

Council

Agenda and Reports

For consideration on

Tuesday, 13th April 2010

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.

01 April 2010

Dear Councillor

COUNCIL - TUESDAY, 13TH APRIL 2010

You are invited to attend a meeting of the Chorley Borough Council to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 13th April 2010 commencing at 6.30 pm for the following purposes.

AGENDA

1. **Apologies for absence**
2. **Minutes of the meeting of the Council held on Tuesday, 2 March 2010 (Pages 1 - 10)**
3. **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.

4. **Mayoral Announcements**
5. **Public Questions**

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

6. **Executive Cabinet (Pages 11 - 16)**

To consider the enclosed general report of the meetings of the Executive Cabinet held on 18 February and 25 March 2010.

7. **Overview and Scrutiny Committee and Task and Finish Groups (Pages 17 - 20)**

To consider the enclosed general report of the meetings of the Overview and Scrutiny Committee held on 18 January and 22 March 2010.

8. **Audit Committee (Pages 21 - 22)**

To consider the enclosed general report of the meeting of the Audit Committee held on 18 March 2010.

9. **Standards Committee**

a) **Appointment of a Town and Parish Council Representative (Pages 23 - 24)**

To consider the enclosed report of the Monitoring Officer on the appointment a third Town and Parish representative on the Standards Committee.

b) **Annual Report (Pages 25 - 30)**

To receive and consider the enclosed Annual Report of the Standards Committee for 2009/10.

10. **Executive and Electoral Arrangements Review**

To consider a report of the Chief Executive on the outcome of consultation on the review of Executive and Electoral Arrangements. Report to follow.

11. **Publication Version of Central Lancashire Local Development Framework (LDF) Core Strategy**

To consider a report of the Director of Partnerships, Planning and Policy on the publication of the LDF Core Strategy. Report to follow.

12. **Gambling Act 2005 - Licensing Statement of Policy Review (Pages 31 - 88)**

To consider the enclosed report of the Director of People and Places.

13. **Questions Asked under Council Procedure Rule 8**

To consider the following two questions submitted by Councillor Dennis Edgerley:

1. Question to the Executive Leader

Can the Leader confirm that in order to settle two cases ahead of industrial tribunal, the Council has paid out £16,000 in compensation?

Can he confirm that the Council chose not to defend two charges of bullying and constructive dismissal?

Could he tell the Council if there are any other cases pending?

Will he make arrangements for issues like this to be reported to Council either through the Executive or Overview and Scrutiny?

2. Question to the Executive Member for Resources

At the last Overview and Scrutiny Committee the Director for Transformation reported on a dispute between CCH and the Council on the VAT shelter.

Could the Executive Member explain the nature of the dispute?

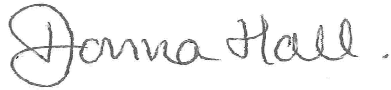
Would he explain the impact on the Council's finances?

Has this impacted on our borrowing requirement?

14. **To consider any Notices of Motion given in accordance with Council Procedure Rule 10**

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

Yours sincerely



Donna Hall
Chief Executive

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Head of Democratic Services
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Distribution

To all Members of the Council and Directors.

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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

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COUNCIL**Tuesday, 2 March 2010**

Present: Councillor Iris Smith (Mayor), Councillor Ken Ball (Deputy Mayor), Councillors Nora Ball, Eric Bell, Julia Berry, Judith Boothman, Alistair Bradley, Terry Brown, Alan Cain, Pat Case, Alan Cullens, Magda Cullens, Mike Devaney, David Dickinson, Doreen Dickinson, Dennis Edgerley, Christopher France, Anthony Gee, Peter Goldsworthy, Marie Gray, Pat Haughton, Harold Heaton, Catherine Hoyle, Keith Iddon, Kevin Joyce, Hasina Khan, Roy Lees, Laura Lennox, Adrian Lowe, Marion Lowe, Peter Malpas, Thomas McGowan, June Molyneaux, Greg Morgan, Simon Moulton, Mick Muncaster, Mark Perks, Debra Platt, Geoffrey Russell, Rosie Russell, Edward Smith, Joyce Snape, Ralph Snape, John Walker, Stella Walsh and Peter Wilson

10.C.74 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Henry Counce.

10.C.75 MINUTES OF MEETING TUESDAY, 26TH JANUARY 2010 OF COUNCIL

The Executive Leader, Councillor Peter Goldsworthy advised Members that the consultation period for the Executive and Electoral Arrangements (Minute 10.C.69) had been extended until 31 March 2010 and therefore a report on the outcome would not be considered until the April meeting of the Council.

RESOLVED – That the minutes of the last Council meeting held on 26 January 2010 be confirmed as a correct record and signed by the Mayor.

10.C.76 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest made by any Member of the Council.

10.C.77 MAYORAL ANNOUNCEMENTS

The Mayor reported that she and the four political group leaders had that afternoon attended the funeral of Warrant Officer David Markland who had been killed in Afghanistan on 8 February 2010. She asked that Members of the Council stand in silence in remembrance of David who had grown up and attended school in Chorley before joining the Royal Engineers.

The Mayor referred to the computer virus problem which had resulted in all Council PCs and the telephone system going down. Systems had been restored but Members could still be without their computers and staff from the IT team would be in contact shortly to try and resolve the problem.

The Mayor thanked those who had attended her Charity Ball on 5 February which had raised £2350. She referred to other forthcoming events to support her chosen charities including an Easter raffle; a Mini Auction on the Loop; Junior Fishing Competition; and Plant Sale.

10.C.78 PUBLIC QUESTIONS

There were no questions received from members of the public.

10.C.79 GENERAL FUND REVENUE AND CAPITAL BUDGET AND COUNCIL TAX, 2010/2011

Members of the Council considered a report of the Executive seeking approval to proposals for the Council's Revenue and Capital Budget for 2010/11 including the level of Council Tax increase proposed for the forthcoming year.

The report set out the Executive's key objective – to protect frontline services and also the key budget principles which had been the subject of consultation with the Citizens Panel, Parish Councils and with Members of the Overview and Scrutiny Committee. As a result the key proposals for 2010/11 were:

- To freeze Council Tax for 2010/11.
- To freeze pay and display fee income and market rent.
- To continue to invest in priority services.
- To continue to make further efficiencies in management and back office costs.

The report included a number of appendices with the detailed basis of the proposals.

Appendix A – Formal Council Tax Resolution
 Appendix B (B1 – B5) – Capital Programme 2010/11 – 2012/13
 Appendix C – Treasury Management Strategy
 Appendix D – Statutory Report
 Appendix E – Medium Term Financial Strategy
 Appendix F – Significant Budget Movements
 Appendix G – Special Expenses Parish Precepts
 Appendix H – Budget Consultation 2010/11

The Executive Member for Resources, Councillor Kevin Joyce, presented the proposed budget and circulated additional information as follows:

New Appendix A – Additional Savings Options and Proposals
 New Appendix B – Fees and Charges Review
 New Appendix C – A Revised Formal Council Tax Resolution
 New Appendix D – Analysis of Budget Variations 2009/10 – 2012/13

The additional information contained further budget proposals and savings.

Councillor Dennis Edgerley, Leader of the Labour Group circulated an alternative budget report which proposed a 1% reduction in Council Tax and further back office savings at Senior Management level and within the Policy team; from the removal of the car lease scheme for staff; plus additional investment in free parking, street cleaning, neighbourhood staffing and activities for young people.

Councillor Dennis Edgerley proposed and Councillor Adrian Lowe seconded the adoption of the Labour Group's alternative budget.

The proposal was put to the vote and the Mayor declared it LOST.

The Executive Member for Resources, Councillor Kevin Joyce moved and the Executive Leader, Councillor Peter Goldsworthy seconded, the adoption of the budget proposed under the additional budget proposals report for 2010/11 and it was **RESOLVED – that**

- (1) The proposed budget, including additional budget proposals and savings be agreed as follows:
- 1.1 The following posts be disestablished:
1 FTE Building Control Officer
1 Business Process Officer (Neighbourhoods)
1 Head of Customer Services
 - 1.2 That consultation takes place with staff in respect of reducing the Council's cost of car leasing scheme by 25%.
 - 1.3 That an immediate review be undertaken following the senior management restructure of the Council's administrative and transactional service provision to identify further potential savings.
 - 1.4 That the budget for the Council's contribution towards the Local Strategic Partnership be reduced by £50k from 2010/11.
 - 1.5 That the building maintenance revenue budget for the Council's leisure facilities be reduced by £50k from 2010/11.
 - 1.6 That the Council negotiate with Lancashire County Council with a view to producing an alternative public realm provision with a resultant saving for the Council.
 - 1.7 That the fees and charges items shown in new Appendix B be increased below inflation by 2% with effect from 1 April 2010.
 - 1.8 That £100k of non recurrent expenditure be allocated in the 2010/11 budget to pay for additional street cleaning activities and the creation of additional allotments.
- (2)
- 2.1 That the Council's Capital Programme as set out in Appendix B be approved.
 - 2.2 That the Treasury Management Strategy and its core principles as set out in Appendix C be approved.
 - 2.3 That the advice of the Statutory Finance Officer on the robustness of the budget and risks be noted as set out in Appendix D.
 - 2.4 That the Council's Medium Term Financial Strategy as set out in Appendix E be approved.
 - 2.5 That the significant budget movements from the 2009/10 budget as set out in Appendix F be noted.
 - 2.6 That the Special Expenses and Parish Precepts as set out in Appendix G be noted; and
 - 2.7 That the Budget Consultation Responses set out in Appendix H be noted.
- (3) That the Council Tax for 2010/11 remain at the levels set in 2009/10 as formally set out below:
1. That it be noted that acting under delegated powers the Director of Finance calculated the amount of 35,204.50 as its Council Tax Base for the year 2010/11 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax

Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992.

- (a) 35,204.50 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax Base for the year.
- (b) being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate.

| | (b)Part of the Council's area | 2010/11 |
|-------------------|---------------------------------------|------------------|
| | | £ |
| Parish of: | Adlington | 1,951.60 |
| | Anderton | 498.90 |
| | Anglezarke | 17.00 |
| | Astley Village | 1,092.00 |
| | Bretherton | 291.40 |
| | Brindle | 456.10 |
| | Charnock Richard | 677.20 |
| | Clayton le Woods | 4,692.30 |
| | Coppull | 2,343.30 |
| | Croston | 1,026.90 |
| | Cuerden | 39.50 |
| | Eccleston | 1,557.60 |
| | Euxton | 3,409.80 |
| | Heapey | 379.80 |
| | Heath Charnock | 794.20 |
| | Heskin | 345.90 |
| | Hoghton | 358.20 |
| | Mawdesley | 749.40 |
| | Rivington | 50.80 |
| | Ulnes Walton | 257.50 |
| | Wheelton | 393.60 |
| | Whittle Woods | 1,982.70 |
| | Withnell | 1,239.10 |
| | All other parts of the Council's area | 10,599.70 |
| | Total | 35,204.50 |

- 2. That the following amounts be now calculated by the Council for the year 2010/11 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:
 - (a) £48,980,040 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;
 - (b) £33,576,240 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;

- (c) £15,403,800 being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;
- (d) £8,486,750 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, Revenue Support Grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988;
- (e) £196.48 being the amount at 2(c) above less the amount at 2(d) above, all divided by the amount at 1(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
- (f) £1,284,713 being the aggregated amount of all special items referred to in Section 34(1) of the Act;
- (g) £159.99 being the amount at 2(e) above less the result given by dividing the amount at 2(f) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relates;

| | (h)Part of the Council's area | |
|-------------------|--|----------|
| | | £ |
| Parish of: | Adlington | 173.72 |
| | Anderton | 171.02 |
| | Anglezarke | 159.99 |
| | Astley Village | 206.56 |
| | Bretherton | 191.30 |
| | Brindle | 179.15 |
| | Charnock Richard | 200.78 |
| | Clayton le Woods | 222.69 |
| | Coppull | 201.96 |
| | Croston | 190.38 |
| | Cuerden | 197.45 |
| | Eccleston | 192.55 |
| | Euxton | 211.16 |
| | Heapey | 201.70 |
| | Heath Charnock | 187.99 |
| | Heskin | 195.11 |
| | Hoghton | 179.00 |
| | Mawdesley | 193.35 |
| | Rivington | 191.49 |
| | Ulnes Walton | 180.82 |
| | Wheelton | 188.90 |
| | Whittle le Woods | 198.41 |
| | Withnell | 192.10 |
| | | |
| | All other parts of the Council's area | 187.28 |
| | 5 | |

being the amounts given by adding to the amount at 2(g) above to the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate;

(i) Part of the Council's Area

| | Valuation Bands | | | | | | | |
|--|-----------------|--------|--------|--------|--------|--------|--------|--------|
| | A | B | C | D | E | F | G | H |
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Parish of: | | | | | | | | |
| Adlington | 115.81 | 135.12 | 154.42 | 173.72 | 212.32 | 250.93 | 289.53 | 347.44 |
| Anderton | 114.01 | 133.02 | 152.02 | 171.02 | 209.02 | 247.03 | 285.03 | 342.04 |
| Anglezarke | 106.66 | 124.44 | 142.21 | 159.99 | 195.54 | 231.10 | 266.65 | 319.98 |
| Astley Village | 137.71 | 160.66 | 183.61 | 206.56 | 252.46 | 298.36 | 344.27 | 413.12 |
| Bretherton | 127.53 | 148.79 | 170.04 | 191.30 | 233.81 | 276.32 | 318.83 | 382.60 |
| Brindle | 119.43 | 139.34 | 159.24 | 179.15 | 218.96 | 258.77 | 298.58 | 358.30 |
| Charnock Richard | 133.85 | 156.16 | 178.47 | 200.78 | 245.40 | 290.02 | 334.63 | 401.56 |
| Clayton le Woods | 148.46 | 173.20 | 197.95 | 222.69 | 272.18 | 321.66 | 371.15 | 445.38 |
| Coppull | 134.64 | 157.08 | 179.52 | 201.96 | 246.84 | 291.72 | 336.60 | 403.92 |
| Croston | 126.92 | 148.07 | 169.23 | 190.38 | 232.69 | 274.99 | 317.30 | 380.76 |
| Cuerden | 131.63 | 153.57 | 175.51 | 197.45 | 241.33 | 285.21 | 329.08 | 394.90 |
| Eccleston | 128.37 | 149.76 | 171.16 | 192.55 | 235.34 | 278.13 | 320.92 | 385.10 |
| Euxton | 140.77 | 164.24 | 187.70 | 211.16 | 258.08 | 305.01 | 351.93 | 422.32 |
| Heapey | 134.47 | 156.88 | 179.29 | 201.70 | 246.52 | 291.34 | 336.17 | 403.40 |
| Heath Charnock | 125.33 | 146.21 | 167.10 | 187.99 | 229.77 | 271.54 | 313.32 | 375.98 |
| Heskin | 130.07 | 151.75 | 173.43 | 195.11 | 238.47 | 281.83 | 325.18 | 390.22 |
| Hoghton | 119.33 | 139.22 | 159.11 | 179.00 | 218.78 | 258.56 | 298.33 | 358.00 |
| Mawdesley | 128.90 | 150.38 | 171.87 | 193.35 | 236.32 | 279.28 | 322.25 | 386.70 |
| Rivington | 127.66 | 148.94 | 170.21 | 191.49 | 234.04 | 276.60 | 319.15 | 382.98 |
| Ulnes Walton | 120.55 | 140.64 | 160.73 | 180.82 | 221.00 | 261.18 | 301.37 | 361.64 |
| Wheelton | 125.93 | 146.92 | 167.91 | 188.90 | 230.88 | 272.86 | 314.83 | 377.80 |
| Whittle le Woods | 132.27 | 154.32 | 176.36 | 198.41 | 242.50 | 286.59 | 330.68 | 396.82 |
| Withnell | 128.07 | 149.41 | 170.76 | 192.10 | 234.79 | 277.48 | 320.17 | 384.20 |
| All other parts of the Council's area | 124.85 | 145.66 | 166.47 | 187.28 | 228.90 | 270.52 | 312.13 | 374.56 |

being the amounts given by multiplying the amounts at 2(g) and 2(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

