are areas of the Joint Locality Plan, which might be improved or made more specific, the Committee generally welcomes the production of the Plan.

Forward Plan

31. We were presented with the Council's Forward Plan setting out the details of the key executive decisions expected to be taken between 1 December 2007 and 31 March 2008.
32. The Committee expressed a wish to examine, with the appropriate Director, the draft Streetscene Strategy document in advance of its consideration by the Executive Cabinet.

Crime and Disorder Reduction Strategy

33. The Committee considered a report of the Director of Streetscene, Neighbourhoods and Environment reviewing the delivery of the Community Safety Strategy.
34. The Chorley Community Safety Strategy, launched in March 2005, is due to expire in March 2008. This Strategy and the associated Chorley Community Safety Partnership has been successful in reducing crime levels in the Borough through the implementation of a range of actions, initiatives and interventions. The number of recorded crimes in Chorley has fallen by 18% since last year and the Police and Officers are confident that the Strategy's overall target will be achieved by a further reduction of crime levels by 1.8% before the end of March 2008. Our continuing high performance has, in fact, been commended by the Home Office.
35. We welcomed the report and agreed to undertake a review of the past achievements of the current Community Safety Strategy, in April 2008, and consider the arrangements to replace both the Strategy and potentially, the Chorley Community Safety Partnership from April 2008, for community engagement in crime, disorder and anti-social behaviour.

ENVIRONMENT AND COMMUNITY OVERVIEW AND SCRUTINY PANEL – 18 OCTOBER 2007**Scrutiny Inquiries**

36. The Panel noted from the Overview and Scrutiny Work Programme for 2007/08 that it had two topics to consider for a full scrutiny inquiry, Town Centre Strategy and Inequalities in the Borough.
37. The Overview and Scrutiny Committee and Executive Cabinet agreed last year that the Panel should carry out the inquiry in the order of priority and should therefore commence work on the Town Centre Strategy Inquiry.
38. Following completion of the Neighbourhood Inquiry the Panel was now in a position to commence an inquiry into the Town Centre Strategy.
39. The Panel received for information copies of the Chorley Town Centre Strategy, which the Council had adopted in October 2006.
40. Members of the Panel were conscious of the need to focus their attention on specific areas of the Strategy in view of the wide range of issues and for the potential outcome of the inquiry to be worthwhile. They were also conscious that there should be no duplication of work that may already be carried out by other groups.
41. The Panel agreed to receive from the Corporate Director (Business) a guide as to how the inquiry should progress and the areas it should focus its attention on.
42. The Panel suggested the following areas it would focus its attention on:
 - Are there any areas of clarification and improvements to the Strategy?
 - Are the actions on target?
 - Consider the current strengths and weaknesses of the Town Centre Strategy.

- Examine the planned process for reviewing the existing Strategy and look at the likely issues and factors that would affect future Town Centre Strategies.
- Focus on examining the implementation process of the Strategy so far and the funding resource implications.
- Are the funding sources on track?
- What action is being done to drive up occupancy levels of Town Centre shops?

ENVIRONMENT AND COMMUNITY OVERVIEW AND SCRUTINY PANEL – 22 NOVEMBER 2007

Business Plan Monitoring Statements – 1 July 2007 to 31 September 2007

43. The Panel received the second quarter Business Plan Monitoring Statement for the period 1 July 2007 to 31 September 2007 relating to the undermentioned Directorates whose service and functions fall within the remit and responsibility of the Panel:
- Leisure and Culture
 - Development and Regeneration
 - Streetscene, Neighbourhoods and Environment
44. The Panel received from the Corporate Director (People) the Business Plan Monitoring Statement for the Leisure and Culture service. The report indicated that the Directorate had made good progress across all areas in the first six months with no significant variations to report.
45. As had been reported at previous meetings there was still a below performance target for the processing of invoices within 30 working days, however, performance had picked up following process changes to the system of payment of invoices.
46. The Corporate Director (Business) presented the Panel with her Business Plan for her Directorate, indicating that since the previous published Business Plan, good progress had been made filling key vacant posts.
47. Members made reference to a continuing problem with Housing Allocation and the use of Bed and Breakfast. The Strategic Housing Team had been working hard with Chorley Community Housing to put procedures in place to reduce this with the Council considering whether it would be advisable to bring the service back in house.
48. Members pointed out that they had not received details of the Council joining with Preston, South Ribble and Blackpool to put together a joint Growth Point bid which would be concerned with acceleration of housing growth and increase the provision of affordable housing. A report on the Joint Growth bid would be submitted to the Executive Cabinet.
49. The Panel received the Business Plan Monitoring Statement relating to the Streetscene, Neighbourhood and Environment Directorate. The Director indicated that the performance variation for the number of missed collections per 100,000 collections of household waste was still below target but had improved following additional investment.
50. Other areas below target were percentage racist and offensive graffiti removed within two working days, percentage of graffiti removed within 28 working days and sickness absence Action Plan had been completed to address these issues.
51. Reference was made by Members of the apparent lack of communication to them of activities that were taking place in their Wards to which they were not aware. It was agreed that Officers seek ways of improving communication to Members.

Chorley Council's Action to Reduce Carbon Emissions and Impact on Climate Change

52. The Panel had requested this report at a previous meeting which detailed the activities and measures that the Council had either instigated or were proposing to develop to reduce its carbon emissions in order to mitigate the impact of global climate change.
53. The indicators initiated by the Council in its community leadership role to combat climate change included:
- the formation of the Climate Change Task Group comprising all Heads of Service with a remit to examine all the Council's activities and produce a Climate Change Strategy within the next 6 months to reduce the Council's environmental footprint;
 - the Council's membership of the Local Government Information Unit Carbon Trading Pilot Project set up to assist and advise local authorities and organisations on the reduction of carbon emissions;
 - the provision of a baseline survey on energy consumption within the Council's operational properties by Liberata;
 - the introduction of a sustainable procurement policy; and
 - the introduction of a new priority to develop local solutions to global climate change in the LSP's refreshed Community Strategy.
54. The current activities would form part of the wider Climate Change Strategy, which would also contain further programmed actions.
55. The Panel agreed to note the report.

Scrutiny Inquiry – Town Centre Strategy

56. The Corporate Director (Business) notified Panel Members that the Town Centre Strategy was too large for Members to consider in an inquiry and proposed that Members concentrate their efforts on the Town Centre Design Audit currently being carried out by consultants. The Design Audit would consider the materials for the buildings and streets as well as street furniture, signage, security, advertising and landscaping.
57. The Audit would give members of the Panel a good opportunity to make a difference and influence the process.
58. The Panel invited the Consultants undertaking the Town Centre Design Audit to attend the next meeting of the Panel on 24 January 2008 to give Members an opportunity to receive their initial findings. It would give the Panel an opportunity to point out any omissions or make enhancements to enable the Consultants to refine the audit.

CORPORATE AND CUSTOMER OVERVIEW AND SCRUTINY PANEL – 20 NOVEMBER 2007**Retirement of Deputy Chief Executive**

59. The Panel noted that the Deputy Chief Executive, Paul Morris, would be retiring before Christmas. The Chair expressed his thanks to Paul for his support and help to the Panel over the years.

Quarterly Business Plan Monitoring Statement

60. The Panel received the Business Plan Monitoring Statements for the period July 2007 to September 2007 for Human Resources, Information, Communication Technology Services, Customer, Democratic and Legal Services and Financial Services.

Monitoring of Inquiry Recommendations – Contact Centre Efficiencies and Partnership with Lancashire County Council

- 61 The Panel received the report of the Corporate Director (People) updating Members on the progress made on the recommendations of the inquiry into the Contact Centre Efficiencies and Partnership with Lancashire County Council.
62. Members noted that excellent progress had been made and raised several points with Councillor John Walker, the Executive Member for Customer, Democratic and Legal Services.

Scrutiny Inquiries – Efficiency Gains and Absence Management

63. The Panel received an update on the two ongoing Inquiries into Efficiency Gains and Absence Management.
64. We noted that the evidence gathered would be presented to the next meeting of the Absence Management Sub-Group in January 2008 to enable recommendations, if any, to be made and the final report to be drawn up.
65. The Efficiency Gains Sub-Group would be receiving feedback from the Directors before Christmas and would be meeting in January 2008 to draft their findings and recommendations into a final report.

Recommendation

66. That the Council is recommended to note this report.

COUNCILLOR D EDGERLEY
Chair of Overview and Scrutiny Committee

GKB/LM

There are no background papers to this report.

This page is intentionally left blank

REPORT OF THE STANDARDS COMMITTEE

GENERAL REPORT

1. This report sets out a brief summary of the main items considered at the meeting of the Standards Committee held on 30 November 2007.

Standards Committee and Parish Councils

2. Officers advised that letters have been sent to Committee Members with a briefing note as requested at the last meeting. Committee Members were to make contact with the Parish Council clerks. We agreed that an update item be placed on the next agenda.

Feedback from the Standards Conference

3. I reported that I had attended the Annual Standards Assembly in October. I reported that no firm guidelines were given on the new arrangements and that there was no evidence of finances being made available for the new local filtering arrangements. A pilot had been undertaken with a number of local authorities.
4. I advised that authorities would have ten days to deal with initial complaints; the use of mediation was mentioned but no guidance was given. Other issues discussed included possible joint working; meetings to consider initial complaints being held in private; and independent members chairing sub groups.
5. We noted that guidance had been given that members could consider the initial complaint and then sit on the determination hearing. I expressed my disappointment not to have more information on the new arrangements.
6. We agreed that a meeting of the Committee be arranged for early February to set out the process for the new arrangements and to consider the size of the Committee.

Mayoral Hospitality

7. We considered the report of the Monitoring Officer on Mayoral Hospitality. We noted this item had been identified from the work programme.

Guidance to Members on Use of Resources

8. We considered the report of the Monitoring Officer on guidance for Members on the use of resources. We noted this item had been identified from the work programme.

9. We considered Appendix A and B. There were issues that should be added to Appendix A, (Support Services and General Information for Councillors), including guidance on the use of the telephone line and Members' use of rooms within the Town Hall for political and private purposes.
10. Members considered Appendix B, (Internet and e-mail acceptable use policy for Elected Members), and considered that the document would benefit from a review, to make it clear and concise.
11. It was noted that use of resources was not a major issue for the Parishes. We agreed that the guidance provided to Members on the use of Council resources be reviewed.

Local Code of Corporate Governance

12. We received the report of the Assistant Chief Executive (Business Transformation) on the Local Code of Corporate Governance.
13. Officers reported that Corporate Governance related to accountability. CIPFA and SOLACE have reviewed existing guidance on the topic and part of this suggested authorities have a Local Code. The Audit Committee has considered the financial side of the Code with the ethical side being considered by the Standards Committee.
14. Members were requested to feed back any comments to officers as the Code was in draft form and could be amended. Chorley Council is one of the first authorities to introduce a Local Code.
15. We supported the Local Code of Corporate Governance.

News from the Standards Board/Adjudication Panel

16. We considered the report of the Monitoring Officer considering the recommendations of the Adjudication Panel and noted the actions taken.

Work Undertaken to Promote the Code of Conduct

17. Officers reported that a training session had been held on 19 September for all Parish Councillors on the Code of Conduct and that the slides and handouts had been distributed to all Parish Council clerks.
18. Guidance on predetermination and bias and mayoral hospitality had been posted on the loop, with copies of the predetermination and bias guidance having been sent to the Parish Council clerks.

19. The required notice advertising the adoption of a revised code by the Borough Council and twenty-one of the Parish Councils had been published in a local newspaper and the Council's newspaper. Copies of this had been sent to Parish Council clerks.
20. All Parishes had been requested to confirm the names of their Parish Councillors and those who had not returned financial and other interest forms had been chased. Letters detailing the mentoring arrangements had been sent to Committee Members and Parish Council clerks.
21. We agreed that a letter be sent to two Parish Councils requesting confirmation that the revised Code of Conduct had been adopted.

Standards Committee Work Programme

22. We considered the work programme and added the Member Officer Protocol to the list of other topics. Officers reported that Internal Audit had undertaken a review of the Code of Conduct which had received a "sound assurance" rating. Two minor recommendations had been made and actioned.
23. It was suggested that the training DVD be shown to members of the Development Control Committee and at a Member Learning Hour.

Training DVD from the Standards Board for England

24. Members watched the training DVD recently published by the Standards Board for England.

Recommendation

25. The Council is recommended to note the report.

MR RA ELLWOOD
CHAIR OF STANDARDS COMMITTEE

RH
There are no background papers to this report.

This page is intentionally left blank

Report of	Meeting	Date
Corporate Director of Governance (presented by the Deputy Leader)	Council	18 th December 2007

PROPOSED REVISIONS TO THE CONSTITUTION

PURPOSE OF REPORT`

1. To seek support for proposed revisions to the rules governing debate at Council meetings.

RECOMMENDATION(S)

2.
 - a) That the revised Council Procedure Rules attached be adopted by the Council.
 - b) That the decision making powers of the General Purposes Committee be transferred to the Development Control Committee

EXECUTIVE SUMMARY OF REPORT

3. This is the first of a number of reports which will be presented over coming months proposing changes to the Constitution. Some of those changes should await the enactment of the current Local Government and Public Involvement in Health Bill. Those being proposed now are unlikely to be significantly affected by that piece of legislation.
4. Changes to the current rules of debate for Council meetings are proposed. The proposed new rules are set out in the appendix to this report with a detailed explanation of the proposals. Since this report was originally tabled at Council discussions between the party leaders have resulted in some minor improvements to the original drafting and, for ease of reference, these are now incorporated in the appendix and are clearly identified.
5. It is suggested that the current functions of the General Purposes Committee in respect of footpaths should be transferred to the Development Control Committee.

REASONS FOR RECOMMENDATION(S) (If the recommendations are accepted)

6. The proposals aim to ensure that decisions are made in an effective manner, that the rules for debate at Council meetings are clear and easily understood and that the Council meeting provides a forum for quality political debate.

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	√

BACKGROUND

8. The Council Procedure Rules are currently quite difficult to follow. Many of the proposed changes aim simply to clarify existing rules by rewording or by bringing together related provisions. More significantly though are the following:

- a. The rules governing questions being asked without notice are amended. The current rules say that members may ask “a question upon the report or an item within it”. Historically this has been interpreted as allowing a member to ask only one question for example in relation to the Cabinet report. More recently a more flexible interpretation has been adopted. The proposal is that Members may ask as many questions as they want in total but only one on each item within the report.
- b. The requirement for Development Control, Licensing and General Purposes Committees to report to Council is removed. As these Committees are regulatory in nature it is generally inappropriate to reopen a debate at Council on a decision which has already been made. This change will not though prevent a Committee referring an item to Council for a decision.
- c. A new category of “Special” Council meetings is created with more flexible rules of debate, it is envisaged that there will be at least two Special Council meetings, one for the Budget and one for Corporate Strategy. Other Special meetings may be arranged to discuss other very significant items of business which require the whole of a Council meeting to be devoted to them. It is hoped that this change will allow for significant political debate on the strategic issues which are most important to the Council.
- d. A new rule is introduced requiring petitions to be presented to Council. This will not apply to petitions which relate to specific planning or licensing matters (which will continue to be presented to the relevant decision making body). For other petitions though it provides a formal process for considering petitions which is currently lacking.
- e. Amendments proposed by the Group Leaders include a requirement to record in the minutes when a Member leaves the meeting. A proposal to allow one supplementary question following a question being asked without notice has also been made.

10. The main functions of the General Purposes Committee relate to the making of footpath orders. The proposed transfer of these functions reflects the fact that the Council’s role in these matters has been significantly diminished following the demise of the Highways Agency. In relation to most footpath orders the Council is acting as a consultee and

technically the right to respond lies with the Executive Member. The Council does retain rights to make footpath orders associated with development and it seems appropriate that responsibility for these should lie with the Development Control Committee.

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included within the report:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√		

CHIEF OFFICER NAME – ANDREW DOCHERTY
 CHIEF OFFICER DESIGNATION – CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
A.Docherty	5102	18/12/2007	ADMINREP/REPORT

This page is intentionally left blank

New Rules	Description of changes/issues
<p>Part A - Council Procedure Rules</p> <p>1. MEETINGS OF THE COUNCIL</p> <p>Types of Council meeting</p> <p>1.1 The Council meets collectively for four types of meetings:</p> <ul style="list-style-type: none"> i) The Annual meeting ii) Ordinary meetings iii) Extraordinary meetings iv) Special meetings <p>The Annual Meeting</p> <p>1.2 The annual meeting take place once a year. In a year in which there is an ordinary election of Councillors, the Annual Meeting of the Council must be held within 21 days of the retirement of the outgoing Councillors. In any other year the Annual Meeting must be held in May.</p> <p>1.3 The Annual Meeting of the Council will normally be held at 6.30pm on the third Tuesday in May of each year but either the Council or the Mayor may direct that it be held on a different date or time. The Mayor can only use this power if he issues the direction before the summons to attend the Meeting has been sent to Councillors.</p> <p>1.4 The Annual Meeting shall:</p> <ul style="list-style-type: none"> i) approve as a correct record and sign the minutes of the last meeting of the Council. ii) receive any declarations of interest from Members; iii) elect the Mayor; 	<p>Preamble has been deleted as it added little</p> <p>Sub headings have been added throughout the Rules for ease of reference.</p> <p>1.1 is new as is the category of Special meetings. The idea is that we distinguish between the routine Council meetings and those which for a specific purpose e.g. to set the budget, to adopt a plan, to grant Freedom of the Borough.</p> <p>All the rules relating specifically to the annual meeting have been brought together.</p> <p>1.2 The dates have been changed to reflect the current law and practice.</p> <p>1.3 Reworded. No change in effect.</p> <p>1.4 This was formerly clause 1.6 but has additions which reflect practice e.g (i) & (ii) do not appear in the current Rules.</p> <p>NB appointing the Executive will be a matter for the Leader if the LGIH Bill becomes law.</p>

	<ul style="list-style-type: none"> iv) elect the Deputy Mayor; v) receive any announcements from the Mayor; vi) elect the Executive Leader; vii) agree the number of Members to be appointed to the Executive and appoint those Members; viii) appoint such Committees and Sub-committees of the Council as it may consider appropriate, but including at least one Overview and Scrutiny Committee and a Standards Committee, and determine their terms of reference; ix) unless the Council determines otherwise, appoint Members to be the Chairs and Vice-Chairs of those Committees and Sub-committees; x) approve a programme of Ordinary Meetings of the Council for the ensuing Municipal Year; and; xi) Consider any other business set out in the agenda.
	<p>Ordinary Meetings</p> <p>1.5 Ordinary meetings of the Council will take place in accordance with a programme decided at the Annual Council meeting. There will be a minimum of five Ordinary meetings in each year. The agenda for these meetings is set out in Rule 5.</p>

This makes specific something which was implied in the previous Rules. A minimum number of ordinary meetings has been added.

