

EXECUTIVE

Wednesday, 1st December, 2021
6.30 pm





EXECUTIVE

COUNCIL CHAMBER, BURNLEY TOWN HALL

**Wednesday, 1st December, 2021 at 6.30
pm**

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

There is limited space to accommodate members of the public due to Public Health guidance around social distancing. You are advised to contact democracy@burnley.gov.uk in advance of the meeting.

AGENDA

1) *Apologies*

To receive any apologies for absence.

2) *Minutes*

5 - 8

To approve as a correct record the minutes of the last meeting of the Executive.

3) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances the Chair decides should be considered at the meeting as a matter of special urgency.

4) Declaration of Interest

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

5) Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

6) Right To Speak

To consider questions, statements or petitions from Members of the Public

PUBLIC ITEMS

7) CPO - Empty Homes Programme

9 - 12

To consider a report seeking approval for the acquisition of several long term empty properties by Compulsory Purchase Act, and also to dispose of those properties in line with existing policies.

8) Electrical Safety Policy

13 - 30

To consider a report which seeks to implement The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

9) Gambling Act 2005 Policy 2022-2024

31 - 66

To consider a report seeking the Executive's endorsement to Full Council of the draft Gambling Policy Statement.

10) Household Support Programme

67 - 70

To consider a scheme for the Household Support Fund.

11) Supplementary Planning Document_ Houses in Multiple Occupation (HMO) & Small Flats

71 - 120

To seek approval to undertake formal public consultation on the draft SPD.

12) Additional Restrictions Grant scheme amendment

121 - 124

To seek approval for revisions to the use of the remaining Additional Restrictions Support Grant funding.

- 13) Revenue Budget Monitoring q2 2021/22** 125 - 140
To consider a report outlining the estimated year end Revenue budget position based on actual expenditure to end September 2021.
- 14) Capital Budget Monitoring Q2 2021/22** 141 - 154
To consider a report outlining the estimated year end Capital budget position based on actual expenditure to end September 2021.
- 15) Fees & Charges from 1st January 2022** 155 - 182
To consider proposed fees & charges from 1st April 2022.
- 16) Treasury Management Mid-year update 2021/22** 183 - 194
To consider a report detailing Treasury Management Activity from 1st April – 30th September 2021.
- 17) Exclusion of the Public**
To determine during which items, if any, the public are to be excluded from the meeting and to consider the exclusion of the public from the meeting before discussion takes place on the following items of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Schedule 12A of the Local Government Act 1972.

PRIVATE ITEMS

Details of any representations received by the Executive about why any of the following items should be considered in public – NONE RECEIVED

Statement in response to any representations – NONE REQUIRED

- 18) Banking Contract** 195 - 198
To seek approval for a new banking contract.
- Information relating to the financial or business affairs of any particular person (including the authority holding that information)

MEMBERSHIP OF COMMITTEE

Councillor Afrasiab Anwar (Chair)
Councillor Sue Graham (Vice-Chair)
Councillor Beatrice Foster

Councillor John Harbour
Councillor Margaret Lishman
Councillor Asif Raja

PUBLISHED

Tuesday, 23 November 2021



EXECUTIVE

BURNLEY TOWN HALL

Monday, 25th October, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors A Anwar (Chair), S Graham (Vice-Chair), B Foster, J Harbour, M Lishman and A Raja

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Howard Hamilton-Smith	– Head of Finance and Property
Erika Eden-Porter	– Principal Planner
Eric Dickinson	– Democracy Officer

49. Minutes

The Minutes of the last meeting held on the 22nd September 2021 were approved as a correct record.

50. Local List Supplementary Planning Document (SPD)

PURPOSE

The purpose of this report is to seek approval to undertake formal public consultation on a draft Local List Supplementary Planning Document (SPD).

The draft SPD (attached at Appendix A) has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material planning consideration to be used in the determination of relevant applications.