3. That it be noted that for the year 2010/11 the Lancashire County Council, Lancashire Police Authority, and the Lancashire Combined Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

| | Valuation Bands | | | | | | | |
|--------------------------------------|-----------------|--------|--------|-----------------|----------|----------|----------|----------|
| | A | B | C | D | E | F | G | H |
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Precepting authority | | | | | | | | |
| Lancashire County Council * | 738.87 | 862.01 | 985.16 | 1,108.30 | 1,354.59 | 1,600.88 | 1,847.17 | 2,216.60 |
| Lancashire Combined Fire Authority * | 42.43 | 49.51 | 56.58 | 63.65 | 77.79 | 91.94 | 106.08 | 127.30 |
| Lancashire Police Authority* | 97.51 | 113.77 | 130.02 | 146.27 | 178.77 | 211.28 | 243.78 | 292.54 |

4. That, having calculated the aggregate in each case of the amounts at 2(i) and 3 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2010/11 for each of the categories of dwellings shown below:

(i) Part of the Council's Area

| Parish of: | Valuation Bands | | | | | | | |
|---------------------------------------|-----------------|----------|----------|----------|----------|----------|----------|----------|
| | A | B | C | D | E | F | G | H |
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Adlington | 994.62 | 1,160.41 | 1,326.18 | 1,491.94 | 1,823.47 | 2,155.03 | 2,486.56 | 2,983.88 |
| Anderton | 992.82 | 1,158.31 | 1,323.78 | 1,489.24 | 1,820.17 | 2,151.13 | 2,482.06 | 2,978.48 |
| Anglezarke | 985.47 | 1,149.73 | 1,313.97 | 1,478.21 | 1,806.69 | 2,135.20 | 2,463.68 | 2,956.42 |
| Astley Village | 1,016.52 | 1,185.95 | 1,355.37 | 1,524.78 | 1,863.61 | 2,202.46 | 2,541.30 | 3,049.56 |
| Bretherton | 1,006.34 | 1,174.08 | 1,341.80 | 1,509.52 | 1,844.96 | 2,180.42 | 2,515.86 | 3,019.04 |
| Brindle | 998.24 | 1,164.63 | 1,331.00 | 1,497.37 | 1,830.11 | 2,162.87 | 2,495.61 | 2,994.74 |
| Charnock Richard | 1,012.66 | 1,181.45 | 1,350.23 | 1,519.00 | 1,856.55 | 2,194.12 | 2,531.66 | 3,038.00 |
| Clayton le Woods | 1,027.27 | 1,198.49 | 1,369.71 | 1,540.91 | 1,883.33 | 2,225.76 | 2,568.18 | 3,081.82 |
| Coppull | 1,013.45 | 1,182.37 | 1,351.28 | 1,520.18 | 1,857.99 | 2,195.82 | 2,533.63 | 3,040.36 |
| Croston | 1,005.73 | 1,173.36 | 1,340.99 | 1,508.60 | 1,843.84 | 2,179.09 | 2,514.33 | 3,017.20 |
| Cuerden | 1,010.44 | 1,178.86 | 1,347.27 | 1,515.67 | 1,852.48 | 2,189.31 | 2,526.11 | 3,031.34 |
| Eccleston | 1,007.18 | 1,175.05 | 1,342.92 | 1,510.77 | 1,846.49 | 2,182.23 | 2,517.95 | 3,021.54 |
| Euxton | 1,019.58 | 1,189.53 | 1,359.46 | 1,529.38 | 1,869.23 | 2,209.11 | 2,548.96 | 3,058.76 |
| Heapey | 1,013.28 | 1,182.17 | 1,351.05 | 1,519.92 | 1,857.67 | 2,195.44 | 2,533.20 | 3,039.84 |
| Heath Charnock | 1,004.14 | 1,171.50 | 1,338.86 | 1,506.21 | 1,840.92 | 2,175.64 | 2,510.35 | 3,012.42 |
| Heskin | 1,008.88 | 1,177.04 | 1,345.19 | 1,513.33 | 1,849.62 | 2,185.93 | 2,522.21 | 3,026.66 |
| Hoghton | 998.14 | 1,164.51 | 1,330.87 | 1,497.22 | 1,829.93 | 2,162.66 | 2,495.36 | 2,994.44 |
| Mawdesley | 1,007.71 | 1,175.67 | 1,343.63 | 1,511.57 | 1,847.47 | 2,183.38 | 2,519.28 | 3,023.14 |
| Rivington | 1,006.47 | 1,174.23 | 1,341.97 | 1,509.71 | 1,845.19 | 2,180.70 | 2,516.18 | 3,019.42 |
| Ulnes Walton | 999.36 | 1,165.93 | 1,332.49 | 1,499.04 | 1,832.15 | 2,165.28 | 2,498.40 | 2,998.08 |
| Wheilton | 1,004.74 | 1,172.21 | 1,339.67 | 1,507.12 | 1,842.03 | 2,176.96 | 2,511.86 | 3,014.24 |
| Whittle le Woods | 1,011.08 | 1,179.61 | 1,348.12 | 1,516.63 | 1,853.65 | 2,190.69 | 2,527.71 | 3,033.26 |
| Withnell | 1,006.88 | 1,174.70 | 1,342.52 | 1,510.32 | 1,845.94 | 2,181.58 | 2,517.20 | 3,020.64 |
| All other parts of the Council's area | 1,003.66 | 1,170.95 | 1,338.23 | 1,505.50 | 1,840.05 | 2,174.62 | 2,509.16 | 3,011.00 |

5. That the Statutory Finance Officer and his officers be authorised to take any action necessary to ensure collection and recovery of the Council Tax and Non-Domestic Rates.

EXPLANATION OF COUNCIL TAX SETTING RESOLUTION

RESOLUTION 1

(a) Before we can calculate the Council Tax to be charged, we first have to calculate the Council Tax base. The Council Tax base is the amount which a Band D Council Tax of £1.00 would raise. For 2010/11 we estimate that a £1.00 Council Tax at Band D would raise £35,204.50 in the Chorley area.

(b) This shows the “base” figure for each Parish in the area. For example, a £1.00 Band D Council Tax in Adlington would raise £1,951.60.

RESOLUTION 2

(a) This is the grand total of money which the Council estimates it will spend on all services in 2010/11. It also includes £595,034 which Parish Councils need to run their services.

(b) This is the grand total of money which the Council estimates it will receive from various sources in the year. This includes, for example, car park charges, investment income, government grants in respect of benefits, etc.

(c) This is the difference between 2(a) and 2(b) and is in effect the Council’s and Parishes net spending on services.

(d) This is the amount that the Government will contribute towards the cost of our services. Also included is extra Council Tax resulting from new properties and expected collection rates in previous years.

(e) The difference between 2(c) and 2(d) is £6,917,050 and this is the amount we need to charge Council Taxpayers. This is divided by the base (see 1(a) above) and the resulting figure of £196.48 is the average Band D Council Tax for all Borough and Parish services.

(f) The total of all the amounts needed from Council Taxpayers by the Parish Councils in the area and for Chorley Borough Special Expenses.

(g) This is the Band D Council Tax for Chorley Borough Council’s own services, ie excluding Parish Council spending and Special Expenses

(h) This table shows the Band D Council Tax for all parishes including the cost of the Parish Councils and Chorley Borough Council. For example, Adlington’s Band D Council Tax is £159.99 for Chorley Borough services and £8.97 for Adlington Town Council services and £4.76 for Chorley Borough Special Expenses.

(i) The rate for each property Band is calculated by reference to the Band D charge. The following ratios apply:

| | |
|--------|------------------------------|
| Band A | $\frac{6}{9}$ ths of Band D |
| Band B | $\frac{7}{9}$ ths of Band D |
| Band C | $\frac{8}{9}$ ths of Band D |
| Band D | $\frac{9}{9}$ ths of Band D |
| Band E | $\frac{11}{9}$ ths of Band D |
| Band F | $\frac{13}{9}$ ths of Band D |
| Band G | $\frac{15}{9}$ ths of Band D |
| Band H | $\frac{18}{9}$ ths of Band D |

For Adlington Band A, for example, the charge is $\pounds 173.72 \times 6 \div 9 = \pounds 115.81$; for Band B it is $\pounds 173.72 \times 7 \div 9 = \pounds 135.12$.

RESOLUTION 3

Lancashire County Council, Lancashire Fire Authority and Lancashire Police Authority are separate bodies who have worked out their own estimates of spending and income for 2010/11 and have set taxes in a similar way to Chorley Borough Council. This resolution notes their final decision.

RESOLUTION 4

This pulls together the Council Taxes for Lancashire County Council, Lancashire Fire Authority, Lancashire Police Authority, Chorley Borough Council and the Parish Councils. For example, the Band D for Adlington is $\pounds 1,491.94$ made up as follows:

| | £ |
|---|----------|
| Lancashire County Council (as in 3 above) | 1,108.30 |
| Lancashire Fire Authority (as in 3 above) | 63.65 |
| Lancashire Police Authority (as in 3 above) | 146.27 |
| Chorley Borough Council (as in 2(g) above) | 159.99 |
| Adlington Town Council | 8.97 |
| Special Expenses | 4.76 |

RESOLUTION 5

Formally authorise the necessary staff to take legal action to collect arrears as and when this is necessary. ***For the vast majority of taxpayers, this is not needed***

Mayor

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REPORT OF EXECUTIVE CABINET

GENERAL REPORT

1. The Executive Cabinet has met on two occasions on 18 February and 25 March 2010 since the last ordinary Council meeting in January 2010. This report summarises briefly the principal items considered and decisions taken at each meeting.

Meeting held on 18 February 2010

Overview and Scrutiny Inquiry – Highways Issues

2. The Executive Cabinet received and considered a report on the findings and recommendations of the Overview and Scrutiny Task and Finish Group that had been set up by the Overview and Scrutiny Committee to examine highways issues.
3. The inquiry, in particular, reviewed the effectiveness of the current service and considered ways in which two tier arrangements can be improved by more efficient service delivery, communication procedures and performance monitoring systems.
4. We received the findings report and will present our response to a future Executive Cabinet meeting.

Review of Council Meetings Calendar for 2010/11

5. Following a review of the Council's meetings calendar for 2010/11 in the light of recommendations emanating from the recent Value for Money review of Corporate Support Services, we agreed to proposals contained within a report of the Director of Transformation to make a number of changes to the calendar and administrative arrangements for the next financial year.
6. The changes, in the main, will reduce slightly the number of meetings of the Council, Executive Cabinet, Informal Cabinet Briefing, Overview and Scrutiny Committee and the Member Support Working Group during the year and alter the servicing arrangements for Chorley Partnership bodies, the Local Development Framework Working Group and the Rivington and Brinscall Local Advisory Group.
7. The change to the meetings calendar will ensure a sufficient reduction in the workload of the Democratic and Member Services Team to allow the deletion of one post without compromising the continued good governance of decision making and the quick and efficient transaction of the Council's business.

Chorley Council Performance Monitoring Report – Third Quarter of 2009/10

8. We received and noted a report of the Director of Partnerships, Planning and Policy, which set out and reviewed the Authority's performance both in respect of the key projects included in the refreshed Corporate Strategy and against the National Indicators for which the Council was responsible, during the third quarter of 2009/10 ending on 31 December 2009.
9. The report referred to the key outcomes from the seven projects that have been completed during the third quarter period and which, therefore, have not been carried over into the new Corporate Strategy. The 33 projects included in the new Corporate Strategy have all been rated as "green", which is indicative of the project performance being on or ahead of schedule, with costs falling within or under budget.

10. In addition, the report confirms that 11 of the 15 national indicators that have been measured during the third quarter have matched or exceeded target and that action plans have been prepared to reduce the four performance indicators that have missed their targets by more than 5%.

Chorley Partnership – Performance Monitoring Report for Third Quarter of 2009/10

11. The Director of Partnerships, Planning and Policy also submitted a report on the activities of the Chorley Local Strategic Partnership (LSP), particularly through the delivery of the objectives of the Lancashire Area Agreement and the Sustainable Communities Strategy over the third quarter of 2009/10.
12. The following significant statistics and trends revealed in the report were highlighted by the Executive Member (Policy and Performance):
 - Crime figures have reduced, on average, by 0.8% over the past year, and whilst there has been a 7.5% overall decrease in violent crime, the number of acquisitive crimes (eg burglary and vehicle crime) has increased.
 - The number of primary fires in Chorley has fallen below target.
 - The number of households in Chorley living in temporary accommodation has fallen below target to 8.
 - Street cleanliness (eg clearance of litter, detritus and graffiti) has fallen below target, but action plans had been put in place to improve performance.
 - The number of benefit claimants has reduced over the last quarter period and the number of new business startups has exceeded the target figure.
 - All the LSP's projects for 2009/10 are underway and on track for the quarter period.

Gypsy Roma Travellers – Illegal Encampment Procedure

13. Following consideration of a report from the Director of People and Places, we approved for adoption a multi-agency response procedure for managing illegal Gypsy Roma Traveller encampments developed by a task team of the merged Crime and Disorder Reduction Partnership.
14. The new procedure will ensure that the action taken by the different agencies is fair and consistent. The urgent welfare needs of persons in the encampments will be assessed and early communication procedures with both members of the encampment and appropriate Council Members will be established.

Process for approving the Central Lancashire Local Development Framework Core Strategy

15. On the recommendation of the Director of Partnerships, Planning and Policy we agreed a process and timetable to ensure Member engagement in the production of the Publication Version of the revised Central Lancashire LDF Core Strategy in line with the Project Plan.
16. This approach entails a series of additional meetings of both the Local Development Framework Working Group and the Central Lancashire LDF Joint Advisory Committee, culminating in a joint meeting of the Cabinets of Chorley, Preston and South Ribble Councils on 31 March to endorse the revised Core Strategy for approval by the respective Councils.

Update on Transfer of Home Improvement Agency

17. We received a report of the Director of Partnerships, Planning and Policy on the current progress of the transfer of the Chorley Home Improvement Agency back to the Council from Anchor in accordance with the Cabinet's decision in November 2009. The Agency offers Disabled Facility Grants, Home Repair Assistance and Energy Efficiency grants and advice.

18. A project team has been set up to oversee and agree measures for the transfer on 1 April 2010, including an examination of the procedures and systems used, procurement of contractors and TUPE matters.
19. It is envisaged that one member of staff will be transferred to the Council under the TUPE regulations, in addition to the two Technical Officers originally seconded to Anchor. No additional revenue costs are likely to be incurred by the Council.