<p>Extraordinary meetings</p> <p>1.6 Extraordinary meetings may be called to deal with specific business set out in the summons for the meeting. No other business may be transacted at an Extraordinary meeting.</p> <p>1.7 Any of the following may call on the Chief Executive to summon Members to attend an Extraordinary Meeting;</p> <ul style="list-style-type: none"> (a) The Mayor; (b) The Executive Leader; (c) Any five Members of the Council. These Members must first sign a requisition for an Extraordinary Meeting and present it to the Mayor. If the Mayor then refuses to call an extraordinary meeting or fails to do so within seven days of the presentation of the requisition then the Members may call on the Chief Executive to issue the summons for that meeting. <p>1.8 Any call for an Extraordinary meeting should be in writing, specifying the business for which it is called, and delivered to the Chief Executive.</p> <p>1.9 On receiving a valid call for an Extraordinary Meeting, the Chief Executive shall forthwith summon the meeting.</p>	<p>The wording has been clarified but without any intention to change the meaning.</p> <p>Clause 1.8 prevents any urgent business being considered at an Extraordinary meeting.</p>
<p>Special Meetings</p> <p>1.10 The Council may, at the Annual Meeting, or at any other time make arrangements for special meetings. The principal business to be transacted at Special Meetings will be matters of more than usual importance to the Council.</p> <p>1.11 The meeting at which the Council tax is set and the meeting at which the Corporate Strategy is agreed will be designated Special Councils</p> <p>1.12 Special Meetings of the Council shall deal with the following business in</p>	<p>1.10 Sets out the purpose of special meetings.</p> <p>1.11 This regularises the current arrangements for the budget setting Council and gives the Corporate Strategy the same status. It may be that the Annual report should also be</p>

<p>considered at a special meeting or perhaps it should be considered alongside the Corporate Strategy.</p> <p>1.12 Special meetings will not have the reports from the Executive or Committees or, generally, receive notices of motion</p>	<p>order:</p> <ul style="list-style-type: none"> i) choose a Member to preside if the Mayor and Deputy Mayor are not present; ii) approve as a correct record and sign the minutes of the last meeting of the Council; iii) receive any declarations of interest from Members; vi) receive any announcements from the Mayor, the Executive Leader, other Executive Members or the Chief Executive; vii) receive any public questions which have been notified and which relate to the business to be transacted at the meeting; viii) consider the special business for which the meeting has been called and which is specified in the summons for the meeting;
<p>No change.</p>	<p>Venue for meetings</p> <p>1.13 All meetings of the Council shall be held at the Town Hall, Chorley unless the Council decides otherwise.</p>
<p>Minor rewording.</p>	<p>2. PRESIDING AT MEETINGS OF THE COUNCIL</p> <p>The Mayor, if present, shall preside at a meeting of the Council. If the Mayor is absent, the Deputy Mayor shall preside. If both are absent, the Council will select another Member to preside. Any person presiding at a meeting of the Council may exercise any power or discharge any duty of the Mayor in relation to the conduct of the meeting.</p>
<p>This has been slightly reworded. The Access to Information Rules now usually require notice of meetings to be given to the public 5 clear days before</p>	<p>3. NOTICE OF AND SUMMONS TO ATTEND MEETINGS</p> <p>The Chief Executive will give notice to the public of the time and place of meetings of the Council, in accordance with the Access to Information Rules. At</p>

<p>or before giving that notice and, in any case, at least three clear days before a meeting (that is three days excluding the day that notice is given and the day of the meeting), the Chief Executive will also send a summons, signed by him or her, to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of the meeting and specify the business to be transacted. It will be accompanied by such reports in relation to the business as are available.</p>	<p>a meeting. The change ensures that the Summons to Members goes out at the same time as or before any public notice. This reflects current practice. Clear days has been defined</p>
<p>4. QUORUM AND LENGTH OF MEETINGS</p> <p>Quorum</p> <p>4.1 The quorum for Council meetings is one-quarter of the Membership.</p> <p>Effect of no quorum or failure to conclude business by 10 p.m.</p> <p>4.2 Any meeting of the Council shall immediately adjourn if;</p> <p>(a) the Mayor, after counting the number of Members present, declares that there is not a quorum; or</p> <p>(b) the business of the meeting has not been concluded by 10pm.</p> <p>Meeting to consider outstanding business</p> <p>4.3 Any remaining business shall be considered at a time and date fixed by the Mayor at the time the meeting is adjourned, or, if the Mayor does not then fix a time, at the next Ordinary Meeting of the Council.</p>	<p>4.1 has been rewritten but the sense is the same</p>
<p>5. ORDINARY MEETINGS OF THE COUNCIL</p> <p>Agenda and Order of Business</p> <p>5.1 Ordinary Meetings of the Council shall deal with the following business in</p>	<p>DC, Licensing and GP will no longer report to Council.</p> <p>A provision for Standards and Audit Committees to</p>

<p>order:</p> <ul style="list-style-type: none"> i) choose a Member to preside if the Mayor and Deputy Mayor are not present; ii) approve as a correct record and sign the minutes of the last meeting of the Council; iii) receive any declarations of interest from Members; iv) receive any announcements from the Mayor, the Executive Leader, other Executive Members or the Chief Executive; v) receive any public questions which have been notified; vi) receive and consider reports from the Executive and the Overview and Scrutiny Committee of the Council; vii) receive and consider any report from the Standards and Audit Committees; viii) receive answers to questions notified under Rule 7; ix) consider any other business that may be specified in the summons to attend the meeting; and x) consider motions of which notice has been given under Rule 9; xi) consider any other item of business which, in the opinion of the Mayor, must be considered as a matter of urgency. <p>Varying Order of Business</p> <p>5.2 The order of business may be varied:</p> <ul style="list-style-type: none"> (a) by the Mayor at his or her discretion; or 	<p>report has been retained so that they have a clear right of direct access to Council on any issues of importance. The other Committees may, of course, still refer matters to Council for a decision</p> <p>Typo corrected.</p>
---	--

<p>(b) by a resolution of the Council passed at the meeting on a motion duly moved and seconded.</p> <p>5.3 Any such motion, once moved and seconded, shall be put and then voted on without discussion.</p>	
<p>6. PUBLIC QUESTIONS</p> <p>6.1 Members of the public may ask a question on any item on the Agenda for the Council meeting but must submit their questions to the Chief Executive by midday on the day, two working days before the day of the meeting.</p> <p>6.2 A Member of the public may when asking their question speak for up to three minutes to explain the context for the question.</p> <p>6.3 Having received an answer to their question the Member of the public may ask one supplementary question.</p> <p>6.4 Questions shall be directed to the Mayor, the Executive Leader, any other Executive Member to whose portfolio responsibilities the matter relates or the Chair of a relevant Committee of the Council.</p> <p>6.5 If he considers that the question could more appropriately be answered by another Member, a Member to whom a question is directed may with the agreement of the other Member, refer the question to him.</p> <p>6.6 The maximum time allowed for public questions at a meeting of the Council will be thirty minutes. Any question which is unanswered at that time will receive a written response.</p>	
<p>7. QUESTIONS BY MEMBERS ON REPORTS (NO NOTICE)</p> <p>7.1 When a report of the Executive or of a Committee of the Council is under consideration or being received at a meeting of the Council, a Member may, without prior notice, ask a question upon an item within the report. Any further questions asked by the Member must relate to a different item</p>	<p>Heading altered</p> <p>The Rule that Members may only ask one question has been retained but clarified that it is on an item within the report.</p>

<p>within the report.</p> <p>7.2 The Member shall direct the question to the Executive Leader, Committee Chair or other Member submitting the report or moving its acceptance.</p> <p>7.3 The Member to whom a question has been put may decline to answer or, if he considers that the question could more appropriately be answered by another Member, may with the agreement of the other Member, refer the question to him.</p> <p>Supplementary questions</p> <p>7.4 A Member who has received an answer to a question given without notice may ask one supplementary question arising from the answer given</p>	<p>7.3 currently the Leader may refer a question to an Exec Member. The new provision allows e.g. an O&S Chair to bring in the Exec Member.</p> <p>Provision for supplementary questions added</p>
<p>8. QUESTIONS BY MEMBERS – WITH NOTICE</p> <p>Questions which may be asked</p> <p>8.1 A Member may ask a question on any matter in relation to which the Council has powers or duties or which affects the Borough but must first give notice in accordance with Rule 8.2.</p> <p>Procedure for Notice</p> <p>8.2 The notice must be in writing and state the full wording of the question and specify the Member of the Council to whom it is directed.</p> <p>8.3 The question may be directed to the Mayor, the Executive Leader, any other Executive Member to whose portfolio responsibilities the matter relates or the Chair of a relevant Committee of the Council.</p> <p>8.4 The notice must be given to the Chief Executive and received by him or her not less than three clear days before the day of the meeting at which the question is to be asked (which means that the day that the notice is received and the day of the meeting are not counted)</p>	<p>The order of this Rule has been changed and some of the wording altered but the sense is unaltered.</p> <p>In 8.4 the wording has been changed to match that for notices of motion so that the notice has to be received by the Chief Executive. The meaning of the term “clear days” is now spelled out.</p> <p>The current provision for short notice has been omitted</p>

<p>Answering Questions</p> <p>8.5 Every question under this Rule shall be put and answered without discussion.</p> <p>8.6 The Member to whom a question has been put may decline to answer or, if he considers that the question could more appropriately be answered by another Member, may with the agreement of the other Member, refer the question to him.</p> <p>8.7 If the Member to whom a question under this Rule has been directed is not present at the meeting, the question may at the meeting be addressed to and answered by some other appropriate Member, if that Member so agrees.</p> <p>8.8 An answer may take the form of:</p> <ul style="list-style-type: none"> (a) a direct oral answer; (b) where the desired information is contained in a publication of the Council or other published work, a reference to that publication; or (c) where the reply to the question cannot conveniently be given orally, a written answer circulated later to the questioner. <p>Supplementary questions</p> <p>8.10 A Member who has received an answer to a question given on notice may ask one supplementary question arising from the answer given.</p>	<p>8.7 again a question may now be referred to any Member</p> <p>8.10 is a new provision for supplementary questions</p>
<p>9. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE</p> <p>The following motions and amendments may be moved without notice:</p> <ul style="list-style-type: none"> (a) the appointment of a chairman of the meeting at which the motion is 	<p>The order of the Rules has been altered so that these now come before motions requiring notice.</p> <p>A reference in the existing Rules to Rule 15 (which</p>

<p>moved;</p> <ul style="list-style-type: none"> (b) motions relating to the accuracy of the minutes; (c) changing the order of business in the Agenda; (d) to refer something to an appropriate body or individual; (e) the receipt of reports of the Executive, Committees or Officers; (f) to pass relevant resolutions arising from any item of the Agenda; (g) that leave be given to withdraw a motion; (h) extending the time limit for speeches; (i) amendments to motions; (j) to proceed to the next business; (k) that the question be now put; (l) to adjourn a debate; (m) to adjourn the meeting; (n) to suspend any one or more of these Rules, in whole or in part; (o) to exclude the public and press in accordance with the Access to Information Procedure Rules; (p) that a Member named under Rule 12 be not further heard or do leave the meeting; (q) giving a consent of the Council where the consent of the Council is required by these Rules. 	<p>appears to be an error) has been deleted.</p> <p>The former Rule 9 (r) has been deleted as it relates to repealed legislation.</p> <p>Deleted words could confuse by suggesting that Council approval is necessary for decisions made by the Executive etc.</p>
--	--

<p>10. NOTICES OF MOTION</p> <p>Procedure for Notice</p> <p>10.1 If Rule 8 does not apply then a motion can only be moved if notice of it has been given. The notice must be signed, by at least one Member of the Council, and must be received by the Chief Executive at least five clear days before the meeting at which it is proposed to move the motion (meaning that the day of delivery and the day of the meeting are excluded).</p> <p>Subject matter for motions</p> <p>10.2 A motion of which notice is given under this Rule must be about a matter or matters for which the Council has a responsibility or which affect the Borough.</p> <p>Procedure for handling notices of motions</p> <p>10.3 On receipt of a notice of a proposed motion, the Chief Executive shall enter details of the notice and the proposed motion, including its date and time of receipt, in a book open to public inspection.</p> <p>10.4 Motions for which notice has been validly given shall be listed on the Agenda in the order in which they have been received unless the Member who gave the relevant notice states in writing to the Chief Executive that he or she proposes to move it to a later meeting or withdraw it.</p> <p>Motions not moved and seconded</p> <p>10.5 Any motion which appears on the Summons which is not moved and seconded at the meeting will be treated as withdrawn, unless its postponement is agreed.</p>	<p>10.1, 10.4 and 10.5 have been reworded for clarity</p>
<p>11. MINUTES OF PREVIOUS MEETINGS</p>	

<p>Moving the approval of minutes</p> <p>11.1 When minutes of previous meetings are before a meeting, the Mayor shall move or invite a motion that the minutes be approved and signed as correct records.</p> <p>Limits on Discussion</p> <p>11.2 The accuracy of the minutes may be raised but no other discussion is allowed. If no question as to the accuracy of the minutes is raised, or if such a question is raised, then, as soon as it has been disposed of, the Mayor shall sign the minutes.</p> <p>Procedure at Extraordinary Meetings</p> <p>11.3 The minutes of an Ordinary or Special Meeting of the Council may be signed at the next Ordinary Meeting of the Council, rather than at the next following meeting, if the next following meeting is an Extraordinary Meeting.</p>	<p>Added the word "invite a motion" to reflect current practice</p> <p>11.2 has been reworded</p>
<p>12. RULES OF DEBATE FOR COUNCIL MEETINGS</p> <p>No speeches until motion moved and seconded</p> <p>12.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.</p> <p>Right to require motion in writing</p> <p>12.2 The Mayor may require that any motion which has been moved without notice be put into writing and handed to him before it is discussed.</p> <p>Seconders' Speech</p> <p>12.3 A Member who seconds a motion or amendment may speak</p>	<p>Amendments have been made throughout without altering the sense</p> <p>12.1 & 12.2 have been separated out for convenience</p>

<p>immediately or may indicate that he wishes to reserve his speech until a later period of the debate.</p> <p>Mayor to determine order of speaking</p> <p>12.4 A Member who wishes to speak should indicate that wish to the Mayor. The Mayor will call on one Member to speak. All other Members shall remain seated. A Member may, however, rise on a point of order or point of personal explanation at any time.</p> <p>Members to stand when speaking</p> <p>12.5 When speaking a Member shall stand and address the Mayor. The requirement to stand shall not apply to any Member who finds it difficult or impossible to do so as a result of a disability or infirmity.</p> <p>Points of order</p> <p>12.6 A point of order relates to an alleged breach of these Rules, the Constitution or a statutory provision. It is a request for the Mayor to rule on that alleged irregularity.</p> <p>12.7 A Member raising a point of Order must indicate the Rule or law in question and the way he or she considers it has been broken.</p> <p>12.8 If a Member rises on a point of order then any Member who is speaking at that time must sit down immediately. The Mayor will rule on the point of Order and then invite the Member who was speaking before the point of Order was raised to resume.</p> <p>Points of personal explanation</p> <p>12.9 If a Member believes that a material part of a previous speech made by him or her appears to have been misunderstood in the present debate then he or she may rise on a point of personal explanation to correct the misunderstanding.</p>	<p>Wording simplified</p> <p>12.5 is new</p>
---	--

<p>12.11 If a Member rises on a point of personal explanation then any Member who is speaking at that time must sit down immediately and remain seated until called upon by the Mayor to resume.</p> <p>Content and length of speeches</p> <p>12.12 Speeches must be directed to the question under discussion, to a personal explanation or to a point of order.</p> <p>12.13 At a Special Meeting of the Council the Leader of each political group or person nominated by him may speak on the special business for such period of time as seems to the Mayor to be appropriate given the significance of that business.</p> <p>12.14 In other cases no speech shall exceed five minutes unless the Council agrees otherwise.</p>	<p>12.13 is a new rule which codifies existing practice at the budget Council.</p>
<p>When a Member may speak again</p> <p>12.15 A Member may only speak once on a motion except:</p> <ul style="list-style-type: none"> (a) to speak once on an amendment moved by another Member; (b) if the motion has been amended since they last spoke, to move a further amendment; (c) if their speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried; (d) in exercise of a right of reply given by Rule 12.11 or Rule 12.13.(a); (e) on a point of order; or (f) by way of personal explanation about some material part of their speech which has been misunderstood. 	<p>12.15 Minor drafting amendments not affecting the sense.</p>

<p>Amendments to motions</p> <p>12.16 An amendment shall be relevant to the motion and shall be either:</p> <ul style="list-style-type: none"> (a) to refer the matter for consideration or reconsideration to the Executive or to a Committee; (b) to leave out words; (c) to leave out words and insert or add others, or (d) to insert or add words; (e) as long as the effect is not to negate the motion. <p>12.17 Usually only one amendment may be moved and discussed at a time. However the Mayor may permit two or more amendments to be discussed together (but not voted upon) if he or she considers that this would allow the Council's business to be dealt with more effectively.</p> <p>12.18 If an amendment is lost, other amendments may be moved on the original motion. If an amendment has been carried, the Mayor shall read out the amended motion before accepting any further amendments. No further amendment may be moved that would have the effect of reviving the original motion.</p>	<p>12.16 Previously this said that the effect of the amendment could not be to negate the motion or <i>convert it to a new proposal</i>. The words in italics have been omitted - an amendment will always result in a new proposal.</p> <p>I have removed some words from 12.17 without altering the sense.</p>
<p>Alteration of motion</p> <p>12.19 (a) The mover of a motion may with the consent of the meeting alter the motion if it has not yet been seconded. The meeting's consent will be signified without discussion.</p> <p>(b) The mover of a motion may alter a motion which he/she has moved and which has been seconded with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.</p>	<p>Reworded without changing the sense.</p>

<p>(c) Only alterations which could be made as an amendment may be made.</p>	
<p>Withdrawal of motion or amendment</p> <p>12.20 A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council. That consent shall be signified without discussion. No Member may speak upon it after the mover has asked permission for its withdrawal, unless permission is refused.</p>	<p>Reworded without changing the sense.</p>
<p>Right of reply</p> <p>12.21 (a) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.</p> <p>(b) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, but shall not otherwise speak on it.</p> <p>(c) The mover of the amendment shall have no right of reply to the debate on the amendment.</p>	<p>No change.</p>
<p>Motions which may be moved during debate</p> <p>12.22 When a motion is under debate no other motion shall be moved except the following:</p> <ul style="list-style-type: none"> (a) to amend the motion, (b) to adjourn the meeting, (c) to adjourn the debate, (d) to proceed to the next business, (e) that the question be now put, (f) that a Member be not further heard or do leave the meeting , (h) to exclude the public in accordance with the Access to 	<p>Reworded without changing the sense.</p>

