



Executive Cabinet

Agenda and Reports
for consideration on

**Thursday, 17th February
2011**

in the Council Chamber, Town Hall, Chorley

At 5.00 pm



www.chorley.gov.uk

PROCEDURE FOR PUBLIC QUESTIONS/SPEAKING AT EXECUTIVE CABINET MEETINGS

- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Executive Cabinet meeting to allow time to prepare appropriate responses and investigate the issue if necessary.
- 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 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.

PROCEDURE FOR 'CALL-IN' OF EXECUTIVE DECISIONS

- Each of the executive decisions taken at the Executive Cabinet meeting are subject to the adopted 'call-in' procedure within 10 working days of the Executive Cabinet meeting at which the decision is made, unless the decision has been implemented as a matter of urgency.
- Guidance on the 'call-in' procedure can be accessed through the following internet link:
<http://www.chorley.gov.uk/index.aspx?articleid=1426>
- If you require clarification of the 'call-in' procedure or further information, please contact either:
Ruth Rimmington (Tel: 01257 515118; E-Mail: ruth.rimmington@chorley.gov.uk) or
Carol Russell (Tel: 01257 515196, E-Mail: carol.russell@chorley.gov.uk)
in the Democratic Services Section.

09 February 2011

Dear Councillor

EXECUTIVE CABINET - THURSDAY, 17TH FEBRUARY 2011

You are invited to attend a meeting of the Executive Cabinet to be held in the Council Chamber, Town Hall, Chorley on Thursday, 17th February 2011 at 5.00 pm.

AGENDA

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

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

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

3. **Minutes of last meeting (Pages 1 - 8)**

To confirm as a correct record the minutes of the last meeting of the Executive Cabinet held on 9 December 2010 (Minutes enclosed).

4. **Public Questions**

Members of the public who have requested the opportunity to ask a question(s) on an item(s) on the agenda will be asked to put their question(s) to the respective Executive Member(s). Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

MATTER REFERRED BY THE OVERVIEW AND SCRUTINY COMMITTEE (INTRODUCED BY THE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE, COUNCILLOR ADRIAN LOWE)

5. **Overview and Scrutiny Inquiry - Allotments (Pages 9 - 24)**

To receive and consider the enclosed final report and recommendations of the Overview and Scrutiny Task Group inquiry into allotment issues, following approval by the Overview and Scrutiny Committee.

ITEMS OF EXECUTIVE MEMBER (PLACES) (INTRODUCED BY COUNCILLOR ERIC BELL)

6. **Executive's response to recommendations of Overview and Scrutiny Task Group's inquiry into Allotment issues** (Pages 25 - 28)

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

7. **Review of Licensing Policy Statement under the Licensing Act 2003** (Pages 29 - 106)

To receive and consider the enclosed report of the Director of People and Places, with attached reviewed Licensing Policy and summary of consultation responses.

8. **Food Waste Collections - Update** (Pages 107 - 110)

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

ITEM OF EXECUTIVE LEADER (INTRODUCED BY COUNCILLOR PETER GOLDSWORTHY)

9. **Review of Member Allowances** (Pages 111 - 112)

To consider the enclosed report of the Chief Executive and confirm the membership of the Independent Remuneration Panel to review Members' Allowances.

ITEM OF EXECUTIVE MEMBER (PARTNERSHIPS, PLANNING AND POLICY) (INTRODUCED BY COUNCILLOR PETER MALPAS)

10. **Section 106 funding for Youth and Community activities at Buckshaw** (Pages 113 - 116)

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

ITEMS OF EXECUTIVE MEMBER (POLICY AND PERFORMANCE) (INTRODUCED BY COUNCILLOR GREG MORGAN)

11. **Chorley Council Performance Monitoring Report - Third Quarter of 2010/11** (Pages 117 - 124)

To receive and consider the enclosed report of the Chief Executive.

12. **Chorley Partnership Performance Monitoring Report - Third Quarter of 2010/11** (Pages 125 - 132)

To receive and consider the enclosed report of the Chief Executive.

ITEMS OF EXECUTIVE MEMBER (TRANSFORMATION) (INTRODUCED BY COUNCILLOR KEVIN JOYCE)

13. **Revenue Budget, 2010/11 - Monitoring report** (Pages 133 - 140)

To receive and consider the enclosed report of the Director of Transformation.

14. **Capital Programme, 2010/11 to 2012/13 - Monitoring Report** (Pages 141 - 152)

To receive and consider the enclosed report of the Director of Transformation.

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

16. **Exclusion of the Public and Press**

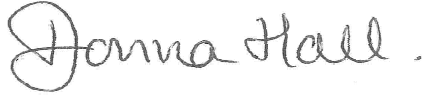
To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

MATTER REFERRED BY THE OVERVIEW AND SCRUTINY COMMITTEE (INTRODUCED BY THE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE, COUNCILLOR ADRIAN LOWE)

17. **Overview and Scrutiny Inquiry - Asset Management** (Pages 153 - 172)

To receive and consider the enclosed confidential final report and recommendations of the Overview and Scrutiny Task Group, following approval by the Overview and Scrutiny Committee.

Yours sincerely



Donna Hall CBE
Chief Executive

Ruth Rimmington
Democratic and Member Services Officer
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Distribution

1. Agenda and reports to all Members of the Executive Cabinet, Lead Members and Directors Team for attendance.

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

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

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

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Executive Cabinet

Minutes of meeting held on Thursday, 9 December 2010

Present: Councillor Peter Goldsworthy (Executive Leader in the Chair), Councillor Pat Case (Deputy Leader of the Council) and Councillors Eric Bell, Peter Malpas and John Walker

Also in attendance:

Lead Members: Councillors Harold Heaton, Keith Iddon and Rosie Russell

Other Members: Councillors Julia Berry, Alistair Bradley, Alison Hansford, Roy Lees, Laura Lennox, June Molyneaux, Mick Muncaster, Geoffrey Russell and Peter Wilson

10.EC.230 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Kevin Joyce and Greg Morgan (Executive Members), together with Councillors Henry Counce, Pat Haughton, Alan Platt and Debra Platt.

10.EC.231 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by any of the Executive Cabinet Members in any of the meeting's agenda items.

10.EC.232 MINUTES OF LAST MEETING

The minutes of the last meeting of the Executive Cabinet held on 11 November 2010 were confirmed as a correct record for signature by the Executive Leader.

10.EC.233 PUBLIC QUESTIONS

The Executive Leader reported that there had been no requests from any members of the public to speak on any of the meeting's agenda items.

10.EC.234 ALLOTMENTS - ACTION PLAN UPDATE

The Director of People and Places presented a report on the progress of plans to create three new allotment sites within the Borough from the £40,000 allocated in the 2010/11 revenue budget.

The Executive Cabinet had, at its meeting on 12 August 2010, authorised public consultation on plans to provide additional allotment plots on potential sites at Rothwell Road, Anderton and Manor Road, Clayton-le-Woods, together with investigations into the feasibility of land at Duke Street, Chorley being converted into allotments.

Since then, the imposition of a weight restriction had rendered the Rothwell Road land as unfeasible, resulting in Council owned land at The Common, Adlington being identified as a potentially viable site on which to develop 40 allotment plots. Following the consultation exercise on land at Manor Road, Clayton-le-Woods, work was expected to commence on the site once an access rights issue had been resolved.

Decisions made:

- (1) **That the report on the current position on the proposed provision and development of three new allotment sites in Chorley be noted.**

- (2) **That approval be given to the commencement of the public consultation process on the plans to provide additional allotment plots on the potential sites at The Common, Adlington and Duke Street, Chorley.**

Reason for decisions:

The decisions will allow public consultation to commence on sites identified for future development, with a view to an increase in the future allotments provision in order to address public demand for plots.

Alternative option(s) considered and rejected:

None.

10.EC.235 CONSERVATION AREAS

(a) Abbey Village Conservation Area Appraisal and Management Proposals

The Director of Partnerships, Planning and Policy presented a report on the principal findings of the Abbey Village Conservation Area Appraisal and the content of the associated Management Proposals document, which had been compiled after an extensive consultation exercise.

The Appraisal report identified both the key characteristics that made the area special and the main issues that had given cause for concern and were likely to be detrimental to the visual amenity of the area.

The comprehensive review and consultation exercise had resulted in the compilation of the Appraisal and Management Plan which highlighted the opportunities and challenges for the Conservation Area and contained a number of objectives and associated projects/actions to enhance the appearance of the area. In particular, the plan of action aimed to:

- examine opportunities for the introduction of an Article 4(2) Direction for the control of permitted development rights;
- explore options for enhanced traffic calming and sympathetic approval to highway design with the Highways Authority;
- explore funding opportunities to assist costs of repairs and appropriate improvements;
- examine options for the provision of alternative parking areas with relevant agencies and landowners;
- develop a residents' guide on the sensitive location of satellite dishes;
- extend the boundary of the Conservation Area and identify other buildings that make a positive contribution to its setting.

Decisions made:

- (1) **That the Abbey Village Conservation Area Appraisal and Management Proposals Document, as now presented, be endorsed.**
- (2) **That the actions contained in the Management Proposals Document be adopted as the basis for future improvement and the control of development, subject to the availability of funding.**

Reasons for decisions:

1. Section 71 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to formulate and publish proposals for the preservation and enhancement of their Conservation Areas.
2. A Heritage and Conservation Strategy, endorsed at the 8 January 2009 Executive Cabinet, promotes a structured and coordinated approach to conserving and enhancing Chorley's historic environment. The Abbey Village Conservation Area review is the fourth of a programme of reviews of all nine conservation areas within Chorley to be undertaken in accordance with the Strategy.

Alternative option(s) considered and rejected:

Failure to take action would be contrary to statutory guidance and result in the continued decline of the quality of the Conservation Area.

(b) Brindle Conservation Area Appraisal and Management Proposals

The Director of Partnerships, Planning and Policy presented a report on the principal findings of the Brindle Conservation Area Appraisal and the content of the associated Management Proposals document, which had been compiled after an extensive consultation exercise.

The Appraisal report identified both the key characteristics that made the area special and the main issues that had given cause for concern and were likely to be detrimental to the visual amenity of the area.

The comprehensive review and consultation exercise had resulted in the compilation of the Appraisal and Management Plan which highlighted the opportunities and challenges for the Conservation Area and contained a number of objectives and associated projects/actions to enhance the appearance of the area. In particular, the plan of action aimed to:

- examine opportunities for the introduction of an Article 4(2) Direction for the control of permitted development rights;
- explore funding opportunities to assist with repairs and appropriate improvements;
- explore options for enhanced traffic calming with the Highway Authority;
- explore options for the provision of alternative parking areas with relevant agencies and landowners;
- extend the Conservation Area boundary.

Decisions made:

- (1) That the Brindle Conservation Area Appraisal and Management Proposals Document, as now presented, be endorsed.**
- (2) That the actions contained in the Management Proposals Document be adopted as the basis for future improvement and the control of development, subject to the availability of funding.**

Reasons for decisions:

Failure to take action would be contrary to statutory guidance and result in the continued decline of the quality of the Conservation Area.

Alternative option(s) considered and rejected:

None.

10.EC.236 COPPULL LEISURE CENTRE

The Executive Cabinet received and considered a report of the Director of People and Places on proposals that would impact on the ownership and operation of Coppull Leisure Centre.

The Centre was currently owned by Coppull Parish Council and leased to Chorley Council for a period expiring on 31 March 2011. The Centre was presently operated by Active Nation and the management fee was paid by Chorley Council.

The Borough Council had recently been notified that Coppull Parish Council had agreed to sell the Leisure Centre to Big Air Limited. The sale was envisaged to be completed on 7 February 2011, at which time the Borough Council's and Active Nation's direct involvement would cease.

Chorley Council were required to return the premises in a good condition and, with the endorsement of Liberata, the Cabinet were recommended to authorise a £50,000 dilapidation payment in resolution of any outstanding matters, which would be reimbursed, pro-rata, over a 4 year period, should the Centre cease to operate as a leisure facility during that period.

Several issues and concerns were raised by a number of Members in relation to the plans of Coppull Parish Council, particularly in respect of an alleged restrictive covenant; the impact on current staff; and safeguards to protect the Centre's continued leisure use. In response the Chair and Officers confirmed that the dilapidation fee would only be made upon completion of the sale of the Centre; a covenant guaranteed that the facility would remain in leisure use; and the Business Plan alluded to the commitment to provide excellent services at reasonable prices.

Decisions made:

- (1) **That the report on the proposed sale and change of arrangements regarding the operation of Coppull Leisure Centre be noted.**
- (2) **That approval be given to the payment by the Council of £50,000 in resolution of all outstanding dilapidation issues arising from the Council's current lease of the Centre, subject to the imposition of a charge on the Centre to secure the reimbursement of the sum, pro rata, for up to four years.**

Reason for decisions:

In order to resolve all outstanding dilapidation issues speedily in order to facilitate the sale of the Centre and the commencement of Big Air Limited's development plans.

Alternative option(s) considered and rejected:

Chorley Council's continuance of the operation of Coppull Leisure Centre until the expiry of the lease on 31 March 2011 would jeopardise the sale and development of the Centre.

10.EC.237 CORE FUNDING , 2011/12 - REVIEW OF PROCESS

The Director of Partnerships, Planning and Policy presented a report proposing changes to the current process for the allocation of the Core Funding budget, in order

to ensure that the management and monitoring of the grants was effective and provided value for money.

The Council currently received various applications for different amounts and for a variety of purposes, making it more complex both to allocate the funding and arrange appropriate contractual arrangements. It was, therefore, proposed to introduce the following three distinct funding streams to clarify the purpose of the funding and improve the management and monitoring arrangements:

- Small Core Funding – light monitoring of grants up to £2,000.
- Large Core Funding – quarterly in depth monitoring of grants over £2,000;
- Project Funding – Projects commissioned to deliver the Sustainable Community Strategy.

It was intended that, subject to the Executive Cabinet's agreement, the recommended changes could be implemented in advance of the Core Funding allocation process in 2011/12.

Decision made:

That the changes to the process of allocating Core Funding grants in 2011/12, as outlined in the submitted report, to effect:

- (i) a review of the accommodation aspects of Core Funding;
- (ii) a refinement of the system by the introduction of three funding schemes (ie small core grants; large core grants; projects);
- (iii) a review of the application, contractual and monitoring processes for all Core Funding requests to ensure that they are proportional and will ensure better value for money.

Reason for decision:

Alteration of the process for allocating Core Funding grants will ensure that the purpose of Core Funding is clarified; funding is allocated in a more proportional way; and the outcomes of Core Funding can be managed and monitored.

Alternative option(s) considered and rejected:

Retention of the present process would not achieve maximum value for money for the Chorley Council.

10.EC.238 GENERAL BUDGET PRINCIPLES FOR 2011/12

The Director of Transformation presented a report which highlighted the following principles around which the Executive Cabinet expected the budget framework for 2011/12 to be constructed:

- continuing to be a high performing Council;
- containing Council Tax increases;
- protecting the community from the impact of the current economic situation;
- continuing to provide value for money;
- safeguarding front line services and focusing on the removal of bureaucracy and managerial posts;
- looking for opportunities to share services and generate additional revenue;
- preparing for the future and the uncertainty over public finances;
- looking to reduce debt and the consequent financing charges.

The Executive Leader indicated that all responses from Members, the Citizens' Panel and the community would be addressed and taken into account before the draft budget proposals to be presented to the 1 March 2011 Council meeting were compiled.

Decision made:

That the information and budget principles for 2011/12, outlined in the submitted report, be approved for consultation purposes.

Reason for decision:

Feedback on the general principles will assist the Executive to determine the budget priorities and allocations for 2011/12.

Alternative option(s) considered and rejected:

None.

10.EC.239 EXCLUSION OF THE PUBLIC AND PRESS

Decision made:

That the press and public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

10.EC.240 PERFORMANCE OF KEY PARTNERSHIPS - 2010/11 MID-TERM PROGRESS REPORT

The Executive Cabinet considered a report of the Director of Transformation providing Members with a corporate update on the performance of the Council's key partnership arrangements during 2010/11.

The report outlined information required by the Council's framework for partnership working, including the performance of the Council's key partnerships against targets set for the current year; an assessment of the partners' financial strengths and stability; and any emerging issues that required to be addressed.

The Director of Transformation confirmed that the partnerships continued to operate and deliver effectively and reported an improved position in respect of Active Nation and Chorley Community Housing. Each of the partnerships, however, would continue to be monitored stringently to ensure that any action required to address evident concerns could be instigated.

Decision made:

That the report be noted.

10.EC.241 ORGANISATIONAL RESTRUCTURES

(a) Revenues and Benefits Shared Services

The Chief Executive circulated a report which highlighted the responses received from staff to the proposals for a phased implementation of a shared Revenues and Benefits service between Chorley and South Ribble Councils, including Benefit Fraud and

residual Exchequer functions, which had been approved for consultation purposes at the last Executive Cabinet meeting on 11 November 2010.

A note detailing the response of UNISON to the restructure proposals was also tabled at the meeting.

The report summarised the principal concerns, issues and arguments contained within the representations received, together with a summary of the Management's comments in response.

The Chief Executive's report suggested the delegation of authority to the respective Executive Member(s) to make firm decisions on the restructure proposals, in order to allow sufficient time for assessment of the representations.

Decision made:

That, in order to enable full consideration of representations received, decisions on the recommendations contained in the confidential report of the Director of Transformation submitted to the last meeting of the Executive Cabinet on 11 November 2010 for a phased implementation of a shared Revenues and Benefits service between Chorley and South Ribble Councils, including Benefit Fraud and residual Exchequer functions, be delegated to the appropriate Executive Member(s) responsible for the respective portfolios.

Reason for decision:

To allow the Executive Member(s) the opportunity of reading and assessing the feedback from staff and UNISON on the restructure proposals agreed at the last Executive Cabinet meeting for consultation purposes.

Alternative option(s) considered and rejected:

The only alternative option would be to require firm decisions to be taken at the Executive Cabinet meeting.

(b) Shared Financial Services.