Lancashire Review of Home Improvement Agencies

20. The Executive Cabinet considered a report of the Director of Partnerships, Planning and Policy on a review of the Home Improvement Agency network in Lancashire undertaken by Consultants, The Housing Quality Network Consultancy, commissioned by Lancashire County Council.
21. The review was authorised in order to advise future commissioning decisions by the Supporting People Commissioning Body, which provides funding to the Lancashire HIA's, and whose contracts are due to expire in 2010 and 2011. The outcome of the review will also support the attraction of funding from other partners.
22. Two of the key recommendations emerging from the review are that the number of HIA services in the County should be reduced and that a new approach to funding agencies, as based on needs, should be adopted.
23. We accepted the report and approved for submission to the Consultants and the Lancashire County Council the proposed responses to the Consultant's findings, as outlined in the Director's report.

Sub-Regional Allocations Policy and Choice-based Lettings Procedure

24. The Council has been collaborating with Preston and South Ribble Councils and local registered landlords on the development of an allocations policy that can be applied across the three Council areas, utilising the transparent 5 band allocations policy currently applied by Chorley Council.
25. As a result of this initiative, the Executive Cabinet has approved in principle for adoption a Sub-Regional Allocations Policy and Choice-based Lettings Scheme, following a consultation exercise with various bodies and stakeholders.
26. The introduction of the Sub-Regional lettings scheme will provide greater choice and access for persons to housing. It will be a simpler, more comprehensible system, allowing greater transparency and choice of living location. It will also simplify the application processes, enabling one application to be made for all partners.

Revenue Budget Monitoring – Third Quarter of 2009/10

27. We received and considered a report of the Director of Transformation monitoring the Council's financial performance during the third quarter of 2009/10 in comparison with the budgetary and efficiency savings targets for the financial year.
28. The report reveals that the expected overall target savings of £410,000 in 2009/10 has already been achieved and that the projected outturn envisages an underspend in the region of £169,000 at the year end. However, expenditure will still need to be continually monitored in order to offset lower than anticipated income levels in the financial year. In particular, major income streams (eg car parking and building control fees and concessionary travel and benefits costs) will be monitored closely.

29. We accepted the report and requested all non-committed revenue expenditure budgets to be identified, with a view to any possible savings being made to reduce the impact on the use of general balances in 2009/10.

2010/11 Budget Principles

30. The Director of Transformation presented a report on the progress being made towards the preparation of the Council's budget for 2010/11, following confirmation of the expected Government funding allocation.
31. We accepted the report and endorsed the following principles around which our budget framework for 2010/11 would be constructed:
- containing Council Tax increases;
 - protecting businesses from the on-going impact of the recession;
 - continuing to provide value for money;
 - protecting front line services;
 - preparing for the future and the uncertainty over public finances.

Meeting held on 25 March 2010

Overview and Scrutiny Inquiry – Town Centre Issues

32. The Executive Cabinet was presented with the findings and recommendations of the Overview and Scrutiny Task Group that had been set up to consider Town Centre issues.
33. The report contains a number of recommendations aimed at enhancing the vitality and viability of the town centre, including measures to improve the marketing and promotion of the town, the signage strategy and the development of short and long term action plans for the Markets.
34. We accepted the Task Group's report for consideration and will report our response to a future Cabinet meeting.

Multi-Area Agreement for Mid-Lancashire

35. The Executive Cabinet approved for submission to the Department of Communities and Local Government a draft Multi-Area Agreement (MAA) for Mid-Lancashire. In Lancashire there is currently an approved MAA for Pennine Lancashire and an approved MAA for the Fylde coast. The Mid-Lancashire MAA will, therefore, cover the remaining districts of Chorley, Lancaster, Preston, South Ribble and West Lancashire.
36. The Mid-Lancashire Multi-Area Agreement will provide a mechanism and conduit for the attraction of funding for the regeneration and enhancement of the economic prosperity of the sub-region.
37. I have also been granted delegated power to agree any necessary amendments to the final version prior to submission, following consultation with the Executive Member (Business).

Refresh of the Chorley Economic Development Strategy

38. On the recommendation of the Chorley Local Strategic Partnership, the Executive Cabinet approved for consultation purposes the first draft refresh of Chorley's Economic Regeneration Strategy.
39. The current strategy was introduced in 2006 to maximise economic opportunity, drive up value added activity to achieve sustainable growth over the next 10 – 15 years. Following a

workshop event with the Chorley Partnership Board a revised draft Strategy had been drawn up both to highlight the past successful initiatives and to define future key priorities and actions to reflect current economic circumstances.

40. Since the delivery of the refreshed Strategy will be reliant on a cross-sector partnership and collaboration, it is important for the respective partners and stakeholders to be consulted before the finalised version is agreed.

Private Sector Housing Assistance Policy

41. The Executive Cabinet agreed in principle in December 2009 a Private Sector Housing Assistance Policy for consultation purposes. The consultation period expires on 13 April 2010, but we have approved a revised version of the policy which takes on board a number of changes made to reflect the consultation responses received to date.
42. The Policy is designed to offer a mechanism for the provision of housing assistance to customers in private housing, by integrating the various strands of housing assistance in a manner that will maximise the effective use of resources and target resources to customers in most need.
43. I have also been granted delegated authority to approve the final version of the Policy, to include any minor amendments required at the conclusion of the consultation period.
44. In response to a number of Member queries during the debate on the new Policy, we informed Members of our intention to pursue the introduction of a Private Sector Landlords' Accreditation scheme on a voluntary basis, with the aim of creating a list of accredited landlords that can be recommended to potential tenants and letting agents.

Neighbourhood Working – 2009/10 Progress Report and Proposals for 2010/11

45. The Executive Cabinet received a report of the Director of People and Places on the progress so far of the neighbourhood working regime and putting forward revised action plans and proposals for 2010/11.
46. The Head of Leisure and Neighbourhoods gave a short presentation which illustrated the progress and success of the on-going initiative and highlighted the plans for future projects and ways in which Member engagement could be developed.
47. The Executive Cabinet is committed to the introduction of the neighbourhood working initiative as a means of encouraging the development of more community links and partnership working, and generating external funding for the betterment of the seven neighbourhood areas. The Cabinet consequently approved the draft Neighbourhood Action Plans and proposals for 2010/11 as submitted.

Core Funding Grants to local Voluntary, Community and Faith Sector Organisations – Award for Grants for 2010/11

48. Following consideration of a report and recommendations from the Director of People and Places, the Executive Cabinet authorised Core Funding grant assistance in varying sums to 15 non-profit making organisations operating throughout the Borough. The grant aid is dependent on the Director agreeing and signing-off a Core Funding Agreement with each organisation whose activities contribute towards the Council's strategic objectives and themes within the Sustainable Community Strategy. Two other applications are still being examined.
49. This year, the Core Funding aid is an amalgamation of Chorley Council Core Grants, Chorley Partnership funding and Central Lancashire Health Inequalities Grants. This streamlined

approach has reduced administrative procedures and has enabled the compilation of a central database for partners.

Update on Shared Services

50. The Executive Cabinet received and considered a confidential report of the Director of Transformation on the progress and successes to date of the Council's collaborative working with South Ribble and Preston on a number of ventures.
51. In order to achieve the targets identified in the Council's Medium Term Financial Strategy for 2010/11 – 2012/13, we have authorised the further development of collaborative working with South Ribble. This will entail the formulation of detailed plans for the prospective extension of joint working arrangements for presentation to a future Executive Cabinet meeting. These plans will be drawn up on the assumption that the venture will not result in any diminution of service and will effect financial savings.

Recommendation

52. The Council is recommended to note this report.

COUNCILLOR PETER GOLDSWORTHY
Executive Leader

There are no background papers to this report.

AU

REPORT OF OVERVIEW AND SCRUTINY COMMITTEE

GENERAL REPORT

1. The Overview and Scrutiny Committee has met on 15 February and 22 March 2010. This report summarises briefly the principal items debated and decisions reached.

15 February Meeting

2010/11 Budget principles

2. We received the report of the Director of Transformation advising Members of the current forecast position for 2010/11 based upon the latest available information and the aspirations of the Executive Cabinet in relation to the 2010/11 budget.
3. The budget framework to be adopted by the Executive in constructing its budget based on the following principles:
 - Containing Council Tax increases
 - Protecting businesses from the ongoing impact of the recession
 - Continuing to provide value for money
 - Protecting front line services
 - Preparing for the future and the uncertainty over public finances
4. We discussed the report in full and raised several points with the Executive Member for Resources (Councillor Kevin Joyce).

Review of free swimming scheme

5. We received the report of the Director of People and Places presenting the usage information the first six months of the free swimming programme.
6. The scheme started on 1 April 2009 and will be reviewed in 31 March 2011. Free swims are available for customers aged sixteen and under and sixty plus, during public sessions, but not lessons. Six months into the programme usage is currently up by 30,251 (50%) overall for swimming, with juniors having increased by 13,012 (56%) and adults having increased by 17,239 (47%).
7. Despite initial concerns across both centres, paying adults (17-59) year olds have increased by 1,412 (4%) since last year. We welcomed the positive initial findings.

Business Plan Monitoring Statements

Partnerships, Planning and Policy Directorate

8. The Director of Partnerships, Planning and Policy reported progress against the key actions and performance indicators.
9. Representatives from the Equality Forum and town centre traders have attended the Town Centre Vitality task and finish group. We expressed concerns regarding the lack of enforcement on advertising boards and certain market traders who encroach onto the footpath. Officers advised that the Council was currently in discussion with Lancashire County Council regarding advertising boards. Members agreed that a balanced approach would be needed.

10. We noted that the use of bed and breakfast is well under control with the focus being on homelessness prevention. The introduction of a desk at Chorley County Court on a Tuesday, to give people information and represent them regarding housing possession, is proving worth while.

People and Places Directorate

11. The Director of People and Places reported progress against the key actions and performance indicators.
12. We noted that the action plan for allotments will be produced in the final quarter to take account of funding provision and ensure that allotments are provided where the demand is.
13. The targets surrounding graffiti removal will be revisited next year to make them more representative. The target had not been met this quarter due to machine malfunction and inclement weather.

Transformation Directorate

14. The Director of People and Places, on behalf of the Director of Transformation, reported progress against the key actions and performance indicators.
15. It is anticipated that the budget will be balanced by year end. The number of reported indicators will be reviewed prior to the next monitoring report.
16. The indicator relating to debts over 90 days was considered and it was noted that some of this was Section 106 monies.

Chorley Council Performance Monitoring report for the third quarter of 2009/10

17. The Director of Partnerships, Planning and Policy presented a report setting out performance against the Corporate Strategy and the Council's National Indicators for the third quarter of 2009/10, 1 October – 31 December 2009.
18. The overall performance of the thirty-three key projects is excellent with 100% rated 'green' and progressing ahead of, or according to, plan by the end of December 2009.
19. At the end of the third quarter, fifteen national indicators were reported. All of the indicators have targets set and had been reported previously. Of these the majority (eleven) have matched or exceeded target and four have missed target by 5% or more. Action plans were considered for those indicators where performance is lower than anticipated.
20. Assurances were given that performance on "Time taken to process Housing Benefit/Council Tax Benefit new claims and change events" will be on track by the end of the year.
21. The three other indicators related to litter, detritus and graffiti were below target. These are measured by surveys and issues have been encountered this quarter because of the season. There is a role for partners as their land is included in the survey. The performance usually improves in the final quarter.

Chorley Partnership performance monitoring report for the third quarter of 2009/10

22. The Director of Partnerships, Planning and Policy presented the report updating Members on the performance of the Chorley Partnership over the last quarter, covering the period from October to December 2009.
23. Crime was down, on average, by 0.8% on this time last year, with an overall decrease in violent crime of 7.5% compared to this time last year. However, there had been an increase in acquisitive crime, in particular burglary dwellings and vehicle crime.
24. Members queried the unemployment figures and noted that after six months people could not claim Job Seekers Allowance. The unemployment benefit claimant count had fallen from 3.1% at the end of the second quarter to 2.9% at the end of the 3rd Quarter. The situation in Chorley was better than many other authorities.

22 March Meeting

This meeting followed a session which reviewed Scrutiny's work over the last 12 months.

Town Centre Vitality Task Group: Final Report

25. We received and considered the final report of the Town Centre Vitality task and finish group. The Chair delivered a presentation outlining the key findings and recommendations as part of the "Review of the Year" event.
26. The recommendations covered the key elements of the report:
 - Formulation of a comprehensive marketing action plan
 - Improvement of the Evening Economy
 - Develop and deliver a pavement café policy
 - Signage strategy
 - Car parking strategy
 - Town Centre living
 - Vacant property policy
 - Develop and deliver short term and long term action plans for the Markets
27. We accepted the report, subject to two alterations to the financial implications, and recommended it for approval by the Executive Cabinet in June.

Streetscene Issues

28. We received and considered the monitoring report of the Director of Places and People on the implementation of the recommendations of the Task Group in 2008. Members raised several queries and concerns and it was agreed to receive a further update report in six months.

Efficiency Gains

29. The Director of Transformation presented a monitoring report relating to the Efficiency Gains inquiry. We noted that good progress is being made, however, further work is needed on engaging with Members in this area.
30. We recommended that DCLG be requested to reconsider the revised 3 year target set and local target for 2009 / 10 as it includes a number of anomalies in relation to capital spend where the Council acts as banker.

Chorley Community Housing

31. We received and considered the monitoring report of the Director of Partnerships, Planning and Policy. We requested that CCH be invited to a future meeting of the Committee to enable them to provide evidence that changes to working practices and staffing levels arising from the restructure will not adversely impact on the delivery of the tenant promises.

Neighbourhood Working

32. We received and considered the report of the Director of Places and People providing a progress report on the first year's Neighbourhood Working, including the 2009-2010 Neighbourhood Action Plans.
33. An update report would be presented to Executive Cabinet later that week outlining funding allocation against Neighbourhood Action Plan projects for 2010/11.

Recommendation

34. The Council is recommended to note this report.

COUNCILLOR DENNIS EDGERLEY
Chair of Overview and Scrutiny Committee

RR

There are no background papers to this report.

REPORT OF AUDIT COMMITTEE**GENERAL REPORT**

1. This report summarises briefly the items considered and decisions taken by the Audit Committee at its meeting on 18 March 2010.

Certification of claims and returns – Annual Report for 2008/09

2. The Committee received and noted a report from the Audit Commission on the outcome of its work to review and certify three major claims made by the Council for Government grant aid in 2008/09.
3. The Borough Council receives in excess of £22m from Government funding Departments and is responsible for the collection of approximately £20m of non-domestic rates which is paid into the national pool, both of which are subject to external audit certification.
4. The Council needs to demonstrate to the Audit Commission that the relevant conditions applying to the grant claims have been met and that the application process has been managed satisfactorily, otherwise the funding could be put at risk.
5. The Audit Commission has reviewed three claims for grant funding with a total value of £42.5m submitted by Chorley Council in 2008/09. The auditors' report and certification of the claims and returns made only one minor amendment to correct a classification error and has not identified any areas of concern.