<p>Information Procedure Rules, or</p> <p>(i) to remit the matter to the Executive or a Committee or sub-Committee.</p>	
<p>Closure motions</p> <p>12.23 When any the motions set out below has been moved and seconded, the Mayor shall proceed as follows:</p> <p>i) on a motion to proceed to next business:</p> <p>If the Mayor thinks that the matter has been sufficiently discussed, the Mayor shall first give the mover of the original motion a right of reply to this motion and then put it to the vote.</p> <p>ii) on a motion that the question be now put:</p> <p>If the Mayor thinks that the matter has been sufficiently discussed, the Mayor shall first put this motion to vote. If it is passed, the Mayor shall then give the mover of the original motion the right of reply under Rule 11.11 before putting that motion to the vote.</p> <p>iii) on a motion to adjourn the debate or the meeting:</p> <p>If in his or her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on this occasion, the Mayor shall put this motion to the vote without giving the mover of the original motion a right of reply.</p>	<p>Reworded without changing the sense.</p>
<p>12. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL</p> <p>The Council shall not discuss any matter to which the powers to exclude the press and public contained in Schedule 12A of the Local Government Act 1972 applies until the meeting has decided whether or not to exercise those powers</p>	<p>Previously this only applied to questions relating to individual staff. This has been altered to reflect both a change in the law and to cover the full range of potentially exempt information. The Council may. Of course, still decide to meet in public having considered the matter.</p>
<p>13. MEMBERS CONDUCT</p>	

<p>Member not to be heard further</p> <p>13.1 If a Member is guilty of misconduct during a meeting, the Mayor or any other Member may move, "that the Member named be not further heard". If seconded, the motion will be voted upon without discussion.</p> <p>Member to leave the meeting</p> <p>13.2 If the Member then continues his or her misconduct, the Mayor shall either:</p> <p>(a) move "that the Member do leave the meeting". That motion shall then be voted upon without seconding or discussion; or</p> <p>(b) adjourn the meeting of the Council for such period as the Mayor may consider expedient.</p> <p>Effect of mayor standing</p> <p>13.3 If the Mayor stands up during a debate any Member standing at the time must sit down. The meeting shall be silent.</p>	<p>13.1 & 13.2 Reworded without changing the sense.</p> <p>13.3 appears elsewhere in the current Rules but seems to fit better here.</p>
<p>14 DISTURBANCE BY MEMBERS OF THE PUBLIC</p> <p>14.1 If a Member of the public interrupts proceedings, the Mayor shall warn the person. If they continue the interruption, the Mayor shall order their removal from the meeting.</p> <p>14.2 If there is a general disturbance in any part of the meeting room which is open to the public the Mayor shall order that part of the room to be cleared and may adjourn the meeting for as long as he considers expedient.</p>	<p>14.1 & 14.2 This has been reworded and incorporates provisions for adjournment which were previously elsewhere in the Rules.</p>
<p>15. RESCISSION OF PREVIOUS DECISIONS AND MOTIONS</p> <p>Motion to rescind a previous decision</p>	<p>This has been rewritten without changing the sense except that 15.3 is new.</p>

<p>15.1 A motion to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least fourteen Members.</p> <p>Motion similar to one previously rejected</p> <p>15.2 A motion in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion is signed by at least six Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.</p> <p>15.3 Nothing in this rule prevents the Council making or altering appointments to any body.</p>	
<p>16. VOTING</p> <p>Show of hands</p> <p>16.1 Voting shall be by show of hands, unless a recorded vote is requested by one or more Members before the vote is taken.</p> <p>Recorded Votes</p> <p>16.2 On a recorded vote the Chief Executive shall ask each Member in turn how they vote. The names of each Member voting for or against the amendment or abstaining from voting shall be recorded and entered in the minutes.</p> <p>Right to require individual vote to be recorded</p> <p>16.3 Where any Member requests it immediately after a vote is taken, their vote shall be recorded in the minutes so as to show whether they voted for or against the motion or abstained from voting.</p>	<p>This has been rewritten without changing the sense.</p>

<p>17. VOTING ON APPOINTMENTS</p> <p>Where there are more than two persons nominated for any position to be filled and there is not a clear majority of votes in favour of one person, the name of the person having the least number of votes shall be taken off the list and a new vote taken. The process shall continue until there is a majority of votes for one person.</p>	<p>No change.</p>
<p>18. RECORD OF ATTENDANCE</p> <p>18.1 All Members who attend the whole or part of a meeting must sign their names on the attendance sheets before the end of the meeting and their presence will be recorded in the minutes.</p> <p>18.2 If a Member leaves a meeting before it has ended the time of his or her departure shall be recorded in the minutes</p>	<p>The reference to recording in the minutes is new and the provision has been slightly reworded.</p> <p>A new provision has been added to record the departure time of Members from meetings</p>
<p>19. EXCLUSION OF PUBLIC</p> <p>All meetings of the Council will be held in public unless Members of the public and press have been excluded in accordance with either the Access to Information Procedure Rules or <u>Rule 13</u> (Disturbance by Public).</p>	<p>Reworded to make the positive statement that meeting are held in public.</p>
<p>20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES</p> <p>Rules which may not be suspended</p> <p>20.1 The following Rules may not be suspended:</p> <ul style="list-style-type: none"> (a) Rule 10 (Minutes of Previous meetings) (b) Rule 15.3 (Right to require individual vote to be recorded) (c) Rule 26 (Right of mover of motion to attend Committee to which motion referred) <p>20.2 Any other Rules, may be suspended in whole or in part:</p>	<p>This has been rewritten and the previous Rule which required changes to the Standing Orders to stand referred now applies only to the specific rules mentioned.</p> <p>It has been moved forward in the Rules so that all the Rules affecting Council now appear for those Rules which apply specifically to Committees.</p>

<p>(a) following a notice of motion in accordance with Rule 9 or;</p> <p>(b) if at least half of the whole number of Members is present, by motion without notice.</p> <p>(c) Suspension can only be for the duration of the meeting.</p> <p>20.3 Any proposal to change this Rule 19 or Rules 10, 15.2 or 26 must be referred to the next Ordinary Meeting of the Council without discussion.</p>	<p>Unchanged except for where it appears.</p>
<p>21. MAYORAL RULINGS</p> <p>The ruling of the Mayor as to the construction or application of any of these Rules with regard to any proceedings of the Council given at the meeting shall not be challenged.</p>	<p>This is a new provision requiring petitions (other than those which relate to specific planning or licensing issues) to be presented to Council.</p> <p>This draft restricts debate on petitions on the basis that detailed consideration can, if necessary, take place elsewhere with more information and with Officers able to answer questions.</p>
<p>22. PETITIONS</p> <p>22.1 Any petition relating to a specific development control or licensing application or enforcement decision shall be referred to and considered by the appropriate decision making body for that matter.</p> <p>22.2 All other petitions which are presented to the Council and which carries more than ten names shall be referred to the Chief Executive who shall ensure that the receipt of the petition is reported to the next convenient ordinary Council meeting.</p> <p>22.3 The Chief Executive's report will provide details of the petition, and the action which has been taken in respect of it or the response of the Council to it.</p> <p>22.4 The purpose of this rule is to ensure that all Member are aware of petitions that have been submitted and have the opportunity to consider whether the issues raised should be debated at a future time either in Council or by another body. Accordingly the only discussion which is permitted is in relation to a motion that the petition should be remitted to a future meeting of the Council, to the Executive, a Committee or a Sub</p>	<p>Unchanged except for where it appears.</p>

<p>Committee.</p>																							
<p>23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES</p>	<p>23.1 None of these rules apply to meetings of the Executive or the Standards Committee. The following Rules shall apply to meetings of other Committees of the Council and Sub-committees with the substitution of the word "Chair" for "Mayor":</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Rule No.</th> <th style="text-align: left;">Subject</th> </tr> </thead> <tbody> <tr> <td>2.</td> <td>Presiding at Meetings</td> </tr> <tr> <td>3.</td> <td>Notice of and Summons to Meetings</td> </tr> <tr> <td>4.</td> <td>Quorum</td> </tr> <tr> <td>11.</td> <td>Minutes of Previous Meetings</td> </tr> <tr> <td>13.</td> <td>Members Misconduct</td> </tr> <tr> <td>14.</td> <td>Disturbance by Members of the Public</td> </tr> <tr> <td>16.</td> <td>Voting</td> </tr> <tr> <td>17.</td> <td>Voting on Appointments</td> </tr> <tr> <td>18.</td> <td>Record of Attendance</td> </tr> <tr> <td>19.</td> <td>Exclusion of Public</td> </tr> </tbody> </table> <p>23.2 The Chair of any Committee or Sub-committee of the Council may direct that the Rules of debate for Council meetings contained in Rule 11 shall apply to the meeting of the Committee or to any part of it.</p>	Rule No.	Subject	2.	Presiding at Meetings	3.	Notice of and Summons to Meetings	4.	Quorum	11.	Minutes of Previous Meetings	13.	Members Misconduct	14.	Disturbance by Members of the Public	16.	Voting	17.	Voting on Appointments	18.	Record of Attendance	19.	Exclusion of Public
Rule No.	Subject																						
2.	Presiding at Meetings																						
3.	Notice of and Summons to Meetings																						
4.	Quorum																						
11.	Minutes of Previous Meetings																						
13.	Members Misconduct																						
14.	Disturbance by Members of the Public																						
16.	Voting																						
17.	Voting on Appointments																						
18.	Record of Attendance																						
19.	Exclusion of Public																						
<p>24. SPECIAL MEETINGS OF COMMITTEES</p>	<p>24.1 The Chair of any Committee or the Mayor may call a special meeting of the Committee at any time.</p> <p>24.2 A quarter of the whole number of Members of the Committee may</p> <p style="text-align: right;">Rewritten.</p>																						

23.1 now clarifies that the Rules do not apply to certain Committee meetings.

23.2 sets out a little more plainly what the current Rules provide.

<p>require a special meeting to be arranged by signing a written request for that meeting and delivering it to the Chief Executive.</p> <p>24.3 The summons to the special meeting shall set out the business to be considered. No business other than that set out in the summons may be considered at the meeting</p>	
<p>25. SUB-COMMITTEES</p> <p>25.1 Every Committee appointed by the Council may appoint Sub-committees for purposes to be specified by the Committee.</p> <p>25.2 The Chair of a Committee shall be an ex-officio Member of every Sub-committee appointed by that Committee, unless he or she informs the Committee to the contrary.</p>	<p>No change.</p>
<p>26. ATTENDANCE AT MEETINGS OF COMMITTEES AND SUB-COMMITTEES BY MEMBERS NOT MEMBERS OF THE COMMITTEE OR SUB-COMMITTEE</p> <p>26.1 A Member of the Council who is not a Member of a Committee or Sub-committee may attend and speak at a meeting of that Committee or Sub-committee when a matter affecting a ward he or she represents is under consideration.</p> <p>26.2 For the purposes of this Rule, a matter shall not be regarded as affecting a particular Ward if it affects the whole or a substantial part of the Borough in the same way.</p>	<p>No change</p>
<p>27. MOVER OF MOTION MAY ATTEND COMMITTEE OR SUB-COMMITTEE</p> <p>27.1 If the Council refers a motion to a Committee or Sub-committee of the Council the mover of that motion shall be given notice of the meeting which is to consider it and shall also have the right to attend the meeting and speak in support or explanation of the motion.</p>	<p>Rewritten without changing the sense.</p>
<p>28. PUBLIC QUESTIONS AT COMMITTEE MEETINGS</p>	

<p>28.1 The public may ask questions at Overview and Scrutiny Committees and Panels in accordance with arrangements published by the Overview and Scrutiny Committee.</p> <p>28.2 Members of the public may speak at Development Control Committee in respect of planning applications in accordance with arrangements published by the Committee.</p>	
<p>29. CONSIDERATION OF DRAFT PLANS AND STRATEGIES</p>	<p>This section of the current Rules does not relate to debates. It is though required by law and should be retained elsewhere in the Constitution</p>

Report of	Meeting	Date
Chief Executive as Returning Officer (Introduced by the Executive Leader)	Council	18/12/07

REVIEW OF POLLING DISTRICTS AND PLACES

PURPOSE OF REPORT

1. The purpose of this report is to inform members of the outcome of the recent review of polling districts and polling places.

RECOMMENDATION(S)

2. The following are recommended:
 - a) That the report be noted and the proposed changes approved.
 - b) That Polling Districts, Places and Stations are kept under constant review and any issues addressed as they arrive.
 - c) That any suggested changes to polling station locations be investigated and subsequently reported on.

EXECUTIVE SUMMARY OF REPORT

3. This report sets out the proposed changes to polling districts/places/stations and meets the requirements of the Electoral Administration Act 2006 that has formalised the way that reviews of polling districts and polling places are conducted.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. The proposals are considered to be the most suitable provisions for voters for future elections within the borough.

CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	✓
Improving equality of opportunity and life chance	✓	Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	

BACKGROUND

6. The Electoral Administration Act 2006 introduced a number of amendments to the Representation of the Peoples Act 1983 including the formalising of the way in which reviews of polling districts and polling stations are undertaken.

7. One aspect of this was that Local Authorities should have undertaken a review of all polling districts and polling places by 31st December 2007. Following on from this such a review must also be carried out every 4 years from this date. Therefore the next formal review will need to be completed by 31st December 2011.

8. For clarification,

- a) A polling district is a geographical sub-division of an electoral area, i.e. a division of a Parliamentary Constituency, a division of a European Parliamentary Constituency or for local government elections a division of a borough ward or county district.
- b) A polling place can be either an area or a building and some authorities designate entire polling districts as polling places so that it is easier for polling stations to be changed in the event of a building becoming unavailable. This is the situation in Chorley.
- c) A polling station is the actual area where the process of voting takes place and unless it is unavoidable the polling station should be located within the polling place designated for the polling district in question. In some circumstances, where a suitable polling station cannot be found then it is permissible to locate the polling station in the next most suitable location, even if this is within a different polling district or even a different borough ward.

9. Within Chorley polling districts and stations have been constantly reviewed in recent years. In 2003 boundary changes took place across the borough with a necessary review of polling districts at the same time. Elections in Chorley in 2003 and 2004 were pilot scheme elections negating the need for polling stations but since then changes have been introduced to both polling districts and polling station locations in 2005, 2006 and 2007. These changes resulted from feedback by Elected members, polling station staff and members of the public as well as being brought about by such issues as premises being no longer available and requests to use other premises instead of schools as

polling stations. It is intended that such interim reviews will continue to be made inside of the 4 yearly cycle of reviews required under the Electoral Administration Act 2006.

PROPOSALS

10. CLAYTON-LE-WOODS AND WHITTLE-LE-WOODS WARD

It is proposed that in this ward a new polling district be created for those properties on Buckshaw village. This would not involve any changes to the ward other than the creation of a polling district and register which would in then simplify plans for a separate polling station for this polling district. The actual location of the polling station is still to be determined.

The introduction of a new polling station here will have financial implications. These will include staff costs in running the station on the day (about £300) but in addition if no suitable existing facility is available then there may be the costs also of a mobile station that would be in the region of £800 - £1000.

11. CLAYTON-LE-WOODS NORTH WARD

From the last local government elections in 2007 it was identified that within this ward some streets were allocated to the wrong polling station. In order to rectify this it is necessary to move these properties from one polling district and register to another as follows:

- a) Move the properties in Clayton Villa Fold from 11C to 11A
- b) Move the properties in Camwood from 11A to 11C

Again this is primarily for voting purposes and has no other effects on the Ward or Polling Districts.

12. HEATH CHARNOCK AND RIVINGTON WARD

A request was received to consider a change of polling station from Rivington Primary School to the nearby Church Hall in order to prevent the school having to close on polling day. This proposal is to be investigated as to the suitability of the Hall as a polling station. This change will not affect the make up of the polling district concerned.

13. ADLINGTON AND ANDERTON

A request was received as to the possibility of having an additional polling station in this ward with St. Joseph’s school on Rothwell Road being suggested. The practicality and suitability of this will be investigated but again such a change will not affect the polling district.

IMPLICATIONS OF REPORT

14. This report has implications in the following areas and the relevant Corporate Directors’ comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	

Legal		No significant implications in this area	
-------	--	--	--

COMMENTS OF THE ASSISTANT CHIEF EXECUTIVE (BUSINESS AND TRANSFORMATION)

- 15. The potential costs are up to £1000, the 2008/09 budget will be adjusted accordingly to reflect the potential costs.

CORPORATE DIRECTOR NAME – DONNA HALL

CORPORATE DIRECTOR DESIGNATION – CHIEF EXECUTIVE (RETURNING OFFICER)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Phil. Davies	5131	27/11/07	***

Report of	Meeting	Date
Corporate Director of Governance	Council	18 December 2007

STATEMENT OF LICENSING POLICY – TRIENNIAL RENEWAL

PURPOSE OF REPORT

1. To ask Members to approve the tri-annual policy as required by the Licensing Act 2003.

RECOMMENDATION(S)

2. Members are asked to approve the amended policy.

EXECUTIVE SUMMARY OF REPORT

3. The Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every three years. The Policy must be published before the authority carries out any licensing function in relation to applications made under the Act. The Statement of Licensing Policy sets out factors that will be taken into account when determining applications under the Act.
4. The Council as licensing authority must have regard to the Secretary of State's guidance when making and publishing its policy. Departure from the guidance could give rise to an appeal or judicial review, and the reasons for so departing would be a key consideration for the court when considering the lawfulness and merits of any decision. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that they should be able to give reasons for departing from their published statement of licensing policy.
5. Were revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the local policy statement is inconsistent with the Guidance, for example during any consultation by the licensing authority. In these circumstances, the licensing authority should have regard, and give appropriate weight, to the Guidance and its own licensing policy statement.
6. The current licensing policy document has been regularly reviewed by the Licensing Section and minor alterations made to reflect any changes in legislation and the revised guidance issued by the Secretary of State on 28 June 2007. In accordance with the Cabinet Office Code of Practice the policy has been subject to consultation and an invitation to comment/amend has been circulated to the consultees listed in Appendix 4 to the draft Statement of Licensing Policy.