The Chief Executive circulated a report which highlighted the responses received from staff to the proposals to restructure the Chorley/South Ribble Shared Financial Services, which had been approved for consultation purposes at the last Executive Cabinet meeting on 11 November 2010. A note detailing the response of UNISON to the restructure proposals was also tabled at the meeting.

The report summarised the principal concerns, issues and arguments contained within the representations received, together with a summary of the Management's comments in response.

The Chief Executive's report suggested the delegation of authority to the respective Executive Member(s) to make firm decisions on the restructure proposals, in order to allow sufficient time for assessment of the representations.

Decision made:

That, in order to enable full consideration of representations received, decisions on the recommendations contained in the confidential report of the Director of Transformation submitted to the last meeting of the Executive Cabinet held on 11 November 2010 for the restructure of the Shared Financial Services, be delegated to the appropriate Executive Member(s) responsible for the respective portfolios.

Reason for decision:

To allow the Executive Member(s) the opportunity of reading and assessing the feedback from staff and UNISON in the restructure proposals agreed at the last Executive Cabinet meeting for consultation purposes.

Alternative option(s) considered and rejected:

The only alternative option would be to require firm decisions to be taken at the Executive Cabinet meeting.

Executive Leader

Report of the Overview and Scrutiny Task Group – Allotments

November 2010



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1. PREFACE

The Scrutiny inquiry into Allotments was requested by two members of the public.

We collected evidence from a number of different sources including allotment holders, the Community Growing Officer for the Council and consulted the Chorley Disability Forum.

A site visit of allotment sites was undertaken by the Group and documentation was analysed that included current Tenancy Agreements and a report on Allotments and Community Growing that had been approved by the Executive Cabinet, outlining current allotment provision and arrangements.

The recommendations have the capacity to increase revenue and minimise running costs with no major budget implications to the Council, some are organisational and will establish best practice.

I would like to thank the Task Group Members for their deliberations, the Officers and those who made a contribution to this report.

Councillor Julia Berry
(Chair)

2. EXECUTIVE SUMMARY

At the request of two members of the public, the Overview and Scrutiny Committee asked the Task Group to undertake a scrutiny inquiry to look at Allotments in Chorley.

Objectives

1. To assess current provision and demand for allotments within Chorley
2. To examine the content of the tenancy agreements and rules governing occupation.
3. To assess the current monitoring and inspection procedures of allotment sites.
4. To review the current charging mechanism against the cost of administration.
5. Encourage community growing/partnership working across the Borough.
6. To consider the potential for forming Committees and User Groups within individual allotment sites to give tenants greater control and allow them to cover some of the functions currently carried out by officers.

Desired Outcomes

1. Increase the provision of allotments through standardisation of existing and future plots and fairness of allocation.
2. Improve management controls to enforce higher standards on allotment plots, which in turn will improve their overall appearance.
3. Ensure charges for allotments are fair and reflective of other authorities and where possible cover the management costs.
4. Introduce guidance and education of residents on the waiting list to encourage growing on alternative sites/shared facilities or at home.
5. Encourage future self management of the Allotments

Task Group Membership

Councillor Julia Berry
 Councillor Anthony Gee
 Councillor Marie Gray
 Councillor Alison Hansford
 Councillor Harold Heaton
 Councillor June Molyneaux

Officer Support:

Lead Officers

Martin Walls	Head of Streetscene Services
Andrew Brown	Parks and Open Spaces Officer (Development)
Alan Bothamley	Streetscene Co-ordinator (Grounds Maintenance)

Democratic Services

Dianne Scambler Democratic and Member Services Officer

Meetings

The meeting papers of the Group can be found on the Council's website:

www.chorley.gov.uk/scrutiny. This includes the inquiry project outline and other relevant information on policy and procedures.

Contribution of Evidence

The Task Group would like to thank all those who have provided evidence and contributed to the Inquiry, including:

Miss Eleanor Smith,

Mrs Iris Smith,

Mr Bill Taylor, Chair of Chorley Allotments Society

Eileen Bee, Chorley Disability Forum

Jennifer Moore, Head of Planning Services, Chorley Council,

Steve Aldous, Enforcement Officer, Chorley Council,

Sarah Turner, Community Growing Officer, Chorley Council/PCT,

Lindsey Ralston, Assistant Parks and Open Spaces Officer, Chorley Council

Recommendations

The Executive Cabinet is asked to consider the following recommendations:

Provision and demand for allotments

- That applicants apply annually to the Council for an allotment.
- That vacant plots from within existing allotment provision be offered to applicants who have been on the waiting list the longest.
- That applicants on the general 'any site' waiting list only be allowed refusal of one plot, then placed on to the relevant Neighbourhood Area list.
- That any new sites be allocated by a 50/50 split between the Neighbourhood Area applicants and the general 'any site' applicants to support Neighbourhood Working.
- That Chorley Allotments Society be consulted on the Site Allocations Development Plan Document.
- That the Council considers the provision for allotments when negotiating Section 106 monies.
- That the Head of Planning Services, Chorley Council be requested to develop a set of guidelines and good practice for use by private allotment owners.
- That the Chorley Allotments Society working in partnership with the Council be encouraged to facilitate an exchange scheme across all the sites.

Tenancy Agreement and monitoring and inspection procedures

- That the Tenancy agreement be reviewed to include:
 - Appropriate rules and conditions to promote higher standards of maintenance
 - Definitive guidance on non compliance issues, to protect the Council's position.
- That the Council provide suitable perimeter fencing on all its new sites that will be adequately maintained.
- That the Council be responsible for the delineation of the actual plot, but that the allotment holder be then responsible for defining their boundaries, using safe and suitable materials.

- That subject to consent, the allotment holder be responsible for erecting structures on the plot for the purposes of storage and cultivation using safe and suitable materials within a total floor space (to be determined)
- That the new Tenancy Agreement be implemented on all new sites and when an existing allotment is occupied by a new holder.

-

Allotment charges

- That the annual charge of £39.50 be increased annually on 1 April in line with inflation.
- That the concessionary rate be phased out over the next two years, 75% of rental to be charged in 2011/12 with the full rental being charged in 2012/13.
- That the annual charge should be regardless of plot size.
- That it be Council policy to reduce the larger plots as and when they become available, dependant on the site and demand for that location. This would be monitored and the work undertaken, according to need.
- That the present mains water provision be maintained on the two sites but at cost neutral to the Council.
- That the allotment holders be charged for the water provision based on the usage of the previous rental year. The charge would be implemented in 2012/13 based upon water usage in 2011/12.
- That the provision of a free water butt for all new allotment holders be withdrawn or offered at cost.
- That information help and guidance be provided to new allotment holders on the sustainability agenda.

Community Growing

- That the Council be encouraged to continue working closely with Lancashire Wildlife Trust over the next three years, sharing information, staff time and resources to ensure the success of the Community Food Growing Action Plan.

Community Management of Allotments

- That allotment holders on any new site be supported and encouraged to pilot a community based management arrangement.
- That the Council would endorse the value of its allotment holders joining the Chorley Allotments Society through the contract and other associated paperwork.
- That User Groups be established as and when required for the purposes of consultation.

3. METHOD OF INVESTIGATION

Evidence

The Group received and considered several reports and documents, these included:

1. Allotments and Community Growing Report
2. Existing Allotment Tenancy Agreement
3. Current Charging details
4. Details on the current Allotments Waiting List
5. Feedback from Chorley Disability Forum

Witnesses

The Task Group interviewed:

Mr Bill Taylor, Chair of Chorley Allotments Society and member of the public that requested a review of allotments.

Miss Eleanor Smith, (represented by Mrs Iris Smith) a member of the public that requested a review of allotments.

Sarah Turner, Community Growing Officer, Chorley Council/PCT

Jennifer Moore, Head of Planning Services, Chorley Council

Steve Aldous, Enforcement Officer, Chorley Council

Site Visit

On 16 July 2010, the Group visited a number of different allotment sites:

- Private allotment site – Brown House Lane, Wheelton
- Council allotment site – Crosse Hall Lane, Chorley
- Comparative neighbouring authorities site – Plank Lane, Leigh

4. FINDINGS AND RECOMMENDATIONS

Objective 1: To assess current provision and demand for allotments within Chorley.

Chorley Council currently has 147 plots on seven sites with differing levels of provision and management methods, all are occupied. It is impossible to calculate accurately how long people would have to wait before being offered an allotment but on average it is estimated that this would be 7 years assuming the current level of plot turn around and growth of the waiting list continued.

Recent measures have been taken to increase the number of allotments in Chorley over the past few years. When larger plots are handed back, they are divided to create a more manageable size. In 2009 a further 33 plots were created in this way and the Council is currently in the process of looking to develop new allotment sites in the Borough.

The Astley Park Walled Garden was created in 2008 and is a community space enabling Chorley residents to learn about, watch or get involved in growing fruit and vegetables. There are two large plots and four raised beds for use by all. There are also a great number of established growing schemes, mainly in primary schools but there also some private allotment sites across the Borough.

It was recognised that the overall layout and access to allotments was crucial for disabled people. Wheelchair users need accessible parking that is reasonably close to their allotment, with level, smooth (definitely not cindered), unobstructed pathways and raised beds. Unobstructed pathways are also important for people with visual impairments. The provision of smooth (tarmac) footpaths and car parks would greatly increase costs and reduce the number of sites that could be developed. However, the Council are required to consider these issues in the future, to ensure the development of sites that are reflective of need.

The Council would also look to secure external funding for this provision and regular inspections and enforcement of good housekeeping standards through the implementation of the revised Tenancy Agreement would ensure that pathways are kept clear and accessible.

Officers were presently working in partnership with the Chorley Allotments Society, and various equality groups on different ways of working on allotments and community growing initiatives by assessing the needs of the individual.

At the start of the review Chorley had a waiting list of around 400 applicants and Members were shown various statistics on how this figure had increased since 2003, with the last couple of years providing the biggest increases. The popularity of food growing has greatly increased primarily due to publicity on television gardening shows, the environmental sustainability agenda and the current financial climate.

There are currently no fixed procedures in place to assess the present accuracy of the waiting list and Members were of the opinion that the onus should be upon the individual to inform the Council yearly of their intention to remain on the list.

The Group expressed a view about the importance of implementing Neighbourhood Area waiting lists to support the Neighbourhood Working agenda and considered that any future applicants should be allocated to their relevant area. Any applicants still wishing to remain on the waiting list for acceptance of a plot on any of the sites would only be allowed one opportunity for refusal, and then be placed on the relevant Neighbourhood Area list.

Thought was given to how the plots should be allocated when they become vacant. It was considered that available plots on existing sites would be allocated to applicants who had been on the waiting lists the longest. For all new allotment sites, the Group proposed a 50/50 allocation split between applicants on the relevant area list and the general any site list.

The Council are currently producing a Local Development Framework (LDF) that will replace the Local Plan. The LDF will be made up of a number of documents including a Site Allocations Development Plan Document (DPD) which will allocate land for various uses such as housing, employment and leisure. As part of this document there will a review of current leisure allocations, including allotments, to identify which sites should continue to be allocated and protected and to identify whether there is a need to allocate more sites. The Chorley Allotments Society were invited to be part of the consultation process.

A request was also made for the Council to consider allotment provision when negotiating Section 106 monies in relation to planning developments across the Borough.

There was a view that more private landowners would be prepared to develop allotments if planning policy allowed them and the Group acknowledged that there seemed to be some confusion over planning permissions on private allotment sites. To this end, the Head of Planning Services at Chorley Council offered to develop a set of guidelines and good practice that would be aimed specifically at avoiding enforcement actions and applying for planning permissions on sites.

Recommendations:

- That the applicant apply annually to the Council for an allotment.
- That any vacant plot from within existing allotment provision be offered to applicants who have been on the waiting list the longest.
- That any applicant on the general 'any site' waiting list only be allowed refusal of one plot, then placed on to the relevant Neighbourhood Area list.
- That any new sites be allocated by a 50/50 split between the Neighbourhood Area applicants and the general 'any site' applicants to support Neighbourhood Working.
- That Chorley Allotments Society be consulted on the Site Allocations Development Plan Document.
- That the Council considers the provision for allotments when negotiating Section 106 monies.

- That the Head of Planning Services, Chorley Council be requested to develop a set of guidelines and good practice for use by private allotment owners.
- That the Chorley Allotments Society working in partnership with the Council be encouraged to facilitate an exchange scheme on all the sites.

Objective 2 – To examine the content of the tenancy agreements and rules of governing occupation and Objective 3 – To assess the current monitoring and inspection procedures on allotment sites.

All tenants must sign up to a Tenancy Agreement when they take up occupancy of a plot. It is this document that sets out the rules and conditions that must be adhered to.

The present Tenancy Agreement had been updated around eighteen months ago to include a condition about the keeping of chickens and rabbits on the plots.

Members were keen for these controls to be tightened in order to facilitate effective management and enforcement procedures and to avoid subjectively being applied when considering further action.

Presently Chorley has no restrictions on what can be allowed on the plots in terms of sheds and fences etc. This has led to a fairly informal arrangement. Where the plot holders have an open rein to erect what they want. This has led to some sites looking untidy as the types of sheds and fences are never uniform.

Although it was agreed that imposing such restrictions the site would look a lot tidier and easier to maintain, there was also a view that the plot holders should be allowed to recycle materials if able, in order to drive through the sustainability agenda. It was felt that the plot holder could define their own boundaries using suitable materials to erect suitable structures for storage and cultivation, subject to consent and a defined maximum floor space (to be determined)

If the allotment holder uses any materials that the Council consider to be unsafe or hazardous they will be asked to remove them from the plot and this standard will be enforced through the Tenancy Agreement.

Members acknowledged that perimeter fencing was very important for allotment holders in terms of security and that the Council should maintain this fencing more frequently. It was however recognised that 'too much' security may promote attractiveness to crime.

Recommendations:

- That the Tenancy agreement be reviewed to include:
 - Appropriate rules and conditions to promote higher standards of maintenance
 - Definitive guidance on non compliance issues, to protect the Council's position.
- That the Council provide suitable perimeter fencing on all its new sites that will be adequately maintained.

- That the Council be responsible for the delineation of the actual plot, but that the allotment holder be then responsible for defining their boundaries, using safe and suitable materials.
- That subject to consent, the allotment holder be responsible for erecting structures on the plot for the purposes of storage and cultivation using safe and suitable materials within a total floor space (to be determined)
- That the new Tenancy Agreement be implemented on all new sites and when an existing allotment is occupied by a new holder.

Objective 4 – To review the current charging mechanism against the cost of administration.

The current charge for an allotment is £39.50 per year with a 50% reduction for old age pensioners. This currently generates an income of around £6000 and does not currently cover the costs of administration and management of the allotments, which includes the provision of water on two of the sites.

The Chorley Allotments Society considered that an adequate size for a plot should be 125sqm, this would provide 4 X 15m beds to work the rotational system, plus 1 X Shed, 1 X Greenhouse, 2 fruit trees and paths.

The Council aims to provide a standard plot size of 100 – 120sqm on any new site, however this size could be reduced or increased to reflect the location and demand in an area.

Members agreed that the existing annual rental charges needed to be reviewed. Some consideration was also given to the differing sizes of the plots and whether or not this should be reflective of the price.

At present two of the sites have clean piped mains water on site. This is not controlled and open to abuse. In addition the high cost of supply impacts directly on the overall running costs to the service. On newer sites the provision of butts to encourage plot holders to take a more sustainable approach had received a mixed response, the scheme is at considerable cost to the Council and the allotment holders deem them to be too small in size.

Officers advised Members that the cost of installing clean piped mains water to the remainder of its sites, would generate high costs and it was accepted that this was not a feasible option in the current financial climate.

It was however recognised that although the present water provision should remain, this needed to be cost neutral to the Council and Members considered charging the allotment holders for this amenity. This view had also received support from the Chorley Allotment Society and there seemed to be an expectation that tenants would be prepared to pay more for the level of amenity they received.

Members considered the implementation of a new water provision charge in 2012/13. Allotment holders would be notified in April 2011 that the charges would be based on the water usage on site in 2011/12, this would allow time for any further views and feedback and it is hoped that this will encourage the allotment holders to take a more sustainable approach and promote good housekeeping and self management on site.

Members also discussed ceasing the provision of water butts. Instead new allotment holders will receive help and guidance about the sustainability agenda, advice on suitable water collection and contact details for suppliers.

Recommendations:

- That the annual charge of £39.50 be increased annually on 1 April in line with inflation.
- That the concessionary rate be phased out over the next two years, 75% of rental to be charged in 2011/12 with the full rental being charged in 2012/13.
- That the annual charge should be regardless of plot size.
- That the plot size on new sites be 100 – 120sqm unless location or demand dictates a different size.
- That it be Council policy to reduce the larger plots as and when they become available, dependant on the site and demand for that location. This would be monitored periodically and work undertaken, according to need.
- That the allotment holders be charged for the water provision based on the usage of the previous rental year. The charge would be implemented in 2012/13 based upon water usage in 2011/12
- That the provision of a free water butt to new allotment holders be withdrawn or offered at cost.
- That information, help and guidance be provided to new allotment holders on the sustainability agenda.

Objective 5 – Encourage community growing/partnership working across the borough

In 2009, NHS Central Lancashire led on and commissioned a feasibility study on Community Food Growing (CFG), and the findings were presented to the Chorley Partnership – Health and Well Being Thematic Working Group. A multi stake-holder task and finish group was established to drive forward the recommendations for Chorley.

Chorley Council are working in partnership with NHS Central Lancashire, Public Health Directorate, Lancashire Wildlife Trust and the Chorley Partnership Health and Well Being Thematic Group to deliver national, regional and local targets through a co-ordinated and integrated partnership approach.

The Primary Care Trust (PCT) has invested resources for the next three years on the promotion, co-ordination and pump priming initiatives that support CFG. Lancashire Wildlife Trust has taken the lead role to write and oversee the delivery of a Community Food Growing Action Plan for Chorley, and a Community Food Growing Officer, based at the Council offices has been employed for three days a week to implement the plan.

Recommendations:

- That the Council be encouraged to continue working closely with Lancashire Wildlife Trust over the next three years, sharing information, staff time and resources to ensure the success of the Community Food Growing Action Plan

Objective 6 – To consider the potential for forming Committees and Users Groups within individual allotment sites to give tenants greater control and allow them to cover some of the functions currently carried out by officers.