REASON FOR DECISION

To meet the Council's commitment to preparing a Local List SPD as set out in Burnley's Local Plan and the Council's Local Development Scheme (LDS) and to seek comments in accordance with the relevant regulations and commitments in the Council's Statement of Community Involvement (SCI).

Prior to the start of the consultation period, an Officer may identify areas where the document could be improved in wording and/or layout without impacting on meaning. The recommendation will provide the Strategic Head of Economy and Growth with the ability to undertake any such changes.

DECISION

(1) That Executive approve the draft Local List SPD for public consultation commencing in December 2021;and

(2) That, up to the start of the consultation period, the Strategic Head of Economy and Growth be authorised by the Executive to make minor changes to the wording or layout of the draft SPD, providing that the changes do not materially change the meaning of the consultation document.

51. Exclusion of the Public

That the public are to be excluded from the meeting before discussion takes place on Minute 52 relating to Pioneer Place on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Schedule 12A of the Local Government Act 1972.

52. Pioneer Place-Programme and construction

PURPOSE

To consider a report on the Pioneer Place Construction Programme and Costs.

Members of the Executive were informed that the 21st October 2021 Extraordinary Scrutiny Committee had endorsed the recommendations in the report and had asked Lukman Patel to circulate a note of the contractual risks to all Councillors.

Members of the Executive noted the Scrutiny Committee's endorsement of the report and also noted that Lukman Patel's note of the contractual risks had been circulated to all Councillors.

REASON FOR DECISION

The Council and its development partner Maple Grove Developments (MGD) have invested a considerable amount of time and resource into bringing the scheme to this stage, including securing the REEL cinema and a leading supermarket as tenants as well as securing £3m of funding from LCC and £3.68m from the government's Getting Building Fund administered by the LEP. Approval of this recommendation will ensure that the scheme continues to progress within the timescale required by the LEP funding.

A major Leisure based development in the Town Centre will bring new visitors to the town centre during the day and evening time, retain footfall, deliver new jobs and support the growth of the UCLAN campus. The development will diversify the town centre from a primarily retail lead offer and consolidate its leisure and evening economy offer. The development is a major strategic intervention in Burnley's Town Centre and Canalside

Masterplan and has gained much support from strategic partners and the Business Improvement District.

As a result of the COVID pandemic and other global events the construction industry is facing significant challenges in terms of unprecedented cost increases. The result is an increase in scheme costs which mean that as it stands the cost cap condition and funding conditions cannot be met and the scheme cannot proceed. Despite the increased costs the financial business case shows that the scheme can still be delivered within the parameters agreed by the Executive and Full Council in October 2020.

Should the Executive decide not to proceed with the proposal the most likely eventuality is that the Development Agreement will be terminated on the basis that the cost cap and funding conditions cannot be met. The financial implications of the abortive costs are set out in paragraph 35 of this report.

DECISION

That the revised costs and financial business case set out in this report be approved and:

- (1) Recommends to Full Council to approve the additional funding as detailed in the Financial Implications Section of this report;
- (2) Recommends to Full Council that the revised capital programme is approved as set out in the Financial Implications Section of this report;
- (3) Delegates authority to the Strategic Head of Economy and Growth to negotiate and agree terms for variations to existing agreements and agree new agreements (as necessary) to give effect to this decision; and
- (4) Delegates authority to the Head of Legal & Democratic Services to complete all legal documents necessary to give effect to this decision

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The Empty Homes Programme

REPORT TO EXECUTIVE



DATE	1st December 2021
PORTFOLIO	Housing and Leisure
REPORT AUTHOR	John Killion
TEL NO	3188
EMAIL	jkillion@burnley.gov.uk

PURPOSE

1. To seek approval to make several Compulsory Purchase Orders (CPOs) for long term vacant properties in the private sector.
2. To dispose of the properties in accordance with the Council's Disposal of Empty Dwellings Policy and scheme of delegation or to Calico Homes as appropriate.