7. The period of consultation ended on 1 December 2007 and the only changes to the policy are of a minor nature and can be summarised as follows:

Paras

- 6.9 & 6.10 (best bar none and drink promotions);
- 10.5 (staff training);
- 11.3 (advertising at film performances);
- 14.8 & 14.9 (public health messages);
- 15.3 (planning and building control)
- 27.3 (temporary event notices);
- 30.1 & 30.3 (pavement café design guide).

All representations made following the consultation are available for inspection at the Licensing Office.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

8. It is a requirement for the Council to publish its Statement of Licensing Policy every three years, the next period of three years commencing on 7 January 2008.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. Officers have considered the changes suggested by consultees and have incorporated all suggestions in the draft policy. The option of not including the changes has been considered and rejected.

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities	4	Ensure Chorley is a performing Organisation	4

BACKGROUND

11. The current Statement of Licensing Policy will last until 6 January 2008. In accordance with the Licensing Act 2003 a new Statement of Licensing Policy must commence on 7 January 2008 following the consultation period described previously in this report.

IMPLICATIONS OF REPORT

12. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

13. The renewal of the Council's Statement of Licensing Policy is a legal requirement and must take effect from 7 January 2008.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

Background Papers			
Document	Date	File	Place of Inspection
Current Statement of Licensing Policy	January 2005		Licensing Office
Guidance issued under Section 182 of the Licensing Act 2003			Licensing Office
Draft Statement of Licensing Policy	January 2008		Attached to report
Representations made following consultation	September to December 2007		Licensing Office

Report Author	Ext	Date	Doc ID
Keith Ogden	5726	3 December 2007	LEGREP/0312LM1

This page is intentionally left blank



Statement of Licensing Policy

For 3 year period commencing 7 January 2008



www.chorley.gov.uk

Sept 2007

F:\Policy's\Licensing Policy for
2008\LICENSING POLICY DRAFT
- Revised Sept 2007.doc

CONTENTS

Paragraph

1. Executive Summary
2. Licensing Objectives
3. Licensable Activities
4. Consultation Process
5. General Principles

6. Crime & Disorder
7. Licensing Hours
8. Cumulative Impact
9. Saturation Controls
10. Protection of Children from Harm
11. Children and Cinemas
12. Children and Public Entertainment
13. Prevention of Public Nuisance
14. Public Safety

15. Planning
16. Building Control
17. Statutory Requirements
18. Disability Discrimination Act 1995
19. Human Rights Act 1998
20. Other Strategies
21. Enforcement
22. Live Music, Dancing and Theatre
23. Promotion of Racial Equality
24. Byelaws for Temporary Structures

25. Personal Licences
26. Designated Premises Supervisor
27. Premises Licence
28. Operating Schedule
29. Entertainment of an Adult or Sexual Nature
30. Tables and Chairs outside Premises
31. Private Events
32. Incidental Music
33. Applications for new or major variations
34. Applications for Transfers
35. Club Premises Certificates
36. Late Night Refreshment
37. Provisional Statements
38. Interim Authorities
39. Temporary Event Notices

40. Relevant, Frivolous and Vexatious Representations
41. Reviews
42. Administration, Exercise and Delegation of Finance
43. Appeals
44. Policy Review
45. Procedural Requirements Relating to the Hearing of Applications
46. Advice and Guidance

APPENDICES

Page No

37	Appendix 1	Map of Area
38	Appendix 2	Glossary of Terms
41	Appendix 3	Pool of Standard Conditions
65	Appendix 4	List of Consultees
66	Appendix 5	Protocol with Lancashire Fire and Rescue
71	Appendix 6	Responsible Authorities

The Borough of Chorley

The Borough of Chorley is set in attractive countryside between the West Pennine Moors and the Lancashire Plain. It has been an important market and trading centre since medieval times. Its location at the centre of the North West and its excellent road and rail links has meant that we have been able to develop a thriving economic base without sacrificing the appeal of rural life.

The Borough has a population of just over 100,000 and extends over an area of 80 square miles. It has a workforce of around 49,000 and attracts some three million visitors a year. Two wards are eligible for Transitional Area funding. Independent research has shown that the general quality of life in Chorley is 20% better than the average for the UK. As such Chorley stands out as one of the top 15 districts to live in the whole of the North of England, with low unemployment, high owner-occupancy, and academic achievement above average. Property prices in many parts of the Borough are very reasonable. A map of the area is given at Appendix 1

Because of its position on the edge of the West Pennine Moors, the informal leisure and recreation opportunities in Chorley are superb and England's longest canal, the Leeds and Liverpool, winds its way through the Borough, with facilities for boating and other activities along the route. The Borough also has four leisure centres and four golf courses, not to mention numerous public parks and open spaces. Other attractions include Hoghton Tower, an historic fortified hill top mansion, and Camelot Theme Park, where Arthurian jousting tournaments are held alongside thrilling white knuckle rides.

Chorley is just a short distance from the coast and within easy reach of the Lake District and Yorkshire Dales. The commercial, shopping, cultural and sporting attractions of the regional capital of Manchester are close by and there is a frequent direct train service to the city and also to Manchester International Airport.

The town of Chorley itself is famous locally for its "Flat Iron" and covered markets. The weekly Flat Iron market, originating from 1498, developed from an agricultural produce market into one of the best open-air markets in the North West. Throughout the Borough, several craft galleries and antiques markets can be found and in the Town Centre there is the Market Walk shopping complex which features many high street names.

There are approximately 377 premises licensed to sell alcohol ranging from off licences to public houses, members only clubs, restaurants and night clubs.

The Council's vision in its cultural strategy is to improve the economic viability for performing artists and local creative industries. The Council aims to extend and develop opportunities for the culture and leisure sectors that will help sustain regular employment. The Council aims to assist through helping promote and market creative events locally, regionally and nationally, by working with cultural and leisure employers to raise the profile of the sector, assisting with the training needs of artists and developing a festival programme to celebrate local talent. The Council recognises that local pubs and clubs provide a valuable training ground for musicians and performers as well as providing a support network for young artists.

The Council wishes for this to continue and develop. The challenge for the future is to find more creative and innovative ways to develop partnership working to produce more exciting and dynamic cultural experiences for customers and visitors alike.

The Council seeks to maintain a balance between the business operating in its area, the residents living within its area and cultural, entertainment and tourist interests. Full consideration has been given to all these issues in formulating this Policy Statement.

1. EXECUTIVE SUMMARY

- 1.1 The Licensing Act 2003 (“the Act”) introduces a new licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Act imposes a statutory duty on Chorley Borough Council (“the Council”) to produce a statement of licensing policy for a three year period, beginning with such day as the Secretary of State may by order appoint and each subsequent period of 3 years . The next subsequent period of 3 years will commence on 7 January 2008. A Glossary of terms is given at Appendix 2.
- 1.3 This document sets out the Council’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 The aim of this policy is to set out how the Licensing Objectives will be achieved and to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Council in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the Borough. However, the Council also recognises that balancing these interests will not always be straight forward and it will be guided by the four licensing objectives as set out in this policy.
- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, the Council in adopting this policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises. It is also committed to partnership working with police, fire, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Council 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. The Council may deviate from the guidance but would need good reasons, which it can justify, to do so.
- 1.8 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences) the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshment (premises licence), the supply of alcohol or the provision of regulated entertainment to certain clubs (club premises certificates) and the holding of certain licensable activities on a temporary basis (temporary event notices).
- 1.9 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. It also includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

2. LICENSING OBJECTIVES

- 2.1 The Act requires the Council to carry out its licensing function so as to promote the four licensing objectives:

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

2.2 Accordingly, the Council has prepared its statement of licensing policy in accordance with these objectives.

2.3 Each of the licensing objectives is of equal importance for the purposes of this policy.

2.4 This policy statement is designed to deal with matters within the control of the licensee. It focuses on the premises in which each business is carried on and the effect that has on members of the public living, working or engaged in normal activity in the vicinity.

2.5 Licensing law is not envisaged by the Licensing Authority as a mechanism to control anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Therefore any terms and conditions imposed will be focused on matters within the control of individual Licensees and others granted relevant permissions. These matters will centre on the premises and places used for licensable activities and in the vicinity of the places.

2.6 The Licensing Authority considers that every holder of a licence, certificate or permission and designated premises supervisor is responsible for minimising the impact of their activities and anti-social behaviour by their customers within the vicinity of their premises.

3. LICENSABLE ACTIVITIES

3.1 The policy relates to the following activities that are required to be licensed under the Act:

- retail sale of alcohol (including via the internet or mail order)
- wholesale of alcohol to the public
- supply of alcohol or provision of regulated entertainment to members of a registered club
- provision of regulated entertainment to the public or with a view to a profit
- a theatrical performance
- a film exhibition
- an indoor sporting event
- boxing or wrestling matches
- live music performers
- playing of recorded music (except incidental music)
- dance performances
- entertainment of similar descriptions
- provision of facilities for making music
- provision of dancing facilities
- supply of hot food between 11.00pm and 5.00am (late night refreshment)

4. CONSULTATION PROCESS

4.1 This policy statement has been developed after proper consultation with statutory consultees, as required by the Act together with other interested parties. A list of consultees is attached as Appendix 5.

4.2 This policy has not been developed in isolation. It has been developed in conjunction with Lancashire Authorities and takes account of the position in adjoining Authorities whilst being specifically tailored to the needs of the area of the Council.

4.3 The Licensing Authority shall also endeavour to continue to work with Lancashire Authorities to ensure a consistent approach is taken to licensing matters whilst continuing to respect the differing needs of the individual communities within the County.

5. GENERAL PRINCIPLES

5.1 Each application will be determined on its individual merits.

5.2 The policy will not seek to introduce 'zones' or staggered closing times within the Borough where specific activities are concentrated. In general terms, a flexible approach will be adopted and arbitrary restrictions avoided.

5.3 The policy will not fix the hours during which alcohol can be sold. The Licensing Authority considers that stricter controls regarding noise nuisance may be necessary in more densely populated areas. The grant of a licence will be dependent on the impact of an activity on the licensing objectives.

5.4 In general, the Licensing Authority considers that the shops, stores and supermarkets should be able to sell alcohol for consumption off the premises during the hours they are normally open for trade. However, where representations have been received identifying premises as a focus for disorder and disturbance, the Licensing Authority may consider it appropriate to impose limitations..

5.5 The policy does not seek to regulate matters provided for in any other legislation e.g. planning, employment rights, health and safety, fire safety.

5.6 The Licensing Authority would encourage licence holders to provide a wide range of entertainment activities throughout their opening hours and to promote activities which provide a wider cultural benefit for the community.

5.7 The Licensing Authority will also encourage the Council to seek premises licences for Council owned facilities and public spaces. In this way, performers and entertainers will be able to seek permission to use them from the relevant council department. The Licensing Authority will consider such applications from a neutral standpoint and will balance the potential for limited disturbance in neighbourhoods against the wider benefits for the community.

5.8 The Licensing Authority recognises that conditions can only be imposed if relevant representations are made. In the absence of such representations, licences must be granted subject only to those conditions consistent with the operating schedule and the mandatory conditions.

5.9 The Licensing Authority will not impose conditions relating to the promotion of price fixing. If relevant representations are received which relate to irresponsible drinks promotions undermining the licensing objectives then a review of the premises licence will be undertaken. In these circumstances the Licensing Authority may consider the imposition of a condition prohibiting irresponsible sales or the discounting of prices of alcoholic beverages.

6. CRIME AND DISORDER

- 6.1 Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems.
- 6.2 The Council is committed to reducing crime and disorder across the Borough through its statutory duty under the Crime and Disorder Act 1998 and the Community Safety Strategy. Statistics from the Community Safety Partnership regarding Crime and Disorder in the Licensing Authority area are given in Appendix 4.
- 6.3 The Community Safety Partnership will regularly monitor and review crime statistics within the Borough and their association with alcohol and provide reports to the Licensing Authority where appropriate. The Licensing Authority will give due consideration to any submissions made concerning the impact on crime and disorder of alcohol related problems. The Council may review this Policy where it considers it appropriate to do so.
- 6.4 The Council will have particular regard to the likely impact on licensing of related crime and disorder in the Borough particularly when considering the location, impact and the operation and management of all proposed licensed premises and applications for variations.
- 6.5 The promotion of the crime and disorder licensing objective, places a responsibility on licence holders to try and achieve this objective. Applicants will therefore be required to address, in their operating schedules, where appropriate, those measures that have been identified and will be implemented and/ or maintained to reduce or prevent crime and disorder in the vicinity of their premises. The Licensing Authority considers that best practice will be exemplified by the night safe initiative and would recommend that licence holders join this initiative.
- 6.6 Where relevant representations are received on the crime and disorder objective, the Licensing Authority may have regard to the following where relevant: (though this is not an exhaustive list) :
- crime prevention measures
 - physical security features installed in the premises, (this may include CCTV both inside and outside the premises, where alcohol is stored in relation to off licences, the use of toughened drinking glasses).
 - weapon detection and search facilities.
 - procedures for risk assessing promotions and events such as 'happy hours', drinks promotions, for the potential to cause crime and disorder, and the plans to minimising such risks.
 - adoption of best practice guidance in relation to safer clubbing guide
 - measures to prevent the use or supply of illegal drugs including search and entry policies
 - employment of licensed door supervisors
 - participation in other appropriate schemes e.g. pub watch scheme
 - measures to be taken for the prevention of violence or disorder.
- 6.7 The Licensing Authority where relevant representations are made, will consider attaching conditions to deter and prevent crime and disorder, if appropriate and necessary and these may include conditions from the model pool of conditions at Appendix 3. Certain premises may be required to install CCTV system to an evidential standard should the Council be satisfied it is necessary and /or appropriate to meet the licensing objectives.

- 6.8 The Council reserves its right to use its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder objectives.
- 6.9 Lancashire Constabulary operate a Best Bar None accreditation scheme. This promotes the development and operation of well-managed night time venues and incorporates multi-agency inspections. The licensing authority recognises the benefits of accreditation and encourages premises to apply.
- 6.10 It is advisable that licensed premises have procedures in place for risk assessing drinks promotions and events such as 'happy hours' on the basis of preventing crime and disorder.

7. LICENSING HOURS

- 7.1 The policy recognises that longer (more flexible) licensing hours can contribute to easing crime and disorder problems by ensuring that concentrations of customers leaving premises simultaneously are avoided thus helping to reduce friction at taxi ranks, private hire offices, fast food outlets etc.
- 7.2 Individual applications will be considered on their merits and in general terms a flexible approach will be adopted. Fixed predetermined closing times for particular areas will not form part of the policy and restrictions on trading hours will be considered only where necessary to meet the licensing objectives. The four licensing objectives will be paramount considerations at all times.
- 7.3 The Licensing Authority, however, considers that the risk to disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning as the ambient noise levels will be lower. The Licensing Authority may impose stricter conditions with regard to noise control in areas which have denser residential accommodation but each premises will be considered on its individual merits.
- 7.4 The Licensing Authority recognises that in principle shops, stores off licences and supermarkets selling alcohol should generally be permitted to match the hours during which they sell alcohol with their normal trading hours except where relevant representations have identified a particular outlet as a focus for disorder and disturbance. In such circumstances, the Licensing Authority may consider it necessary and /or appropriate to impose limitations on opening hours as one mechanism of combating such problems.
- 7.5 The Licensing Authority also recognises the principle of 24 hour opening of all licensed premises. However, it considers that longer opening hours may be more acceptable in commercial areas with high levels of public transport. The grant of a licence, will in all cases be dependent on the impact of an activity in relation to the licensing objectives.
- 7.6 Where relevant representations are received, the Licensing Authority may have regard to the following where relevant (though this is a non exhaustive list);
- the nature of the area where the premises are located (e.g. commercial, residential)
 - arrangements to ensure adequate availability of taxis and private hire vehicles, public transport.
 - whether appropriate car parking is readily accessible to premises and whether the use/parking of vehicles would cause a demonstrable adverse impact on the amenity of residents.
 - whether the licensable activities are likely to cause adverse impact especially on local residents and whether appropriate measures will be put in place to prevent any adverse impact

- in relation to the grant of a new premises licence whether the premises will give rise to a negative cumulative impact on one or more of the licensing objectives

In assessing the impact of the activity proposed the Licensing Authority may consider a number of factors inter alia,

- the type and scale of activity, the number and nature of clientele likely to attend.
- the levels of noise from the premises, which may be acceptable later in the evening.
- the proposed hours of operation
- the levels of public transport accessibility for customers and the likely means of public or private transport that will be used, access to private hire/taxi's
- the means of access to the premises e.g. whether on principal pedestrian routes.
- the level of car parking demand on surrounding residential streets and its effect on local residents, and movement of traffic.
- the cumulative impact of licensed premises in an area and scope for mitigation.
- frequency of the activity.

Operating Schedules to set out the measures to be taken to ensure that the licensing objectives are addressed. Applicants are also referred paragraph 6.6.

8. CUMULATIVE IMPACT

- 8.1 The Licensing Authority will not seek to limit the number of licensed premises that will be permitted because it considers that there are already enough licensed premises to satisfy demand. The "need" for a particular venue is a matter which will be governed by commercial demand and throughout the council's planning powers. Therefore the "need" for a venue is not a matter to be addressed in this policy statement.
- 8.2 In areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. Where this occurs it has been described as the cumulative impact on the licensing objectives of a large concentration of licensed premises in one part of the Licensing Authority's area. It is therefore possible that the impact on the surrounding areas by the behaviour of customers taken together is greater than the usual impact from customers of individual premises.
- 8.3 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority may take into account, when considering any licence application, if a relevant representation is made.
- 8.4 The Licensing Authority may receive representations from a responsible authority or interested party, indicating that the cumulative effect of new licences is leading to an area becoming saturated with premises of a certain type. Thus leading to exceptional problems of nuisance or disorder in the area, or some distance from the licensed premises. The Licensing Authority may consider whether the grant of further licences would undermine one or more of the licensing objectives. However, the Licensing Authority will always consider the individual merits of an application.
- 8.5 The Licensing Authority will, in such circumstances, not operate a quota of any kind, which would restrict the consideration of any application on its individual merits, nor will it seek to impose general limitations on trading hours in particular areas. The Licensing Authority will give due regard to the individual characteristics of the premises concerned within a given area (as it is recognised that licensed premises have contrasting styles and characteristics) and the impact that the premises is likely to have on the local community.