The Chair of Chorley Allotments Society commented that this group had only just started to take off and did not feel that they would be in a position to take on board this role at the present time due to a lack of resources from within. They presently have 85 members; with some being private allotment holders and already have difficulties maintaining a Committee.

The Group recognised the value and importance of the Chorley Allotments Society and wanted to encourage more allotment holders to join.

It was pleasing to learn that relations between the Council and the Society have recently improved, but an acceptance that the partnership need to be strengthened before the feasibility of such a scheme could be further explored. In the meantime Chorley Allotments Society has expressed an interest to be consulted on and become more involved.

Members and officers were also supportive of the idea of forming User Groups that were committed to the principles of inclusivity, for consultation purposes.

Members considered that allotment holders on new Council sites should be encouraged to pilot a community based management arrangement with a view to, if successful, rolling out to other sites in the future.

Recommendations:

- That allotment holders on new Council sites be supported and encouraged to pilot a community based management arrangement.
- That the Council would endorse the value of its allotment holders joining the Chorley Allotments Society through the contract and other associated paperwork.
- That User Groups be established as and when required for the purposes of consultation.

5. CONCLUSION

The Council recognises that the provision of allotments is a valuable facility for the community, providing an excellent opportunity to grow your own fruit and vegetables, meet new people and get plenty of fresh air and exercise. They are sustainable; reduce the carbon footprint of the food that we eat and the impact on our environment.

It is acknowledged that the Chorley Allotments Society provides a valuable contribution to the promotion of community cohesion by supporting all allotment holders with help and guidance to develop their plots and improve environmental sustainability and the Council will endeavour to continue working in partnership with the Society to build on our existing relationship.

The recommendations will allow for the effective management and maintenance of the Allotments and the Council are committed in continuing to look at ways of increasing provision in line with current and future demand.

Chorley Council



2008-2009
*Transforming Services:
Citizen Engagement
and Empowerment*



2009-2010
Cohesive and resilient communities



2009-2010
Better outcomes for people and places

Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for Places, Councillor Eric Bell)	Executive Cabinet	17/02/11

EXECUTIVE'S RESPONSE TO RECOMMENDATIONS OF OVERVIEW AND SCRUTINY TASK GROUP'S INQUIRY INTO ALLOTMENTS

PURPOSE OF REPORT

1. To approve the Executive Cabinet's response and actions following the Overview and Scrutiny Task Group's inquiry into allotments

RECOMMENDATION

2. To approve the response and actions in Section 8 of this report.

EXECUTIVE SUMMARY OF REPORT

3. The Overview and Scrutiny Task Group's report following their inquiry into allotments is on this evening's agenda.
4. This report outlines the Executive's response to the Task Group's recommendations. The recommendations and the response are detailed in the table at Section 8.

REASONS FOR RECOMMENDATION

(If the recommendations are accepted)

5. To respond to the Overview and Scrutiny Committee's recommendations and make improvements to the allotment service.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Strong Family Support	√	Education and Jobs	
Being Healthy	√	Pride in Quality Homes and Clean Neighbourhoods	√
Safe Respectful Communities	√	Quality Community Services and Spaces	√
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	√
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BACKGROUND

8.

Overview & Scrutiny Recommendation	Executive Response
<u>Provision and demand for allotments</u>	
That the applicants apply annually to the Council for an allotment,	Agreed. This will be introduced at the next point of correspondence.
That vacant plots from within existing allotment provision be offered to applicants who have been on the waiting list the longest.	Agreed. Current letting criteria to change on 1 April to reflect this recommendation.
That applicants on the general 'any site' waiting list only be allowed refusal of one plot, then placed on to the relevant Neighbourhood Area list.	Agreed. Current letting criteria to change on 1 April to reflect this recommendation. Please note the next response and the use of distance from a site rather than neighbourhood area.
That any new sites be allocated by a 50/50 split between the Neighbourhood Area applicants and the general 'any site' applicants to support Neighbourhood Working.	Agreed in part. The 50/50 split between long standing names on waiting list and local requirements is fair. Rather than use the neighbourhood area as a locality indicator, we plan to use their distance from a Council allotment site.
That Chorley Allotments Society be consulted on the Site Allocations Development Plan Document.	Agreed. They will be consulted at all key stages of the site allocation process.
That the Council considers the provision for allotments when negotiating Section 106 monies.	This will be considered on a case by case basis.
That the Head of Planning Services, be requested to develop a set of guidelines and good practice for use by private allotment owners.	Agreed.
That the Chorley Allotments Society working in partnership with the Council be encouraged to facilitate an exchange scheme across all the sites.	This is felt to be good practice and should support future provision.

<u>Tenancy Agreement and monitoring and inspection procedures</u>	
<p>That the Tenancy agreement be reviewed to include</p> <ul style="list-style-type: none"> - appropriate rules and conditions to promote higher standards of maintenance - Definitive guidance on non compliance issues, to protect the Council's position. 	<p>Agreed.</p>
<p>That the Council provide suitable perimeter fencing on all its new sites that will be adequately maintained.</p>	<p>Agreed.</p>
<p>That the Council be responsible for the delineation of the actual plot, but that the allotment holder be then responsible for defining their boundaries, using safe and suitable materials.</p>	<p>Agreed. New sites will be delivered in this manner.</p>
<p>That the subject to consent, the allotment holder be responsible for erecting structures on the plot for the purposes of storage and cultivation using safe and suitable materials within a total floor space (to be determined).</p>	<p>Agreed. New sites will be delivered in this manner.</p>
<p>That the new Tenancy Agreement be implemented on all new sites and when an existing allotment is occupied by a new holder.</p>	<p>Current letting criteria to change on 1 April to reflect this.</p>
<u>Allotment charges</u>	
<p>That the annual charge of £39.50 be increased annually on 1 April in line with inflation.</p>	<p>The Executive support the general principle of increasing charges by inflation. However, the Executive would want to retain the flexibility to set fees and charges on an annual basis.</p>
<p>That the concessionary rate be phased out over the next two years, 75% of rental to be charged in 2011/12 with the full rental being charged in 2012/13.</p>	<p>Agreed. There is no evidence that the annual charge presents a barrier to take up.</p>
<p>That it be Council policy to reduce the larger plots as and when they become available, dependant on the site and demand for that location. This would be monitored and the work undertaken, according to need.</p>	<p>Agreed.</p>
<p>That the present mains water provision be maintained on the two sites but at cost neutral to the Council.</p>	<p>Agreed.</p>
<p>That the allotment holders be charged for the water provision based on the usage of the previous rental year. The charge would be implemented in 2012/13 based upon water usage in 2011/12.</p>	<p>Agreed.</p>
<p>That the provision of a free water butt for all new allotment holders be withdrawn or offered at cost.</p>	<p>Agreed.</p>

That information help and guidance be provided to new allotment holders on the sustainability agenda.	Agreed.
<u>Community Growing</u>	
That the Council be encouraged to continue working closely with Lancashire Wildlife Trust over the next three years, sharing information, staff time and resources to ensure the success of the Community Food Growing Action Plan.	Sarah Turner (Community Growing Officer) is in place to help ensure this happens.
<u>Community Management of Allotments</u>	
That allotment holders on any new site be supported and encouraged to pilot a community based management arrangement.	The Council's policy of community management will be developed, as appropriate.
That the Council would endorse the value of its allotment holders joining the Chorley Allotments Society through the contract and other associated paperwork.	Agreed.
That User Groups be established as and when required for the purposes of consultation.	Agreed.

SUMMARY

9. All recommendations have been accepted, at least in part. There are no specific recommendations relating to equality issues. However, fairness and access was a constant theme of the inquiry. An Equality Impact Assessment is in place for allotments and will be regularly reviewed.

IMPLICATIONS OF REPORT

12. 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

13. The recommendations in this report are cost neutral at least, some of the actions will recover expenditure the Council currently incurs.

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Andy Brown	5574	2 February 2011	

Report of	Meeting	Date
Director People and Places Introduced by the Executive Member for Places	Executive Cabinet	17 February 2011

LICENSING POLICY (LICENSING ACT 2003) REVIEW

PURPOSE OF REPORT

1. To advise Members of the outcome of the statutory review of the Councils Licensing Policy Statement made under the Licensing Act 2003 and to seek adoption of the Policy Statement.

RECOMMENDATION(S)

2. Members are asked to approve the reviewed Licensing Policy Statement (Licensing Act 2003), noting the consultation comments and the respective responses to them, and to recommend its approval and adoption by the full Council. The revised Policy Statement is attached at Appendix A and the List of Consultation Responses is attached at Appendix B

EXECUTIVE SUMMARY OF REPORT

3. The Council has a statutory duty under the Licensing Act 2003 to produce a Licensing Policy Statement which details how the Council will determine applications for licenses determined under the Act.
4. This duty also requires a periodic review of the Licensing Statement on a date prescribed by the Secretary of State which is on or before 7 January 2011.
5. The current Licensing Policy Statement has served the Council well over the past 3 year period and has been approved by the Councils Licensing and Public Safety Committee subject to amendments required as a result of the consultation period which ran from 1 November 2010 to 31 December 2010.
6. At the close of the consultation period only one letter of representation had been received from the Director of Public Health NHS Central Lancashire. The detail and the Councils response is attached as Appendix B.
7. Only minor changes have been made to the original draft in the light of consultation responses and these have been agreed with the Chair of Licensing and Public Safety Committee and Head of Environment in line with the delegation granted by the Licensing and Public Safety Committee at its meeting on 1 December 2010.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

8. Approval of the Licensing Policy Statement (Licensing Act 2003) is required to meet the Councils statutory obligations with regard to its licensing function and the requirement to undertake a three yearly review of the Policy Statement.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. No alternatives have been considered.

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy	X	Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities	X	Quality Community Services and Spaces	
Vibrant Local Economy	X	Thriving Town Centre, Local Attractions and Villages	X
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

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	X	No significant implications in this area	

COMMENTS OF THE DIRECTOR OF TRANSFORMATION (HEAD OF GOVERNANCE)

12. No comments save to agree with those made within the body of the report.

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	7 January 2010	policyreviewexec

Statement of Licensing Policy

(Licensing Act 2003)

For 3 year period commencing 7 January 2011



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The Borough of Chorley

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

The Borough has a population of just over 105,000 and extends over an area of 80 square miles. It has a workforce of around 49,000 and attracts some three million visitors a year. Two wards are eligible for Transitional Area funding. Independent research has shown that the general quality of life in Chorley is 20% better than the average for the UK. As such Chorley stands out as one of the top 15 districts to live in the whole of the North of England, with low unemployment, high owner-occupancy, and academic achievement above average. Property prices in many parts of the Borough are very reasonable. A map of the area is given at Appendix 1

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

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

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

There are approximately 375 premises licensed to sell alcohol ranging from off licences to public houses, members only clubs, restaurants and nightclubs.

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

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

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

1. EXECUTIVE SUMMARY

- 1.1 The Licensing Act 2003 (“the Act”) introduces a licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Act imposes a statutory duty on Chorley Borough Council (“the Council”) to produce a statement of licensing policy for a three year period, beginning with such day as the Secretary of State may by order appoint and each subsequent period of 3 years. The next subsequent period of 3 years will commence on 7 January 2011. A Glossary of terms is given at Appendix 2.
- 1.3 This document sets out the Council’s policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.
- 1.4 The aim of this policy is to set out how the Licensing Objectives will be achieved and to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Council in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the Borough. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.
- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, the Council in adopting this policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises. It is also committed to partnership working with police, fire, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Council has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. The Council may deviate from the guidance but would need good reasons, which it can justify, to do so.
- 1.8 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences) the licensing of premises for the retail sale of alcohol, provision of regulated entertainment or late night refreshment (premises licence), the supply of alcohol or the provision of regulated entertainment to certain clubs (club premises certificates) and the holding of certain licensable activities on a temporary basis (temporary event notices).
- 1.9 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. It also includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

2. LICENSING OBJECTIVES

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

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

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

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

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

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

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

3. LICENSABLE ACTIVITIES

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

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

4. CONSULTATION PROCESS

4.1 This policy statement has been developed after proper consultation with statutory consultees, as required by the Act together with other interested parties. A list of consultees is attached as Appendix 4.

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

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

5. GENERAL PRINCIPLES

5.1 Each application will be determined on its individual merits.

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

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

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

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

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

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

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

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

6. CRIME AND DISORDER

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

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

7. LICENSING HOURS

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

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

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

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

Operating Schedules (see section 28) will be required and will set out the measures to be taken to ensure that the licensing objectives are addressed. Applicants are also referred paragraph 6.6.

8. CUMULATIVE IMPACT

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

9. SATURATION CONTROLS

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

10. PROTECTION OF CHILDREN FROM HARM

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

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

representations are made if it considers it necessary and/or appropriate including those drawn from the Model Pool of Conditions shown at in Appendix 3.

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

11. CHILDREN AND CINEMAS

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

12 CHILDREN AND PUBLIC ENTERTAINMENT

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

13. PREVENTION OF PUBLIC NUISANCE

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

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

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

14. PUBLIC SAFETY

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

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

OTHER REGULATORY SYSTEMS

15. PLANNING CONTROL

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

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

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

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

16. BUILDING CONTROL

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

17. STATUTORY REQUIREMENTS

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

18. DISABILITY DISCRIMINATION ACT 1995

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

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

19. HUMAN RIGHTS ACT 1998

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

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

20. OTHER STRATEGIES

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

21. ENFORCEMENT

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

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

LIVE MUSIC, DANCING AND THEATRE

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

22. PROMOTION OF RACIAL EQUALITY

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

23. BYELAWS - TEMPORARY STRUCTURES

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

25 PERSONAL LICENCES

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

26. DESIGNATED PREMISES SUPERVISORS

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

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

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

27. PREMISES LICENCE

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

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

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

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

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

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

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

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

28. OPERATING SCHEDULE

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

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

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

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

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

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

29. ENTERTAINMENT/SERVICES OF AN ADULT OR SEXUAL NATURE

29.1 Notwithstanding the provisions of Schedule 3 of the local Government (Miscellaneous Provisions) Act 1982 relating to Sexual Entertainment Venues, where the activities proposed under any premises licence include those of an adult or sex related nature (see Section 10, 11 and 12 relating to Children also) e.g. lap dancing, striptease, topless waitresses, the Licensing Authority would take into account the increased risk to the licensing objectives.

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

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

For example:

- the area proposed for striptease shall be in a position where the performance cannot be seen from outside the licensed premises
- the area proposed for striptease shall be in a designated area of the premises

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

30. TABLE AND CHAIRS OUTSIDE PREMISES

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

31. PRIVATE EVENTS

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

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

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

32. INCIDENTAL MUSIC

- 32.1 The Act provides that in certain circumstances the incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated

entertainment activities. This is where they are incidental to another activity which is not in itself entertainment or entertainment facilities.

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

33. APPLICATIONS FOR NEW AND MAJOR VARIATIONS OF PREMISES LICENCES

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

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

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

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

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

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

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

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

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

- 33.8 The Council, after considering all relevant issues may:

- grant the application subject to such conditions that are consistent with the Operating Schedule
- refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives;

- refuse to allow certain requested licensable activities on the grounds that refusal is necessary for promotion of the licensing objectives;
- refuse to specify a designated premises supervisor on the crime prevention objective
- grant the application subject to those conditions modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives.

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

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

34. TRANSFERS OF PREMISES LICENCES

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

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

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

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

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

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

35. CLUB PREMISES CERTIFICATES

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

35.2 Recognised Club activities are:

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

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

not exceed 499 and the premises may not be used for more than 15 days in any calendar year.

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

36. LATE NIGHT REFRESHMENT

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

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

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

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

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

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

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

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

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

37. PROVISIONAL STATEMENTS

37.1 A person may apply for a Provisional Statement if they are interested in the premises, and are an individual aged 18 or over. An application for a Provisional Statement applies to

premises which are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose).

37.2 An application for a Provisional Statement must be accompanied with a schedule of following details:

- details of the premises
- the works to be done
- licensable activities proposed
- plan of the premises
- any such other information as may be prescribed.

37.3 Applications for Provisional Statements will be dealt with in a similar manner as applications for Premises Licences regarding holding of hearings if relevant representations are made.

37.4 If relevant representations are received and a hearing is held, the Licensing Authority will decide whether, if the premises were constructed or altered in the way proposed in the Schedule of Works and if a premises licence were sought for those premises, it would consider it necessary for the promotion of the licensing objectives to:

- attach conditions to the licence;
- rule out any of the licensable activities applied for;
- refuse to specify the person nominated as the premises supervisor;
- reject the application.

37.5 If a Provisional Statement has been issued and the person subsequently applies for a premises licence in respect of the premises (or a part of the premises or premises which are substantially the same) representations by responsible authorities and interested parties will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement; and
- the work in the Schedule of Works has been satisfactorily completed;
- given the information in the application for a Provisional Statement, the person objecting could have made the same, or substantially the same representations about the application but had failed to do so without reasonable excuse; and
- there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

37.6 Applicants are advised that whilst there is no limit to the duration of a Provisional Statement, the longer there is a delay before a premises licence is applied for the greater the potential is for representations not to be excluded due to genuine and material changes in circumstances occurring.

37.7 Applicants are also advised that any decision on an application for a premises licence does not relieve the applicant of the need to apply for building consent.

38. INTERIM AUTHORITIES

38.1 Generally, a premises licence will remain in force for as long as the licence holder continues to operate the business unless it is specified it has effect for a limited period and that period expires or the licence is revoked.

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

39. TEMPORARY EVENT NOTICES

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

39.5 Where a personal licence holder is involved, they will be able to give a TEN in relation to licensable activities (including the sale of alcohol) on up to 50 occasions per year for up to 96 hours on each occasion. This is subject to the limitations for each premises (see paragraph 33.2 above), subject to informing the Council and Lancashire Police of relevant details.

These details are:

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

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

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

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

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

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

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

The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises.