RECOMMENDATION

3. That the Head of Housing and Development Control in consultation with the relevant Executive Member approve in pursuance of the powers obtained under Section 17 of the Housing Act 1985 (as amended) to make the following compulsory purchase orders for the purpose of renovation and/or re-sale by the most appropriate method:

The Burnley (5 Prince Street Burnley) Compulsory Purchase Order 2021
 The Burnley (5 Herbert Street Burnley) Compulsory Purchase Order 2021
 The Burnley (9 Rylands Burnley) Compulsory Purchase Order 2021
 The Burnley (11 Pritchard Street Burnley) Compulsory Purchase Order 2021
 The Burnley (35 Herbert Street Burnley) Compulsory Purchase Order 2021
 The Burnley (11 Kay Street Burnley) Compulsory Purchase Order 2021
 The Burnley (4 Woodbine Road Burnley) Compulsory Purchase Order 2021
 The Burnley (12 Sharp Street Burnley) Compulsory Purchase Order 2021

4. That the Head of Legal and Democratic Services be authorised to agree terms for the acquisition of the properties, to acquire the properties in this report by agreement as an alternative to compulsory purchase in accordance with the terms of delegation.
5. To authorise the Head of Legal and Democratic Services to make minor amendments, modifications or deletions to the CPO schedule of interests and map, should this be necessary, and to finalise the making and submission of the CPO, including promoting the Council's case at public inquiry, if necessary.

6. Subject to confirmation by the Secretary of State to authorise the Head of Legal and Democratic Services to secure full title to and possession of the CPO land as appropriate by:
 - Serving notice of confirmation of the CPO on all interested parties
 - Serving notice of intention to execute a General Vesting Declaration
 - Executing the General Vesting Declaration
 - Serving Notices to Treat and/or Entry as appropriate
 - Acquiring land and interests by agreement if possible
7. That the Executive authorises the tendering of any renovation works in accordance with SOC 1, 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.
8. That the Executive approves that the proceeds from the sale of the properties is recycled back into the Empty Homes Programme for further acquisitions and renovations.

REASONS FOR RECOMMENDATION

9. The owners of these properties have been contacted and have either not responded at all or have given no reasonable proposals for renovating the property or bringing it back into housing use.
10. These properties are long term vacant properties with some being vacant for over 10 years. Without intervention by the Council through acquisition by agreement or CPO the properties may remain vacant, continue to deteriorate, attract anti-social behaviour, fly-tipping and arson, all of which cause fear in local residents, resulting in a declining neighbourhood.

5 Prince Street Burnley vacant since 31st March 2010

5 Herbert Street Burnley vacant since 15th September 2010

9 Rylands Street Burnley vacant since 17th November 2010

11 Pritchard Street Burnley vacant since 6th January 2011

35 Herbert Street Burnley vacant since 7th October 2015

11 Kay Street Padiham Burnley vacant since 29th January 2016

4 Woodbine Road Burnley vacant since 5th May 2019

12 Sharp Street Burnley vacant since 1st July 2019

Through the Vacant Property Initiative and Empty Homes Programme over 130 properties have been acquired, refurbished and re-sold or re let, bringing those properties back into use and providing high quality accommodation.

SUMMARY OF KEY POINTS

11. The Empty Homes Programme (EHP) is an established project and is an amalgamation of programmes used over the last several years. The initiative identifies properties that have been vacant for a long period of time and which are causing problems for neighbouring properties and local residents, mainly supporting the five current Selective Licensing designations but also borough wide.
12. Negotiations for the acquisition of the properties have not yet commenced on the majority of the properties as no contact has been received from the owners. If the owners do contact the Council efforts will be made to purchase the properties by agreement.
13. Where owners contact us, we will work with them to reach an agreement for bringing the property back in to use preventing the need for a CPO. If agreement cannot be reached satisfactorily, the council will use the CPO power as a last resort to ensure the property is brought back in to use.
14. If the owners do not come forward to receive their market value compensation within a six year period then we can no longer be held to account for the compensation monies as the Limitation Act 1980 comes into force.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION
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15. The cost of delivering the properties detailed in this report will be funded from the approved Empty Homes Capital Programme 2021/22. It is not envisaged that all the CPOs listed in this report will be made in this financial year as properties may be brought back in to use by owners prior to making the CPO or properties may be bought by agreement.
16. The majority of the cost associated with the programme are made up of two elements, buying the property and the renovation cost. We can reasonably assume, given past experience, that the selling prices for the properties above would vary from between £55,000 to around £80,000 once renovated. We can also assume that we would need to spend around £39,000 renovating each of the properties.
17. Throughout this financial year properties will be chosen from the list above, as well as any other approved lists later in the year, that will ensure that the entire budget for 2021/22 is committed by year end.
18. Any receipts generated from the sale of properties will be recycled back into the programme to enable the purchase and renovation of more problem properties.