9. SATURATION CONTROLS

- 9.1 Where the Council considers that an area has become saturated with licensed premises it may adopt a “Special Policy” for that particular area and thus refuse licences in that area. However, the Council will consider each application on its individual merits and additional licences may be approved, if it is considered that such an application is unlikely to add significantly to such saturation.
- 9.2 In determining whether to adopt a Special Policy within this statement of licensing policy, the Council will follow the steps outlined below:
- identification of concern about crime and disorder or public nuisance
 - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent.
 - consultation with those specified by section 5 (3) of the Act as part of the general consultation required in respect of the whole statement of licensing policy
 - subject to that consultation, inclusion of a special policy about future premises licences or club premises certificate applications from that area within the terms of this Guidance in the Statement of Licensing Policy
 - publication of the special policy as part of the statement of licensing policy .
- 9.3 It is not currently anticipated that a special policy will be required. However, the absence of a special policy does not prevent any responsible authority or interested party making representations on an application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

10. PROTECTION OF CHILDREN FROM HARM

- 10.1 The policy does not seek to prevent or limit the access of children to licensed premises unless it is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority is committed to protecting children from harm and activities associated with premises that sell alcohol or provide regulated entertainment, may in certain circumstances, give rise to concerns for the health and welfare of children. For the purpose of this Policy, a ‘child’ is defined as any person who is under the age of 16
- 10.2 The Licensing Authority will not impose any conditions that specifically require access of children to premises and where no limitation is imposed this should remain a matter for the individual licence holder or club premises certificate holder. The Licensing Authority will consider the individual merits of each application. However, the Licensing Authority will have particular concern in respect of children :
- where there have been convictions of the current management for serving alcohol to minors or those where there is a reputation of under age drinking.
 - where there is reputation of drug taking or dealing.
 - where there is a strong element of gambling on the premises.(but not for example, the simple presence of a small number of cash prize gaming machines)
 - where entertainment of an adult or sexual nature is provided (see paragraph 29 for additional information).
 - where the supply of alcohol is the exclusive or primary purpose of the services provided at the premises.

- 10.3 The Licensing Authority, in such circumstances as outlined above, may consider it necessary to impose a complete prohibition; it is envisaged that this would be rarely imposed. The Licensing Authority would normally be likely to impose requirements such as:
- limitations on the hours when children may be present.
 - age limitations for persons under 18
 - limitations or exclusions when certain activities are taking place
 - requirements for accompanying adults
 - limitations of access to certain parts of the premises when particular licensable activities are taking place
 - provision of suitable signage
 - such other conditions or restrictions as may be necessary to achieve the licensing objectives.
- 10.4 Licensees are not to provide alcohol except as provided for by the Act. The Council expects applicants to consider child access in their operating schedules and volunteer appropriate conditions where relevant. The Council recommends that the following documents should be used as evidence of age:
- Passport
 - Photo Card Driving licence issued in the European Union
 - Proof of Age Scheme Card and schemes which carry the Proof of Age Standard Scheme logo
 - Citizen Card supported by the Home Office
 - Official ID Card issued by HM Forces or a European Union Country bearing a photograph and date of birth of the holder.
- 10.5 It is best practice for all staff to receive training on how to refuse under age sales of alcohol.
- 10.6 The Licensing Authority requires applicants to consider, where relevant, those factors that impact on the protection of children objective, and identify where necessary and appropriate, suitable measures to promote this objective. Applicants may wish to consider, where appropriate:
- arrangements to prevent children acquiring or consuming alcohol
 - arrangements to prevent children being exposed to drugs, drug taking, or drug dealing
 - arrangements to prevent children being exposed to gambling, or activities of an adult or sexual nature
 - steps to be taken to prevent children being exposed to violence or disorder
 - arrangements for training staff in relation to the protection of children
 - steps to be taken to prevent children purchasing cigarettes from vending machines and preventing access to Amusement with Prize Machines (except in accordance with the Gaming Legislation).
- 10.7 Applicants may volunteer prohibitions and restrictions on their Operating Schedules as a result of their own risk assessments determining that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate. The Licensing Authority may impose conditions where relevant representations are made if it considers it necessary and/or appropriate including those drawn from the Model Pool of Conditions shown at in Appendix 3.

- 10.8 The Licensing Authority will also expect applicants, where relevant, to consider how they intend to provide for the supervision of children as unaccompanied customers and as performers providing regulated entertainment. Licence holders should give consideration to the welfare of children as performers in such cases. As a minimum requirement the Licensing Authority will require an adult to be nominated to be responsible for such child performers.
- 10.9 Where large numbers of unaccompanied children are to be present e.g. children's show or pantomime, conditions may be imposed, where relevant representations are received, requiring the presence of an appropriate number of adult staff to ensure public safety and protection of children from harm. The Licensing Authority requires applicants to address those matters in their operating schedules. See paragraph 12.1 for further guidance.
- 10.10 The Licensing Authority recognises Lancashire County Council Social Services Department or a future body with the relevant legislative functions of a social services department as being competent to advise on matters relating to the protection of children from harm.

11. CHILDREN AND CINEMAS

- 11.1 Where the exhibition of films is permitted the Licensing Authority requires admission to children to be restricted in accordance with the British Board of Film Classification (BBFC) or any other body designated under section 4 of the Video Recordings Act 1984 .
- 11.2 Where it is proposed to exhibit films not classified by the BBFC, the Licensing Authority will, provided 28 days notice has been given, classify the films concerned using the guidelines published by the BBFC.
- 11.3 Where a film is shown that has an age restriction, advertisements before and after the film will not publicise age-restricted products that cannot be legally purchased by young people watching the film

12 CHILDREN AND PUBLIC ENTERTAINMENT

- 12.1 Where there is entertainment specifically provided for children (e.g. children's disco) the Licensing Authority would recommend as a minimum:
- an adult member of staff to be stationed in the vicinity of each of the exits, a minimum of one member of staff per 50 children or part thereof
 - no standing to be permitted in any part of an auditorium during the performance
 - no child unless accompanied by an adult to be permitted in the front row of any balcony.
- 12.2 Where relevant representations are made, the Licensing Authority may, if it considers it necessary and/or appropriate attach conditions to licences and permissions to prevent harm to children, these may include those drawn from the Model Pool of Conditions at Appendix 3 relating to the Protection of Children from Harm.

13. PREVENTION OF PUBLIC NUISANCE

- 13.1 Licensed premises have significant potential to adversely impact on communities through public nuisances arising from their operation.

- 13.2 The Licensing Authority is aware of the importance of the licensed trade to the local economy as well as in cultural and social terms. The Licensing Authority is also concerned to protect the amenity of residents and businesses in the vicinity of licensed premises. 'Vicinity' is not defined in the Act or Guidance issued by the Secretary of State. Whether or not incidents can be regarded as 'in the vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of the case.
- 13.3 The Licensing Authority will interpret 'public nuisance' in its widest sense and include such matters as noise emanating from the premises, light, litter, odour and anti social behaviour where these matters impact on those living or working in an area.
- 13.4 Activities that involve public entertainment, drinking or eating, have the potential to impact adversely on their surrounding areas due to noise, litter, and odours. There is also the potential for disturbance caused by those attending licensable activities. Late at night the impact of licensed activities is likely to be more objectionable to residents living close to a licensed activity, as the ambient noise levels are often lower so noise disturbance becomes more noticeable.
- 13.5 The policy allows for later opening hours except where there will be an adverse impact on the licensing objectives. In general the Licensing Authority will expect more comprehensive measures to be proposed at late night venues and/or where there has been a history of public nuisance.
- 13.6 On receipt of relevant representations, the Licensing Authority will assess the likelihood of it causing an adverse impact, by generally considering the following factors where relevant:
- the location of the premises (in particular proximity to residential and other noise sensitive premises, e.g. hospitals, nursing homes, hospices and places of worship).
 - the type of activities, the number and nature of clientele likely to attend at the time of the application
 - the proposed hours of operation
 - levels of public transport accessibility for customers either arriving or leaving the premises (including taxis and private hire)
 - means of access to premises (whether on principal pedestrian routes)
 - the level of car parking demand on any surrounding residential streets and its effect on local residents
 - the cumulative impact on licensed premises in an area
 - the scope for mitigating an impact i.e. CCTV, door supervisors
 - the frequency of an activity
 - the design and layout of the premises
 - measures taken or proposed to be taken to prevent noise or vibration escaping from the premises e.g. sound proofing, air conditioning and sound limitation devices.
 - measures taken to prevent unreasonable disturbance by customers/staff arriving and leaving the premises, goods deliveries etc.
 - measures taken to lessen the impact of parking in the vicinity.
 - control of operating hours for all or parts of the premises (e.g. gardens, last admission times and 'wind down' periods).
 - measures to be taken to prevent drunkenness on the premises
 - measures to ensure collection and disposal of litter and waste outside their premises.

- 13.7 The Licensing Authority when considering an application will take into account previous substantiated nuisance complaints particularly when a statutory notice has been served. Applicants may wish to have regard to the Good Practice Guide on the Control of Noise from Pubs & Clubs produced by the Institute of Acoustics and the British Beer and Pub Association
- 13.8 On receipt of relevant representations, the Licensing Authority, where it considers it necessary and/or appropriate may attach conditions to a licence to prevent public nuisance including those drawn from the Model Pool of Conditions - see Appendix 3. In particular, it may attach a condition requiring the use of door supervisors licensed by the Security Industry Authority.
- 13.9 The Licensing Authority requires Operating Schedules, where relevant to satisfactorily address the issue of public nuisance.
- 13.10 The Licensing Authority would also recommend applicants highlight local public transport links and taxi and private hire services within their premises, (including agreeing arrangements with nominated taxi and private hire firms for dropping off and collecting customers).
- 13.11 The Licensing Authority, will in accordance with the Guidance, focus on matters within the control of the individual Licence holder. The Licensing Authority accepts that the difficulty that a licence holders has in preventing anti-social behaviour by individuals once they are beyond the direct control of the Licence holder. However, the licensing objection of preventing public nuisance will not be achieved if customers from a premises regularly conduct themselves in an anti social manner to the detriment of local residents or businesses. In addition, the Council has a duty to do all it can to prevent crime and disorder in the Borough under the Crime & Disorder Act 1998.
- 13.12 The Licensing Authority's aim is to achieve a balanced approach to these difficult issues.

14. PUBLIC SAFETY

- 14.1 The Licensing Authority considers that members of the public when visiting licensed premises, have a right to expect that due consideration has been given to public safety. The Licensing Authority notes that the public safety objective is concerned with the physical safety of people using premises and not with public health which is dealt with in other legislation.
- 14.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in partnership with Lancashire Police, Lancashire Fire & Rescue and Licence Holders.
- 14.3 Applicants should carefully consider the safety of the premises having regard to the licensable activities that are proposed and to address in the operating schedule, where relevant, how public safety will be achieved. Such measures may include, where relevant to the premises:
- the occupancy capacity of the premises
 - age, design and layout of the premises including means of escape
 - nature of the licensable activities to be provided, in particular the sale and supply of alcohol
 - hours of operation
 - customer profile (e.g. age)
 - use of special effects e.g. lasers, pyrotechnics, smoke/foam machines.

- 14.4 The Act requires a plan of the premises to be supplied with operating schedules showing prescribed information.
- The Licensing Authority will take notice of a health and safety risk assessment submitted with an operating schedule.
- 14.5 All licensed premises will be risk related according to a Protocol agreed with Lancashire Fire and Rescue. Inspections will be carried out by Lancashire Fire & Rescue in accordance with the Protocol. A copy is attached at Appendix 6.
- 14.6 The Licensing Authority may inspect premises where it considers it appropriate on public safety grounds.
- 14.7 On receipt of relevant representations the Licensing Authority may, where it considers it necessary and/or appropriate, impose conditions to secure the public safety objective including those drawn from the Model Pool of Conditions attached at Appendix 3. Any conditions imposed will relate to the particular circumstances of the individual premises and will not duplicate other requirements of the law.
- 14.8 It is recommended that all premises licensed to sell alcohol display materials regarding the benefits of safe drinking.
- 14.9 It is advisable that alcohol licensed premises promote the safety of the public after they leave the premises by providing public health messages on the premises, addressing issues such as getting home safely, sexual health etc.

OTHER REGULATORY SYSTEMS

15. PLANNING CONTROL

- 15.1 Care will be taken to ensure that there is a separation of the planning and licensing regimes and that licensing applications should not be a re-run of the planning application.
- 15.2 Planning permission is usually required for the establishment of new premises and the change of use of premises.
- 15.3 In some cases where an application is made for a licence the planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore a new application is often not required. However, the following points must be made:
- Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
 - The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

- The granting by a licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

15.4 In general, the Licensing Authority acknowledges that applicants may seek a provisional statement without having first obtained planning permission. The Licensing Authority will issue Provisional statements in accordance with the Act.

15.5 The Licensing Authority will ensure that reports are sent from the Licensing Act 2003 Committee to the Development Control Committee and Head of Planning services advising them of the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder to assist them in their decision making.

16. BUILDING CONTROL

16.1 The building regulations cover a variety of issues including means of escape in case of fire, emergency lighting, structural integrity, accessibility, sanitary accommodation and public safety. The granting by the Licensing Authority of any new licence, certificate or variation to an existing licence under the Act that involves a new building or an extension, change of use or structural alteration to a building does not relieve the applicant of the need to seek Building Regulation approval.

17. STATUTORY REQUIREMENTS

17.1 The Council has responsibilities for health and safety including food safety and nuisance control. The Council also has general statutory duties relating to crime and disorder, human rights and disability discrimination.

18. DISABILITY DISCRIMINATION ACT 1995

18.1 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered against disabled people in areas of employment, access to goods, facilities and services, and the management, buying or renting of land and property. For service providers such as Licensees:

- since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability.
- since October 1999 they have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services
- from October 2004 they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

19. HUMAN RIGHTS ACT 1998

19.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention Rights:

- **Article 6:** that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;
- **Article 8:** that everyone has the right to respect for his home and family life;
- **Article 1 of the First Protocol:** that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

20. OTHER STRATEGIES

- 20.1 There are many stakeholders in the leisure industry. Many are involved directly or indirectly in the promotion of the licensing objectives. Many of their strategies deal in part with the licensing function and the Licensing Authority will establish proper liaison arrangements to ensure proper integration of strategies and seek to reflect the aims of those strategies and plans when exercising its licensing function.
- 20.2 The Licensing Act 2003 Committee will receive, when appropriate reports on the needs of the local tourist economy and cultural strategy to ensure that these are reflected in their considerations. In addition the Licensing Act 2003 Committee will be appraised of the employment situation in their area and the need for new investment where appropriate.
- 20.3 Applicants for licences will be encouraged to have taken local crime prevention strategies, planning and transportation and tourism and cultural policies, into account when determining their operating schedules.
- 20.4 The Alcohol Harm Reduction Strategy identifies initiatives and priorities which may help promote one or more of the Licensing Objectives. The Licensing Authority is committed to working in partnership with relevant agencies such as the Primary Care Trust regarding this strategy and health action plans.
- 20.5 The Licensing Act 2003 Committee will report to and receive reports from such other committees and panels of the Council and external appropriate bodies in order to monitor the impact of this Policy on the licensing objectives.

21. ENFORCEMENT

- 21.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.
- 21.2 Enforcement, where necessary, will be taken in accordance with the principles of the Enforcement Concordat and due regard will be given to the Hampton Principles of inspection and enforcement. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 21.3 Enforcement will be targeted at problem and high risk premises which require greater attention while a lighter touch will be applied in respect of low risk premises which are shown to be well managed and maintained.
- 21.4 The Licensing Authority will work closely with the appropriate agencies to establish protocols to ensure an efficient deployment of Police, Fire and Rescue and Council Officers in enforcing relevant legislation.

- 21.5 The Council will take account of its powers to make a closure order under the provisions of the Anti Social behaviour Act 2003 where it reasonably believes there is a public nuisance being caused by premises and the closure is necessary to prevent that nuisance and will also take account of any additional powers such as those introduced under The Violent Crime Reduction Act 2006, The Health Act 2006 and the Clean Neighbourhoods and Environment Act 2005.

LIVE MUSIC, DANCING AND THEATRE

- 22.1 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage and promote a wide range of entertainment, particularly live music, dance and theatre for the wider cultural benefit of the community, particularly for children.
- 22.2 The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the wider cultural benefits.
- 22.3 Consideration will be given to the particular characteristics of any event including the type and scale of the proposed entertainment especially where limited disturbance only may be caused.
- 22.4 The Licensing Authority will avoid measures that deter entertainment. The Licensing Authority recognises that live music and dance performances are central to the development of a cultural diversity and vibrant and exciting communities. The Licensing Authority acknowledges that the absence of a cultural provision in any area can lead to young people being diverted into anti-social activities that damage communities as well as themselves.
- 22.5 On receipt of relevant representations the Licensing Authority may attach conditions that are reasonable, proportionate and necessary for the promotion of the licensing objectives. The Licensing Authority will monitor the impact of licensing on regulated entertainment in the Borough. If there is evidence that licensing requirements deter such activities, the Licensing Authority will review this policy.

22. PROMOTION OF RACIAL EQUALITY

- 23.1 This policy recognises that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.
- 23.2 The policy also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for only adverse impact on the promotion of race equality.
- 23.3 The Licensing Authority, when determining licence applications, will have regard to the above legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

23. BYELAWS - TEMPORARY STRUCTURES

- 24.1 For the information of applicants, the Council has adopted the provisions of Section 35 of the County of Lancashire Act 1980, which relate to temporary structures. Applicants will still be required to comply with byelaws made under Section 35 of the County of Lancashire Act 1980 in relation to temporary structures eg. marquees.

25 PERSONAL LICENCES

- 25.1 If an applicant has a relevant conviction, as determined by the Act, the Police can oppose the application. If an objection is lodged by Lancashire Police due to a relevant conviction, the Licensing Authority will hold a hearing.
- 25.2 The Act requires applicants for a personal licence to produce a Criminal Record Bureau certificate to the Council. Applicants from foreign jurisdictions will be required to make a clear statement as to whether they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 25.3 The Licensing Authority, where relevant convictions exist, will consider carefully whether the grant of the licence will be in the interests of the Crime Prevention Objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will reject applications on the basis of relevant convictions only where it considers it necessary to promote the licensing objectives.
- 25.4 The above paragraphs also apply where a notice of objection has been made by Lancashire Police to vary a premises licence covering the sales of alcohol by specifying a new designated premises supervisor.

26. DESIGNATED PREMISES SUPERVISORS

- 26.1 The main purpose of the designated premises supervisor is to ensure that there is one specified individual, who can be readily identified at the premises where a premises licence is in force. The premises licence holder would normally have given that person the day to day responsibility for running the premises.
- 26.2 Lancashire Police are able to object to the designation of a new designated premises supervisor where, in exceptional circumstances, they believe the appointment would undermine the Crime Prevention objective as set out in the Act.
- 26.3 Where the police do object, the Licensing Authority will hold a hearing as required by the Act. The Act provides that the applicant may apply for the individual to take his post up immediately and in such cases, the issue will be whether the individual should be removed.