Implementation of International Financial Reporting Standards (IFRS) in Local Government

6. The Committee were presented with a briefing note which had been issued by the Audit Commission to all local authorities and Finance Portfolio Holders to raise awareness of the need for authorities to ensure that their 2010/11 accounts are compiled in accordance with both substantial new procedures stipulated within the international standard and the CIPFA timetable set out in the auditors' report.
7. The Director of Transformation highlighted a number of issues that are being addressed and confirmed that the preparation of the Council's accounts for 2010/11 is on track.

Assurance Services Strategy for 2010/11

8. We considered and approved for implementation a Strategy for the Shared Financial Services in 2010/11.
9. The Shared Financial Services Service Level Agreement and the CIPFA Code of Practice requires the annual production and update of strategies for Internal Audit and Risk Management. The new Strategy has been compiled to take account of the core purpose and guiding principles for the strategic direction of the Shared Financial Services initiative as a whole, and sets out a strategy and detailed work programme for the Assurance Service, which, in addition to the above two work streams, also encompasses Emergency and Business Continuity Planning and Insurance services.

Internal Audit Plan for 2010/11

10. The Head of Shared Financial Services presented a draft Internal Audit Plan for 2010/11.
11. The Plan summarises the work to be undertaken by the Audit staff under a number of identified priority areas to be reviewed during the financial year and outlines the respective roles of managers and the Internal Audit Section in maintaining a sound system of governance and internal control within the Council.
12. The Plan envisages that an internal audit resource equivalent to 485 days will be allocated for the audit work within each of the Chorley and South Ribble districts, with an additional 155 days work devoted to the audit of the Shared Services function.
13. Following an assurance that the Plan includes provision for the review of any unplanned, urgent items that may require attention during the forthcoming year, the Committee approved the Internal Audit Plan for adoption.

Fraud Risk Management

14. The Head of Shared Assurance Services presented the Committee with a report on the outcome of a recent review by the Risk Management Team to identify exposure to the risk of fraud both corporately and within individual services.
15. Both the Audit Commission and the Chartered Institute of Public Finance and Accountancy have produced guidance on measures which local authorities are recommended to have in place to maximise the prevention of fraud. The recent review has been conducted both to ensure that the Council's procedures and arrangements comply with the published guidelines and to monitor implementation of the remaining actions in the Council's Fraud and Corruption Risk Register.
16. The review has resulted in the compilation of a revised action plan aimed at ensuring the completion of 15 outstanding actions identified within the Fraud and Corruption Risk Register.
17. Largely as a result of the effective measures and procedures that have been put in place, there have been relatively few instances of fraud within the authority and the Committee members supported my expression of thanks to the Risk Management Section for its diligence over past years.

Recommendation

18. The Council is recommended to note this report.

COUNCILLOR ANTHONY GEE
Chair of Audit Committee

There are no background papers to this report.

AU



| Report of | Meeting | Date |
|--------------------|---------|---------------|
| Monitoring Officer | Council | 13 April 2010 |

APPOINTMENT OF TOWN AND PARISH COUNCIL REPRESENTATIVE ON THE STANDARDS COMMITTEE

PURPOSE OF REPORT

- To appoint a third Town and Parish Council representative on the Standards Committee.

RECOMMENDATION(S)

- The Standards Committee recommend that Town Councillor Anthony Wilson be appointed as a Town and Parish Council representative on the Standards Committee.

EXECUTIVE SUMMARY OF REPORT

- The local assessment of complaints against Councillors requires the potential for three sub-committees to be available. Each sub-committee must consist of no less than three members of the Standards Committee, including an Independent member and a Town and Parish Council representative, if the matter under consideration relates to Town and Parish Council issue.
- Previously the membership of the Standards Committee was increased to take account of this.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

| | | | |
|--|--|---|---|
| Put Chorley at the heart of regional economic development in the Central Lancashire sub-region | | Develop local solutions to climate change. | |
| Improving equality of opportunity and life chances | | Develop the Character and feel of Chorley as a good place to live | √ |
| Involving people in their communities | | Ensure Chorley Borough Council is a performing organization | |

PARISH COUNCIL REPRESENTATIVES

- Due to the retirement of Joan Geddes the Committee needed to appoint a third Parish Council representative. Joan has been a Town and Parish Council representative for more than 5 years and we would like to take this opportunity to thank her for her contribution to the Committee.
- The appointment of Town and Parish Members to the Standards Committee has to be made in consultation with the Town and Parish Councils. Accordingly, they were invited to submit nominations. Nominated Town and Parish Councillors were invited to submit a written application setting out how they consider they meet the criteria.



- 8. An appointment panel was established from within the membership of the Standards Committee with an agreed criteria upon which to base the appointment recommendation.
- 9. Town and Parish Council representatives serve the same term of office on the Standards Committee as their term of office on the Town and Parish Council.
- 10. Appointments to the Standards Committee require approval by Council.

IMPLICATIONS OF REPORT

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

| | | | |
|-----------------|---|--|--|
| Finance | | Customer Services | |
| Human Resources | | Equality and Diversity | |
| Legal | √ | No significant implications in this area | |

COMMENTS OF THE HEAD OF GOVERNANCE

- 12. None.

GARY HALL
 DIRECTOR OF TRANSFORMATION

There are no background papers to this report.

| Report Author | Ext | Date | Doc ID |
|-----------------|------|---------------|-----------------------------|
| Ruth Rimmington | 5118 | 19 March 2010 | AppointmentPCRepresentative |

Standards Committee – Annual Report

2009 / 2010



Foreword

I have pleasure in presenting the 2009/10 Annual Report of the Standards Committee to the Council.

The last twelve months have been busy, wide ranging and constructive in the work carried out by this Committee.

The Standards Committee continues to work and support the Council and all Town and Parish Councils in promoting high ethical standards for all our Councillors. Following the introduction of local decision making in May 2008 this Committee now has experience of all aspects including assessment, review and determination.

Awareness and visibility of our role and local understanding is essential to both the Authority and the wider public. The introduction of our Town and Parish Council mentor process has further developed this aim and enhanced the overall view of a progressive Committee and Authority. Indeed this Annual Report forms part of our desire for public awareness and understanding.

There have been several changes in the membership of the Committee over the last twelve months, enabling us to provide the optimum balance of Councillors, Town and Parish Councillors and independent members to provide all our requisite needs. It would be remiss not to mention the retirement of the Reverend John Cree, one of our independent members and acknowledge his services to both this Committee, the Authority and the community.

The anticipated arrival of changes in the Code of Conduct has now been delayed until after the General Election 2010. This, in turn, will add to the demands on the Committee, not least in training requirements for everyone.

I would like to thank all members of the Standards Committee for the support and commitment they have given to the work of the Committee over the past year. I would also like to convey the thanks of all Committee members to both the Monitoring Officer and the Democratic and Members Services Officer who have provided invaluable advice and assistance.

Tony Ellwood
Independent Chair of the Standards Committee

Introduction and role of the Committee

This annual report provides a summary of the work undertaken by Chorley Council's Standards Committee during the Municipal Year 2009/10 to promote and ensure compliance with the Member's Code of Conduct and generally to ensure good standards of ethical governance within the Borough Council and the Town and Parish Councils covered by the Committee.

Code of conduct

Local authorities are required to adopt a Code of Conduct that sets out rules governing the behaviour of their Members. Standards for England are a national body who champion and promote high standards of conduct among local politicians and ensure the public are in no doubt that standards and principles matter to local government. For more information on



Standards for England please see their website <http://www.standardsforengland.gov.uk/>

Membership

The current membership of the Committee is as follows:

- Independent Members: Tony Ellwood (Chair), Hugh Evans and Gwynne Furlong.
- Town and Parish Council Members: Councillor Joan Geddes, Councillor Alan Platt and Councillor Bill Mason.
- Borough Council Members: Councillor Mike Devaney (Vice-Chair), Councillor Judith Boothman, Councillor Cath Hoyle, Councillor Debra Platt and Councillor Stella Walsh.

Terms of reference

The constitution of the Committee and its role and function are defined in Article 9 of the Articles of the Constitution. Primarily, although this is not an exhaustive list, the Committee's function is to promote and maintain high standards of conduct by Members and to be responsible for the assessment and investigation of complaints of breaches of the Code of Conduct. Importantly, the Committee assists, advises and trains Members on the operation of the Code.

Committee Meetings and Business



The full Committee has met four times during the year and has been successful in following the work programme approach adopted in previous years. At each meeting the Committee considers work undertaken to promote the code and receives any updates from Standards for England or the Adjudication Panel. Under the latter heading the Committee now receives a report at each of its meetings regarding cases which have been referred by Committees to Standards for England for investigation and in relation to Adjudication Panel decisions. Other items considered at each meeting are progress and issues arising from the Town and Parish Council mentoring scheme and training issues.

In addition to its routine business the Committee has considered and made recommendations in relation to the following matters:

- Recently published guidance from Standards for England on "other action" and "granting of dispensations",
- 2008 / 2009 Annual Return to Standards for England,
- Standards Committee (Further Provisions) (England) Regulations 2009,
- Recruitment of additional Members of the Standards Committee,

- Draft email, internet and telephone policy for Members,
- Probity in Planning - a revised guidance note prepared by the Local Government Association,
- The requirements surrounding notifications to Town and Parish Councils concerning complaints,
- Annual Assembly of Standards Committees report from the Chair and Democratic and Member Services Officer,
- "Putting the public in the picture - what does your authority's website say about standards?" quiz produced for the Annual Assembly,
- Discussion regarding public awareness of the Standards Committee,
- Local Assessment process and timescales,
- Review of the complaint form,
- Consideration of the Council's officer code of conduct,
- Draft 2009 / 2010 Annual Report.

Complaints received 2009 / 2010

The number of complaints being dealt with by the Committee continues to be at a relatively low level.

- Three allegations have been received, one of which was referred to Standards for England. This was subsequently referred back to the Committee and a local investigation undertaken.
- Each allegation was dealt with within 10 days of receipt on average and no complaint was dealt with outside the 20 day recommendation by Standards for England.
- Only one request for a review has been received and dealt with within 2 days.



This means that there have been four meetings of the Assessment Sub-Committee, one meeting of the Review Sub-Committee and two meetings of the Consideration Sub-Committee

The allegation referred for local investigation was that a Councillor had breached the Code of Conduct by sending an email to a number of Members of her own Group which was alleged to be offensive and racist. The decision of the Consideration Sub-Committee was that the allegation was not substantiated and accordingly the Councillor had not breached the Code.

A Consideration Sub-Committee was held to consider an investigation report. The allegation was that two Parish Councillors had breached the Code of Conduct by engaging in a racist conversation before a meeting of the Parish Council. The Consideration Sub-Committee agreed that the allegation was not substantiated and accordingly the Councillors had not breached the Code.

Reporting back on complaints prior to 2009

A case referred to Standards for England for investigation will be heard by the Adjudication Panel in the spring of 2010.

Standards Sub-Committee

For some years the Committee has operated a Standards Sub-Committee which meets twice a year with the purpose of carrying out a review and audit in relation to the maintenance of records of interest and hospitality provided by both Borough Council and Parish Members. Following meetings letters were sent to Town and Parish clerks highlighting common issues. Specific queries were raised on several forms for Town, Parish and Borough Councillors.

The Sub Committee was pleased this year to note that the quality of register entries showed clear signs of improvement.

Training and Information Provision



The Standards Committee has continued to regard the provision of training and information as a key function.

- The Bulletin from the Standards for England has been forwarded to Town and Parish Council clerks in addition to the Committee members. It also featured on “intheknow” (the fortnightly Members ezine),
- An article highlighting some guidance from Standards for England relating to gifts and hospitality was promoted within “intheknow” in November.
- A reminder to update financial and other interests’ forms was included in the December “intheknow”.
- The Code of Conduct: when the Code applies, what it covers, general obligations, registering interests, declaring interests and predetermination. Borough, Town and Parish Council Members attended a session delivered by the Monitoring Officer in December. The Chair of the Committee also attended.
- The Committee viewed the DVD produced by Standards for England regarding Local Assessment of complaints at their meeting in December.

Town and Parish Council Mentoring

The Committee is now into the third year of its mentoring programme which is another important aspect of its awareness raising programme. Mentoring involves each Member of the Standards Committee being allocated two Town and Parish Councils and committing to attend at least one Town and Parish Council meeting during the year.

At those meetings the Standards Committee member is prepared to give a brief overview of the work of the Committee and pass on news about important developments. Copies of a briefing note and the personal interest flow chart have been made available for mentors to distribute. It is anticipated that by the end of the year each Town and Parish Council will have had a visit in accordance with the plan.

Recruitment of Independent members

Following the retirement of Reverend John Cree a recruitment process was undertaken. Members of the Local Strategic Partnership had been contacted to canvass interest and following interviews two new Independent members were appointed. We would like to take this opportunity to welcome Hugh Evans and Gwynne Furlong to the Committee.

Best practice

Throughout the year the Committee have demonstrated best practice as identified by Standards for England, both at the Annual Assembly and within the Annual Report 2008 / 2009. These include:

- The quiz “Putting the public in the picture” showed that the information available on the Council’s website is of a high quality and includes proactive promotion of standards issues,
- There is a section on the website dedicated to standards and ethics, which includes the complaints form, the written decisions for determination hearings held and the annual report of the Standards Committee,
- The provision of a flow chart that explains when to declare interests,
- Town and Parish clerks and the local press receive notification when the agenda for the Committee has been published,
- The Chair of the Standards Committee attends meetings of the Council as an observer,
- Production of an annual report,
- Member Learning Sessions are held each month. The program for these is set following personal development plans for each Member and by the Member Support Working Group.

In addition, the Monitoring Officer meets with the Chief Executive, as and when required, to discuss ethical issues. The Chief Executive will be invited to attend the first meeting of the new municipal year from 2010 / 11.

Committee work programme

Standing items:

- News from Standards for England
- Cases Update
- Feedback from visits to Town and Parish Councils
- Work undertaken to promote the Code of Conduct
- Training issues
- Standards Committee work programme



Future items:

- Process for dispensations
- Methods for educating Members on the process and timescales involved in receiving allegations of a breach of the code, through the assessment, then potentially an investigation
- Guidance on information accessible, disclosed and disposed of by Members
- Consideration of the Officer code of conduct
- Consideration of the current Local Code of Conduct on Planning issues following the review by ACSES
- Consideration of the need for a Licensing Code of Conduct

Distribution

The report will be signed off by the Committee and considered at a Council meeting. It will then be posted on the Council's internet and forwarded to Town and Parish Council clerks within Chorley.

| Report of | Meeting | Date |
|--|---------|---------------|
| Director People and Places (Introduced by the Executive Member for Neighbourhoods) | Council | 13 April 2010 |

GAMBLING ACT 2005 – LICENSING STATEMENT OF POLICY REVIEW

PURPOSE OF REPORT

1. To inform Members of the results of the recent consultation on the Councils Gambling Act 2005 Statement of Policy document and seek its continued adoption

RECOMMENDATION

2. That the Gambling Act 2005 Statement of Policy as presented at Appendix A be adopted.

EXECUTIVE SUMMARY OF REPORT

3. The Council as licensing authority under the provisions of the Gambling Act 2005 is required in accordance with Section 349 of the Act to formulate, consult and adopt a Gambling Act Statement of Licensing Policy which will guide the Council when considering applications under the Act.
4. In January 2007 the Council adopted and published its Gambling Act 2005 Licensing Statement of Policy in accordance with statutory obligations. The policy is required by statute to be reviewed and consulted upon every three years.
5. A consultation process has been undertaken on the existing statement of policy during December 2009 and January 2010. The list of consultees is contained within the policy document.
6. During the consultation period which closed on 22 January 2010 no representations were received and in accordance with the consultation statement no revisions to the policy or principles of the policy have been made.
7. The Gambling Act 2005 Licensing Statement of Policy document has been amended to take account of organisational changes in the last three years and is attached to this report as Appendix A.