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

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

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

40. RELEVANT, FRIVOLOUS VEXATIOUS REPRESENTATIONS

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

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

40.2 It will be for the Licensing Authority to determine whether any representation by an interested party is frivolous or vexatious. The decision as to determining whether a representation is relevant, frivolous or vexatious has been delegated to an Officer of the Council in accordance with the Guidance.

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

41. REVIEWS

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

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

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

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

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

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

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

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

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

41.9 The Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. The Licensing Authority has regard to the recommendation in the guidance, that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.

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

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

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

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

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

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

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

42 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

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

42.2 The Licensing and Public Safety Committee consists of 17 members and the Licensing Sub-Committees will consist of three members.

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

- 42.4 All matters dealt with by officers will be reported for information only to the next Licensing and Public Safety Committee.
- 42.5 Decisions on whether a representation is valid or whether it is repetitious, frivolous or vexatious will be delegated to the Head of Governance.
- 42.6 Any Sub-Committee will refer any matter that it is unable to deal with because of the number of Members who are unable to take part in the consideration or discussion of any matter or any question with respect to it, to another Sub- Committee or to the Licensing and Public Safety Committee.

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

43. APPEALS

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

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

44. POLICY REVIEW

- 44.1 The policy takes effect on 7 January 2011 and will remain in force for not more than three years. It will be subject to periodic reviews and further consultation.
- 44.2 The Council is required to review its policy statement every three years.
- 44.3 The Council may review its policy at any time within those three years should it consider it appropriate to do so.
- 44.4 The process of on-going reviews will be incorporated into the business of the Licensing Act 2003 Committee.
- 44.5 Changes to the policy will be subject to consultation as set out in the Secretary of State's guidance.

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

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

46. ADVICE AND GUIDANCE

46.1 Advice and guidance can be obtained by contacting the Council.

Telephone: 01257 515151

Email: contact@chorley.gov.uk

Website: www.chorley.gov.uk

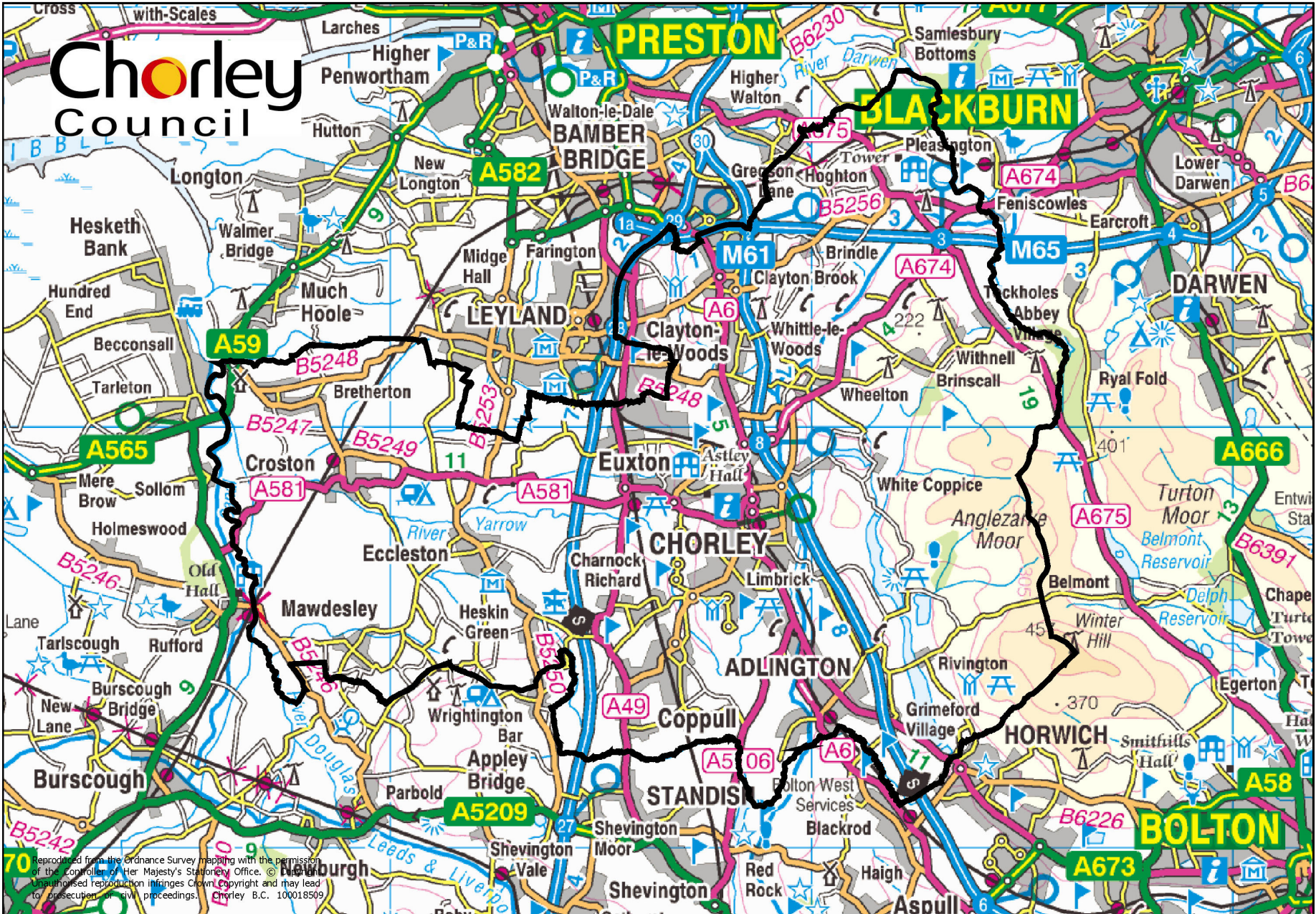
46.2 Further general advice on the Licensing Act 2003 can be obtained from the Governments Home Office website:

www.homeoffice.gov.uk

46.3 Contact details for responsible authorities can be found in Appendix 6.

46.4 Informal discussions to resolve potential problems and avoid unnecessary hearings and appeals will be encouraged.

Chorley Council



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

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

Regulated Entertainment is defined as:

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

Entertainment Facilities are defined as:

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

Interested Party is defined as:

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

Responsible Authority is defined as:

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

Temporary Event is defined as:

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

Provision of late night refreshment is defined as:

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

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

Hot food or hot drink is defined as:

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

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

Private Event The Licensing Authority defines this as:

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

Incidental music The Licensing Authority defines this as:

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

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

Relevant representation

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

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

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

Repetitious representation

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

Frivolous representation

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

Vexatious representation

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

POOL OF STANDARD AND MANDATORY CONDITIONS

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

1. Pool of Standard Conditions - General

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

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

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

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

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

Text/Radio pagers

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

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

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

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

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

Door supervisors

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

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

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

Bottle bans

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

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

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

Plastic containers and toughened glass

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

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

CCTV

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

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

Open containers not to be taken from the premises

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

Restrictions on drinking areas

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

Capacity limits

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

Proof of age cards

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

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

Crime prevention notices

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

Drinks promotions

As from April 2010 a Mandatory Licensing Condition exists which deals with irresponsible promotions. This paragraph should be read in conjunction with the condition and any current associated guidance to ensure effective enforcement of irresponsible promotions.

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

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

Signage

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

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

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

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

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

a prescribed capacity;

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

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

2. Pool of Standard Conditions Relating to Public Safety (including fire safety)

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

General

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

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

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

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

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

The following British Standards should also be considered:

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

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

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

Disabled people

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

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

Escape routes

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

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

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

Safety checks

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

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

Curtains, hangings, decorations and upholstery

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

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

Accommodation limits

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

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

Fire action notices

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

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

Outbreaks of fire

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

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

Loss of water

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

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

Access for emergency vehicles

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

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

First aid

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

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

Lighting

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

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

Temporary electrical installations

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

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

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

Indoor sports entertainments

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

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

Alterations to the premises

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

Special effects

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

Specials effects which should be considered include:

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

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

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

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

Premises used for closely seated audiences

Attendants

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

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

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

Standing and sitting in gangways etc.

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

Drinks

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

Balcony Fronts

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

Special effects

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

Specials effects include:

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

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

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

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

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

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

Ceilings

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

Seating

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

Premises used for film exhibitions

Attendants - premises without a staff alerting system

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

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

Attendants - premises with a staff alerting system

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

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

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

Minimum lighting

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

Flammable films

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

2. Pool of Standard Conditions Relating to the Prevention of Public Nuisance

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

General

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

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

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

Hours

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

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

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

Noise and vibration

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

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

Noxious smells

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

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

Light pollution

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

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

4. Pool of Standards Conditions Relating to the Protection of Children from Harm

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

Access for children to licensed premises - in general

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

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

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

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

Age Restrictions –specific

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

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

Age restrictions – cinemas

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

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

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

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

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

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

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

Theatres

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

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

Performances especially for children

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

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

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

Children in performances

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

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

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

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

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

Proof of Age cards

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

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

5 . Statutory Qualifying Conditions for Clubs

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

Licensing Act 2003 section 62 -The general conditions

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

Licensing Act 2003 section 63 - Determining whether a club is established and conducted in good faith

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

Licensing Act 2003 section 64 - additional conditions for the supply of alcohol

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

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

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

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

Licensing Act 2003 Section 65 Industrial and provident societies, friendly societies etc.

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

Licensing Act 2003 Section 66 - Miners' Welfare Institutes

- (1) *Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly -*
- (a) *the premises of the institute are to be treated as the premises of a club,*
 - (b) *the persons enrolled as members of the institute are to be treated as the members of the club, and*
 - (c) *anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.*
- (2) *In determining for the purposes of section 61 whether a relevant miners' welfare institute is a qualifying club in relation to a qualifying club activity, the institute is to be taken to satisfy the following conditions -*
- (a) *condition 3 in subsection (4) of section 62,*
 - (b) *condition 4 in subsection (5) of that section,*
 - (c) *condition 5 in subsection (6) of that section,*
 - (d) *the additional conditions in section 64.*
- (3) *For the purposes of this section -*
- (a) *"miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and*
 - (b) *a miners' welfare institute is "relevant" if it satisfies one of the following conditions.*
- (4) *The first condition is that -*
- (a) *the institute is managed by a committee or board, and*
 - (b) *at least two thirds of the committee or board consists -*
 - (i) *partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c. 21), and*
 - (ii) *partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coalmines.*
- (5) *The second condition is that -*
- (a) *the institute is managed by a committee or board, but*
 - (b) *the making of -*
 - (i) *an appointment or nomination falling within subsection (4)(b)(i), or*
 - (ii) *an appointment or nomination falling within subsection (4)(b)(ii), is not practicable or would not be appropriate, and*
 - (c) *at least two thirds of the committee or board consists -*
 - (i) *partly of persons employed, or formerly employed, in or about coal mines, and*

- (ii) *partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c. 23).*

(6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

6. Mandatory Conditions

Mandatory conditions are imposed by Government by way of statutory instrument and Orders.

Mandatory conditions applied to licences and club premises Certificates

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence –
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition where the licence permits the performance of Films

Where a programme includes a film in the 12A, 15 or 18 category, as classified by the British board of Film Classification, no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms-

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

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

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

Mandatory conditions where Door Supervisors are provided

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Conditions for club Premises with off sales

1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

2) Any alcohol supplied for consumption off the premises must be in a sealed container.

3) That any supply of alcohol for consumption off the premises must be made to a

member of the club in person.

Mandatory conditions effective from 6 April 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Mandatory conditions effective from 1 October 2010 where the licence or club premises certificate permits the sale or supply of alcohol for consumption on the premises

4 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be

under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5 The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures

LIST OF CONSULTEES

Appendix 4

CONSULTEES

Premises Licence Holders (10% random sample)	Local Pubwatch Group
All Parish Councils	Personal License Holders (5% random sample)
All Council Members	Lancashire Constabulary
Chorley and District Chamber of Trade	Lancashire Fire & Rescue Service
Chorley Council Planning Services	LCC Trading Standards
Chorley Council Environmental Services	LCC Directorate for Children & Young People
Chorley Council Health and Safety Services	Equity
NHS Central Lancashire	Cinema Exhibitors Assn
British Waterways	

PROTOCOL WITH LANCASHIRE FIRE AND RESCUE

Appendix 5

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

1 INTRODUCTION

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

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

There will effectively be two licences:

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

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

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

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

They can be licensed for:

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

Examples of activities requiring a licence:

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

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

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

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

1.3 Objections

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

Responsible Authorities:

- Police
- Fire Service

Temporary Event Notices

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

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

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

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

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

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

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

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

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

Fire Safety Advice**The Fire Precautions Act 1971**

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

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

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

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

2 WORKING ARRANGEMENTS

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

3 WHAT LANCASHIRE FIRE AND RESCUE SERVICE WILL UNDERTAKE

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

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

Summary of Inspection Criteria

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

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

4 WHAT THE LICENSING AUTHORITY WILL UNDERTAKE

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

ADVICE

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

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

RESPONSIBLE AUTHORITIES**APPENDIX 6**

<p>People and Places Directorate Chorley Council Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515151 Email contact@chorley.gov.uk Web: www.chorley.gov.uk</p>	<p>Planning Policy and Performance Directorate Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 515151 Email contact@chorley.gov.uk Web: www.chorley.gov.uk</p>
<p>Lancashire Constabulary Licensing Unit: C Division Chorley Police Station St Thomas' Road Chorley Lancashire PR7 1DR Telephone: 01257 246215 Fax: 01257 246217 Email: southern-licensing@lancashire.pnn.police.uk</p>	<p>Lancashire Fire & Rescue Services Fire Safety Fire Station Weldbank Lane Chorley Lancashire PR7 3NQ Telephone: 01257 262919 Fax: 01257 234363</p>
<p>Lancashire County Council Lancashire Safeguarding Children's Board Manager Room B52, PO Box 61, County Hall Preston PR1 8RJ Telephone: 01772 536288 Email: lscb@cyp.lancscc.gov.uk</p>	<p>Lancashire County Council Trading Standards 58-60 Guildhall Street Preston PR1 3NU Telephone: 01772 533528 Email: feedback@ts.lancscc.gov.uk</p>
<p>For applications concerning larger establishments only. The health and safety responsible authority is : H.S.E. Marshall House Ringway Preston PR1 2HS Telephone 01772 836200 For queries on this please call 01257 515151</p>	<p>FOR VESSEL APPLICATIONS ONLY British Waterways Trafalgar House Birchwood Warrington WA3 6GD Telephone: 01925 847700</p>

Appendix B

Licensing Policy Statement – Review Consultation Responses

	Responder	Issue	Response/Comment/Action
1.	NHS Central Lancashire	NHS Central Lancashire incorrectly referenced as 'Central Lancashire PCT' in Appendix 4	Appendix 4 amended
2.	NHS Central Lancashire	Noted that list of consultees should include representatives of residents and business	List of consultees includes elected Members and Parish Councils who are deemed to be representatives of residents and business. (appendix 4)
3.	NHS Central Lancashire	Request to include 'protection of public health' as a licensing objective. Noted that NHS Central Lancashire as are lobbying widely for the inclusion of this objective in licensing legislation.	Current legislation and statutory guidance clearly defines the licensing objectives of the legislation and hence policy. It currently does not include 'protection of public health'. However Chorley Council are currently piloting the use of Health Impact Assessment methodology as applied to Licensing Policy with partners at Preston City Council. Therefore whilst it cannot be included as a specific licensing objective, health and public health will be considered in terms of the impact that licensing policy is likely to have on health.
4.	NHS Central Lancashire	Welcome detail regarding protecting children in Section 10 of the Policy but observed that could go further by specifically referencing activities relating to proxy sales of alcohol.	Section 10 amended to include specific reference to proxy sales of alcohol. (page 11 para 10.6)
5.	NHS Central Lancashire	Noted that the policy section on 'drinks promotions' (p45) is not directly linked to the Mandatory Condition on irresponsible promotions contained in Appendix 5	Section amended to link the policy reference to drinks promotions with the Mandatory Condition on irresponsible promotions. (p.45)
6.	NHS Central Lancashire	Concern expressed as to how residents as 'interested parties' are consulted on licensing applications.	All premises applications are posted by the applicant on the premises (legal requirement) and advertised via Council website.
7.	NHS Central Lancashire	Enquiry as to how the exposure of children to alcohol advertising in cinemas is restricted and enforced. (paragraph 11.3)	Legal powers would be utilised – noted that no cinemas currently in Chorley Council area.

Appendix B

	Responder	Issue	Response/Comment/Action
8.	Chorley Council – Environmental Health	Date in paragraph 1 page 1 is incorrect and should be 2011 not 2008. In addition the context of the paragraph is outdated with reference to LA 2003 being new legislation.	Date amended and context of the paragraph amended.
9.	Chorley Council – Environmental Health	Query whether the work done around the Multi Agency Licensing Team (MALT) should be referenced in the policy.	Partnership working in general is referenced but the specific reference to the operational work done by MALT is not necessary in this policy document.
10.	Brindle Parish Council	Consultation noted but no comments made	None required.
11.	Hoghton Parish Council	Consultation noted but no comments made	None required.

SC January 2011

Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member (Places))	Executive Cabinet	17 February 2011

FOOD WASTE COLLECTIONS - UPDATE

PURPOSE OF REPORT

1. To update members on the need to delay food waste collections to non-garden properties.

RECOMMENDATION(S)

2. The introduction of food waste collections to non-garden properties is delayed by a minimum of 12 months. Lancashire County Council have clarified this material is not currently required at the new Farington Waste Technology Park (WTP). However food waste collections to households with a garden waste bin could still be rolled out as proposed in the Executive Cabinet Report of November 2010. A further report for Executive Cabinet to be prepared once a date requiring us to collect food waste separately from all properties has been provided by LCC.