The Licensing Authority will confine their consideration to the issue of crime and disorder and give comprehensive reasons for their decision.

- 26.4 Where a designated premises supervisor is to be newly specified, the normal course of action will be for the premises licence holder to apply to the Licensing Authority (including an application for immediate effect). This should be accompanied by a form of consent by the individual concerned and, Lancashire Police must be notified of the application.

27. PREMISES LICENCE

- 27.1 An application can be made to the Licensing Authority for any place used for licensable activities or recognised club activities within its area and the application must be accompanied by:
- a) The required fee;
 - b) An Operating Schedule;
 - c) A plan of the premises; and
 - d) If it is intended to sell alcohol a form of consent given by the person the applicant wishes to have specified in the Premise Licence as the Premises Supervisor.

- 27.2 The Operating Schedule must include a statement of:
- a) The relevant licensable activities;
 - b) The time during which the applicant proposes that the relevant licensable activities are to take place;
 - c) Any other times during which the applicant proposes that the premises are to be open to the public;
 - d) Where the applicant wishes the licence to have effect for a limited period, that period;
 - e) Where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a copy of his or her Personal Licence;
 - f) Where the relevant licensable include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
 - g) The steps which the applicant proposes to take to promote the licensing objectives; and
 - h) Any other prescribed matters.
- 27.3 The Licensing Authority will not normally accept an application which includes unspecified times when licensable activities are to take place such as “twelve special events per year” as events can be specifically covered by Temporary Event Notices. (See Para 39)
- 27.4 In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the pool of model conditions attached at Appendix 3 and will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
- 27.5 Wholesale of Alcohol - Sales of alcohol made to traders for the purpose of their trade, holders of club premises certificates, premises licence holders, personal licences or premises users who have given temporary event notice are not licensable.
- 27.6 Where application is made for a premises licence involving Internet or mail order sales and the place where the sale of alcohol takes place is different from the place from which the alcohol is despatched/selected for the particular purchase, the sale is treated as being made at the premises from which the alcohol is selected/despatched.
- 27.7 The Act restricts the ability to use premises for the sale or supply of alcohol, if they are used as a service area or primarily as a garage or form part of premises which are primarily so used. Premises are used as a garage if they are used for one or more of the following:
- the retailing of petrol
 - the retailing of derv
 - the sale of motor vehicles
 - the maintenance of motor vehicles.
- The Licensing Authority will decide in the light of the facts whether or not any premises are used primarily as a garage. The Licensing Authority will adopt the approach approved by the Courts to establishing primary use based on the intensity of the use by customers of the premises.
- 27.8 Designated sports grounds are the subject of separate legislation with regard to health and safety and fire safety.

The Licensing Authority will limit consideration of applications for premises licences to those activities that are licensable under the Act and will not duplicate any conditions relating to health and safety and fire safety.

- 27.9 The Act applies to a vessel which is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed.

Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the Council will be concerned with the promotion of the licensing objectives on-board the vessel.

The Licensing Authority recognises that matters such as safe navigation, operation of the vessel, general safety of passengers and emergency provision are not within its remit. If the Maritime and Coastguard Agency is satisfied that the vessel complies with Merchant Shipping Standards for a passenger ship the premises will normally be accepted as meeting the public safety objective. The Licensing Authority will give particular weight to any representations made by the Maritime and Coastguard Agency in respect of other public safety aspects of the application.

- 27.10 Whilst alcohol may not be sold from a moving vehicle. However, applications may be made in respect of vehicles which are parked or stationary. Any permission granted in these circumstances will relate solely to the place where the vehicle is parked and where sales are to take place.
- 27.11 Where entertainment or entertainment facilities are provided on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked, such entertainment is not to be regarded as regulated entertainment for the purposes of the Act.
- 27.12 Games such as pool, darts, table tennis and billiards may fall within the definition of indoor sports under the Act. If played for the private enjoyment of the participants they would not normally constitute regulated entertainment and the facilities provided (even if provided for a profit) do not fall within the list of entertainment facilities. However, where such games take place in the presence of an audience and are provided to, at least in part, entertain that audience, that activity would become licensable.
- 27.13 Casinos and bingo clubs are the subject of separate legislation. When granting, varying or renewing licences authorising the sale of alcohol for consumption on the premises and/or the provision of regulated entertainment, the Licensing Authority will not duplicate any conditions imposed by the virtue of such legislation.

Where applicants wish to carry out licensing activities they will need to prepare and submit an operating schedule but in detailing the steps to be taken in promoting the licensing objectives, the applicant may refer to the statutory conditions imposed on his Gaming Licence where relevant. The Licensing Authority will not impose conditions that would prevent the licence holder complying with the requirements of the Gaming Act 1968.

28. OPERATING SCHEDULE

- 28.1 The Operating Schedule will form part of the completed application for a premises licence. The Operating Schedule should include all information that is necessary to enable any responsible authority or interested party to assess whether the steps taken to promote licensing objectives are satisfactory.
- 28.2 The Operating Schedule must include:

- the licensable activities to be conducted on the premises. It would be valuable to include a description of the style and character of the business, the type of dancing in broad terms (striptease or lap dancing must be disclosed), the type of music to be provided
- the times during which it is proposed that licensable activities are to take place
- any other times when the premises are open to the public
- where the licence is required only for a limited period, that period must be specified.
- where the licensable activities include the supply of alcohol, the name and address of the person specified as the Designated Premises Supervisor
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises (or both). If for consumption on the premises, the extent to which seating will be provided.
- the steps which the applicant proposes to take to promote the licensing objectives. Specific guidance on the licensing objectives can be found in sections paragraphs 6, 10-12, 13 and 14.

28.3 Applicants should have regard, when preparing Operating Schedules to this Statement of Licensing Policy. Applicants may find it sensible to seek the views of the key responsible authorities e.g. Police, Environmental Officers before formally submitting applications.

28.4 It is essential that applicants address in the Operating Schedule that measures for the protection of children from harm are precise and clear. Therefore plans for regulated entertainment of an adult nature or with sexual content should be detailed.

28.5 It is recommended that operating schedules will include proposals, where relevant to the operation, in relation to safer clubbing contained in the publication "Safer Clubbing".

28.6 Applicants are advised that the steps to be taken to promote the licensing objectives should be realistic and within the control of the applicant and management of the premises. If a licence is granted with conditions attached requiring the implementation of such steps, the conditions would be enforceable in law and it will be a criminal offence to fail to comply with them

29. ENTERTAINMENT/SERVICES OF AN ADULT OR SEXUAL NATURE

29.1 Where the activities proposed under any premises licence include those of an adult or sex related nature (see Section of Children also) e.g. lap dancing, striptease, topless waitresses, the Licensing Authority would take into account the increased risk to the licensing objectives.

29.2 The Licensing Authority will have particular regard to the location of the premises and their vicinity when considering applications involving entertainment of an adult or sexual nature.

29.3 Where licences are granted for entertainment or service that involves exposure of private parts (striptease) or the sexual stimulation of customers, conditions will be imposed designed to ensure that children are not admitted to and cannot observe such activities and to prevent public nuisance and crime and disorder problems.

For example:

- the area proposed for striptease shall be in a position where the performance cannot be seen from outside the licensed premises
- the area proposed for striptease shall be in a designated area of the premises
- the area proposed for striptease shall be in a position where the performers will have direct access to a dressing room

- whilst a striptease performance is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at each entrance to the premises in a prominent position so it can be easily read by persons entering the premises
- no external advertising of the striptease entertainment either at the premises or in its immediate vicinity except with the consent of the Licensing Authority.

30. TABLE AND CHAIRS OUTSIDE PREMISES

- 30.1 The Act applies to the whole of licensed premises but will not include beer gardens and other areas unless they form part of the licensed area. For applicant's information, the placing of tables and chairs on the public highway will need the consent of the Council, by way of a licence under Section 115 of the Highways Act 1980. It may also require planning permission. On private land, planning permission may sometimes be required or a planning condition may prevent/restrict such use. The Council, as Local Planning Authority, will require a consistently high standard quality of external furniture of a style to be agreed by the Council on all street venues. For details, refer to the Council's Pavement Café Design Guide.
- 30.2 The Licensing Authority recognises that in some circumstances, tables and chairs outside premises can enhance the attractiveness of a venue and encourage a continental café style culture. However, late at night there is the possibility that they can contribute to noise problems as customers may loiter rather than disperse.
- 30.3 The Council's Pavement Café Design Guide covers all aspects of licences issued by the Highways Act.
- 30.4 Applicants will be required to specify in the Operating Schedule the hours sought, the nature of the activities proposed in any such area and the steps proposed to be taken to prevent nuisance and crime and disorder in relation to the operation of such areas.
- 30.5 The Licensing Authority will consider carefully the impact in terms of safety, amenity and public nuisance. On receipt of relevant representations, if the Licensing Authority considers that there will be an adverse impact on the licensing objectives then it may consider imposing a limitation on hours and/ or restriction on the activities

31. PRIVATE EVENTS

- 31.1 Private events can involve licensable activities where certain conditions pertain.

Entertainment at a private event to which the public are not admitted becomes regulated entertainment and therefore licensable only if it is provided for consideration with a view to a profit.

For example, a mere charge to those attending a private event to cover the costs of the entertainment, and no other purpose, would not make the entertainment licensable as this would not be with a view to a profit. It would be irrelevant if a profit might inadvertently be made as long as there had not been an intention to make a profit.

32. INCIDENTAL MUSIC

- 32.1 The Act provides that in certain circumstances the incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated entertainment activities. This is where they are incidental to another activity which is not in itself entertainment or entertainment facilities.

32.2 The Act contains no definition of “incidental” and the Licensing Authority will judge whether music of this kind is incidental to other activities on a case by case basis. One factor that will be relevant is volume, and if the volume of live or recorded music predominates over activities, the Licensing Authority will generally form a view that it is not to be regarded as incidental.

33. APPLICATIONS FOR NEW AND MAJOR VARIATIONS OF PREMISES LICENCES

33.1 The Licensing Authority will consider a major variation to be one that does not relate simply to a change of the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

33.2 Applicants for new and major variations of premises licences will be expected to:

- conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications
- specify any steps in the Operating Schedule to be taken to promote the licensing objectives.

33.3 The Licensing Authority in considering such applications will aim to ensure that the licensing objectives are promoted in the wider interests of the community.

33.4 Where an application has been lawfully made and no responsible authority or interested party makes a representation, the application will be granted in the terms sought subject only to conditions which are consistent with the Operating Schedule and relevant mandatory conditions in the Act.

33.5 Where a responsible authority and/or an interested party makes a relevant representation i.e. one which is not frivolous or vexatious and relates to the licensing objectives, the Licensing Authority will hold a hearing. The need for a hearing can be dispensed with if the Licensing Authority, the applicant and all of the parties who made relevant representations agree.

33.6 Where the Licensing Authority hold a hearing, a responsible authority or interested party may choose to rely on their written representation which gave rise to the hearing. They may not add further representations to those disclosed to the applicant prior to the hearing, but may amplify their existing representation.

33.7 In determining the application, the Licensing Authority with a view to promoting the licensing objectives in the overall interests of the local community, will give appropriate weight to:

- the representations presented by all the parties
- the Guidance issued by the Secretary of State for Culture, Media and Sport
- the Council’s Statement of Licensing Policy; and
- the steps that are necessary to promote the licensing objectives.

33.8 The Council, after considering all relevant issues may:

- grant the application subject to such conditions that are consistent with the Operating Schedule
- refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives;
- refuse to allow certain requested licensable activities on the grounds that refusal is necessary for promotion of the licensing objectives;
- refuse to specify a designated premises supervisor on the crime prevention objective

- grant the application subject to those conditions modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives.

33.9 Where a representation is made by an interested party, there is a preliminary stage at which the Licensing Authority must consider whether the representation is relevant. This is dealt with in more detail in paragraph 40

33.10 Where variations involve structural alterations or change of use of a building, the decision in relation to the application will not exempt an applicant to apply for building consent where appropriate

34. TRANSFERS OF PREMISES LICENCES

34.1 The Act provides for any person who may apply for a premises licence to apply for a transfer of a premises licence. Where the applicant is an individual he or she must be aged 18 years or over. Notice of the application must also be given to Lancashire Police.

34.2 A transfer of a premises licence only changes the identity of the holder and does not alter the licence in any other way.

34.3 The Licensing Authority expects that in the vast majority of cases, a transfer application will be a simple administrative process. If Lancashire Police raise no objection to the application, the Licensing Authority will transfer the licence, amend the licence accordingly and return it to the new holder.

34.4 The Chief Officer of Lancashire Police may in exceptional circumstances, object to a transfer on the grounds that it undermines the crime prevention objective.

Where such an objection is made the Licensing Authority will hold a hearing to consider the objection. The Licensing Authority will confine its consideration to the issue of the crime prevention objective. The burden would be on Lancashire Police to demonstrate to the Licensing Authority that there were good grounds for believing that the transfer of the licence would undermine the crime prevention objective.

34.5 The Licensing Authority will give clear and comprehensive reasons for its determination. The Licensing Authority will expect that objections will only arise in truly exceptional circumstances.

35. CLUB PREMISES CERTIFICATES

35.1 The Licensing Authority may issue a "Club Premises Certificate" to a qualifying Club. The Certificate will specify that the premises may be used for one or more of the 'recognised Club activities' and that the Club is a qualifying Club in relation to each of those activities.

35.2 Recognised Club activities are:

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

35.3 The Club is a qualifying Club in respect of the recognised activities provided that, under the rules of the Club, a person may not be admitted to membership, or be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at

least two days between their nomination or application for membership and their admission. People becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission.

- 35.4 The Club must be established and conducted in good faith as a Club and have a minimum of 25 members.
- 35.5 A Club can apply for a Club Premises Certificate in respect of premises, which are occupied by, and habitually used for the purposes of the Club. The application must be accompanied by:
- (a) The relevant fee;
 - (b) The Club Operating Schedule
 - (c) A plan of the premises;
 - (d) A copy of the rules of the Club;
 - (e) Evidence that the Club is a qualifying Club in relation to each of the recognised Club activities to which the application relates.
- 35.6 The Club Operating Schedule must contain the following:
- (a) Detail of the recognised Club activities to which the application relates;
 - (b) The times during which it is proposed the recognised Club activities take place;
 - (c) Any other times during which it is proposed the premises are open to members and their guests;
 - (d) The steps which it is proposed to take to promote the licensing objectives; and
 - (e) Any other prescribed matters.
- 35.7 In considering the steps to be taken to promote the licensing objectives the applicant should give consideration to the pool of model conditions in Appendix 3 and will be expected to undertake a thorough risk assessment with regard to the licensing objectives when preparing their applications.
- 35.8 Club Premises Certificates will be dealt with in a similar manner as applications for Premise Licences.
- 35.9 The grant of a Club Premises Certificate means that a qualifying club is entitled to certain benefits. These include:
- authority to supply alcohol to members and to sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence.
 - the absence of a requirement to specify a designated premises supervisor
 - more limited rights of entry for the police and authorised persons.
- 35.10 Any qualifying club may choose to obtain a premises licence if it decides it wishes to offer its facilities commercially for the use by the general public, including the sale of alcohol.
- 35.11 An individual on behalf of a club may give a temporary event notice in respect of the premises to cover a period of up to 96 hours on up to 12 occasions each calendar year. On each occasion the maximum number of people permitted under a temporary notice should not exceed 499 and the premises may not be used for more than 15 days in any calendar year.

35.12 The 2003 Act now makes it unlawful to sell or supply alcohol to children in qualifying clubs.

36. LATE NIGHT REFRESHMENT

36.1 Schedule 2 to the 2003 Act provides a precise definition of what constitutes late night refreshment. Generally, a person will be providing late night refreshment if between 11.00pm and 5.00am he supplies hot food or drink to members of the public for consumption on or off the premises.

36.2 The legislation impacts on premises such as night cafes, restaurants and take away food outlets where people may gather between 11.00pm and 5.00am giving rise to the possibility of disorder and disturbance.

36.3 Premises selling immediately consumable food such as bread milk and cold sandwiches will not require licensing. Similarly, where premises have a vending machine supplying hot drink, it will not require licensing if the public have access to the machine, the public operate the machine without any involvement of staff on the premises and the payment is inserted in the machine. However, this exemption does not apply to hot food. Premises supplying hot food for charge by vending machine will be licensable when the food has been heated for the purposes of supply, even though no staff on the premises may have been involved in the transaction.

36.4 The supply of hot food or drink free of charge is not a licensable activity. However, where any charge is made either for admission to the premises or for some other item in order to obtain the hot food or drink, this is not regarded as free of charge.

36.5 The supply of hot food or drink from a vehicle that is permanently or temporarily parked requires licensing.

36.6 The Licensing Authority does not anticipate that the provision of late night refreshment as a secondary activity in licensed premises open for other purposes, for example, public houses, cinemas or night-clubs will give rise to a need for significant additional conditions.

36.7 In premises where the provision of late night refreshment is the primary activity the Licensing Authority considers that the prevention of crime and disorder and the prevention of public nuisance will be the key licensing objectives. Applicants should give careful consideration to these objectives in their operating schedules.

36.8 Supplies of hot food and drink are exempt from the provisions of the Act if there is no admission of the public to the premises involved and they are supplied to:

- members of a recognised club supplied by the club
- persons staying overnight in a hotel, guest house, hostel, caravan or camping site or any other premises whose main purpose is providing overnight accommodation.
- staff canteen
- a person who is engaged in a particular profession or who follows a particular vocation e.g. tradesman carrying out work at a particular premises
- guest of the above

37. PROVISIONAL STATEMENTS

37.1 A person may apply for a Provisional Statement if they are interested in the premises, and are an individual aged 18 or over. An application for a Provisional Statement applies to premises which are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose).

- 37.2 An application for a Provisional Statement must be accompanied with a schedule of following details:
- details of the premises
 - the works to be done
 - licensable activities proposed
 - plan of the premises
 - any such other information as may be prescribed.
- 37.3 Applications for Provisional Statements will be dealt with in a similar manner as applications for Premises Licences regarding holding of hearings if relevant representations are made.
- 37.4 If relevant representations are received and a hearing is held, the Licensing Authority will decide whether, if the premises were constructed or altered in the way proposed in the Schedule of Works and if a premises licence were sought for those premises, it would consider it necessary for the promotion of the licensing objectives to:
- attach conditions to the licence;
 - rule out any of the licensable activities applied for;
 - refuse to specify the person nominated as the premises supervisor;
 - reject the application.
- 37.5 If a Provisional Statement has been issued and the person subsequently applies for a premises licence in respect of the premises (or a part of the premises or premises which are substantially the same) representations by responsible authorities and interested parties will be excluded in certain circumstances. These are where:
- the application for a licence is in the same form as the licence described in the provisional statement; and
 - the work in the Schedule of Works has been satisfactorily completed;
 - given the information in the application for a Provisional Statement, the person objecting could have made the same, or substantially the same representations about the application but had failed to do so without reasonable excuse; and
 - there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.
- 37.6 Applicants are advised that whilst there is no limit to the duration of a Provisional Statement, the longer there is a delay before a premises licence is applied for the greater the potential is for representations not to be excluded due to genuine and material changes in circumstances occurring.
- 37.7 Applicants are also advised that any decision on an application for a premises licence does not relieve the applicant of the need to apply for building consent.