REASONS FOR RECOMMENDATION

(If the recommendations are accepted)

8. To ensure the Council meets its statutory obligations under the Gambling Act 2005 and has adopted a licensing policy relating to gambling that meets the overall licensing objectives of the legislation.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. None

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 | | Develop local solutions to climate change. | |
| Improving equality of opportunity and life chances | | Develop the Character and feel of Chorley as a good place to live | √ |
| Involving people in their communities | | Ensure Chorley Borough Council is a performing organization | √ |

IMPLICATIONS OF REPORT

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

| | | | |
|-----------------|---|--|--|
| Finance | | Customer Services | |
| Human Resources | | Equality and Diversity | |
| Legal | √ | No significant implications in this area | |

COMMENTS OF THE DIRECTOR OF TRANSFORMATION

12. The review of the Gambling Act policy is a legal requirement. The procedures followed are correct. No further comment

GARY HALL
DIRECTOR OF TRANSFORMATION

There are no background papers to this report.

| Report Author | Ext | Date | Doc ID |
|---------------|------|-----------------|----------|
| Simon Clark | 5732 | 28 January 2010 | GApolicy |



Gambling Act 2005
Statement of Licensing Policy



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PART A: GENERAL**1. The Licensing Objectives**

- 1.1 In exercising most of the functions under the Gambling Act 2005 (the Act), Chorley Council is designated the Licensing Authority (the Authority) and must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 The Gambling Commission has specifically stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling, to which the Authority will have regard.
- 1.3 In accordance with Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice issued by the Gambling Commission under Section 24 of the Act;
 - In accordance with any relevant guidance issued by the Gambling Commission under Section 25 of the Act;
 - Reasonably consistent with the licensing objectives, and
 - In accordance with this Statement of Principles.
- 1.4 A Glossary of the key terms used in this Statement of Principles is detailed at Appendix 1.

2. Introduction

Chorley Council is situated in the County of Lancashire, which contains 12 District Councils and 2 unitary authorities. The Borough has 23 Parish councils and a population of 100,449 (National Census 2001), covering an area of 80 square miles.

The Borough is set in attractive countryside between the West Pennine Moors and the Lancashire Plain.

A map of the Borough is in Appendix 2

Legal background and rationale

- 2.1 This Statement of Principles (the Statement) sets out the manner in which the Authority will generally apply to promote the licensing objectives when considering and making decisions on applications made under the Act. This Statement has been prepared under Section 349 of the Act and in accordance with the Gambling Commission's Guidance (the Guidance) for Licensing Authorities issued under Section 25 of the Act. The Authority is therefore constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.

The Authority is required by Section 349 of the Act to publish this Statement, which it proposes to apply when exercising its functions. This Statement shall be effective from the 31 January 2010, and shall remain in effect for three years; therefore this Statement will be reviewed in January 2013. Following this full review of its Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.

- 2.2 This Statement will also be kept under review during this three year period, and accordingly, the Director People and Places will maintain an 'Issues Log' in which all issues pertaining to this Statement will be recorded. Therefore the Authority will make revisions to the Statement from "time to time" as it considers appropriate. For example, where relevant issues have arisen, or where matters recorded in the 'Issues Log' indicate that such a review is required. A further consultation will be carried out on any amendments made to the Statement, and the Statement will be re-published.
- 2.3 Nothing in this Statement will override the right of any person to apply under the Act for a variety of permissions and have that considered on its own merits and according to the statutory requirements of the Act.
- 2.4 Nothing in this Statement will override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 2.5 The Council also has a responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Accordingly, it is recognised that prevention of crime and disorder is a vital element of ensuring the quality of life in a community and an important aspect of a successful and vibrant economy.

2.6 Chorley Council recognises that in considering applications and taking of enforcement action under the Act, it is subject to the Human Rights Act 1998 and in particular:

- Part 1 of the First Protocol - peaceful enjoyment of possessions.
- Part 6 right to a fair hearing.
- Part 8 respect for private and family life.
- Part 10 right to freedom of expression.

Chorley Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable nuisance caused by licensed premises/activities. Full consideration has been given to these issues in formulating this Statement.

2.7 This Statement recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which 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. This Statement 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, and this Statement is referenced in this race equality scheme. The Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

2.8 This Statement recognises the Disability Discrimination Act 1995, however no condition will be attached to a licence or certificate that conflicts or duplicates this requirement.

2.9 Chorley Council will steer to avoid duplication with other regulatory regimes as far as possible e.g. health & safety at work and fire safety requirements.

2.10 Unmet demand is not a criteria for the Authority in considering an application for a premises licence.

- 2.11 Development process and consultation.
- 2.12 The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted can be provided on request.
- 2.13 The Act requires the Authority to consult the following parties:
- Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.15 Consultation for this review period takes place between 1 December 2009 and 22 January 2010 and follows the Revised Code of Practice for public consultations
- 2.16 The full list of comments made, and the consideration by the Council of those comments, will be available from the Council using the contact details given below .
- 2.17 The original Statement was approved at a meeting of the Council 19 December 2006 on and was published on the Council's website thereafter.
- 2.18 If you have any comments as regards this Statement, please send them via e-mail or letter to:
- Director People and Places
- Email: contact@chorley.gov.uk
- Mail to: Chorley Council
Civic Offices
Union Street
Chorley PR7 1AL

3.0 Declaration

In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the Statement.

4.0 **Responsible Authorities**

These are specified in Section 157 of the Act and are set out in appendix 4.

- 4.1 When exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Authority about the protection of children from harm, the Authority is required to state the principles it will apply. These principles are:

The need for the body to be responsible for an area covering the whole of the licensing authority's area;

The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

- 4.2 Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Child Services Directorate (or equivalent) as the body that is competent to advise the Council about the protection of children from harm.

- 4.3 Responsible authorities are public bodies that must be notified of applications and are entitled to make representations to the Authority for and, in relation to, premises licences.

5.0 **Interested Parties**

Section 158 of the Act defines an Interested Party. An Interested Party can make representations about licence applications, or apply for a review of an existing licence.

- 5.1 Section 158 of the Act defines an interested party: as any person who:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- Has business interests that might be affected by the authorised activities; or
- Acts as a representative of those persons who satisfy either of the above points.

- 5.2 The Authority will consider whether a person is an interested party with regard to particular premises on a case-by-case basis and make a decision upon its merits. However, the Authority may have regard to a number of factors when making its decision e.g. the size of the premises and the nature of the activities taking place.

Larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities.

The factors that the Licensing Authorities may take into account when determining 'what sufficiently close to the premises' means, may include:

- size of the premises;
- nature of the premises;
- distance of premises from the location of the person making the representation;
- potential impact of the premises (number of customers, routes likely to be taken by customers) and;
- circumstances of the complainant. The Licensing Authority will not take into account the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises eg the Licensing Authority would reasonably conclude that "sufficiently close to be likely to be affected" could have a different meaning for a private resident or a residential hostel for vulnerable adults.

5.3 The Authority will consider the examples of considerations provided in the Guidance when making a decision as to whether or not a person is an interested party. If the Authority does not wish to follow the Guidance in any respect, it will provide written reasons as to why this deviation has taken place, noting that decisions on Premises Licences must be "in accordance" with the Guidance.

5.4 Interested parties may include trade associations, trade unions, residents and tenants associations. However, it will not generally view these bodies as interested persons unless they represent a person or body who comes within the definition as set out in paragraph 5.2

5.5 Persons representing these interested parties may also be persons who are democratically elected such as ward Councillors, Members of Parliament and Parish Councillors. Other than these persons, the Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be deemed as sufficient. The Licensing Authority will have regard to anything an interested party says about his status to make representation.

5.6 Persons with business interests that could be affected:

The Licensing Authority will have to be satisfied that a relevant business is likely to be affected.

The Licensing Authority is aware that the "demand tests" in previous legislation has not been preserved in the 2005 Act.

The Licensing Authority consider factors likely to be relevant to include:

- size of the premises;
- 'catchment' area of the premises and;
- whether the person making the representation has business interests in the area that may be affected.

5.7 If individuals wish to approach ward Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Statutory Committee that will deal with the licence application. If there are any doubts, please contact the Councils Head of Legal Services using the contact details given at Appendix 5.

6.0 Exchange of Information

Sections 29 and 30 of the Act require the Authority to state the principles to be applied by the Authority with respect to the exchange of information between it and the Commission. In addition, Section 350 of the Act also requires the Authority to state the principles to be applied with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.1 In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened and conform to the requirements of the Freedom of Information Act 2000. The Authority will also have regard to any Guidance issued by the Commission to Local Authorities on this matter, as well as any relevant regulations, codes of practice etc.

6.2 Where any protocols are established to facilitate such exchange of information, these will be made available.

6.3 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being required, will form part of a public document. Any person making a representation, or applying for review of a premises licence, will be informed that their details will be disclosed.

7.0 Integration Strategies

General

- 7.1 There are many stakeholders in the gambling industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives. The Authority, therefore, recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage such activities for the wider cultural benefit of the community. The Authority will aim to monitor the impact of its decisions to ensure that this principle is being upheld.
- 7.2 Many of these strategies deal in part with the licensing function, and the Authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, local transport, tourism and cultural strategies.
- 7.3 Coordination of duties will involve close, and regular, liaison with Responsible Authorities. This shall be carried out through regular local meetings, regarding strategic and operational issues raised by the Act.
- 7.4 The Authority recognises the need to avoid so far as possible duplication with any other regulatory regimes. However, some regulatory regimes do not cover the unique circumstances of some entertainment and, where relevant representations have been received, the Authority will consider attaching conditions to a licences or permission where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

8.0 Enforcement

The Authority is required by regulation to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

8.1 The Authority's principles for enforcement are that:

It will be guided by the Guidance and any code of best practice and aim to be:

- Proportionate: the Authority will only intervene when necessary: remedies will be appropriate to the risk posed, and costs identified and minimised.
- Accountable: decisions will be justified, and be subject to public scrutiny.

- Consistent: rules and standards will be joined up and implemented fairly.
- Transparent: regulators should be open, and keep regulations made simple and user friendly wherever possible; and
- Targeted: regulation will be focused on the problem, and aim to minimise side effects.

8.2 In accordance with the Guidance, the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The Authority will also, as recommended by the Guidance, adopt a risk-based inspection programme of premises. This involves targeting high-risk premises which require greater attention whilst operating a lighter touch in respect of low risk premises. In this way, resources are more effectively concentrated on problem premises. The criteria and programme that the Authority is to use to determine the level of risk in respect of risk will be made available separately from this statement.

8.3 The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

8.4 The Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities and will adopt the principles of better regulation.

8.5 To ensure transparency in its enforcement action, the Authority maintains an enforcement policy to which all staff must comply. A copy of the enforcement policy is available upon request to the Licensing Service, using the contact details provided at Appendix 5.

9.0 Licensing Authority functions

The Act requires the Authority to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*.

Issue *Provisional Statements*.

- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits* to *Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machine.
- Grant *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and Endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange').
- Maintain registers of the permits and licences that are issued under these functions.

9.1 It should be noted that the Authority is not involved in licensing remote gambling at all. This is the responsibility of the Commission, which is controlled via Operator Licences.

The Licensing Authority will determine the delegated functions under the Act.

9.2 The Licensing Authority is aware that the Code of Conduct will apply in their decision making and that public confidence in their decision making is paramount.

9.3 The general principles that apply in decision making to underpin the Code of Conduct are that members of licensing authorities should:

- serve only the public interest and should never improperly confer an advantage or disadvantage on any person;
- not place themselves in situations where their honesty and integrity may be questioned and make decisions on merit;
- be accountable to the public for their actions;

- reach their own conclusions on the issues before them and act in accordance with those conclusions; and
- uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

10.0 Hearings

A hearing will be arranged to deal with any applications, which cannot be dealt with under delegated powers or resolved by agreement between applicants and interested parties and/or Responsible Authorities.

- 10.1 Each case will be determined on its individual merits.
- 10.2 Hearings will be held at the earliest possible date having regard to the regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations. Members will carefully consider their position should they be requested to hear a matter which occurs in their own ward.
- 10.3 A legal advisor, advocate or a friend may represent applicants where they do not choose to represent themselves. The Authority will endeavour to assist applicants in preparing for and participating in a hearing.
- 10.4 Whilst the Committee and Sub-Committees will usually meet in public they do have the power to hear certain applications in private. A public announcement of the decision will be made at the end of the hearing. The decision determined by the Committee or Sub-Committee will be accompanied with clear reasons for the decisions, having regard to the Human Rights Act 1998, the three Licensing Objectives and all other relevant legislation.
- 10.5 Conditions may be attached to licences where relevant representations are received. Any condition attached to a licence will be related to one or more of the Licensing Objectives, and conditions will not relate to matters, which are the subject of other legislation.

PART B: PREMISES LICENCES

11.0 General Principles

Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.

- 11.1 Premises licences are issued by the Licensing Authority with responsibility for the area in which the premises are situated. In the Borough of Chorley, the Licensing Authority is Chorley Council.
- 11.2 Premises licences, under Section 150 of the Act, can authorise the provision of facilities on:
- casino premises;
 - bingo premises;
 - betting premises; including tracks and premises used by betting intermediaries;
 - adult gaming centres (for Category B3, C and D machines); and
 - family entertainment centres (for Category C and D machines only).
- 11.3 Premises Licences will be subject to the permissions/restrictions set out in the Act and associated regulations, as well as specific mandatory and default conditions. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 11.4 The Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant code of practice issued by the Commission.
 - In accordance with any relevant guidance issued by the Commission.
 - Reasonably consistent with the licensing objectives.
 - In accordance with this Statement.
- 11.5 The Authority is aware that as per the Gambling Commissions Guidance, moral objections to gambling are not a valid reason to reject applications, and also that unmet demand is not criterion for a Licensing Authority

Definition of “premises”

- 11.6 Premises is defined in the Act as “any place” Section 152 of the Act prevents more than one Premises Licence applying to any place. However, it is possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Authority follows the Commission guidance and does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 11.7 The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). The sort of issues that the Authority will consider before granting such applications e.g. whether children can gain access, compatibility of the two establishments and ability to comply with the Act. However, the overriding consideration will be, whether taken as a whole, the co-location of the premises with other facilities, has the effect of creating an arrangement that otherwise would or should, be prohibited under the Act.
- 11.8 When considering applications for multiple licences for a building or those relating to a specific part of a building used for other (non-gambling purposes) the Authority will generally require entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 11.9 With certain exceptions, children will not be permitted to enter licensed gambling premises. Therefore applicants should consider carefully how they wish to configure their buildings if they are seeking to develop multi purpose establishments.
- 11.10 The Authority may, where reasonable, require persons operating premises in which gambling takes place to take measures such as the supervision of entrances, segregation of gambling from non-gambling areas frequented by children (if their non-gambling areas are compatible with the requirements of the Act) and the supervision of gaming machines in non-adult gambling specific premises in order to provide the licensing objectives. This will be done by attaching licence conditions where appropriate.
- 11.11 The Act permits premises licences to be granted for passenger vessels. A vessel is defined by the Act (Section 353(1) as:

- Anything (other than a sea plane or amphibious vehicle) designed or adapted for use on water.
- A hovercraft; or
- Anything, or part of any place, situated on or in water.