EXECUTIVE SUMMARY OF REPORT

3. Lancashire County Council have now indicated that separate food waste collections are not required until 2012/13. Early indications are that the residual waste (green bin) input at both the Farington and Thornton WTPs has a shortfall of organic material compared to what was expected. This will result in a decrease in energy production from the plants. A delay in separate food waste to non-garden properties would result in a saving to the Council of £87,000 in 2011/12.
4. However the rollout of food waste collections to garden properties could continue as proposed. Farington WTP does require an input of mixed garden and food waste to ensure the in vessel composting plant meets its acceptance tests.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. One of the key elements of the contract for the WTPs is energy production from the residual waste stream. Indications are that the Farington and Thornton plant will not generate the predicted levels of energy so there is now no urgency to divert all food waste into the composting process.
6. Lancashire County Council have indicated that separate food waste collections are no longer a requirement for Chorley Council to receive the £800,000 per annum waste cost share agreement payment in 2011/12.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. To continue with the project to roll out of food waste collections to all householders in 2011 as recommended in the Executive Cabinet Report of 11 November 2010. This will not assist Lancashire County Council in meeting its energy generation targets at the Farington WTP.
8. To not introduce any food waste collections in 2011/12 would result in a shortfall in projected tonnages to the Farington WTP for its in vessel composting plant so acceptance testing could not be carried out. An increase in the Council's recycling rate would be very unlikely.

CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	√
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			√

BACKGROUND

10. The Lancashire Waste Strategy, which the Council adopted, contains a commitment to provide a collection of food waste for composting and the target of 56% recycling and composting of municipal waste by 2015.
11. A report containing preferred options for collecting food waste was presented to Executive Cabinet on 11 November 2010. The recommendations in the report were accepted, with rollout of the scheme expected to take place in early Summer 2011. The recommendations included weekly food waste collections to approximately 8,000 properties using a new collection vehicle and 23 litre brown outdoor collection caddies.
12. Lancashire County Council have reported that there is not as much organic matter in the residual waste being delivered to the Farington WTP as predicted. This means the level of electricity generated, which is a key component of the PFI contract is unlikely to be met.

IMPACT OF DELAYING FOOD WASTE COLLECTIONS

13. The delay in introducing food waste collections to properties without gardens, predominately terraced would save the Council £57,000 in 2011/12 in reduced contract costs to Veolia, the Council's waste management contractor. This saving is from the delay in procuring the collection vehicle, staffing and running costs. There would also be a saving of £30,000 from the Council's capital budget 2011/12 which was set aside to purchase the 23 litre outdoor caddies for properties who would receive a weekly food waste collection.
14. It is still possible to phase in the introduction of food waste collections to properties who currently receive a fortnightly garden waste collection. Residents who have a brown bin, approximately 37,500 properties would be asked to put their food waste in their garden waste bin (brown bin). The roll out costs of this scheme would be met by existing budgets as it would be in the main communications materials. No additional vehicles or containers are required for this scheme. The introduction of food waste collections in two phases would enable existing resources to handle the increased volume of enquiries more easily.

Farington WTP does require an input of mixed garden and food waste to ensure the in vessel composting plant meets its acceptance tests.

15. LCC are currently indicating they would expect food waste collections to all households to commence in 2012/13 though this will not be known for certain until the WTPs are fully commissioned and operating at a steady state. They have stated they would provide a minimum of 12 months notice.

IMPLICATIONS OF REPORT

16. 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

17. If the proposal is approved this will mean that there will be no requirement to increase the Veolia contract during the next financial year 20011/12. Consequently the increase will be deferred until the scheme is fully implemented and no provision will be made in the 2011/12 budget to increase the revenue costs by £57,000. The capital spend again will be deferred with the resultant slippage again until the scheme is fully implemented.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jo Oliver	5737	1 February 2011	

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Report of	Meeting	Date
Chief Executive (Introduced by the Leader of the Council)	Executive Cabinet	17 February 2011

REVIEW OF THE MEMBERS ALLOWANCES SCHEME

PURPOSE OF REPORT

- To advise Members that in line with the requirements of the Local Authorities (Members Allowances) (England) Regulations 2003 the Council is required to instruct the Independent Remuneration Panel to review the current Members Allowances Scheme and make recommendations on any changes to the Scheme for determination by a full Council meeting.

RECOMMENDATION(S)

- That the report be noted and any specific comments of the Executive Cabinet on the current Member Allowances Scheme be passed to the Independent Remuneration Panel.
- That Council be recommended to appoint Allan Jones, Chair of Chorley Partnership Board, as the third Member of the Independent Remuneration Panel for a period of three years with the existing Panel members, Dennis Benson and Tom Waring also being reappointed for the next three years.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			✓

BACKGROUND

- The current Members Allowances Scheme was agreed in 2007 and the Local Authorities (Members Allowances) (England) Regulations 2003 state that schemes should be reviewed as a minimum every four years. Minor changes to the current scheme were agreed in 2008 to reflect changing Committee roles but a full review is now due. The process is that the Independent Remuneration Panel meet and make recommendations which are then put forward for full Council's consideration. They may consult Councillors on any suggested changes as part of the process.

INDEPENDENT REMUNERATION PANEL (IRP)

- 6. The current IRP is made up of three members of the public – Dennis Benson, John Cowdall and Tom Waring. All but John Cowdall are interested in continuing in this role and therefore a third member of the Panel needs to be appointed. The Regulations state that Panels should consist of a minimum of three people. It is suggested that the Chair of the Chorley Partnership Board be approached to sit on the Panel. He has some knowledge of the role and organisation of local government, has no strong political party links and represents the business sector within the borough. These criteria are in line with the Regulations which encourage participation from stakeholder representatives from the private and voluntary sectors.
- 7. The current Members Allowances Scheme has worked reasonably well although changes to Committee roles and responsibilities and the frequency of meetings means it is now appropriate and timely to review the scheme. The review will look at levels of remuneration as well as eligibility for travel, subsistence etc. It will also make comparisons with other Lancashire and CIPFA “nearest neighbour” authorities.

IMPLICATIONS OF REPORT

- 8. 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 (HEAD OF GOVERNANCE)

- 9. The review is required under Government regulations and the proposals for the review meet the requirements of good governance. It is timely in the current financial climate to consider the scheme and whether it still adequately reflects the roles and responsibilities of elected members.

**GARY HALL
DIRECTOR OF TRANSFORMATION**

Background Papers			
Document	Date	File	Place of Inspection
Local Authorities (Members Allowances) (England) Regulations 2003	2003		Democratic Services
Current Members Allowances Scheme	2010		Council Constitution

Report Author	Ext	Date	Doc ID
Carol Russell	5196	13 January 2011	

Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for Partnerships and Planning Councillor Peter Malpas)	Executive Cabinet	17 February 2011

SECTION 106 FUNDING FOR YOUTH AND COMMUNITY ACTIVITIES IN BUCKSHAW VILLAGE

PURPOSE OF REPORT

1. To agree the methodology and allocation process for allocating Section 106 funding for youth and community activities in Buckshaw Village.

RECOMMENDATION

2. That the recommendations in Sections 8 to 15 of this report be approved.

EXECUTIVE SUMMARY OF REPORT

3. The Section 106 agreement for Buckshaw Village provides £64,000 funding to support youth and community activities in Buckshaw Village. The report's recommendations outline how the funding will be allocated.

REASONS FOR RECOMMENDATION(S)

4. To ensure Section 106 funding is allocated in a way that is transparent, effective and efficient.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. None.

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Strong Family Support	√	Education and Jobs	
Being Healthy	√	Pride in Quality Homes and Clean Neighbourhoods	√
Safe Respectful Communities	√	Quality Community Services and Spaces	√
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	√
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

7. As part of the Buckshaw Section 106 agreement, Chorley Council are due to receive a £50,000 contribution towards youth and community activities/development in Buckshaw. The £50,000 is index linked. The developers have recently been invoiced for £64,000. The funding is for youth and community activities/development for the whole of Buckshaw Village, the Chorley and South Ribble areas. Youth and community activities are initiatives, activities and/or events that encourage participation and involvement in community life. As mentioned later in the report, South Ribble Borough Council will be involved in the allocation process.

METHODOLOGY AND ALLOCATION PROCESS RECOMMENDATIONS

8. It is recommended that the funding be allocated over a four year period, equally. This ensures that existing residents receive the benefit immediately and new residents, as properties continue to be built, also enjoy the benefit of the funding.
9. It is recommended that the grants be awarded from £500 to £5,000. The grant applicant would need to demonstrate that the funding would be spent within a 12 month period. If their project is to run for more than 12 months they would be asked to make this clear in their first application and to say whether they plan to apply for funding in subsequent years.
10. It is recommended that applicants can apply for up to 90% of the total value of their project. Their 10% contribution can be cash or in-kind volunteer time.
11. It is recommended that there is an annual, for example, deadline for applications, the 31 April, Decisions would be made in May/June, for projects to start from 1 July. In the event that the full year's allocation is used in the bidding round there will be no further funding allocated in that year. In the event that the annual allocation is not fully used in the annual bidding round, bids made in the year will be considered, subject to the annual allocation not being exceeded.
12. It is recommended that the decision to allocate funding be delegated to the Executive Member for People.
13. It is also recommended that South Ribble Borough Council be formally consulted, and this be reported to the Executive member, before any decisions are made.
14. It is recommended that voluntary, community and faith sector organisations, and public bodies, are eligible to apply. All applicants should have effective governance arrangements in place, for example, be a constituted group and have a bank account.
15. For the avoidance of doubt, the majority of the projects beneficiaries should reside in Buckshaw Village. A majority being 51%. Projects that physically take place outwith Buckshaw Village, for example, due to the nature of the facility or activity, are permissible, so long as the majority of beneficiaries are Buckshaw residents. Applicants will need to provide evidence of how they will monitor this, to the Council's satisfaction.
16. It is recommended that applications are assessed using the following criteria:
 - Does the project enhance the provision of youth and community activities/development in Buckshaw Village?
 - Is there evidence that there is a need for the project?
 - Is the project accessible to all, in terms of equality, notwithstanding the residency issue.
 - Is there at least 10% match funding, either cash or in kind?
 - How well does the applicant, and their project, encourage partnership working and cohesion in Buckshaw Village?

- How sustainable is the project? What will happen to the project when the funding ends?
- How well does the project encourage volunteering?

IMPLICATIONS OF REPORT

17. 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 TRANSFORMATION

18. The recommendations outlined in this report will ensure the proper use of this funding.

JAME CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jamie Carson	5151	2 February 2011	

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Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Policy and Performance)	Executive Cabinet	17 February 2010

THIRD QUARTER PERFORMANCE REPORT 2010/2011

PURPOSE OF REPORT

1. This monitoring report sets out the performance against the delivery of the Corporate Strategy and key performance indicators during the third quarter of 2010/2011, 1 October to 31 December 2010.

RECOMMENDATION(S)

2. That the report be noted

EXECUTIVE SUMMARY OF REPORT

3. This report sets out performance against the Corporate Strategy and key performance indicators for the third quarter of 2010/11, 1 October to 31 December 2010. Performance is assessed based on the delivery of key projects and the performance against measures in the Corporate Strategy.
4. Overall performance of key projects remains good, with the majority of the projects either on track, closed or completed. The two projects which are rated red or amber are expected to be brought back on track over the next quarter.
5. Overall performance for key measures in the Corporate Strategy and key performance indicators is strong, with all of the Corporate Strategy measures performing above target or within the 5% tolerance. Three of the key performance indicators are below target. In these cases, action plans have been developed to outline what action will be taken to improve performance.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

6. To facilitate the ongoing analysis and management of the Council's performance in delivering the Corporate Strategy.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. None

CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Strong Family Support	✓	Education and Jobs	✓
Being Healthy	✓	Pride in Quality Homes and Clean Neighbourhoods	✓
Safe Respectful Communities	✓	Quality Community Services and Spaces	✓
Vibrant Local Economy	✓	Thriving Town Centre, Local Attractions and Villages	✓
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			✓

BACKGROUND

- 9. The Corporate Strategy is the key strategic document for the authority and is focused on delivering the Council’s six strategic objectives that underpin the priorities of: prosperity, people, place and performance. The Corporate Strategy mirrors, and outlines the Council’s contribution to, the Sustainable Community Strategy, delivery of which is taken forward by the Chorley Partnership.
- 10. This is the first monitoring report since the Corporate Strategy was refreshed in December. Project documentation is currently being completed for the new projects that were included in the refreshed Corporate Strategy. These will start to be reported on in the next quarterly performance report. This report includes an update on the key projects that have not yet completed from the 2010/2011 Corporate Strategy.
- 11. The Corporate Strategy and key performance indicators measures reported in this report are against the new targets.

PERFORMANCE OF KEY PROJECTS

12. There were 33 key projects in the Corporate Strategy for 2010/2011. Of these, 19 (58%) have been completed or closed off during the year. Four projects have completed during the last quarter:

Project	Key Outcomes
Develop a staff engagement strategy	<ul style="list-style-type: none"> ▪ A staff engagement framework has been developed and is currently out for consultation with Unison and staff. It is based on a review which was undertaken of the Council’s current approach and possible improvements that could be made.
Produce a marketing package for the town centre, markets and Chorley as a whole	<ul style="list-style-type: none"> ▪ Following extensive research and work with the town centre traders, an action plan has been developed and delivered. This included coverage in the local press, adverts of Real Radio, use of social media to promote Chorley town centre. ▪ In addition, a new flyer has been produced for the town centre, highlighting its ‘hidden gems’, and including a town centre map. ▪ The work has received positive feedback from traders, and a full evaluation will now be undertaken.
Evaluate the Families First project and establish intervention arrangements for vulnerable families	<ul style="list-style-type: none"> ▪ The evaluation of the Families First project was completed earlier in the year through the Children’s Trust, and resulted in NCH being commissioned to continue the project for a further 12 months. The project has been evaluated again by the Children’s Trust in January, and has been included in the Early Intervention proposals for 2011/2012.

Complete parks, open spaces and play review and complete improvement plan	<ul style="list-style-type: none"> ▪ A parks, open spaces and play review has been completed and an improvement plan developed. This has informed maintenance decisions and guided the applications the Council made from the s106 Play and Recreation funding.
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13. Three key projects have now been completed, although the work associated with them will continue and become 'business as usual', managed and monitored by the appropriate services:

Project	Key Outcomes
Deliver key projects from neighbourhood action plans	<p>The Neighbourhood Action Plans continue to be delivered and are monitored through neighbourhood working meetings with the relevant councillors.</p> <p>These meetings continue to monitor key issues in neighbourhood areas and, where relevant, agree appropriate responses. This approach is more effective.</p>
Implement Year 2 of the 50+ Active Generation project	<p>This project is funded through grant funding secured by the Council. It continues to be successful in encouraging people over 50 to become more active. The project has successfully achieved the targets set in terms of getting people involved. This includes 1,980 people registered on the Active generation programme. In addition, 390 people have joined clubs, and in the last quarter alone, 299 new people becoming active and taking part in activities.</p> <p>The team are currently seeking additional funding to support the continuation of the project.</p>
Improve the coordination of work with children and young people and Increase weekend diversionary activity for children and young people	<p>This project has successfully supported more effective working between Chorley Council and Lancashire County Council. The work will continue and the improved relationships developed will support closer working.</p> <p>Through regular meetings of relevant officers, a timetable of regular activities with children and young people has been developed to ensure that they can be coordinated across the different providers. In addition, the activities of Play Rangers on Saturdays has been extended.</p>

14. At the end of the third quarter, five projects (15%) were rated green, meaning that they are progressing according to timescale and plan:

- Produce site allocations development plan documents
- Delivery Chorley's key actions for year one of the Health Inequalities Strategy
- Deliver food waste recycling
- Establish a choice based lettings scheme
- Complete year three of the VFM programme

15. One project is currently rated as 'amber', which is early warning that there may be a problem with the project.

Project Title	Project Status	Explanation	Action Required
Develop a community engagement strategy	Amber	A draft community engagement strategy has been produced. However, its finalisation was delayed to	The timescales for this project have been reviewed. Using the draft strategy already produced,

		<p>ensure that consideration could be made of the Localism Bill. Following the recent changes to structures, responsibility for community engagement has transferred to Policy and Communications. This will ensure that community engagement work complements the work of the Chorley Partnership and the Council's communications strategy.</p>	<p>a revised strategy will be produced and approved during the fourth quarter of 2010/2011.</p>
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16. One project is currently rated as 'red', which indicates more serious problems such as falling behind schedule or exceeding budgets.

Project Title	Project Status	Explanation	Action Required
<p>Carry out energy audits of all remaining council buildings</p>	<p>Red</p>	<p>This project is currently behind schedule because negotiations are ongoing with the energy saving trust.</p>	<p>A bid for funding to undertake the audits has been made to the Energy Saving Trust with the closing date for applications of 19 February 2011. Once the outcome of this bid is known we will be in a better position to know when the audits can be completed.</p>

PERFORMANCE OF CORPORATE STRATEGY KEY MEASURES

17. At the end of the third quarter, it is possible to report on 12 of the key performance indicators within the Corporate Strategy. Performance in those indicators is excellent, with 11 performing better than target. The following indicators are performing better than target:

- % of 16-18 year olds who are not in education, employment or training (NEET)
- Overall employment rate
- % of health checks resulting in a referral
- Street and environmental cleanliness – litter
- Street and environmental cleanliness – detritus
- Street and environmental cleanliness – graffiti
- Street and environmental cleanliness - fly posting
- % of household waste sent for reuse, recycling or composting
- New businesses established
- New businesses established and sustained for 12 months
- New businesses established and sustained for 24 months
- Level of avoidable contact

18. One indicator is performing slightly below target, but is within the 5% tolerance threshold:

- Town Centre Visits. Performance is at 33,822 visits against a target of 34,814. This is only very slightly below target, with 992 fewer visits than the target.