38. INTERIM AUTHORITIES

- 38.1 Generally, a premises licence will remain in force for as long as the licence holder continues to operate the business unless it is specified it has effect for a limited period and that period expires or the licence is revoked.
- 38.2 If a Licence holder dies, becomes bankrupt or mentally incapable, then the Licence will lapse. However, if within a seven day period of such circumstances (beginning with the day after the Licence lapsed), a person who had an interest in the premises or who is

connected to the former holder of the licence, gives the Licensing Authority an 'Interim Authority Notice', the premises licence will be re-instated for a period of two months.

- 38.3 Interim Authority Notices must also be served on the Police within the seven day period. Lancashire Police may, within 48 hours of being served with a copy of the Interim Authority Notice if satisfied that the grant of the Interim Authority Notice would undermine the crime prevention objective, give the holder an objection Notice to the Licensing Authority. The Licensing Authority will then hold a hearing to consider the objection.
- 38.4 The Licensing Authority recognises the need to consider any objections in these circumstances quickly
- 38.5 A person is connected to the former holder of a Premises Licence if and only if:
- the person is the personal representative in the event of the holder's death;
 - in respect of someone who has become mentally incapable is acting under Section 6 of the Enduring Powers of Attorney Act 1985; or
 - in the event of insolvency/bankruptcy is acting as an Insolvency Practitioner
 - any other person prescribed by regulation.

39. TEMPORARY EVENT NOTICES

- 39.1 The most important aspect of the system of permitted temporary activities is that no permission as such is required for these events from the Council. The system involves the notification of an event to the Licensing Authority and Lancashire Police, subject to fulfilling certain conditions. In general, only Lancashire Police may intervene on the prevention of crime and disorder licensing objective to prevent such an activity taking place or to modify the arrangements for such an event. The Licensing Authority may only intervene if the limits on the number of Temporary Event Notices (TEN'S) that may be given have been exceeded.
- 39.2 The Act imposes the following limitations in respect of TEN's:
- the number of times a person ("the premises user") may give a TEN - a personal licence holder is limited to 50 in one year, an ordinary person to 5 per year;
 - the number of times a TEN may be given in respect of any particular premises - 12 times in a calendar year;
 - the length a temporary event may last for these purposes - 96 hours
 - the maximum aggregate duration of the periods covered by TEN at any individual premises - 15 days; and
 - the scale of the events in terms of the maximum number of people attending at any one time - less than 500 people.
- 39.3 In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved. The procedures for applying and granting a licence will be the same as for a premises licence. A person may also choose to apply for a premises licence or club premises certificate if they do not wish to take advantage of the TEN system.
- 39.4 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.
- 39.5 Where a personal licence holder is involved, they will be able to give a TEN in relation to licensable activities (including the sale of alcohol) on up to 50 occasions per year for up to

96 hours on each occasion. This is subject to the limitations for each premises (see paragraph 33.2 above), subject to informing the Council and Lancashire Police of relevant details.

These details are:

- the licensable activities to take place during the event;
- the period during which it is proposed to use the premises for licensable activities;
- the times during the event period that the premises user proposes that the licensable activities shall take place;
- the maximum number of persons (being less than 500) which it is proposed should, during those times, be allowed on the premises at the same time;
- where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
- any other matters prescribed by the Secretary of State or by regulation.

39.6 On each occasion at least 10 working days notice must be given, but there is nothing to prevent simultaneous notification of multiple events at a single time so long as the first event is at least ten days away. However, this would only be possible where all the events are to take place in the Borough of Chorley.

39.7 Ten working days are the minimum possible notice that may be given. However, organisers of temporary events are encouraged to submit their notification as soon as it is reasonably practicable to enable the Licensing Authority and, Lancashire Police to work with them to identify and reduce the risk of crime and disorder.

39.8 The Licensing Authority recommends that at least 28 days and no more than 3 months notice be given to hold such events, to allow it to help organisers plan their events safely. A longer period than this may mean that all relevant details are not available and any lesser time may mean that the planning may be rushed; this may increase the likelihood of Lancashire Police objecting.

39.9 The Licensing Authority will not seek to impose any terms, limitations or restrictions on such events covered by a TEN. However, the Licensing Authority will provide local advice about proper respect for the concerns of residents, legislative requirements regarding health and safety, noise pollution, temporary structures. It will also provide advice about other permissions e.g. road closures, pyrotechnics in public places, local byelaws and the need to prevent anti social behaviour.

39.10 The Licensing Authority will also remind notice givers of relevant offences under licensing law, including:

- the sale of alcohol to minors,
- the sale of alcohol to a person who is drunk,

The Licensing Authority will also advise notice givers of the 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.

39.11 Where the application is not within the parameters described above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.

39.12 The Act provides that the Police may, in exceptional circumstances, issue an objection notice because they believe that the event would undermine the crime prevention objective set out in the Act.

- 39.13 The Police must issue any objection notice within 48 hours of being notified, but they can subsequently withdraw their counter notice. If Lancashire Police do not intervene they will still be able to rely on their powers of closure should disorder or disturbance subsequently arise.
- 39.14 Where an objection notice is issued by Lancashire Police, the Licensing Authority will hold a hearing to consider the objection. The Licensing Authority will confine its consideration to the crime prevention objective and will not, for example, uphold an objection notice on the grounds of public nuisance.
- 39.15 At any such hearing the Licensing Authority may hear from Lancashire Police, and the premises user. A hearing would not be necessary if Lancashire Police withdraw the objection notice.
- 39.16 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 local Lancashire Police Licensing Officers as early as possible about their proposed event(s).
- 39.17 The act provides that any individual aged 18 or over may give a TEN whether or not they hold a personal licence. As many events will involve combinations of licensable activities, the Act limits the number of TEN given by any non-personal licence holder to 5 per year. In every other respect, the guidance set out above applies.
- 39.18 TEN may also be given in respect of club premises covered by club premises certificates by non-personal licence holders. However, only 12 such notices may be given in respect of the same club premises in any calendar year and the maximum aggregate duration of 15 days will also apply.
- 39.19 The Licensing Authority, on receiving TEN, will also check that other requirements of the Act are met e.g. a TEN will be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 96 hour limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. A TEN is treated as being from the same premises user if an associate gives it. The Act defines associate as:
- the spouse of that person;
 - a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or;
 - an agent or employee of that person or their spouse;

A person living with another person as his or her husband or wife is treated for these purposes as a spouse.

40. RELEVANT, FRIVOLOUS VEXATIOUS REPRESENTATIONS

- 40.1 A representation is only 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do so is not 'relevant' for the purposes of the 2003 Act.

A relevant representation also has to be made by an interested party or responsible authority, see Appendix for glossary of terms.

- 40.2 It will be for the Licensing Authority to determine whether any representation by an interested party is frivolous or vexatious. The decision as to determining whether a

representation is relevant, frivolous or vexatious has been delegated to an Officer of the Council in accordance with the Guidance.

- 40.3 The decision will be made on the basis of what might ordinarily be considered to be vexatious or frivolous. An interested party may challenge a decision to reject their representation on these grounds by way of judicial review.

41. REVIEWS

- 41.1 The Act 2003 makes provision for the review of premises licences where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

- 41.2 At any stage following the grant of a premises licence, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request the Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 41.3 A review of a premises licence will follow any action by Lancashire Police to close down premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.

- 41.4 The Licensing Authority does not have the power to initiate its own review. However, officers of the Council who are specified as responsible authorities under the Act such as Environmental Health Officers, may request the Licensing Authority for a review on any matter which relates to the promotion of one or more of the licensing objectives. Any such representations will be treated in the same way as representations made by any other body or individual.

- 41.5 In all cases, the representation must relate to a particular premises for which a premises licence is in force and must be relevant to the promotion of the licensing objectives.

- 41.6 Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.

- 41.7 Where the request for a review originates from an interested party e.g. a local resident, residents' association, the Licensing Authority has first to consider whether the complaint made is not relevant, vexatious, frivolous or repetitious. Relevance, vexatious and frivolous complaints were dealt with in paragraph 40.

- 41.8 A repetitious complaint is one that is identical or substantially similar to:

- a ground for review made in respect of the same premises licence which has already been determined; or
- representations considered by the Licensing Authority when the premises licence was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
- in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.

- 41.9 The Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. The Licensing Authority has regard to the recommendation in the guidance, that more than one

review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.

- 41.10 The Licensing Authority recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Licensing Authority would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement.

The Licensing Authority advises licence holders that a failure to respond to such a warning may lead to a responsible authority to request a review.

- 41.11 The Licensing Authority will hold a hearing following a request for a review from a responsible authority, interested party or after closure procedures described earlier.

The Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.

- 41.12 In determining a review, the Licensing Authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:

- no action necessary as no steps required to promote the licensing objectives;
- issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time; The Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
- to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
- excluding a licensable activity from the licence;
- remove the designated premises supervisor,
- suspend the licence for a period of three months;
- to revoke the licence

- 41.13 The Licensing Authority in determining what action to take will seek to establish the cause(s) of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

42 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

- 42.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and will administer them through its Licensing Act 2003 Committee and its Licensing Sub-Committees.

- 42.2 The Licensing Act 2003 Committee consists of 15 members and the Licensing Sub-Committees will consist of three members.

- 42.3 Many of the decisions and functions will be purely administrative in nature. Therefore to ensure that the Licensing Authority provides an efficient cost-effective service, the delegation of decisions and functions is set out in the table below.

- 42.4 All matters dealt with by officers will be reported for information only to the next Licensing Act 2003 Committee.

- 42.5 Decisions on whether a representation is valid or whether it is repetitious, frivolous or vexatious will be delegated to the Director of Legal Services.

42.6 Any Sub-Committee will refer any matter that it is unable to deal with because of the number of Members who are unable to take part in the consideration or discussion of any matter or any question with respect to it, to another Sub- Committee or to the Licensing Act 2003 Committee.

DELEGATION OF FUNCTIONS			
Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection made	If no police 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		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a Police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premise licence		If a Police Objection	All other cases
Applications for interim authorities		If a Police Objection	All other cases
Application to review premise licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a Police representation to a temporary event notice		All cases	

43. APPEALS

43.1 Schedule 5 to the 2003 Act sets out the entitlements to appeals for parties aggrieved by decisions of the Licensing Authority.

43.2 Other than in the case of personal licences, an appeal has to be made to the Lancashire Magistrates’ Court. In the case of personal licences, the appeal must be made to the Magistrates’ Court for the area in which the Licensing Authority (or any part of it) is situated.

- 43.3 An appeal has to be commenced by the giving of a Notice of Appeal by the Appellant to the Justices' Chief Executive for the Magistrates Court within a period of 21 days beginning with the day on which the Appellant was notified by the Licensing Authority of the decision appealed against.
- 43.4 The Licensing Authority will always be a Respondent to the appeal. In cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as Respondent.
- 43.5 On determining an appeal, the court may:
- dismiss the appeal;
 - substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
 - remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court.
- 43.6 The Court may make such order as to costs as it thinks fit. The Court, on hearing the appeal, may therefore review the merits of the decision on the facts and consider points of law or address both.
- 43.7 In anticipation of appeals, the Licensing Authority will give comprehensive reasons for its decisions.
The Licensing Authority will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance.
- 43.8 The Licensing Authority will not delay the implementation of a decision of the Magistrates Court and necessary action will be taken forthwith unless ordered by a higher court to suspend such action. The 2003 Act, except in relation to Closure Orders, does not provide for a further appeal against the decision of a Magistrates' Court and normal rules of challenging decisions of Magistrates' Courts will apply.

44. POLICY REVIEW

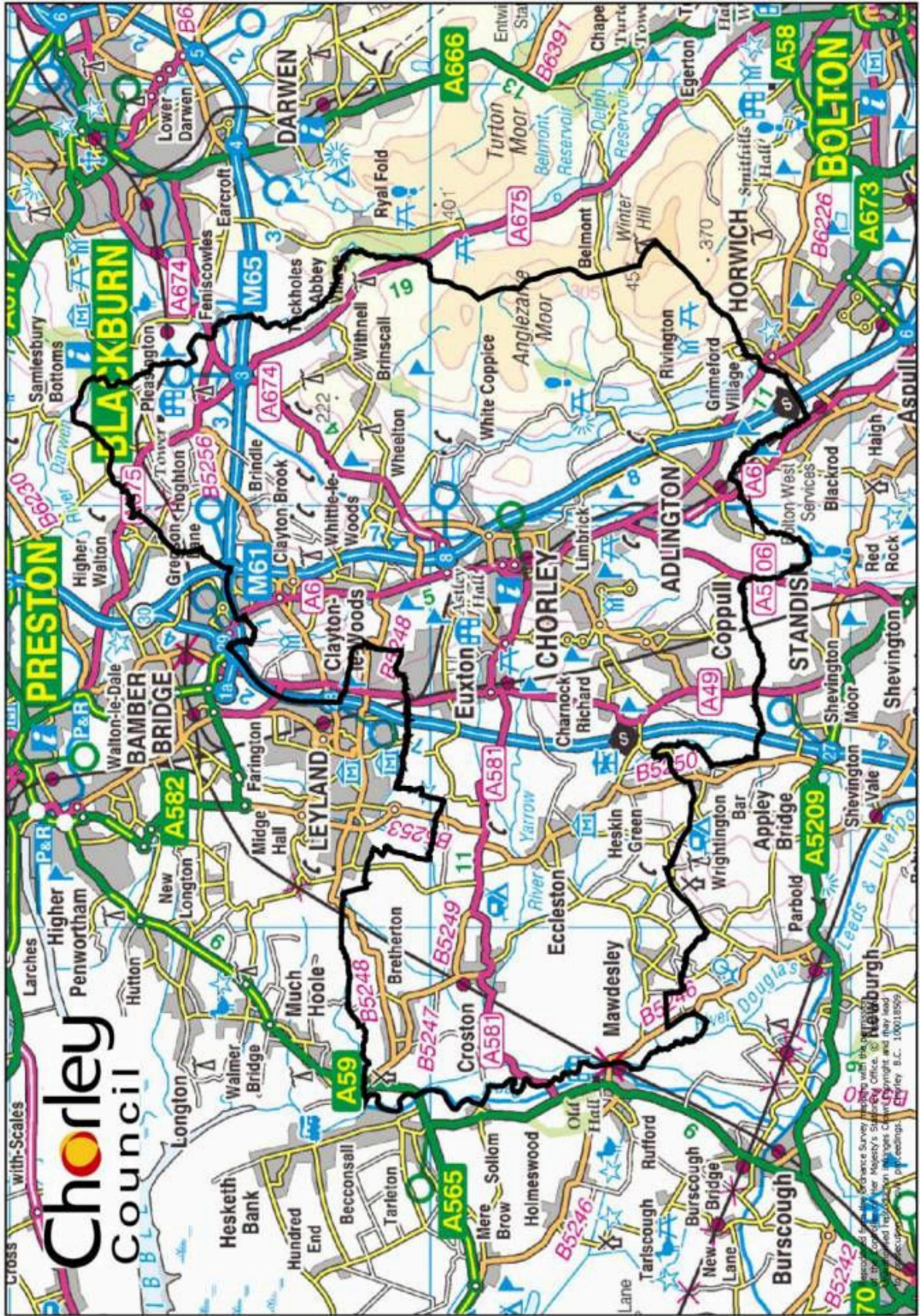
- 44.1 The policy takes effect on 7 January 2008 and will remain in force for not more than three years. It will be subject to periodic reviews and further consultation.
- 44.2 The Council is required to review its policy statement every three years.
- 44.3 The Council may review its policy at any time within those three years should it consider it appropriate to do so.
- 44.4 The process of on-going reviews will be incorporated into the business of the Licensing Act 2003 Committee.
- 44.5 Changes to the policy will be subject to consultation as set out in the Secretary of State's guidance.

45. PROCEDURAL REQUIREMENTS RELATING TO THE HEARING OF APPLICATIONS OF SUB-COMMITTEE

- 45.1 The Licensing Authority will draw up the procedures to be followed in hearings.

46. ADVICE AND GUIDANCE

- 46.1 Advice and guidance can be obtained by contacting the Councils Licensing Section. This can be done by email, website, phone, fax and post.
Application forms can be obtained from the Licensing Section, or by downloading from the Councils website www.chorley.gov.uk (Business – Licensing – XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX) or the DCMS website www.culture.gov.uk/what_we_do/ .
- 46.2 The Council's Environmental Services and Planning Services Units will be willing to give advice to applicants as will the Police and Fire Authority.
- 46.3 Contact details for the Licensing Section are:
Chorley Council
Licensing Section
Civic Offices
Union Street
Chorley
Lancs
PR7 1AL
Telephone: 01257 515163, 515164, 515161 - Fax No: 01257 515211.
Email: licensing@chorley.gov.uk - Web: www.chorley.gov.uk
- Contact details for responsible authorities can be found on page 76.
- 46.4 Informal discussions to resolve potential problems and avoid unnecessary hearings and appeals will be encouraged.
- 46.5 Information on the Licensing Act 2003 and the Section 182 Guidance is also available from:
The Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH
Telephone: 020 7211 6200
Email: enquiries@culture.gov.uk - Web: www.culture.gov.uk



GLOSSARY OF TERMS**Appendix 2****Licensable activities and qualifying club activities are defined in the Licensing Act as:**

- (i) the sale by retail of alcohol
- (ii) the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- (iii) the provision of regulated entertainment
- (iv) the provision of late night refreshment for those purposes the following licensable activities are also qualifying club activities
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place
 - the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
 - the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

Regulated Entertainment is defined as:

- (a) a performance of a play
- (b) an exhibition of a film
- (c) an indoor sporting event
- (d) a boxing or wrestling entertainment
- (e) a performance of live music
- (f) any playing of recorded music
- (g) a performance of dance
- (h) entertainment of a similar description to that falling with paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for the purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Entertainment Facilities are defined as:

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

Interested Party is defined as:

- (i) a person living in the vicinity of the premises
- (ii) a body representing persons who live in that vicinity
- (iii) a person involved in a business in that vicinity
- (iv) a body representing persons involved in such business

Responsible Authority is defined as:

- (i) the Chief Officer of Police for any Police area in which the premises are situated
- (ii) the Fire Authority for any area in which the premises are situated
- (iii) the enforcing authority within the meaning given by Section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated
- (iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
- (v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) a body which:
 - represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
- (vii) in relation to a vessel:
 - a navigation authority (within the meaning of Section 221(1) of the Water Resources Act 1991 (C.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities.
 - the Environment Agency
 - the British Waterways Board, or
 - the Secretary of State
 - a person prescribed for the purpose of this subsection

Temporary Event is defined as:

the use of premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place.