11.12 Structures which are an extension of land are not vessels. The Act applies in relation 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. The relevant Licensing Authority will be the Licensing Authority for the area in which it is usually moored or berthed.

11.13 Where a premises licence is sought for a vessel which will be navigated whilst licensable activities take place the Authority will be concerned with the promotion of the Licensing Objectives on-board the vessel. The Licensing Authority will not focus on matters relating to safe navigation, operation of the vessel, general safety or emergency provision.

Location

11.14 Demand issues cannot be considered with regard to the location of premises but considerations in terms of the licensing objectives can. The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, the Authority would have regard to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families and children. If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Statement will be updated. It should be noted that any such decision would not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how such concerns can be overcome.

Duplication with other regulatory regimes

11.15 The Authority will not take into account irrelevant matters i.e. those not related to gambling and the Licensing Objectives and will seek to avoid any duplication with other statutory / regulatory systems. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives

- 11.16 All Premises Licences granted by the Authority must be reasonably consistent with the licensing objectives. With regard to these objectives, the Authority has considered the Guidance and offers the following comments:

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

Notwithstanding the above paragraphs, the Authority will pay attention to the proposed location of any gambling premises in relation to this objective. Therefore, if an area has known high levels of organised crime, the Authority will consider whether gambling premises are suitable for that location.

The Authority is also aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it. Issues of nuisance cannot be addressed under the Act.

Ensuring that gambling is conducted in a fair and open way – The Authority will not concern itself with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – The Authority will take the approach that in practice this would often mean preventing children from taking part in gambling, and therefore when determining a relevant application, the Authority will consider whether specific measures are required at the premises.

At present no definition is offered with regard to the term “vulnerable persons”, therefore the Authority will consider this objective on a case-by-case basis. However the Guidance does state that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” Where a practical definition is made available in the future, this Statement will be updated.

- 11.17 Section 183 applies to all premises licences. It attaches a mandatory condition that facilities for gambling must not be provided on Xmas Day (i.e. 00.01 hrs on 25 December until 00.00 hrs on 26 December).

- 11.18 Secretary of State to set out in Regulations, conditions that must be attached to premises licences.

The Authority shall only consider imposing individual conditions when imposing a more restrictive regime in respect of matters dealt with by mandatory conditions where there are regulatory concerns of an exceptional nature and any additional licence conditions will relate to the licensing objective.

Conditions

- 11.19 Any conditions attached to licences will be proportionate to the areas they are trying to address and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

- 11.20 Decisions upon individual conditions will be made on a case by case basis. However, there are a number of control measures that the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. Specific comments made in this regard under each of the licence types below. The Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

The Licensing Authority recognises that the Act specifies certain conditions which cannot be attached to premises licences namely;

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winnings or prizes.

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

Default Conditions

11.21 These may be imposed by the Secretary of State under Section 168 of the Act.

The Licensing Authority has the power to exclude a default condition and substitute it with one that is either more or less restrictive.

11.22 Section 169 of the Act gives the Authority power to:

- exclude from premises licence any default conditions imposed under S168; and
- power to impose conditions on the premises licences it issues.

The Licensing Authority recognises that default conditions are intended to be the basic industry norm and where it excludes default conditions and replaces them with more restrictive areas it will ensure that it has clear regulatory reasons for doing so.

11.23 Where there are specific risks or problems associated with a particular locality or specific premises or class of premises the Licensing Authority may attach individual conditions to address this.

11.24 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Door Supervisors

11.25 The Authority may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

11.26 Where conditions requiring the presence of door supervisors may be attached to premise licences or other permissions, the authority will take account of available evidence, trading history and whether the presence of door supervisors is both necessary and proportionate.

11.27 It is noted that the Security Industry Authority cannot licence door supervisors at casinos or bingo premises.

11.28 Section 178 of the Act provides that if a condition is attached which requires someone to be responsible for "guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage", such a person would normally need to hold a licence from the Security Industry Authority, the requirement for a SIA licence becomes a condition of the premises licence. Bingo premises and Casino premises are exempt from the need to have licensed door supervisors.

The Authority can specify specific requirements for door supervisors, who are non-SIA registered. This could include training from a recognised provider which could cover:

- Licensing Law.
- Civil and Criminal Law.
- Drug Awareness.
- Equal Opportunities and Customer Service.
- Children and Vulnerable Adults.
- Eviction/Arrest and searching people.
- First Aid.
- Door Supervisor Roles/Procedures and Standards.

12.0 **Adult Gaming Centres**

Persons operating Adult Gaming centres (AGC's) must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Licensing Authority.

12.1 Section 172(1) of the Act provides that a holder of a Adult Gaming Centre premises licence may make available for use up to four category B Machines; any number of category C or D machines. The Secretary of State will specify that the Category B machines will be restricted to sub-category B3 and B4 machines.

12.2 No one under the age of 18 is permitted to enter an Adult Gaming Centre.

12.3 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to minimise the opportunities for children to gain access to the premises.

12.4 The Licensing Authority will expect applicants to offer their own measures/licensing conditions which may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

Please note that this list is not mandatory, nor exhaustive.

13.0 **(Licensed) Family Entertainment Centres**

The Act creates two classes of family entertainment centres (FECs)

Licensed family entertainment centres - category C & D machines and which require a premises licence and:

Unlicensed family entertainment centres - category D machines only and require a FEC gaming machine permit (see Section 21 below).

13.1 Children and young persons are permitted to enter a FEC and may play on Category D machines only and there must be a clear segregation between the two types of machine so that children do not have access to Category C machines.

13.2 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

13.3 The Licensing Authority will expect applicants to offer their own measures/licensing conditions which may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as 'GamCare.'

Please note that this list is not mandatory, nor exhaustive.

13.4 The Authority will refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. The Authority will also ensure that any mandatory or default conditions on these Premises Licences are used accordingly.

14.0 **Casinos**

Section 7(1) of the Act states that "a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games". Casino games are, in turn, defined by the Act to mean a game of Chance which is not equal chance gaming.

14.1 Licensing Authorities have been given the role of issuing premises licences for casinos and monitoring those licences.

14.2 Section 174 of the Act sets out three categories of casino premises licences. These are:

- one regional casino premises licence,
- eight large casino premises licence and
- eight small casino premises licence.

The Secretary of State, after consultation with the Independent Casino Advisory Panel, will specify the areas for the 17 new casinos.

- 14.3 The Licensing Authority recognises that unmet demand is not to be a criterion for a Licensing Authority in considering an application for a premises licence. Each application will be on its merits.
- 14.4 Section 166(1) of the Act provides that a Licensing Authority may resolve not to issue a casino premises licence.

Chorley Council has yet to pass a resolution on a Casino premises.

When the Council makes such a resolution, it will be a resolution passed by Full Council following considered debate and full reasons for the decision will be given.

- 14.5 Notwithstanding the above paragraph, where a licensing authority area is enabled to grant a Premises Licence for a new style casino (ie the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino.

The Licensing Authority will follow the Commissions guidance for considering applications in these circumstances. In particular, the Licensing Authority will not confuse planning or building regulation considerations with the matter before it. The Licensing Authority will comply with Schedule 9 of the Act and any relevant Codes of Practice in making its determination and in considering the matters to be taken into account when making any such determinations.

- 14.6 The Act authorises the holder of a casino premises licence to make facilities available for betting on virtual events.
- 14.7 The casino premises licence holder must comply with the Code of Practice issued in relation to access to casino premises for children and young persons.
- 14.8 Casino premises are exempt from the need to have licensed door supervisors by virtue of exclusion in the Private Security Industry Act 2001.

15.0 **Bingo premises**

The Act does not give bingo a statutory definition. It is to have its ordinary and natural meaning. The holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence will be able to offer bingo in all its forms.

- 15.1 Apart from commercial operators, prize bingo is traditionally a game played in arcades or travelling fun fairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs (or any premises with prize gaming permit) will be able to offer prize gaming, which includes prize bingo. In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or size of the prize must not be determined by reference to the amount paid for or raised by the gaming. See the section on prize gaming.
- 15.2 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than category D machines. Where category C machines, or above, are available in the premises to which children are admitted, the Authority will ensure that:
- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
 - Only adults are admitted to this area where the machines are located.
 - Access to the area where the machines are located is supervised.
 - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
 - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 15.3 Under the Act, children and young persons (up to age of 18) cannot be employed in providing any facilities for gambling in bingo premises and children (under 16) cannot be employed in any capacity, at any time when facilities for playing bingo are offered. The Commission will issue further guidance relating to the suitability and layout of bingo premises. The Authority will therefore consider this information when it is published.
- 15.4 The holder of a bingo premises licence may make available for use up to four category B machines (B3 & B4), any number of Category C and Category D machines.

16.0 **Betting Premises**

The Act contains a single class of licence for betting premises. However, within this class, there will be different types of premises that will require licensing.

- 16.1 This section relates to off-course betting, that is betting that takes place other than at a track. Please see Part 17 for track betting.
- 16.2 The Licensing Authority is responsible for issuing and monitoring premises licences for all betting premises.
- 16.3 Children and young persons will not be able to enter premises with a betting premises licence.
- 16.4 The holder of a betting premises licence may make available for use up to four gaming machines of Category B (B2, B3 and B4), Category C and Category D. See Part 27 for information on gaming machines.
- 16.5 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Such machines will not count towards the maximum permitted number of gaming machines nor have to comply with any stake or prize limits. However, machines that take bets on virtual races (re images generated by computer) are classed as gaming machines and do count towards the maximum permitted number of gaming machines and must meet the relevant category limitations for the premises.
- 16.6 The Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a condition to the betting premises licence.
- 16.7 When considering whether to impose a condition to restrict the number of betting machines in a particular premises the Authority will take into account any known or likely breach of licensing objectives, the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.
- 16.8 Section 183 of the Act attaches a condition to a betting premises licence that facilities for gambling must not be provided on Christmas Day (00.01 on 25 December until 00.00 on 26 December).

17.0 Tracks

Tracks are sites where races or other sporting events take place re horse racecourses and dog tracks.

- 17.1 There is no special class of betting premises licence for a track but the Act contains rules which apply specifically to a premises licence granted in respect of a track.
- 17.2 Betting is often divided into "on-course" and "off-course" in relation to tracks:
- On-course betting operator - comes onto the track temporarily, while races are taking place and operates at the track side.
 - Off-course betting operators - may, in addition to the premises away from the track, operate self-contained betting premises within the track premises (See Part 16)
 - Pool betting - can take place on tracks, but only on certain types of track, and the people who run it are limited.
- 17.3 Tracks are different from other premises in that they may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track. There can be a primary (betting) licence for the track and, in addition, subsidiary premises licences for other gambling activities may be issued. The Licensing Authority recognises that this will allow racecourses and other track venues to develop leisure facilities which offer a range of gambling facilities where this meets the principles for granting premises licences.
- 17.4 An applicant for a track premises licence does not need to hold an operating licence unless he, as the occupier of the track, wishes to offer pool betting or general betting facilities himself. If the betting provided on track is by other operators who come on course, they are required to hold the necessary operating licences. They in turn will be covered by the track premises licence held by the track operator.
- 17.5 Occasional use notices, which can only be issued in relation to tracks, may be relied upon for the provision of betting facilities for no more than 8 days in any calendar year. Please see Part 26.

Gaming Machines

- 17.6 The Licensing Authority will have regard to any guidance, issued by the Commission relating to the location of such machines and any special conditions relating to them. A betting premises licence does not give automatic entitlement to use gaming machines. However if the track operator who holds the premises licence also holds a pool betting operators licence then up to 4 gaming machines may be sited on the track (Categories B2 to D)

Betting Machines

- 17.7 The Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer. The Authority will also consider restricting the number and location of such machines in respect of applications for track betting Premises Licences.
- 17.8 The Licensing Authority, following the Commissions guidance, would require all self-contained premises operated by Off-Course betting operators on tracks to be the subject of separate premises licence. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Condition on rules being displayed

- 17.9 The Licensing Authority may attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

Applications and Plans

- 17.10 The Licensing Authority, subject to any information being prescribed by Regulation, will require applicants for premises licence to submit detailed plans for the racetrack itself and the area used for temporary on-course betting facilities and in case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Applicants are to ensure that plans submitted with the application make it clear what is being sought

under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. This is to ensure the appropriate licence conditions are applied.

- 17.11 There will be mandatory premise licence conditions for horse racecourses and dog tracks in relation to access to tracks by holders of general betting operating licences.
- 17.12 Under the Act, all those under the age of 18 must be excluded from any areas where facilities for betting are provided, and any area where Category B or C gaming machines are located. This is a condition of all track licences.

However, children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

- 7.13 The Authority will have particular regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
- 7.14 The Authority will expect applicants to offer their own measures to meet the licensing objectives. For example, appropriate licence conditions may cover such issues as:
- Proof of age schemes;
 - CCTV;
 - Door supervisors;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self barring schemes;
 - Provision of information leaflets/helpline numbers for organisations such as GamCare.

Please note that this list is not mandatory, nor exhaustive.

17.15 With regard to the protection of vulnerable persons, The Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as 'GamCare'.

Please note that this list is not mandatory, nor exhaustive.

18.0 Travelling Fairs

The Act defines travelling fairs as "wholly or principally" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year

18.1 The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

18.2 The 27-day statutory maximum for the land being used as a fair, is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

18.3 Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machine operates. They may provide an unlimited number of Category D gaming machines provided that gambling facilities amount to no more than an ancillary amusement at the fair.

18.4 Travelling fairs must comply with Schedule 14 to lawfully offer prize gaming. These are:

- The limits on participation fees as prescribed must be complied with.
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are allocated, and the result of the game must be made public on the day that it is played.
- The prize for which the game is played must not exceed the prescribed amount (if a money prize) or the prescribed value (if non-monetary prize).
- Participation in gaming must not entitle the player to take part in any other gambling.

19.0 Provisional Statements

When considering Provisional Statements, it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. Similarly, requiring the building to be complete ensures that the Authority can inspect it fully.

- 19.1 The application must be accompanied by plans and other prescribed information.
- 19.2 Responsible authorities and interested parties may make representations and the process for considering an application is as for a previous licence.
- 19.3 Once the premises have been constructed, altered or acquired the holder of a provisional statement may return to the Authority and make application for a premises licence.

In terms of representations about Premises Licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional licence stage; or
 - Which in the authority's opinion reflect a change in the operator's circumstances.
- 19.4 The Authority will not take into account irrelevant matters. An example of such an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Section 204 of the Act provides for a person to make an application for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The Licensing Authority, where an applicant has also applied to the Commission for an operating licence will not take into account the

likelihood of an operating licence being granted in its consideration of an application for a provisional statement.

20.0 Reviews

The Authority, under S200 of the Act may also initiate a review of a premises licence or class of premises licence in relation to a particular class of premises, the Authority may review the use made of the premises and, in particular the arrangements that premise licence holders have made to comply with licence conditions.