19. The full outturn information for the performance indicators is included at Appendix A.

PERFORMANCE OF KEY SERVICE DELIVERY MEASURES

20. There are some important indicators that are not included within the Corporate Strategy, but are measured locally and are indicators of service performance. There are five indicators that can be reported at the end of the third quarter. The full outturn information for this is included at Appendix B.
21. The following are performing better than target:
- Average time taken to process Housing Benefit and Council Tax Benefit change events
 - Number of families in temporary accommodation
22. There are currently three indicators that are worse than target. They related to the time taken to process planning applications. The table below gives the reasons for the worse than anticipated performance, and the steps that are being taken to improve performance:

Performance Indicator	Target	Performance	Reason below target	Action required
NI 157a Processing of planning applications as measured against targets for 'major' application types	81%	68.3%	Performance in processing planning applications remains below target at the end of the third quarter.	Although improvements in performance should be seen by the end of the financial year, the targets are unlikely to be achieved. This is particularly because there are a significant number of appeals that need to be responded to during the fourth quarter. The service will retain the additional resource invested to deal with 'other' applications for the next quarter. In addition, the service will be re-examining processes to ensure that applications are being dealt with in the most efficient and effective way.
NI 157b Processing of planning applications as measured against targets for 'minor'	82.5%	52.4%	The number of major planning applications being decided is substantially higher than in the same period last year. This target includes all the applications that have been decided within the quarter, and so includes a number of long running applications that were decided between October and December (for example Asda in the town centre).	
NI 157c Processing of planning applications as measured against targets for 'other' application types	92%	75.9%	There has been an improvement in performance of processing 'other' planning applications following the additional resource invested. This has led to an increase of 5.5% in the last quarter. This improvement is not seen in the overall figures, because of poor performance earlier in the year, the reasons for which have previously been reported (i.e. a significant increase in workload, both planning applications and appeals).	

			A further reason for lower than target performance is the amount of officer time and resource taken in responding to appeals and applications that are withdrawn before determination. This has occurred as new policies around garden grabbing and the new LDF are introduced as tested by developers.	
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IMPLICATIONS OF REPORT

23. 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	✓


DONNA HALL
CHIEF EXECUTIVE


There are no background papers to this report.














Report Author	Ext	Date	Doc ID
Chris Sinnott	5337	25 January 2011	Third Quarter Performance Report

Appendix A: Performance of Corporate Strategy Key Measures

 Performance is better than target


 Worse than target but within threshold


 Worse than target, outside threshold






Indicator Code	Indicator Name	Polarity	Target Value	Performance Value	Symbol
CS 1.1 10/11-13/14	The % of 16-18 year olds who are not in education, employment or training (NEET)	Smaller is better	5.1%	4.9%	
CS 1.2 09/10-13/14	Overall employment rate	Bigger is better	68%	71.1%	
CS 1.6 10/11-13/14	% of health checks resulting in a referral	Bigger is better	40%	48%	
CS 2.9.1 10/11-13/14	Street and environmental cleanliness - Litter	Smaller is better	4.5%	2%	
CS 2.9.2 10/11-13/14	Street and environmental cleanliness - detritus	Smaller is better	6%	4%	
CS 2.9.3 10/11-13/14	Street and environmental cleanliness - graffiti	Smaller is better	1.5%	1%	
CS 2.9.4 10/11-13/14	Street and environmental cleanliness - fly posting	Smaller is better	1%	1%	
CS 2.9.11 10/11-13/14	% of household waste sent for reuse, recycling or composting	Bigger is better	50%	51.9%	
CS 3.1 10/11-13/14	New businesses established	Bigger is better	39	51	
CS 3.2.1 10/11-13/14	New businesses established and sustained for 12 months	Bigger is better	91%	95%	
CS 3.2.2 10/11-13/14	New businesses established and sustained for 24 months	Bigger is better	89%	91%	
CS 3.3 10/11-13/14	Town Centre Visits	Bigger is better	34814	33822	
CS 4.5 10/11-13/14	The level of avoidable contact	Smaller is better	20%	14.43%	

Appendix B: Performance of key service delivery measures

 Performance is better than target

 Worse than target but within threshold

 Worse than target, outside threshold

Indicator Code	Indicator Name	Polarity	Target Value	Performance Value	Symbol
NI 156	Number of households living in Temporary Accommodation	Smaller is better	13	6	
NI 157a	Processing of planning applications as measured against targets for 'major' application types	Bigger is better	81%	68.3%	
NI 157b	Processing of planning applications as measured against targets for 'minor'	Bigger is better	82.5%	52.4%	
NI 157c	Processing of planning applications as measured against targets for 'other' application types	Bigger is better	92%	75.9%	
NI 181	Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	Smaller is better	10 Days	9.19 Days	



Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Policy and Performance)	Executive Cabinet	17 th February 2011

CHORLEY PARTNERSHIP 3RD QUARTER 2010/11 PERFORMANCE REPORT

PURPOSE OF REPORT

1. To update members on the performance of the Chorley Partnership during the third quarter of 2010/2011, from 1 October to 31 December 2010.

RECOMMENDATION(S)

2. That the report be noted

EXECUTIVE SUMMARY OF REPORT

3. The report highlights the performance of the Chorley Partnership in achieving the targets set in the 2007 Sustainable Community Strategy for 2010/2011. Key measures and targets for the new Sustainable Community Strategy are currently being developed and will be reported from April onwards. In summary:
 - Overall crime has reduced by 3.8% compared to this period last year and reductions have been seen in most categories of crime during the third quarter.
 - The number of new businesses established is on target and performing well with 51 new businesses being established last quarter against a target of 39.
 - Unemployment has remained constant at 2.3% at the end of September to the end of December. The Chorley claimant count remains below the Lancashire and North West averages.
4. The report also includes an update on progress made in the delivery of the key projects that have been commissioned by the Chorley Partnership in 2010/2011. Performance is excellent, with all of the projects currently rated 'green'.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. To facilitate the ongoing analysis and management of the Chorley Partnership's performance and delivery of funded projects.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None



CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Strong Family Support	✓	Education and Jobs	✓
Being Healthy	✓	Pride in Quality Homes and Clean Neighbourhoods	✓
Safe Respectful Communities	✓	Quality Community Services and Spaces	✓
Vibrant Local Economy	✓	Thriving Town Centre, Local Attractions and Villages	✓
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			✓

PERFORMANCE INDICATORS

8. This section includes an overview of the key performance indicators for the Chorley Partnership, including crime rates, business established and employment rates.

All Crime

9. Crime overall has reduced by 3.8% compared to the same period of last year. This is broken down into the following categories:

CHORLEY CSP	Q3 09/10	Q3 10/11	% Change	YTD	YTD Change
All Crime	1356	1305	-3.8%	4396	-1.6%
Serious Acquisitive Crime (NI16)	191	201	+5.2%	554	+0.2%
Burglary Dwelling	74	67	-9.5%	156	-11.4%
Vehicle Crime	113	121	+7.1%	368	+1.1%
Robbery	4	13	+225.0%	30	+130.8%
All Violent Crime	271	336	+24.0%	1102	+10.1%
Serious Violent Crime (NI15)	15	14	-6.7%	51	-5.6%
Assault with Less Serious Injury (NI20)	123	143	+16.3%	458	+8.3%
Criminal Damage (inc arson)	288	249	-13.5%	888	-13.0%
Anti Social Behaviour	1675	1377	-17.8%	6648	-14.5%
Reoffending rate of Prolific Priority Offenders	14	10	-28.6	31	-8.1%
Domestic Violence Murder	0	0	-	0	0
Primary Fires	29	35	+20.7%	144	+25.2%

- The increase in **Serious Acquisitive Crime** during Q3 is mainly due to a slight increase in vehicle crime. However, the overall increase in SAC offences is very small (n=10).
- The year on year increase in **vehicle crime** occurred during December is due to an exceptionally low result being recorded during 2009. Vehicle crime continues to show a fairly stable trend overall.
- **Robbery** continues to show increases, although offences are low in number overall and have little impact on overall serious acquisitive crime. Chorley has suffered from an increased number of business robberies and personal robberies at dwellings during the lead up to Christmas which have contributed to this increase.
- As expected, **violent crime** has continued to show year on year increases. This is mostly due to the exceptionally low levels of offences recorded during the third quarter in 2009. Violent crime overall along with assault with less serious injury now appear to be stabilising following an increase in June 2010, however it is very unlikely that a reduction will be seen by the end of the year.
- **Primary Fires** has shown an increase this quarter and this is related to an increase in accidental dwelling fires. This has been affecting at risk groups including lone people, and the Fire Service are working with partners on a prevention strategy for this group.
- Overall, in this quarter, there have been significant decreases in **anti social behaviour, criminal damage** and the **reoffending rate of prolific priority offenders**. All of these have also shown year to date decreases.

Other Sustainable Community Strategy Indicators

New Businesses Established

Indicator Description	Target	Performance	Symbol
Number of new businesses established	39	51	★
New businesses established and sustained for 12 months	91%	95%	★
New businesses established and sustained for 24 months	89%	91%	★

Unemployment Indicators

10. The unemployment benefit claimant count has remained at 2.3% at the end of the 2nd Quarter to the end of the 3rd Quarter. The Chorley claimant count remains below the Lancashire and North West averages.

Indicator	Jul 10	Aug 10	Sep 10	Oct 10	Nov 10	Dec 10
Claimant Count - Chorley	2.3% (1568 claimants)	2.3% (1611 claimants)	2.3% (1570 claimants)	2.3% (1565 claimants)	2.3% (1580 claimants)	2.3% (1570 claimants)
Claimant Count – Lancashire	2.8%	2.8%	2.8%	2.8%	2.8%	2.7%
Claimant Count – UK	3.6%	3.6%	3.5%	3.5%	3.5%	3.6%

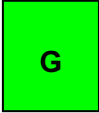
KEY PROJECTS DELIVERY

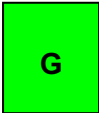
11. The Chorley Partnership has commissioned nine projects for delivery during 2010/2011. These projects support the delivery of the vision and priorities of the Sustainable Community Strategy. Each project uses Chorley Council’s project management methodology to manage and monitor delivery. Included in the table below is a summary of the progress made in the last quarter, alongside any issues that have been encountered which may impact on the project.
12. Performance is extremely strong, with all of the projects being rated ‘green’, meaning that they are currently on track to deliver the expected benefits.

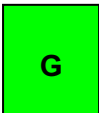
Database of adapted properties	
What is it?	To establish a database of all substantially adapted properties, owned by Registered Social Landlords in Chorley, which can be accessed by landlords and other agencies to enable moves for disabled households to be proactively managed.
Lead Partner	Chorley Community Housing
RAG Status	<div style="display: inline-block; width: 20px; height: 20px; background-color: green; color: black; text-align: center; line-height: 20px; margin-right: 5px;">G</div> Over the last quarter, Chorley Council’s ICT team have been working on the construction of the database. A prototype will be available for comment and testing by the end of January so that any necessary changes can be made by the end of March.

Chorley Community Food Growing Fund	
What is it?	To establish a one off community capacity/engagement fund for the promotion of community food growing across the neighbourhood footprint of Chorley. It will enable grants to be made of £500-£750 to community groups, land owners and schools to set up the infrastructure of community food growing sites e.g. fencing, paths, soils, seeds, fruit trees, raised beds, water butts, tools etc, or to run training courses or events. It is linked into a larger community food-growing project.
Lead Partner	NHS Central Lancashire
RAG Status	<div style="display: inline-block; width: 20px; height: 20px; background-color: green; color: black; text-align: center; line-height: 20px; margin-right: 5px;">G</div> The project is on track and continues to be very successful. No grants were awarded during the last quarter, although this was anticipated given the seasonal nature of the project. Work has continued on promotion of the scheme and expressions of interest have been received from schools and community organisations.

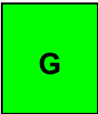
Our Cotswold Community Kitchen	
What is it?	To develop a community kitchen in which to hold healthy eating / living / hygiene programmes and teach residents how to cook and eat healthily. Our Cotswold House are developing this alongside a larger project that will establish a community garden and food growing scheme.
Lead Partner	Cotswold Supported Housing

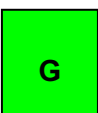
RAG Status		<p>This project is now being coordinated by the Life Skills Coordinator, who started in post during the last quarter. Homestart are providing cookery sessions ,which started on the 13 January and will run for a period of six weeks. In addition, Homestart are providing two play support workers to provide childcare during the sessions.</p>
		<p>Following the cookery sessions, Lancashire College will provide 'cooking on a budget' sessions, which will run from the beginning of March.</p>

LevelUp	
What is it?	<p>This is an arts and mental health programme that will work with vulnerable women in delivering workshops to use the arts to enable women to regain confidence and self esteem.</p>
Lead Partner	<p>NHS Central Lancashire</p>
RAG Status	 <p>This project is on track and performing well. Group sessions and 1:1's continue to be delivered as planned. There are 6 groups running, with participants from all cultures across Chorley, including Asian, Polish, White and women who have suffered domestic violence, homelessness, mental health problems, isolation, unstable immigration status and abuse.</p> <p>The number of participants had already exceeded the target number of 50 and work is now underway with UCLAN to write a reporting detailing the women's stories which will provide hard scientific evidence for transforming services. This will be completed in the next quarter.</p>

Smart Response	
What is it?	<p>The 'Smart Response' project is an innovative model of working which encompasses police and partner agency intelligence led targeted work. This work will be delivered by young person's specialist drug and alcohol workers (Young Addaction). It will offer capacity to deliver targeted outreach with young people and families on a regular basis in response to local need.</p>
Lead Partner	<p>Chorley Council</p>
RAG Status	 <p>The project is on track as staff have been appointed, priority areas have been selected and referral of children and parents is taking place.</p> <p>Over the last quarter, dates have been identified for the project worker to attend parents' evening at schools, and group work with areas identified as a priority has been undertaken. 63 young people have engaged in street work or group work where harm minimisation is discussed, and 223 were engaged through targeted group work.</p> <p>Over the next quarter, work will continue to attend parents' evenings and carry out further targeted group work.</p>

Aspects

What is it?	The Arts Partnership will work with a secondary school, providing up to 30 places for young people who have been excluded or are on limited/restricted timetable. The project will provide opportunities in arts/music as well as a variety of social and interpersonal skills, it will also help with literacy and numeracy and provide accreditation to Silver Arts Award level which is equivalent to GCSE grade A* - C
Lead Partner	Arts Partnership
RAG Status 	<p>The project has engaged a number of young people attending local secondary schools on projects. In addition, it is working with local pupil referral unit, Shaftsbury House, on an arts project and will be working at Adlington Youth Centre to create some art work with a group of their young people.</p> <p>30 young people have been involved in the project. Over the next quarter, more young people will be involved through the projects at Shaftsbury House and in Adlington.</p>

Manage your money better	
What is it?	The “Manage Your Money Better” project provides advice and information on money management; budgeting, understanding credit and banking, finding solutions to debt problems (including self-help models), reducing the risk of financial crisis, maximising income/retirement planning through savings, pensions and benefits and housing options. Delivery is community based across Chorley, providing advice and information to individuals and groups. It builds capacity within the statutory and voluntary sectors by providing financial capability training to front line staff.
Lead Partner	Chorley and South Ribble CAB
RAG Status 	<p>In the last quarter, further work has been completed with frontline workers and residents of Parker House (Places for People). Additional partnership work has been completed with vulnerable young adults who currently reside at The Bridge (New Progress Housing).</p> <p>Frontline workers from Places for People have had their confidence levels increased when discussing the prioritisation of bills and debt with their clients; this is key to helping them to help their clients be better prepared for taking on their own tenancy. Residents stated that they understand the consequences for non-payment of bills and feel that they would be able to take the new information into consideration when completing a personal budget.</p> <p>Through completing the interactive budget case study the latest delegates at The Bridge have now realised where their money goes. They have also learnt the practicalities of physically working out a budget and also improved their numeracy skills.</p>

The Chorley Help Hub	
What is it?	<div style="display: flex; align-items: center;"> <div style="background-color: green; color: white; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">G</div> <div> <p>To provide flexible, quality, low cost accommodation and office services to the 3rd Sector in Chorley. To develop a common, shared venue for agencies serving similar client groups, to enable closer working ties and easier access and referrals for clients.</p> </div> </div>
Lead Partner	Help the Homeless
RAG Status	<p>Following the update during the last quarter, which identified problems with the delivery of the project because of problems with lease negotiations, this project is now back on track. The project will now remodel Help the Homeless' town centre premises to make them more fit for purpose. It will also use a suitable property in Charnock Richard to enable the charity to start the Help Refurnish and Help Recycle schemes.</p> <p>Legal negotiations have been completed, and work has started on applying for the appropriate planning permission. This will be completed during the next quarter.</p>

Street Pastors	
What is it?	<div style="display: flex; align-items: center;"> <div style="background-color: green; color: white; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">G</div> <div> <p>The Street Pastors are in partnership with the local Police and Chorley Council, to create peace and stability in the town centre and trouble spots in surrounding areas. The volunteer Pastors engage with people on the streets and in night time venues. They are there to care, listen and offer practical help during weekend evenings. e.g. accompanying people to hospital, ensuring vulnerable people are able to get a taxi home, talking to those in distress etc. This will fund ongoing training for 26 volunteer pastors.</p> </div> </div>
Lead Partner	Ascension Trust
RAG Status	<p>The project is on track and continues to be successful in meeting its aims. In the last quarter, 14 additional volunteers have been recruited. The Street Pastors have supported the police in their work in the town centre, and reducing anti-social behaviour in both Coppull and the town centre. Over the last quarter, the street pastors have made contact with 420 people (155 in Coppull and 265 in Chorley)</p>

IMPLICATIONS OF REPORT

13. 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	✓

DONNA HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Sinnott	5337	24 January 2011	Chorley Partnership 3 rd Quarter Report

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Report of	Meeting	Date
Director of Transformation (Introduced by the Executive Member for Resources)	Executive Cabinet	17 February 2011

REVENUE BUDGET MONITORING 2010/11 REPORT 3 (END OF DECEMBER 2010)

PURPOSE OF REPORT

1. This paper sets out the current financial position of the Council as compared against the budgets and efficiency savings targets it set itself for 2010/11 for the General Fund.

RECOMMENDATION(S)

2. Executive Cabinet are asked to note the contents of the report

EXECUTIVE SUMMARY OF REPORT

3. The Council expected to make overall target savings of £360,000 in 2010/11 made up of £300,000 from management of the establishment, £50,000 from the review of Administrative and Transactional Services, and £10,000 from the review of the Car Leasing scheme. I am pleased to report that excellent progress has been made in this area and that all the savings targets for 2010/11 have now been achieved.

Should further savings be made during the remainder of the year as a result of additional vacancies, this will help to contribute towards increasing general balances.