Provision of late night refreshment is defined as:

the provision of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11pm and 5am
or

at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Hot food or hot drink is defined as:

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

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

Private Event The Licensing Authority defines this as:

An event, where a licensable or other activity takes place, to which the public do not have access. Such an event would be defined as regulated entertainment, and therefore licensable, only if it is provided for consideration and with a view to a profit. For example, a charge to those attending a private event to cover the costs of the entertainment, and no other purpose, would not make the entertainment licensable, as this would not be with a view to a profit. It would be irrelevant if a profit might inadvertently be made as long as there had not been an intention to make a profit.

Incidental music The Licensing Authority defines this as:

Where in certain circumstances the performance of live music, or the playing of recorded music is incidental to another activity, which is not in itself entertainment or entertainment facilities. If the volume of the live or recorded music predominates over the other activities, this would generally not be regarded as incidental.

As the Act does not define “incidental” the Licensing Authority will judge whether music of this kind is incidental to other activities on a case by case basis.

Relevant representation

A representation would only be ‘relevant’ if it relates to the likely effect of the grant to the licence on the promotion of at least one of the four Licensing Objectives.

For example, a representation from a local businessman which argues that his business would be commercially damaged by a new business for which an application is being made under Part 3 of the Act would not be relevant - this is a commercial matter.

However, if a representation to the effect that nuisance caused by the new business would deter customers from entering the area and the steps proposed by the applicant to control the nuisance are inadequate would amount to a relevant representation.

Repetitious representation

This matter is decided on its own merits, however a ‘repetitious representation’ would be categorised as being similar, or of a similar nature, to a previous representation which has already been decided upon.

Frivolous representation

This matter is decided on its own merits, however these representations are categorised by a lack of seriousness. A trivial complaint may not always be frivolous, but it would have to be pertinent to be relevant.

Vexatious representation

This matter is decided on its own merits, however vexation may arise because of disputes between rival businesses or persons.

POOL OF STANDARD CONDITIONS

Appendix 3

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 05.00 at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behavior who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police instructions /directions are complied with whenever given; and
- a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

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

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

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety (see Annex E).

Bottle bans

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off sales also take place);
- In appropriate circumstances, the condition could include exceptions, for example, as follows:
- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Annex E).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise sighting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo driving licences, student cards and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors - even those looking older - would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgments may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the "vertical" consumption of alcohol (HVVDs)

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

a prescribed capacity;

an appropriate ratio of tables and chairs to customers based on the capacity; and

the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

Conditions relating to public safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act **1974**, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations **1999** and the Fire Precautions (Workplace) Regulations **1997** to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex F It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications)
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 1999)("The Purple Book") ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 3000962
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: [www streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm)
- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5,588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)•BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 9,003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled people

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- all exits doors are easily openable without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- hangings, curtains and temporary decorations are maintained in a flame-retardant condition; any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing authority/fire authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- access for emergency vehicles is kept clear and free from obstruction.

First aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- fire safety signs are adequately illuminated;
- emergency lighting is not altered;
- emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 9,0 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff

Specials effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

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

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

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

Standing and sitting in gangways etc.

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

Drinks

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

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

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

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;

- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

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

Premises used for film exhibitions

Attendants - premises without a staff alerting system

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

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

Attendants - premises with a staff alerting system

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

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

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
 - (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

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

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

Conditions relating to the prevention of public nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary -in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Conditions relating to the protection of children from harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating

schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions –specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
 - during "Happy Hours" or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:

- U Universal. Suitable for audiences aged four years and over
 - PG Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A Passed only for viewing by persons aged 12 years or older or persons younger than 19, when accompanied by an adult.
 - 15 Passed only for viewing by persons aged 15 years and over.
 - 18 Passed only for viewing by persons aged 18 years and over.
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
 - a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

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

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

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex F).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below:

- Venue - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children - theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

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

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed under Annex D in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors - even those looking older - would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket. Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Statutory qualifying conditions for clubs

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

62 The general conditions

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.
- (2) Condition 1 is that under the rules of the club persons may not –
 - (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
- (3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.
- (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
- (5) Condition 4 is that the club has at least 25 members.
- (6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

63 Determining whether a club is established and conducted in good faith

- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
- (2) Those matters are -
 - (a) any arrangements restricting the club's freedom of purchase of alcohol;
 - (b) any provision in the rules, or arrangements, under which -
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club,
Is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
 - (c) the arrangements for giving members information about the finances of the club;
 - (d) the books of account and other records kept to ensure the accuracy of that information;
 - (e) the nature of the premises occupied by the club.
- (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

64 The additional conditions for the supply of alcohol

- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.
- (2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members -
 - (a) are members of the club;
 - (b) have attained the age of 18 years; and
 - (c) are elected by the members of the club.

This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

- (3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- (4) Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from -

- (a) any benefit accruing to the club as a whole, or
- (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

65 Industrial and provident societies, friendly societies etc.

- (1) Subsection (2) applies in relation to any club which is -
 - (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12)(see section 74(1) of that Act),
 - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or
 - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).
- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that -
 - (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the club, are under the control of the members or of a committee appointed by the members.
- (3) References in this Act, other than this section, to -
 - (a) subsection (2) of section 64, or
 - (b) additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.
- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly -
 - (a) the premises of the society are to be treated as the premises of a club,
 - (b) the members of the society are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.
- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions –
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 5 in subsection (6) of that section,
 - (c) the additional conditions in section 64.
- (6) In this section "incorporated friendly society" has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

66 Miners' welfare institutes

- (1) Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly -
 - (a) the premises of the institute are to be treated as the premises of a club,
 - (b) the persons enrolled as members of the institute are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.

- (2) In determining for the purposes of section 61 whether a relevant miners' welfare institute is a qualifying club in relation to a qualifying club activity, the institute is to be taken to satisfy the following conditions -
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 4 in subsection (5) of that section,
 - (c) condition 5 in subsection (6) of that section,
 - (d) the additional conditions in section 64.

- (3) For the purposes of this section -
 - (a) "miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and
 - (b) a miners' welfare institute is "relevant" if it satisfies one of the following conditions.

- (4) The first condition is that -
 - (a) the institute is managed by a committee or board, and
 - (b) at least two thirds of the committee or board consists -
 - (i) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c. 21), and
 - (ii) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coal mines.

- (5) The second condition is that -
 - (a) the institute is managed by a committee or board, but
 - (b) the making of -
 - (i) an appointment or nomination falling within subsection (4)(b)(i), or
 - (ii) an appointment or nomination falling within subsection (4)(b)(ii), is not practicable or would not be appropriate, and
 - (c) at least two thirds of the committee or board consists -
 - (i) partly of persons employed, or formerly employed, in or about coal mines, and

- (ii) partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c. 23).
- (6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

LIST OF CONSULTEES**Appendix 4****CONSULTEES**

Asda	Gala Club
Association of Convenience Stores	H.S.E. Preston
Association of Licensed Multiple Retailers	Independent Street Arts Network
Bar, Entertainment & Dance Association	Inn Court (Solicitors)
British Beer & Pub Association	Lancashire Constabulary
British Institute of Inn Keeping	Lancashire Fire & Rescue Service
British Retail Consortium	Licensed Estate Services
Burtonwood Brewery PIC	Licensed Victuallers Associations
British Waterways, Warrington	Licensing Dept Hammonds
Camelot Hotel / Theme Park etc	Liverpool Archdiocesan Centre for Evangelisation
CAMRA	Magistrates' Court Services
Chorley Council Planning Services	Morrisons
Chorley Council Environmental Services	National Pub Watch
Chorley & District Chamber of Trade	Parish Councils
Chorley & South Ribble Disability Forum	Pub Watch
Chorley & South Ribble District General Hospital	Pubmaster
Central Lancashire Primary Care Trust	Responsible Authorities
Cinema Exhibitors' Association	South Borough Ribble Council
Circus Arts Forum	Spar (Lawrence Hunt & Co Ltd)
Directorate for Children & Young People	Tesco
E.H. Booths central Office	Thwaites Inns Plc
Equity	Trading Standards
Euxton Hall Independent Hospital	Unique Pub Company (Enterprise Inns)
First Motorway Service Bolton West's Ltd	United Northwest Co-op
First Motorway Services Ltd	United Utilities

PROTOCOL WITH LANCASHIRE FIRE AND RESCUE

Appendix 5

Inspection protocol between Local Authority licensing committees and Lancashire Fire and Rescue Service.

1 INTRODUCTION

1.1 The Licensing Act 2003 makes Local Authorities responsible for granting Licences for the sale of alcohol and carrying on certain other activities. Magistrate's court will not grant licences but will hear any appeals for failure to grant licences.

Local Authorities must register and regulate these premises. Each Local Authority must create its own Licensing policy in line with the statutory requirements.

There will effectively be two licences:

a) Personal licences held by a person to sell alcohol.

They must be operated in accordance with the Premises Licence. They will last for 10 years unless surrendered, revoked or suspended. This creates a responsible person for the operation of the business.

b) A premises licence, which will permit the premises to carry out anything they are licensed for.

This Licence authorises the holder (Licensed person) to use the premises for the purposes stated in the licence. This will last until revoked, or for a limited period. It will lapse if the holder dies, becomes insolvent, has the business dissolved or ceases to be a club. It can be surrendered.

They can be licensed for:

- Sale of alcohol for retail
- Supply of alcohol by or on behalf of a club or to a member of a club
- The provision of regulated entertainment
- The provision of late night refreshment

Examples of activities requiring a licence:

- The provision of entertainment to the public or members of a club
- A theatrical performance
- A film exhibition
- Any indoor sporting event (boxing, snooker, pool, darts.)
- The provision of warm refreshments between 2300 and 0530
- The playing of recorded music
- A dance performance
- The provision of facilities for dancing or for making music

- 1.2 When making a policy, Local Authorities must expressly consult with the Fire Authority, Police and other interested parties such as Brewery associations and local residents.

Licences will only be granted if the four licensing objectives can be met:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm

1.3 Objections

For licensing applications objections can be made by interested parties and Responsible Authorities within a specified time period (not yet known).

Responsible Authorities:

- Police
- Fire Service

Temporary Event Notices

This is a way of avoiding having to apply for either a premises licence or a personal licence (to sell alcohol). They replace Occasional Licences and Occasional Permissions.

They are intended to allow a simple way of permitting people unfamiliar with the Law to obtain temporary authorisation to hold one off events involving the sale of alcohol and/or the provision of public entertainment.

A personal licence holder can have 50 events a year, any person over the age of 18 can have 5 per year. With a maximum of 12 per year on the same premises and a minimum of 96 hours between events.

There is a maximum attendance of 499 at any one time.

A minimum of 10 working days notice must be given to the Licensing Authority and the Police.

The Police are the only responsible Authority able to object to the Temporary Event and this must be on the grounds of crime prevention and within 48 hours of receiving the notice.

If the Police and user disagree regarding the objection the Local Authority must hear the objection at least 24 hours before the event begins.

On receipt of a temporary event notice the Local Authority will inform Lancashire Fire and Rescue Service. For effective inspections to take place, the earlier the Fire Service Officer is informed the easier it will be to ensure adequate fire precautions are provided.

Fire safety provisions must still be provided for temporary events under current Fire Safety Legislation. Lancashire Fire and Rescue Service will enforce the Fire Safety Legislation independently to the Temporary Event Notice if notified of any temporary event taking place.

Fire Safety Advice

The Fire Precautions Act 1971

Under the Fire Precautions (Workplace) Regulations 1997, as amended and the Management of Health and Safety at Work Regulations 1999, the employer has a duty to ensure that an assessment of risk from fire to employees and other people using the premises is carried out. If there are five or more employees, the significant findings of the risk assessment must be recorded.

Consolidation and extension of the principles enshrined in the Fire Precautions (Workplace) Regulations 1997, as amended is expected to continue with the introduction of the Fire Safety Order under the Regulatory Reform.

The Fire Services Act 1947, Section 1(1)(f), requires Fire Authorities to make efficient arrangements for the giving, when requested, of advice in respect of buildings and other property:

"...As to fire prevention, restricting the spread of fires, and means of escape in case of fire".

2 WORKING ARRANGEMENTS

- 2.1 This protocol sets out the framework for working arrangements between Lancashire's fourteen Local Authorities and Lancashire Fire and Rescue Service by establishing the responsibilities of each partner organisation.

3 WHAT LANCASHIRE FIRE AND RESCUE SERVICE WILL UNDERTAKE

- 3.1 Lancashire Fire and Rescue Service will prioritise existing licensed premises and inspect under current fire safety legislation, utilising a risk-based regime allied to their available resources.
- 3.2 Lancashire Fire Rescue Service will undertake, on formal request from the Licensing Authority, inspections of new or significantly altered premises, immediately prior to licensing (new having never before had a licence).
- 3.3 Lancashire Fire and Rescue Service prior to taking any formal enforcement action (under existing fire safety legislation) will inform the Licensing Authority and call for a review of the licence.
- 3.4 Lancashire Fire and Rescue Service will investigate all substantive complaints regarding the fire safety provision in any licensed premises.
- 3.5 Lancashire Fire and Rescue Service will inspect jointly, any licensed premises where the Licensing Authority inspectors have serious concerns regarding the provision or management of fire safety.
- 3.6 Lancashire Fire and Rescue Service will provide a copy of any written enforcement report following an inspection of licensed premises to the relevant Licensing Authority.
- 3.7 Lancashire Fire and Rescue Service will send a written report to the License Holder or applicant and designated premises holder following an inspection.
- 3.8 Lancashire Fire and Rescue Service will not undertake fire risk assessments for the License Holder. But will on inspection audit the process the License Holder has gone through in producing the risk assessment.

- 3.9 Lancashire Fire and Rescue Service will provide the Licensing Authority with information about any policy issues that may affect any proposed working arrangements.

Summary of Inspection Criteria

Lancashire Fire and Rescue Service may inspect the licensed premises for the following reasons:

- Any complaint in respect of fire safety in the licensed premises
- A specific request by the Licensing Authority inspector regarding fire safety concerns
- Enforcement of Fire Safety Legislation
- Statutory consultations regarding building control applications
- Initial application (never had a licence before)
- The licensed premises which fall under the higher risk category under Lancashire Fire and Rescue Service inspection policy
- A themed inspection that may be introduced by Lancashire Fire and Rescue Service when targeting specific at risk premises
- Following a fire.

4 WHAT THE LICENSING AUTHORITY WILL UNDERTAKE

- 4.1 The Licensing Authority will, provide a list of the licensing applications to Lancashire Fire and Rescue Service.
- 4.2 The Licensing Authority will, provide further information to Lancashire Fire and Rescue Service about premises where there is a high life risk should a fire occur in the premises.
- 4.3 The Licensing Authority will provide information to Lancashire Fire and Rescue Service regarding all material alterations to the structure or layout of existing high life risk premises.
- 4.4 The Licensing Authority will, utilising a standard letter, inform licensees of their legislative responsibilities under the Fire Precautions (Workplace) Regulations 1997, as amended.
- 4.5 The following are examples of premises where Lancashire Fire and Rescue Service would not expect to inspect:
- Small providers of catering (chip shops, burger bars etc.)
 - Current supermarkets with licensed sections
 - Small licensed premises
 - Corner shops selling alcohol
 - Sit-down eateries
- 4.6 The Licensing Authority will provide information to Fire Authorities about any policy issues that may affect proposed working arrangements.
- 4.7 The Local Authority will provide information on any small premises where a license is proposed or exists on request of Lancashire Fire and Rescue Service for inspection purposes.

ADVICE

Recommendations and provisions for Fire Safety should be provided in accordance with the guidance contained in:

- British Standard 5588 Part 6
- British Standard 5588 Part 11
- Guide to Fire Precautions in Existing Places of Entertainment and Like Premises
- The Building Regulations 2000 Approved Document B
- Fire Safety; An Employers Guide

RESPONSIBLE AUTHORITIES**APPENDIX 6**

<p>Licensing Section Chorley Council Licensing Section Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515163/4 Fax: 01257 515211 Email licensing@chorley.gov.uk Web: www.chorley.gov.uk</p>	<p>Planning Services Unit Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515150 Fax: 01257 515297 Email dcon@chorley.gov.uk Web: www.chorley.gov.uk</p>
<p>Lancashire Constabulary Licensing Unit: C Division Chorley Police Station St Thomas' Road Chorley Lancashire PR7 1DR Telephone: 01257 246215 Fax: 01257 246217 Email: southern-licensing@lancashire.pnn.police.uk</p>	<p>Lancashire Fire & Rescue Services Fire Safety Fire Station Weldbank Lane Chorley Lancashire PR7 3NQ Telephone: 01257 262919 Fax: 01257 234363</p>
<p>Environmental Services Unit (Health & Safety at Work Act) Chorley Council Bengal Street Depot Bengal Street Chorley Lancashire PR7 1SA Telephone: 01257 515722/5548/5566 Fax: 01257 515754 Email: Environmental.Services@chorley.gov.uk</p>	<p>Environmental Services Unit (Environmental Concerns) Chorley Council Bengal Street Depot Bengal Street Chorley Lancashire PR7 1SA Telephone: 01257 515722/5548/5566 Fax: 01257 515754 Email: Environmental.Services@chorley.gov.uk</p>
<p>Paul Jenkins Lancashire Safeguarding Children's Board Manager Room B52, PO Box 61, County Hall Preston PR1 8RJ Telephone: 01772 536288 Email: lscb@cyp.lancscc.gov.uk</p>	<p>Trading Standards 58-60 Guildhall Street Preston Lancs PR1 3NU Telephone: 01772 533528 Email: feedback@ts.lancscc.gov.uk</p>
<p>Applications for larger establishments only. For queries on this please call 01257 515722/5548/5566 H.S.E. Marshall House Ringway Preston PR1 2HS Telephone 01772 836200</p>	<p>FOR VESSEL APPLICATIONS ONLY British Waterways Trafalgar House Birchwood Warrington WA3 6GD Telephone: 01925 847700</p>

This page is intentionally left blank