In relation to a particular premises the Licensing Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions may not be being observed or for any other reason which gives cause to believe that a review may be appropriate.

Decision to grant application for a review

20.2 The Licensing Authority must grant an application for a review unless, it decides to reject the application on one (or more) of the following grounds:

- not relevant to Commission guidance/Codes of Practice, Statement of Principles or licensing objectives e.g. issues relating to demand, planning, public safety;
- grounds are frivolous;
- grounds are vexatious;
- grounds "will certainly not" cause the Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- grounds are substantially the same as grounds used on a previous application relating to the same premises;
- grounds are substantially the same as representations that were made at the time the application for a premises licence was considered.

The Licensing Authority, if action is justified may;

- add, remove or amend a condition imposed by the Licensing Authority;
- exclude a default condition or remove or amend such an exclusion;
- suspend the premises licence for up to 3 months;
- revoke the premises licence.

In determining what action, if any, should be taken following a review the Authority will have regard to the general principles set out in Section 153 of the Act as well as any relevant representations.

The Licensing Authority will hold a hearing unless the applicant and any person who has made relevant representations that have not been withdrawn (that are not vexatious, frivolous or irrelevant) consent to the review being conducted without one.

20.3 A premises licence may be reviewed by the Authority of its own volition or following receipt of an application for a review by a responsible Authority and Interested Party. However, it is for the Authority to determine whether the review takes place. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for a review.

- In accordance with any relevant code of practice issued by the Commission.
- In accordance with any relevant guidance issued by the Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with this statement.

20.4 The Authority can also initiate a review of a licence on the basis of any reason that it considers is appropriate.

PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

21.0 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)

21.1 Unlicensed FEC's will be able to offer only Category D machines. Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. Applicants should note that under Section 238 of the Act they must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use.

Permits cannot be issued for vessels or vehicles.

21.2 If the operator of a FEC wants to make Category C machines available in addition to Category D machines, the Operator will have to apply for an operating licence from the Commission and a premises licence from the Licensing Authority. (See Section 13 above)

- 21.3 The Authority in accordance with the Guidance has prepared a *statement of principles* that it proposes to apply when considering applications for permits in particular the suitability of an applicant for a permit. In preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Licensing Authority will give weight to child protection issues when considering these permits.
- 2.4 The application for a permit can only be made by the person who occupies or plans to occupy the premises as an unlicensed FEC. If the applicant is an individual he must be aged 18 or over.
- 21.5 Applications for a permit cannot be made if a premises licence is in force for the same premises. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.
- 21.6 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Licensing Unit of Lancashire Constabulary has been consulted on the application.
- 21.7 The Authority cannot attach conditions to this type of permit and the “statement of principles” only applies to initial applications and not to renewals.
- 21.8 *Statement of Principles = This Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. However they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised/ very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also require following the Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.*
- 21.9 A permit will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is reviewed.

21.10 If the person to whom a permit is issued changes their name or wants to be known by another name they may send their permit to the Licensing Authority for amendment with the appropriate fee.

21.11 The permit may lapse for a number of reasons:

- if the holder ceases to occupy the premises;
- if the Licensing Authority notifies the holder of the premises they are not being used as an unlicensed FEC;
- if the individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered or;
- if the company holding the permit ceases to exist or goes into liquidation;
- if the permit holder surrenders it to the Licensing Authority.

21.12 If the permit holder is convicted of a relevant offence set out in Schedule 7 of the Act, the Court may order forfeiture of the permit.

Renewals

21.13 An application for renewal of the permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.

The authority may refuse an application for renewal of a permit only on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse, or
- that renewal would not be reasonably consistent with pursuit of the licensing objectives. The Licensing Authority will consult the Licensing Unit of Lancashire Police regarding any concerns that may have arisen about the use of the premises during the life of the premises.

Maintenance

21.15 The permit must be kept on the premises and be produced when requested to do so by a constable, an enforcement officer or an authorised local authority officer.

22.0 **(Alcohol) Licensed Premises Gaming Machine Permits –
(Schedule 13 Para 4(1))**

22.1 The Act makes provision for premises that holds a Premises Licence under the Licensing Act 2003 for the sale/supply of alcohol on the premises to automatically have 2 gaming machines, of categories C and/or D. The person who holds the on-premises licence merely needs to notify the Authority. The Licensing Authority may remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act.
- The premises are mainly used for gaming.
- An offence under the Act has been committed on the premises.
- The Licensing Authority, before making an order will give the licensee at least 21 days notice and consider any representations that they make.

22.2 In determining an application the Licensing Authority will have regard to the Guidance and the licensing objectives and any other matters, which are considered relevant to the objectives.

22.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority will consider that application based upon the licensing objectives, the Guidance, and “*such matters as they think relevant.*” This Authority considers that “such matters” will be decided on a case-by-case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of assistance. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

22.4 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre Premises Licence.

- 22.5 The Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 22.6 The holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.
- 22.7 The permit holder can apply to the Authority to amend the permit to reflect a change in the permit holders name.
- 22.8 The permit is indefinite and will remain in effect as long as the premises continue to hold an alcohol licence and the permit holder continues to hold that licence.
- 22.9 The permit holder may apply to vary the permit by changing the number and/or category of machines authorised by it.
- 22.10 The Licensing Authority is able to cancel a permit in the following circumstances:
- the premises are used wholly or mainly by children or young persons;
 - an offence under the Act has been committed;
 - permit holder fails to pay annual fee (excepting any administrative error).

Before the Licensing Authority cancels a permit they will give the permit holder at least 21 days notice and consider any representations made by the holder.

- 22.11 Where a person applies to the Licensing Authority for a transfer of an alcohol premises licence they will also need to apply separately for the transfer of the licensed premises gaming machine permit.
- 23.0 **Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**
- 23.1 The Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
- 23.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes at specified premises.

23.3 The Authority in accordance with the Guidance has prepared a *Statement of Principles* that it proposes to apply in exercising their functions in considering applicants. In particular, it has specified matters that the Authority propose to consider in determining the suitability of the applicant for a permit.

The Statement of Principles, requires the applicant to set out the types of gaming that he or she is intending to offer and requires the applicant to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations; and
- That the gaming offered is within the law.

23.4 Children and young persons may participate in equal chance prize gaming only.

23.5 An application may only be made by a person who occupies or plans to occupy the relevant premises, and if the applicant is an individual, he must be aged 18 or over.

23.6 The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.

23.7 An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

23.8 The Licensing Authority can refuse or grant a permit but cannot attach conditions.

23.9 The Licensing Authority will consult the Licensing Unit of Lancashire Police and will take account of any objections made by Lancashire Police if they are relevant to the Licensing Objectives. Relevant considerations may include the suitability of the applicant in the light of any convictions the applicant may have which would make them unsuitable to operate prize gaming and the suitability of the premises in relation to their location and issues about disorder.

23.10 The Licensing Authority will give weight to child protection issues in making its decision on an application for this permit and the applicant should be able to demonstrate that they have considered such issues and offer up appropriate measures where relevant. The Licensing Authority does not need to but may have regard to the licensing objectives, but must have regard to any guidance produced by the Commission.

23.11 A permit cannot be issued with regard to a vessel or vehicle.

23.12 There are conditions in the Act to which the permit holder must comply, but that the Authority cannot attach conditions. The conditions in the Act are:

The limits on participation fees, as set out in regulations, must be complied with;

- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.
- The permit will have effect for ten years unless it ceases to have effect and is reviewed.

23.14 The permit may lapse for a number of reasons:

- if the holder ceases to occupy the premises;
- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity; becomes bankrupt, or sequestration of the estate is ordered;
- if the Company holding the permit ceases to exist, or goes into liquidation.

23.15 The permit also ceases to have effect if the holder surrenders it to the Licensing Authority.

23.16 If the holder is convicted of a relevant offence as set out in Schedule 7 of the Act the Court may order the forfeiture of the licence.

23.17 An application for renewal of a permit must be made during the period beginning with six months before the licence expires and ending two months before it expires. The procedure for renewal is the same as for an application.

27.18 The permit must be kept on the premises and it is an offence not to produce it when requested by a constable, an enforcement officer, or an authorised local authority officer.

24.0 Club Gaming and Club Machines Permits

24.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply to this Licensing Authority for a Club Gaming Permit or a Club Gaming machines permit. This is in addition to exempt gaming authorised by the Act. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as described in the regulations. A Club Gaming Machines Permit may not be issued in respect of a vehicle or vessel.

24.2 Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

24.3 Commercial clubs have the same characteristics as members clubs, except that the key difference is that they are established with a view to making a profit e.g. snooker club.

24.4 The definition of miners' welfare institutions has changed. These are associations established for recreational and social purposes. They are managed by representatives of miners or uses premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

24.5 Club gaming permits allow the provision of no more than 3 gaming machines from Categories B4, C or D. The club is permitted to choose the combination of machines on its premises.

24.6 The Club gaming permit also allows the club to provide facilities for gambling, providing the gambling meets the following conditions:

(a) equal chance gaming:

- the club does not deduct money from sums staked or won;
- the participation fee does not exceed the prescribed amount;
- the game takes place on the premises and is not linked with a game on another set of premises. Games are to be considered linked if:

- the result of one game is, or may be, wholly or partly determined by reference to the result of the other games;
- the amount of winnings is wholly or partly determined by the participation of more than one set of players;
- the game is split by sites so that part of one game is played on one site and another part is played elsewhere.

(b) Other games of chance:

- the games are prescribed by regulations;
- that no participation fee is charged otherwise than in accordance with the regulations;
- that no amount is deducted from sums staked or won otherwise than in accordance with the regulations.

(c) in respect of gaming machines;

- that no child or young person uses a Category B or C machine on the premises;
- that the holder complies with any relevant Code of Practice about location and operation of gaming machines.

(d) That the public, children and young persons are excluded from any area of the premises when gaming is taking place.

24.7 A 48 hour rule applies in respect of all three types of gaming, so that the game may be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

24.8 There are a number of premises that are not licensed to sell alcohol but have been entitled to site gaming machines by virtue of being registered under Part II or III of the Gaming Act 1968. These premises may apply for a club machines permit. Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

24.9 Applications accompanied by the prescribed fee and documents must be made to the Licensing Authority in whose area the premises are situated. The applicant must also copy the application to the Commission and Lancashire Police.

24.10 The Authority may only refuse an application on the grounds that:

- (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) A permit held by the applicant has been cancelled in the previous ten years; or
- (e) An objection has been lodged by the Commission or the police (Gambling Commission's draft Guidance for Local Authorities 25.18).

If the Licensing Authority is satisfied that (a) or (b) is the case it must refuse the application. The Licensing Authority will have regard to the relevant guidance issued by the Commission and (subject to that Guidance), the Licensing Objectives

24.11 There is also a 'fast-track' procedure available for premises which holds a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or Lancashire Police, and the grounds upon which the Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

24.12 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines

24.13 The permit will have effect for ten years unless it ceases to have effect because it is surrendered, lapsed or renewed.

24.14 Permits may be amended to meet changing circumstances. The Licensing Authority will only refuse a variation if on consideration of a completely new application they would refuse the permit.

24.15 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast track permit system for a permit. In addition, a permit will cease to have effect upon being surrendered to the Licensing Authority.

24.16 The Licensing Authority may cancel a permit if:

- premises are used wholly by children and/or young persons; or
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

24.17 Application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires.

25.0 Temporary Use Notices

25.1 A temporary use notice allows the use of the premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. These may include hotels, conference centres and sporting venues.

25.2 A temporary use notice may only be granted to a person or company holding a relevant operating licence.

25.3 Section 218 of the Act provides that a set of premises is the subject of a temporary use notice if any "part" of the premises is the subject of a notice.

There are a number of statutory limits with regard to Temporary Use Notices. As with the definition of "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises. The Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

25.4 The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated in the prescribed form.

- 25.5 The same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period. The Licensing Authority will issue a counter notice if this limit is exceeded. As notices may be given by different operators in respect of the same premises the Licensing Authority will check whether a counter notice is appropriate.
- 25.6 A temporary use notice may not be given in respect of a vehicle. It may be given in respect of a vessel but only if it is a passenger vessel or a vessel that is situated at a fixed place.
- 25.7 A temporary use notice must be lodged with the Licensing Authority not less than three months and one day before the gambling event is to take place in the prescribed form and accompanied by the fee. The application must be copied to:
- the Gambling Commission;
 - Lancashire Police;
 - HM Commissioners for Revenue & Customs and, if applicable any other licensing authority in whose area the premises are situated.
 - In considering whether they wish to give notice of objection, the Licensing Authority will have regard to the licensing objectives and any relevant representations and if it considers that gambling should not take place, or only with modifications, it will give counter notice to the person who gave the Temporary Use Notice.
- 25.8 If objections are received, the Licensing Authority will hold a hearing to listen to all relevant representations unless all parties agree a hearing is unnecessary.
- Those person/bodies which raise objections may offer modifications to the notice that will alleviate their concerns. If such modifications are accepted by the applicant a new Temporary Use Notice must be prepared and the original withdrawn. The three-month time limit and fee will not apply to the new notice. The person who made the original objection and proposed the modification may not object to the new notice, but others to whom it is copied may object.
- 25.9 The Licensing Authority, may, after a hearing has taken place (or has been dispensed with) determine that the Temporary Use Notice should not have effect. In these circumstances it may issue a counter notice which:
- prevents the temporary use notice from taking effect;
 - limit the activities that are permitted;

- limit the time period of gambling; or
- allow the activity to take place subject to a specified condition.

25.10 The Licensing Authority will apply the same principles in issuing a counter notice as those in determining premises licence applications. In particular, the Licensing Authority aims to permit the provision of facilities for gambling under a Temporary Use Notice subject to its view as to whether to do so accords with:

- relevant Codes of Practice;
- guidance issued by the Commission;
- reasonably consistent with the licensing objections;
- this Statement of Policy.

25.11 A copy of the Temporary Use Notice must be displayed prominently on the premises whilst the gambling is taking place.

26.0 Occasional Use Notices

26.1 The Act provides that where there is betting on a track on eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

26.2 The Licensing Authority notes that the meaning of "track" in the Act covers not just a horse racecourse or dog track but also any other premises on any part of which a race or other sporting event takes place or is intended to take place.

26.3 This means that land which has a number of uses, or which fulfils the definition of track, can qualify for occasional use notice provisions (e.g. agricultural land upon which a point to point meeting takes place).

26.4 The occasional use notice dispenses with the need for a betting licence for the track in these circumstances.

26.5 A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. It must be served on the Licensing Authority and copied to Lancashire Police. Notices may be given for consecutive days so long as the overall limit of eight days is not exceeded in any calendar year.

26.6 Provided that the notice will not result in betting facilities being provided for more than 8 days in a calendar year, there is no provision for counter notices or objections to be submitted.

26.7 The Commissioner may require the Licensing Authority to provide information about occasional use notices. Where required to do so the Licensing Authority will provide information as requested

27.0 Gaming Machines

27.1 The Act defines "gaming machine" as a machine which is designed or adapted for use by individuals to gamble (whether or not it can be used for other purposes). However, it should be noted:

- there remains a distinction between skill machines and gaming machines. Skill machines are unregulated; and
- Section 235 of the Act contains exemptions for equipment that is not to be considered a gaming machine even when gambling can be performed on it. e.g. home pc.