4. The projected outturn shows a forecast underspend of around £92,000 against the budget for 2010/11. Although this is a reduction on the previous forecast by £61,000 this is an excellent position as the current forecast includes all the one-off costs incurred to date associated with the recent directorate restructures.
5. There are a number of areas that will be monitored closely as the year progresses, these are:
 - Major income streams, in particular car parking fees, planning/building control fees.
 - Concessionary travel and benefit costs.
6. As the projected outturn shows a forecast under spend against the budget, no further action is proposed at this stage in the year. If later in the year the situation requires it, then further steps may be necessary and I will advise Members should I feel action is appropriate.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

7. To ensure the Council's budgetary targets are achieved.



ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. None.

CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			✓

Ensuring cash targets are met maintains the Council's financial standing.

BACKGROUND

10. The Council's budget for 2010/11 included real cash savings targets of £300,000 from the management of the establishment and a further £60,000 of savings to come from the review of administrative and transactional services and the implementation of changes to the car leasing scheme.

The budget also included challenging targets for the Council's main income streams despite some major adjustments being made to the 2010/11 budgets to reflect the downturn in the economy.

CURRENT FORECAST POSITION

11. The appendix 1 shows the summary forecast position for the Council based upon actual spending in the first nine months of the financial year, adjusted for future spending based upon assumptions regarding vacancies and service delivery. No individual service directorate figures are attached. These are available for inspection in the Members Room.
12. In the period to the end of December we have identified a further £135,000 of contributions towards the overall annual corporate savings target of £360,000. The main savings that have been identified are analysed by directorate as £100,000 as a result of savings from within the People & Places Directorate, £25,000 from the Transformation Directorate and £10,000 from the Chief Executives Office.
13. In my report to the Executive Cabinet of 11 November, I advised on the projected outturn for 2010/11, which outlined a forecast underspend of £153,000 based on monitoring information at the end of September. This forecast has now been updated to include income and expenditure to the end of December and the revised outturn position is detailed in Appendix 1.

The updated forecast shows an underspend against the budget of around £92,000. The significant movements since my last report are shown in the table below. Further details are contained in the service unit analysis available in the members' room:

Table 1 – Significant Variations from the last monitoring report

	£'000
Expenditure	
Severance/Redundancy payments	161
Other staffing costs	(40)
Training	(17)
Consultants Fees	(15)
Elections (saving from combined elections)	(12)
Additional Business Start Ups	(12)
Computer Equipment/Software	(11)
Members Allowances/related costs	(8)
Income	
Legal/Surveyors Fees	(21)
Markets Income	17
Recruitment Advertising	(8)
Cemetery Income	(8)
Local Land Charge income	(7)
VAT Recovery (Fleming Claim)	(50)
Other savings	(43)
Net Movement	(74)
Transfer to Corporate Savings Targets	135
Net Movement from September Report	61

14. Clearly the most significant change to report is the one-off severance and redundancy costs of around £161,000 incurred as a result of the recent directorate restructures. In October of last year the Executive Cabinet considered a report outlining proposals to restructure teams within the People and Places Directorate, Strategic Housing Section, Administrative and Transactional Services and Policy and Communications. The focus of the restructure was to centralise a number of services with the aim of reducing back office costs in preparation for the Comprehensive Spending Review, realising an annual saving of around £470,000.

Also included within the £161,000 costs incurred to date are voluntary severance and early retirement payments resulting from the restructure of Shared Financial Services. Details of this restructure were presented to Members in November of last year and highlighted savings of around £120,000 to be shared equally between Chorley and South Ribble Councils.

It should be noted that the £161,000 figure outlined above excludes any pension strain costs for which the Council will make a capitalisation direction.

15. The forecast additional saving of £40,000 on staff salaries shown in the table above has been achieved predominantly from within the People and Places Directorate as a result of vacant posts, some of which have been kept vacant pending the outcome of the departmental restructures outlined above.
16. The Human Resources training budget for 2010/11 was set at £43,400 plus slippage of £6,100 carried forward from 2009/10, giving a total of £49,500 for the year. This is forecast to be around £17,000 under spent at year end.

Personal Development Plans are completed by all staff in September and then training and development courses are arranged as required usually by the end of November. Completing the PDP's by the end of September is not ideal in terms of time left to organise training in year and this issue is being addressed for 2011/12. As a result, some of the training committed will only take place in the new financial year and it is likely that a slippage request will be made to carry forward a sum of around £12,000 out of the £17,000 under spend reported above.

17. One area that is likely to generate a saving is from the Consultants Fees budget in Policy and Performance. The budget for 2010/11 was set at £48,740 made up of £40,000 recurrent budget to cover the cost of various corporate reviews, assessments and surveys such as Value for Money reviews, the Place Survey and Citizens Panel surveys, and £8,740 slippage carried forward to cover the cost of the Peer Review postponed from 2009/10.

A recent partnership working agreement has been set up with ValueAdding.com Ltd. who conduct the VFM reviews and this should help to reduce future costs. The Place Survey due to take place in 2010/11 was cancelled by the Government, reducing costs further for the current year. It is unlikely that any significant further costs will be incurred before the year-end and this should result in a budget under spend of around £15,000 for 2010/11.

18. Another area where the Council has achieved a saving against budget is in relation to the 2010 elections. As a result of the local elections being combined with the General Election the Council has managed to reduce costs and this will achieve a saving of around £12,000 for this financial year.
19. Additional income has been received throughout 2010/11 in relation to Legal Fees and Surveyors Fees which is forecast to result in a surplus of around £21,000 for the year. This has been generated from a combination of both work undertaken by the Council's Legal Services team, and also in relation to the sale and transfer of Council land.
20. One area where the Council is likely to under achieve against its income budgets set for 2010/11 is in relation to tolls for the General and Flat Iron Markets. Whilst the covered market continues to attract permanent stall holders, income levels for the Flat Iron Market have suffered as numbers of casual stall holders have reduced. This may be partly as a result of the current pressures in the economic climate but is more likely to have been as a direct result of the recent bad weather over the usually busy Christmas period.

The current forecast predicts a shortfall in income of around £17,000 but this position will be monitored closely over the remainder of the year.

21. Over the past two years the Council has made claims for the refund of VAT it has paid in respect of a number of leisure activities. It has recently received a further £23,000 in respect of VAT on coaching activities, and it is expected that an additional £27,000 will be paid in respect of interest accrued, giving a total of £50,000 additional income to the Council.

22. There are two budget areas that could potentially impact on the Council’s budget outturn position at year-end due to their volatility which are Concessionary Travel and housing and council tax benefits.

Throughout the year it is extremely difficult to accurately predict the level of expenditure relating to benefits and subsequent levels of subsidy as the nature of the budget is demand driven. In the case of Concessionary Travel, detailed information is only usually received several weeks or sometimes months in arrears. Based on the latest information available, it is estimated that expenditure and income levels in both these areas will be broadly in line with the budgets set for 2010/11. Should more up to date information become available and the position changes, Members will be advised accordingly.

IMPLICATIONS OF REPORT

23. 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	

24. The financial implications are detailed in the body of the report.

GARY HALL
DIRECTOR OF TRANSFORMATION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Dave Bond	5488	26/01/11	***

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	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
General Fund Revenue Budget Monitoring 2010/11 Forecast to end of December 2010	Original Cash Budget	Impact of Council Restructure	Agreed Changes (Directorates)	Agreed Changes (Other)	Amended Cash Budget	Contribution to Corp. Savings (Staffing)	Contribution to Corp. Savings (Other)	Current Cash Budget	Forecast Outturn	Variance	Variance
	£	£	£	£	£	£	£	£	£	£	%
Chief Executive	491,870			13,310	505,180	(10,000)		495,180	417,180	(78,000)	-15.8%
Partnerships, Planning & Policy	1,633,880			215,960	1,849,840	(40,000)		1,809,840	1,903,560	93,720	5.2%
People & Places	6,157,310		6,460	155,440	6,319,210	(130,000)		6,189,210	6,186,460	(2,750)	0.0%
Transformation	5,239,480		(6,460)	207,370	5,440,390	(180,000)		5,260,390	5,099,810	(160,580)	-3.1%
Directorate Total	13,522,540	-	-	592,080	14,114,620	(360,000)	-	13,754,620	13,607,010	(147,610)	-1.1%
Budgets Excluded from Finance Unit Monitoring:											
Pensions Account	242,580				242,580			242,580	256,400	13,820	5.7%
Concessionary Fares	727,130				727,130			727,130	721,940	(5,190)	-0.7%
Benefit Payments	69,250				69,250			69,250	98,190	28,940	41.8%
Corporate Savings Targets											
Management of Establishment	-			(300,000)	(300,000)	300,000		-	-	-	-
Target for Review of Admin. & Transactional Services	-			(50,000)	(50,000)	50,000		-	-	-	-
Efficiency/Other Savings	-			(10,000)	(10,000)	10,000		-	-	-	-
Total Service Expenditure	14,561,500	-	-	232,080	14,793,580	-	-	14,793,580	14,683,540	(110,040)	-0.7%
Non Service Expenditure											
Contingency Fund	-				-			-	-	-	-
Contingency - Management of Establishment	(300,000)			300,000	-			-	-	-	-
Efficiency/Other Savings	(10,000)			10,000	-			-	-	-	-
Revenue Contribution to Capital	-			1,515,400	1,515,400			1,515,400	1,465,030	(50,370)	-3.3%
Net Financing Transactions	535,550				535,550			535,550	490,360	(45,190)	-8.4%
Voluntary set aside for debt reduction	-				-			-	420,160	420,160	-
VAT Shelter Income	-			(1,133,230)	(1,133,230)			(1,133,230)	(1,509,890)	(376,660)	33.2%
VAT Recovery (Fleming claim)	-				-			-	(50,000)	(50,000)	-
Parish Precepts	595,030				595,030			595,030	595,030	-	-
Total Non Service Expenditure/Income	820,580	-	-	692,170	1,512,750	-	-	1,512,750	1,410,690	(102,060)	-6.7%
Total Expenditure	15,382,080	-	-	924,250	16,306,330	-	-	16,306,330	16,094,230	(212,100)	-1.3%
Financed By											
Council Tax	(6,917,050)				(6,917,050)			(6,917,050)	(6,917,050)	-	-
Aggregate External Finance	(8,486,750)				(8,486,750)			(8,486,750)	(8,486,750)	-	-
LAA Reward Grant (PRG)	(150,000)			148,700	(1,300)			(1,300)	(1,300)	-	-
Area Based Grant	(28,820)				(28,820)			(28,820)	(35,880)	(7,060)	24.5%
LABGI Grant	(75,000)				(75,000)			(75,000)	(75,000)	-	-
Housing & Planning Delivery Grant	-			(127,000)	(127,000)			(127,000)	-	127,000	-100.0%
Collection Fund (Surplus)/Deficit	20,000				20,000			20,000	20,000	-	-
Use of Earmarked Reserves - capital financing	-			(382,170)	(382,170)			(382,170)	(382,170)	-	-
Use of Earmarked Reserves - revenue expenditure	36,000			(563,780)	(527,780)			(527,780)	(527,780)	-	-
Contribution to General Balances	219,540				219,540			219,540	219,540	-	-
Total Financing	(15,382,080)	-	-	(924,250)	(16,306,330)	-	-	(16,306,330)	(16,186,390)	119,940	-0.7%
Net Expenditure	-	-	-	-	-	-	-	-	(92,160)	(92,160)	
General Balances Summary Position				Target	Forecast						
				£	£						
General Fund Balance at 1 April 2010				2,000,000	1,662,610						
(Use of)/Contribution to General Balances					219,540						
Forecast (Over)/Under Spend					92,160						
Marginal off-street parking income from LCC					158,018						
Forecast General Fund Balance at 31 March 2011				2,000,000	2,132,328						

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Report of	Meeting	Date
Director of Transformation (Introduced by the Executive Member for Transformation)	Executive Cabinet	17 February 2011

CAPITAL PROGRAMME MONITORING 2010/11 – 2012/13

PURPOSE OF REPORT

1. To update the capital programme to take account of expenditure rephased between financial years.
2. To add new projects that are to be financed by external contributions or virement from other existing capital budgets.
3. To increase or reduce other capital budgets for the specific reasons identified in the report.

RECOMMENDATION(S)

4. That the Council be recommended to approve the revised capital programme for 2010/11 as presented in Appendix 1.
5. That the Council be recommended to note the amendments to the provisional capital programme figures for 2011/12 and 2012/13 as presented in Appendix 1.

EXECUTIVE SUMMARY OF REPORT

6. The capital programme for 2010/11 to 2012/13 should be reduced from £13,760,420 to £11,583,100 as a result of the changes totalling £2,177,320 identified in Appendix 2. Of this total, resources to finance housing capital schemes are now expected to be £900,000 less than previously estimated due to reductions in grant funding and non-acceptance of a bid for additional resources.
7. There is a small increase in financing by borrowing, to add the previously approved purchase of food waste recycling receptacles to the 2011/12 programme at a cost of £30,000. However, to avoid any unplanned increase in borrowing, it is important that all budgeted resources are received, in particular VAT Shelter income from Chorley Community Housing and capital receipts from the disposal of surplus assets.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

8. To update the 2010/11 capital programme to take account of the rephasing of expenditure between financial years; and to add and vire budgets to take account of the estimated availability of capital resources.

9. To update the provisional capital programme figures for 2011/12 and 2012/13 to take account of the rephasing of expenditure and changes to the resources estimated to be available to finance the programme.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. None.

CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	✓
Safe Respectful Communities		Quality Community Services and Spaces	✓
Vibrant Local Economy	✓	Thriving Town Centre, Local Attractions and Villages	✓
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			✓

BACKGROUND

12. The revised capital programme for 2010/11 to 2012/13 was approved by Council of 2nd November 2010, as follows:

	£
2010/11	10,367,350
2011/12	1,592,660
2012/13	1,800,410
Total 2010/11 – 2012/13	<u>13,760,420</u>

13. It is proposed to reduce the three-year programme .by a net total of £2,177,320, made up as follows:

	£
Estimated reduction in resources available for housing capital investment 2011/12 – 2012/13	(900,000)
Deletion of Market Street Improvements – to be implemented by ASDA	(1,025,000)
Deletion of element of Buckshaw Railway Station budget due to be financed by LCC – Network Rail to charge LCC directly	(225,000)
Addition of Food Waste Recycling Receptacles	30,000
Deletion of Improvements to Sports Pitches 2012/13 – would have been match funding if external grant funding had been available	(275,000)
Addition of Yarrow Valley Country Park Natural Play Zone – grant funded element	57,000
Transfer of various costs to revenue budget	(10,320)
Addition of Capitalised Pension Fund Costs relating to early retirements	171,000
Total	<u>(2,177,320)</u>

Further explanation is given below and the analysis of the proposals between virements, rephrasing and other changes is presented in Appendix 2.

CAPITAL PROGRAMME 2010/11

14. The Project Design Fees budget for £41,440 from 2010/11 onwards should be transferred from the Head of Economic Development to the Head of Housing to reflect the transfer of the recharge income made in the revenue budget.
15. A budget for a Newbuild Specialist Adapted property should be added to the programme, to be financed from the affordable housing budget at a cost of £67,500. The uncommitted affordable housing budget should be rephased to 2011/12 together with other uncommitted housing budgets, making a total of £1,023,800. Most of this total would be financed with housing capital grant. It is proposed the rephasing of these budgets should be used to mitigate the effect of reduced capital resources for housing investment in 2011/12.
16. The budget for Town Centre Investment should be reduced by £1,025,000 because the Market Street improvements would be implemented by ASDA. This has no effect on net resources, because the S106 contribution that would have financed the expenditure should also be deleted.
17. A contractual arrangement between Lancashire County Council and Network Rail has been established in respect of Buckshaw Village Railway Station, so there is no need for this Council to act as an intermediary as envisaged in October. The budget should be reduced by £225,000, but resources should be reduced by the same amount so that there is no net effect. Of the remaining budget, it is estimated that £3,476,690 should be rephased to 2011/12. LCC would finance expenditure incurred during 2010/11 with 'CIF2' grant, so that this use of the S106 contribution held by this Council would be required in 2011/12 when the project is completed.
18. As approved by Executive Cabinet on 9th December 2010, a grant of £50,000 to deal with all dilapidation issues relating to Coppull Leisure Centre should be added to the programme. This could be vired from the budget for planned improvements to assets.
19. Grant funding of £57,000 has been secured to finance a Natural Play Zone in the Yarrow Valley Country Park. Match funding of £23,000 is required and this should be vired from the Eaves Green Play Development budget. The remaining £189,480 balance of that budget should be rephased to 2011/12.
20. The £11,320 for improvements to the Big Wood Reservoir area should be rephased to 2011/12. Additional S106 funding may be available in that year, with which to increase the scope of the improvements.
21. The final phase of the Replacement Benefits System will be implemented during 2011/12, so the £46,500 balance of the budget should be transferred to that year.
22. Various costs should be transferred to the revenue budget together with the resource to finance them. These include Cemetery Development (£6,450), CRM Implementation training (£2,270), and Legal Case Management System training (£1,600).

CAPITALISATION OF REVENUE EXPENDITURE

23. The Council has been allocated a direction to enable capitalisation of pension fund payments incurred during 2010/11. The maximum that could be capitalised is £171,000 and the expenditure must be financed with capital receipts. The application for the capitalisation direction was submitted before the conclusion of restructuring proposals. It is by no means certain that pension strain arising from early retirements in 2010/11 would be

as much as £171,000. At present there are no uncommitted capital receipts in hand with which to finance the expenditure if capitalised. If a potential disposal is not completed by 31st March 2011, the expenditure would have to be charged to the revenue budget, though payment could be phased.

CAPITAL PROGRAMME 2011/12 and 2012/13

24. Resources for housing capital investment in 2011/12 and 2012/13 are expected to be around £900,000 less than previously estimated. This is a combination of a reduction grant funding for housing investment and non-acceptance of the Council's bid for additional resources.
25. In respect of funding for Disabled Facilities Grants (DFGs), the Government has indicated that councils should receive no less than the allocation for 2010/11 (£235,000) and that additional resources would be allocated according to need. It is suggested that the budget should be £250,000 per year but that the budget should be revised once the actual allocation has been confirmed.
26. Of the housing capital grant transferred from 2010/11, it is proposed that £803,520 remain unallocated pending further deliberation. This is shown as 'Housing Renewal' in Appendix 1 and the budget could be used to finance affordable housing or purchase and repair schemes, or other housing capital investment.
27. The new Food Waste Recycling scheme was reported to Executive Cabinet on 11th November 2010. As indicated, £30,000 would be required to purchase receptacles in 2011/12. If financed by borrowing, this would result in a £3,000 per year charge to the revenue budget over 10 years.

IMPLICATIONS OF REPORT

28. 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	

29. Financial implications are set out in the body of the report.

GARY HALL
DIRECTOR OF TRANSFORMATION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Michael L. Jackson	5490	27 th January 2011	Capital Programme 2010-11-2012-13 Monitoring Report Feb 2011.doc

Capital Programme - 2010/11 to 2012/13

Scheme	2010/11 Current Estimate (1) £	Proposed Changes (2) £	2010/11 Revised Estimate (3) £	2011/12 Current Estimate (4) £	Proposed Changes (5) £	2011/12 Revised Estimate (6) £	2012/13 Current Estimate (7) £	Proposed Changes (8) £	2012/13 Revised Estimate (9) £	Total 2010/11 to 2012/13 (10) £
<u>Director of Partnerships, Planning & Policy</u>										
<u>Head of Economic Development</u>										
Chorley Market Improvements	22,290		22,290	46,500		46,500	59,300		59,300	128,090
Climate Change Pot	89,300		89,300	0		0	0		0	89,300
Project Design Fees	41,440	(41,440)	0	41,440	(41,440)	0	41,440	(41,440)	0	0
<u>Head of Economic Development Total</u>	153,030	(41,440)	111,590	87,940	(41,440)	46,500	100,740	(41,440)	59,300	217,390
<u>Head of Housing</u>										
Choice Based Lettings	20,000	(20,000)	0	0		0	0		0	0
Affordable Housing New Development Projects	976,300	(976,300)	0	239,850	150,280	390,130	90,000		90,000	480,130
- Crosse Hall Lane	80,000		80,000	0		0	0		0	80,000
- Devonport Way	78,000		78,000	0		0	0		0	78,000
- Newbuild Specialist Adapted property	0	67,500	67,500	0		0	0		0	67,500
Purchase and Repair	485,230		485,230	0		0	0		0	485,230
Disabled Facilities Grants	508,020		508,020	400,000	(150,000)	250,000	400,000	(150,000)	250,000	1,008,020
Housing Renewal				300,000	503,520	803,520	300,000	(300,000)	0	803,520
- Home Repair Grants/Decent Homes Assistance	91,790	(50,000)	41,790	0	50,000	50,000	0		0	91,790
- Energy Efficiency Grants	50,000	(40,000)	10,000	0	10,000	10,000	0	10,000	10,000	30,000
- Handyperson Scheme	22,000		22,000	0		0	0		0	22,000
- Landlord Accreditation	5,000	(5,000)	0	0		0	0		0	0
Project Design Fees	0	41,440	41,440	0	41,440	41,440	0	41,440	41,440	124,320
<u>Head of Housing Total</u>	2,316,340	(982,360)	1,333,980	939,850	605,240	1,545,090	790,000	(398,560)	391,440	3,270,510
<u>Head of Planning</u>										
Town Centre Investment	1,060,550	(1,025,000)	35,550	0		0	0		0	35,550
Eaves Green Link Road - contribution to LCC scheme	80,000		80,000	0		0	0		0	80,000
Buckshaw Village Railway Station (S106/LCC financed)	3,731,690	(3,701,690)	30,000	0	3,476,690	3,476,690	0		0	3,506,690
Buckshaw Village Cycle Network	77,360		77,360	0		0	0		0	77,360
Chorley Strategic Regional Site	391,200		391,200	0		0	0		0	391,200
<u>Head of Planning Total</u>	5,340,800	(4,726,690)	614,110	0	3,476,690	3,476,690	0	0	0	4,090,800
<u>Head of Policy</u>										
Performance Management	10,000		10,000	0		0	0		0	10,000
Performance Reward Grant (PRG) funded schemes	75,500		75,500	0		0	0		0	75,500
<u>Head of Policy Total</u>	85,500	0	85,500	0	0	0	0	0	0	85,500
<u>Director of Partnerships, Planning & Policy Total</u>	7,895,670	(5,750,490)	2,145,180	1,027,790	4,040,490	5,068,280	890,740	(440,000)	450,740	7,664,200

Capital Programme - 2010/11 to 2012/13

Scheme	2010/11 Current Estimate (1) £	Proposed Changes (2) £	2010/11 Revised Estimate (3) £	2011/12 Current Estimate (4) £	Proposed Changes (5) £	2011/12 Revised Estimate (6) £	2012/13 Current Estimate (7) £	Proposed Changes (8) £	2012/13 Revised Estimate (9) £	Total 2010/11 to 2012/13 (10) £
<u>Director of People and Places</u>										
<u>Head of Streetscene & Leisure Contracts</u>										
Leisure Centres/Swimming Pool Refurbishment	302,980		302,980	230,000		230,000	235,000		235,000	767,980
Coppull Leisure Centre Grant	0	50,000	50,000	0		0	0		0	50,000
Duxbury Park Golf Course capital investment	86,560		86,560	0		0	0		0	86,560
Village Hall & Community Centres Projects	13,060		13,060	0		0	0		0	13,060
Replacement of recycling/litter bins & containers	101,680		101,680	85,000		85,000	85,000		85,000	271,680
Food Waste Recycling Receptacles	0		0	0	30,000	30,000	0		0	30,000
Highway improvements - Gillibrand estate/Southlands	44,000		44,000	0		0	0		0	44,000
Improvements to Sports Pitches	0		0	0		0	275,000	(275,000)	0	0
Astley Park Improvements	27,210		27,210	0		0	0		0	27,210
Eaves Green Play Development (S106 funded)	212,480	(212,480)	0	0	189,480	189,480	0		0	189,480
Fairview Farm Play Facilities (S106 funded)	100,000		100,000	0		0	0		0	100,000
Coppull Leisure Park (S106 funded)	25,000		25,000	0		0	0		0	25,000
Play and Recreation Fund projects	113,000		113,000	0		0	0		0	113,000
YVCP Natural Play Zone (S106/Grant funded)	0	80,000	80,000	0		0	0		0	80,000
Cemetery Development	6,450	(6,450)	0	0		0	0		0	0
Common Bank - Big Wood Reservoir	11,320	(11,320)	0	0	11,320	11,320	0		0	11,320
Project Design Fees	29,870		29,870	29,870		29,870	29,870		29,870	89,610
<u>Head of Streetscene & Leisure Contracts Total</u>	1,073,610	(100,250)	973,360	344,870	230,800	575,670	624,870	(275,000)	349,870	1,898,900
<u>Director of People and Places Total</u>	1,073,610	(100,250)	973,360	344,870	230,800	575,670	624,870	(275,000)	349,870	1,898,900

Capital Programme - 2010/11 to 2012/13

Scheme	2010/11 Current Estimate (1) £	Proposed Changes (2) £	2010/11 Revised Estimate (3) £	2011/12 Current Estimate (4) £	Proposed Changes (5) £	2011/12 Revised Estimate (6) £	2012/13 Current Estimate (7) £	Proposed Changes (8) £	2012/13 Revised Estimate (9) £	Total 2010/11 to 2012/13 (10) £
<u>Director of Transformation</u>										
<u>Head of Customer, ICT & Transactional Services</u>										
Website Development (incl. ICT salary capitalisation)	20,000		20,000	20,000		20,000	20,000		20,000	60,000
Thin Client/Citrix (started 2007/08)	46,490		46,490	0		0	64,800		64,800	111,290
Server Virtualisation / Data Storage Solution	190,750		190,750	0		0	0		0	190,750
Web Accessibility	10,080		10,080	0		0	0		0	10,080
Astley Hall network link	8,000		8,000	0		0	0		0	8,000
CRM Implementation	91,420	(2,270)	89,150	0		0	0		0	89,150
Unified Intelligent Desktop	290,130		290,130	0		0	0		0	290,130
Replacement Benefits System	186,000	(46,500)	139,500	0	46,500	46,500	0		0	186,000
<u>Head of Customer, ICT & Transactional Services Total</u>	842,870	(48,770)	794,100	20,000	46,500	66,500	84,800	0	84,800	945,400
<u>Head of Governance</u>										
Legal Case Management System	6,090	(1,600)	4,490	0		0	0		0	4,490
<u>Head of Governance Total</u>	6,090	(1,600)	4,490	0	0	0	0	0	0	4,490
<u>Head of Human Resources & Organisational Development</u>										
Integrated HR, Payroll and Training System	30,000		30,000	0		0	0		0	30,000
<u>Head of HR & Organisational Development Total</u>	30,000	0	30,000	0	0	0	0	0	0	30,000
<u>Director</u>										
Planned Improvements to Fixed Assets	519,110	(50,000)	469,110	200,000		200,000	200,000		200,000	869,110
Capitalisation of Restructuring Costs	0	171,000	171,000	0		0	0		0	171,000
<u>Director Total</u>	519,110	121,000	640,110	200,000	0	200,000	200,000	0	200,000	1,040,110
<u>Director of Transformation Total</u>	1,398,070	70,630	1,468,700	220,000	46,500	266,500	284,800	0	284,800	2,020,000
<u>Capital Programme Total</u>	10,367,350	(5,780,110)	4,587,240	1,592,660	4,317,790	5,910,450	1,800,410	(715,000)	1,085,410	11,583,100

Capital Programme - 2010/11 to 2012/13

Scheme	2010/11	Proposed	2010/11	2011/12	Proposed	2011/12	2012/13	Proposed	2012/13	Total 2010/11 to 2012/13
	Current Estimate (1) £	Changes (2) £	Revised Estimate (3) £	Current Estimate (4) £	Changes (5) £	Revised Estimate (6) £	Current Estimate (7) £	Changes (8) £	Revised Estimate (9) £	
<i>Financing the Capital Programme</i>										
Prudential Borrowing	744,560		744,560	506,310	30,000	536,310	614,800		614,800	1,895,670
Unrestricted Capital Receipts	77,000	141,200	218,200	0	29,800	29,800	100,000	(100,000)	0	248,000
Revenue Budget - VAT Shelter income	1,515,400	(68,820)	1,446,580	146,500	58,500	205,000	295,610	(175,000)	120,610	1,772,190
Chorley Council Resources	2,336,960	72,380	2,409,340	652,810	118,300	771,110	1,010,410	(275,000)	735,410	3,915,860
Ext. Contributions - Developers	5,989,560	(4,810,970)	1,178,590	239,850	3,785,970	4,025,820	90,000		90,000	5,294,410
Ext. Contributions - Other	585,500	(168,000)	417,500	0		0	0		0	417,500
Government Grants - Disabled Facilities Grants	235,000		235,000	400,000	(150,000)	250,000	400,000	(150,000)	250,000	735,000
Government Grants - Housing Capital Grant	1,220,330	(873,520)	346,810	300,000	563,520	863,520	300,000	(290,000)	10,000	1,220,330
External Funding	8,030,390	(5,852,490)	2,177,900	939,850	4,199,490	5,139,340	790,000	(440,000)	350,000	7,667,240
Capital Financing Total	10,367,350	(5,780,110)	4,587,240	1,592,660	4,317,790	5,910,450	1,800,410	(715,000)	1,085,410	11,583,100

**Capital Programme - 2010/11 to 2012/13 -
Proposed Changes**

Scheme

Director of Partnerships, Planning & Policy

Head of Economic Development

Project Design Fees

Head of Economic Development Total

Head of Housing

Choice Based Lettings

Affordable Housing New Development Projects

- Newbuild Specialist Adapted property

Disabled Facilities Grants

Housing Renewal

- Home Repair Grants/Decent Homes Assistance

- Energy Efficiency Grants

- Landlord Accreditation

Project Design Fees

Head of Housing Total

Head of Planning

Town Centre Investment

Buckshaw Village Railway Station (S106/LCC financed)

Head of Planning Total

Director of Partnerships, Planning & Policy Total

	2010/11			2011/12			2012/13			Total (10) £
	Virement (1) £	Rephasing (2) £	Other Changes (3) £	Virement (4) £	Rephasing (5) £	Other Changes (6) £	Virement (7) £	Rephasing (8) £	Other Changes (9) £	
Project Design Fees	(41,440)			(41,440)			(41,440)			(124,320)
<u>Head of Economic Development Total</u>	(41,440)	0	0	(41,440)	0	0	(41,440)	0	0	(124,320)
Choice Based Lettings		(20,000)		(20,000)	20,000					(20,000)
Affordable Housing New Development Projects	(67,500)	(908,800)		(758,520)	908,800					(826,020)
- Newbuild Specialist Adapted property	67,500									67,500
Disabled Facilities Grants						(150,000)		(150,000)		(300,000)
Housing Renewal				803,520		(300,000)		(300,000)		203,520
- Home Repair Grants/Decent Homes Assistance		(50,000)			50,000					0
- Energy Efficiency Grants		(40,000)		(20,000)	30,000		10,000			(20,000)
- Landlord Accreditation		(5,000)		(5,000)	5,000					(5,000)
Project Design Fees	41,440			41,440			41,440			124,320
<u>Head of Housing Total</u>	41,440	(1,023,800)	0	41,440	1,013,800	(450,000)	41,440	10,000	(450,000)	(775,680)
Town Centre Investment			(1,025,000)							(1,025,000)
Buckshaw Village Railway Station (S106/LCC financed)		(3,476,690)	(225,000)		3,476,690					(225,000)
<u>Head of Planning Total</u>	0	(3,476,690)	(1,250,000)	0	3,476,690	0	0	0	0	(1,250,000)
<u>Director of Partnerships, Planning & Policy Total</u>	0	(4,500,490)	(1,250,000)	0	4,490,490	(450,000)	0	10,000	(450,000)	(2,150,000)

**Capital Programme - 2010/11 to 2012/13 -
Proposed Changes**

Scheme

Director of People and Places

Head of Streetscene & Leisure Contracts

Coppull Leisure Centre Grant

Food Waste Recycling Receptacles

Improvements to Sports Pitches

Eaves Green Play Development (S106 funded)

YVCP Natural Play Zone (S106/Grant funded)

Cemetery Development

Common Bank - Big Wood Reservoir

Head of Streetscene & Leisure Contracts Total

Director of People and Places Total

Director of Transformation

Head of Customer, ICT & Transactional Services

CRM Implementation

Replacement Benefits System

Head of Customer, ICT & Transactional Services Total

Head of Governance

Legal Case Management System

Head of Governance Total

	2010/11			2011/12			2012/13			Total (10) £
	Virement (1) £	Rephasing (2) £	Other Changes (3) £	Virement (4) £	Rephasing (5) £	Other Changes (6) £	Virement (7) £	Rephasing (8) £	Other Changes (9) £	
Coppull Leisure Centre Grant	50,000									50,000
Food Waste Recycling Receptacles						30,000				30,000
Improvements to Sports Pitches								(275,000)		(275,000)
Eaves Green Play Development (S106 funded)	(23,000)	(189,480)			189,480					(23,000)
YVCP Natural Play Zone (S106/Grant funded)	23,000		57,000							80,000
Cemetery Development			(6,450)							(6,450)
Common Bank - Big Wood Reservoir		(11,320)			11,320					0
<u>Head of Streetscene & Leisure Contracts Total</u>	50,000	(200,800)	50,550	0	200,800	30,000	0	0	(275,000)	(144,450)
<u>Director of People and Places Total</u>	50,000	(200,800)	50,550	0	200,800	30,000	0	0	(275,000)	(144,450)
CRM Implementation			(2,270)							(2,270)
Replacement Benefits System		(46,500)			46,500					0
<u>Head of Customer, ICT & Transactional Services Total</u>	0	(46,500)	(2,270)	0	46,500	0	0	0	0	(2,270)
Legal Case Management System			(1,600)							(1,600)
<u>Head of Governance Total</u>	0	0	(1,600)	0	0	0	0	0	0	(1,600)

**Capital Programme - 2010/11 to 2012/13 -
Proposed Changes**

Scheme	2010/11			2011/12			2012/13			Total (10) £
	Virement (1) £	Rephasing (2) £	Other Changes (3) £	Virement (4) £	Rephasing (5) £	Other Changes (6) £	Virement (7) £	Rephasing (8) £	Other Changes (9) £	
<u>Director</u>										
Planned Improvements to Fixed Assets	(50,000)									(50,000)
Capitalisation of Restructuring Costs			171,000							171,000
Director Total	(50,000)	0	171,000	0	0	0	0	0	0	121,000
<u>Director of Transformation Total</u>	(50,000)	(46,500)	167,130	0	46,500	0	0	0	0	117,130
<u>Capital Programme Total</u>	0	(4,747,790)	(1,032,320)	0	4,737,790	(420,000)	0	10,000	(725,000)	(2,177,320)
<u>Financing the Capital Programme</u>										
Prudential Borrowing						30,000				30,000
Unrestricted Capital Receipts		(29,800)	171,000		29,800			(100,000)		71,000
Revenue Budget - VAT Shelter income		(58,500)	(10,320)		58,500			(175,000)		(185,320)
Chorley Council Resources	0	(88,300)	160,680	0	88,300	30,000	0	0	(275,000)	(84,320)
Ext. Contributions - Developers		(3,785,970)	(1,025,000)		3,785,970					(1,025,000)
Ext. Contributions - Other			(168,000)							(168,000)
Government Grants - Disabled Facilities Grants						(150,000)		(150,000)		(300,000)
Government Grants - Housing Capital Grant		(873,520)			863,520	(300,000)		10,000	(300,000)	(600,000)
External Funding	0	(4,659,490)	(1,193,000)	0	4,649,490	(450,000)	0	10,000	(450,000)	(2,093,000)
Capital Financing Total	0	(4,747,790)	(1,032,320)	0	4,737,790	(420,000)	0	10,000	(725,000)	(2,177,320)

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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