27.2 If the Licensing Authority has concerns about the manufacture, supply or repair of machines or the manner in which they are operating, it will bring it to the attention of the Commission.

27.3 The Secretary of State has made regulations defining four classes of gaming machine, Categories A, B, C & D. These are set out in the table below.

| Category of Machine | Maximum Stake | Maximum Prize |
|----------------------------|--------------------------------------|--|
| A | Unlimited | Unlimited |
| B1 | £2.00 | £4,000.00 |
| B2 | £100.00 | £500.00 |
| B3 | £1.00 | £500.00 |
| B4 | £1.00 | £250.00 |
| C | £0.50 | £25.00 |
| D | 10p or 30p when non – monetary prize | £5.00 cash or £8.00 non – monetary prize |

27.4 There is a minimum age of 18 for all players for all Category A, B and C machines. There is no minimum age for Category D machines, though the Secretary of State has a reserve power to set a minimum age for Category D machines.

The maximum number of machines permitted is set out by the premise type below –

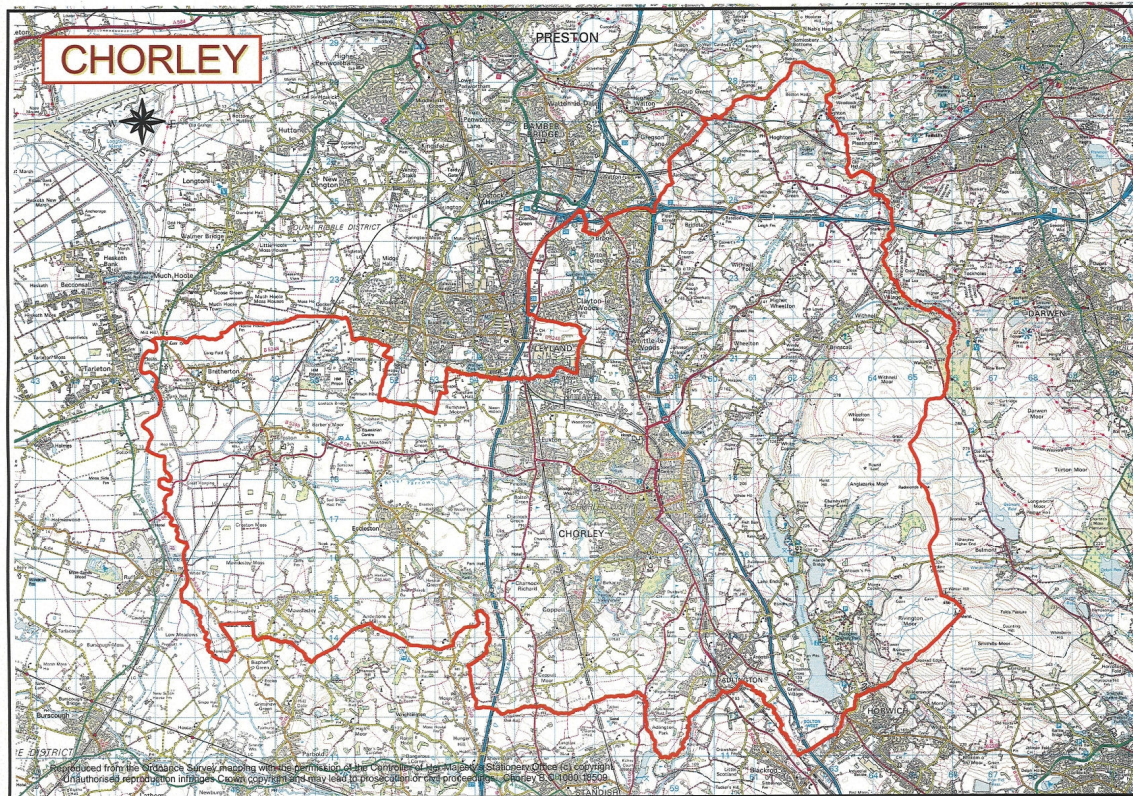
| TYPE | GAMING TABLES (Minimum) | GAMING MACHINES |
|---|-------------------------|---|
| Regional casino | 40 | 25 gaming machines of category A to D for each table available for use maximum of 1,250 machines |
| Large casino | 1 | 5 gaming machines category B to D for each table available for use maximum of 150 machines |
| Small casino | 1 | 2 gaming machines of category B to D for each table available for use maximum of 80 machines |
| Bingo premises | N/A | 4 gaming machines of category B3 and B4 unlimited machines category C unlimited category D machines |
| Betting premises | N/A | 4 gaming machines of category B2 to D |
| Track betting premises where pool betting licence held | N/A | 4 gaming machines of category B2 to D |
| Adult gaming centre | N/A | 4 gaming machines of category B3 or B4 unlimited category C unlimited category D |
| Family entertainment centre with operating licence | N/A | Unlimited gaming machines of category C to D |
| Family entertainment centre with gaming permit | N/A | Unlimited gaming machines of category D |
| Members club premises | N/A | 3 gaming machines of category B4 to D |
| On sales alcohol licensed premises without food restriction | N/A | 2 gaming machines of category C to D by notification unlimited of category C to D with alcohol premises gaming permit |

27.5 The act does not cover machines that give prizes as a result of the application of pure skill by players e.g. trivia game machines.

APPENDIX 1 - Glossary of Terminology

| | |
|------------------------|--|
| Licensing Objectives: | As defined in paragraph 1.1 |
| Council: | Chorley Council |
| District: | The area of Lancashire administered by Chorley Council (Map appended at Appendix 2) |
| Notifications: | Means notification of temporary and occasional use notices |
| Act: | The Gambling Act 2005 |
| Regulations: | Regulations made under the Gambling Act 2005 |
| Premises: | Any place, including a vehicle, vessel or moveable structure |
| Code of Practice: | Means any relevant code of practice under Section 24 of the Gambling Act 2005 |
| Mandatory Condition: | Means a specified condition provided by regulations to be attached to a licence. |
| Default Condition: | Means a specified condition provided by regulations to be attached to a licence, unless excluded by Chorley Council. |
| Responsible Authority: | As detailed in Appendix 4 |
| Interested Party: | For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person: <ul style="list-style-type: none">a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;b) Has business interests that might be affected by the authorised activities;c) Represents persons who satisfy a) or b) above. |

APPENDIX 2
Map of Chorley Council area



APPENDIX 3 - SCHEDULE OF CONSULTEES.

| Councillors / MP / Parish Council | | | | |
|--|--|--|-----------------|------------|
| 1 | Chorley MP Lindsay Hoyle | 35-39 Market Street, | Chorley | |
| 2 | All elected Ward Councillors of Chorley Council, County Councillors (Chorley Area) and Parish Council Clerks | | | |
| Responsible Authorities | | | | |
| 3 | Corporate Director Business | Chorley Council, Union Street | Chorley | |
| 4 | Corporate Director Neighbourhoods | Chorley Council, Union Street | Chorley | |
| 5 | Gambling Commission Policy Section | Victoria Square House | Victoria Square | Birmingham |
| 6 | Regional Inspector for Lancashire & Cumbria Gambling Commission | Victoria Square House | Victoria Square | Birmingham |
| 7 | H M Revenue & Customs | Custom House, Custom House Quay | Greenock | |
| 8 | Lancashire Constabulary | Chorley Police Station, St Thomas's Road | Chorley | |
| 9 | Lancashire Fire & Rescue | Chorley Fire Station, Weldbank Lane | Chorley | |
| 10 | LCC Child Protection Service | P.O. Box 78, County Hall | Preston | |
| 11 | LCC Trading Standards | 58-60 Guildhall Street | Preston | |

| Trade Associations & Representative Bodies | | | | |
|---|--|--|-----------------|---------|
| 12 | The British Casino Association | 38 Grosvenor Gardens | London | |
| 13 | British Amusement Catering Trade Association | Alders House, 133 Aldersgate Street | London | |
| 14 | British Holiday & Home Parks Association | 6 Pullman Court, Great Western Road | Gloucester | |
| 15 | Association of British Bookmakers | Regency House, 1-4 Warwick Street | London | |
| 16 | Working Mens Club And Institute Union | 253-254 Uppers Street | London | |
| 17 | Chorley Community Safety Partnership | Chorley Council, Gillibrand Street | Chorley | |
| 18 | Chorley South Ribble Business Club | C/o Lancashire College, Southport Road | Chorley | |
| Gaming Machine Suppliers / Manufacturers | | | | |
| 19 | Leisure Link Ltd | 3 The Maltings, Wetmore Road | Burton-on-Trent | |
| 20 | Red Rose Leisure | Fleet House, Fleetwood Street | Preston | |
| 21 | Gamestec Leisure Ltd | Low Lane, Horsforth | Leeds | |
| 22 | Crown Leisure Ltd | 139 Brookfield Place, Walton Summit Centre | Bamber Bridge | |
| Head offices of Gaming Companies | | | | |
| 23 | Gala Coral Group Ltd | Newcastle House, Castle Boulevard | Nottingham | |
| 24 | Ladbrokes PLC | Imperial House, Imperial Drive, Rayners Lane | Harrow | |
| 25 | Stanley Leisure PLC | Stanley House, 151 Dale Street | Liverpool | |
| 26 | William Hill PLC | 7 th Floor, Milton House, Charter Row | Sheffield | |
| Gambling Premises within Chorley Borough | | | | |
| 27 | William Hill | Corner Eaves Lane / Harpers Lane | Chorley | |
| 28 | Ambrose Bookmakers | 3 Station Road | Adlington | Chorley |
| 29 | Ladbroke Racing Ltd | 40-40a Pall Mall | Chorley | |
| 30 | Steve's Racing | Rear of Shepherds Arms, Crosse Hall Lane | Chorley | |
| 31 | Adlington Racing | 179 Chorley Road | Adlington | Chorley |

| | | | | |
|-------------------------------|------------------------------------|--|------------------|---------|
| 32 | Ashcroft Bookmakers | 224 Spendmore Lane | Coppull | Chorley |
| 33 | Ashcrofts | 230 Spendmore Lane | Coppull | Chorley |
| 34 | Gala Club | Market Street | Chorley | |
| 35 | Imperial Racing | Unit 2c Clayton Green District Centre | Clayton Green | Chorley |
| 36 | Kings Racing | 11 Cleveland Street | Chorley | |
| 37 | Tote Bookmakers Ltd | 41 Chapel Street | Chorley | |
| 38 | Tote Bookmakers Ltd | 10 Cleveland Street / 15 Fazakerley Street | Chorley | |
| 39 | Tote Bookmakers Ltd | 154 Pall Mall | Chorley | |
| 40 | W Ridley Turf Accountants | 3 Talbot Row | Euxton | Chorley |
| 41 | Stanley Leisure Ltd | 9-11 Cheapside | Chorley | |
| 42 | MPM Investments | 24-26 Chapel Street | Chorley | |
| 43 | Goldrush Amusements | 108 Market Street | Chorley | |
| 44 | Camelot Theme Park | Park Hall Road | Charnock Richard | Chorley |
| 45 | First motorway Services | Bolton West M61 | Bolton | |
| 46 | Charnock Richard Services | M6 Motorway Charnock Richard | Chorley | |
| 47 | All alcohol Licensed Premises | | | |
| Solicitors/Consultants | | | | |
| 48 | Hardwicks Solicitors | 10 St Thomas's Rd | Chorley | |
| 49 | Wallwork & Company Solicitors | 16 St Thomas's Rd | Chorley | |
| 50 | Kevills Solicitors | 32 St Thomas's Rd | Chorley | |
| 51 | Marsdens Solicitors | 43 St Thomas's Rd | Chorley | |
| 52 | Birchall Blackburn Solicitors | 24 St Thomas's Rd | Chorley | |
| 53 | Cobbetts Solicitors | Ship Canal House, King Street | Manchester | |
| 54 | Flint, Bishop & Barnett Solicitors | St Michael's Court, St Michael's Lane | Derby | |
| 55 | Ford & Warren Solicitors | Westgate Point, Westgate | Leeds | |

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|--------------|----------------------------------|---|------------|--|
| 56 | Freemans Solicitors | 7 St Mary's Place | Newcastle | |
| 57 | Gosschalks Solicitors | Queens Gardens | Hull | |
| 58 | John Gaunt & Partners Solicitors | Omega Court, 372 Cemetery Road | Sheffield | |
| 59 | Roscoes Solicitors | St Andrew's House, Wellington Street (St Johns) | Blackburn | |
| 60 | Ridgeway Licensing Services | Harwell Innovation Centre, 173 Curie Ave | Didcot | |
| 61 | Russell & Russell Solicitors | Churchill House, Wood Street | Bolton | |
| 62 | Licensing Consultancy Services | 5 Pine Grove | Ormskirk | |
| 63 | InnCourt Licensing Consultancy | 65 Mapplewell Crescent, Great Sankey | Warrington | |
| Other | | | | |
| 64 | Chorley Library | Union Street | Chorley | |
| 65 | GamCare | 2-3 Baden Place, Crosby Row | London | |
| 66 | South Ribble Borough Council | Licensing, West Paddock | Leyland | |
| 67 | West Lancashire District Council | Licensing P O Box 16 52 Derby Street | Ormskirk | |
| 68 | Corporate Director Governance | Chorley Council, Town Hall, Market Street | Chorley | |
| 69 | Corporate Director People | Chorley Council, Union Street | Chorley | |
| 70 | Chorley Magistrates Court | St Thomas's Square | Chorley | |
| 71 | Preston Magistrates Court | P O Box 52 Lawson Street | Preston | |

APPENDIX 4 - List of Responsible Authorities

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (Chorley Council)
2. The Gambling Commission
3. Lancashire Constabulary
4. Lancashire Fire and Rescue Service
5. Planning Dept Chorley Council
6. Environmental Protection Service, Chorley Council
7. Social Services Directorate, Lancashire County Council
8. HM Customs and Excise.

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| <p>Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515163/4 Fax: 01257 515197 Email: contact@chorley.gov.uk Web: www.chorley.gov.uk</p> | <p>Lancashire County Council Social Services Directorate Quality & Review Manager PO Box 162 East Cliff County Offices Preston PR1 3EA Telephone : 01772 531256</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 Weld Bank Lane Chorley Lancashire PR7 3NQ Telephone: 01257 262919 Fax: 01257 234363</p> |
| <p>Gambling Commission 4th Floor Victoria square House Victoria House Birmingham B2 4BP</p> | <p>HM Customs and Excise Boundary House Cheadle Point Cheadle Cheshire SK8 2JZ Telephone: 0845 010 9000 Email: mailto:enquiries.nw@hmrc.gsi.gov.uk</p> |

APPENDIX 5 - Useful Contacts

Further information on Chorley Council's Statement of Principles or the Gambling Act 2005 can be obtained from the Public Protection Team Leader using the contact details below. The Director People and Places has overall responsibility for the Licensing Service.

Public Protection Team Leader
Chorley Council
Neighbourhoods Directorate
Civic Offices
Union Street
Chorley
Lancashire
PR7 1AL

Telephone: 01257 515151
Fax: 01257 515754
Email: contact@chorley.gov.uk

Information on the Gambling Act 2005 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
Internet: www.culture.gov.uk

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