POLICY IMPLICATIONS

19. Overall, the proposed action will help to achieve the Council's strategic plan of "People Places Prosperity and Performance". The acquisition and renovation of the vacant properties will enable the Council to bring them back into use, which will improve the

environment for residents in the vicinity of the vacant properties by reducing the potential for crime and anti-social behaviour.

20. In terms of Human rights Act implications, Government advice is that local authorities must strike a fair balance between the demands of the community and the need to protect individual's fundamental rights. In considering this balance, one of the issues that a court would look for is whether compensation will be payable. The level of compensation is of course negotiable between the Council and the property owner's Valuer. In addition, individual rights are protected by the statutory objection and inquiry procedure.

21. It is anticipated that the recommendations in this report will have no further policy implications.

DETAILS OF CONSULTATION

22. None

BACKGROUND PAPERS

23. None

FURTHER INFORMATION

PLEASE CONTACT:

John Killion (Project Officer Vacants)
01282 425011 Ext. 3188

ALSO:

Clare Jackson (Private Sector Housing Manager)
01282 477231 Ext. 7231

REPORT TO THE EXECUTIVE



DATE	1/12/21
PORTFOLIO	Housing and Development
REPORT AUTHOR	Clare Jackson
TEL NO	01282 477231
EMAIL	cjackson@burnley.gov.uk

Policy for Imposing Civil Penalties Under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

PURPOSE

1. To implement The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

RECOMMENDATION

2. That the Executive approves the Enforcement Policy for Electrical Safety in the Private Rented Sector (Appendix 1).
3. To amend Part 3 of the Council's Constitution to include: *"To take all steps necessary to exercise and/or discharge the Council's functions, powers and duties under The, Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020"*. To note that this change has been requested of the Leader.
4. That Delegated authority be given to the Head of Housing and Development, in consultation with the Executive Member, to approve minor amendments to the policy.

REASONS FOR RECOMMENDATION

5. To improve electrical safety in the private rented sector to protect the health and safety of residents.

SUMMARY OF KEY POINTS

6. The council has a statutory duty to enforce The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, which came into force on 01 June 2020 for new tenancies and existing tenancies from 1 April 2021. The regulations place mandatory duties on private landlords to maintain electrical safety standards in privately rented homes.

7. Under the regulations the Council has a power to impose financial penalties of up to £30,000 on private landlords who breach their duties under the regulations. The guidance - *Guide for local authorities: electrical safety standards in the private rented sector* advises local authorities to prepare and publish a policy which it proposes to follow in determining the amount of a civil penalty charge.
8. Having due regard to the relevant guidance, the proposed “Enforcement Policy for Electrical Safety in the Private Rented Sector” has been developed. The severity of each breach is based on an assessment of culpability, track record, portfolio size, and risk of harm. There is also provision to consider mitigating and aggravating factors.
9. The approach set out in the proposed policy broadly aligns with the council’s “Policy and Matrix for the use of Civil Penalties under the Housing and Planning Act 2016”.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. The implementation of the new legislation has resource implications for the Private Sector Housing team. Through the service of the civil penalty charges there may be an increase in miscellaneous income. Proceeds of the civil penalties can be used to carry out private rented sector enforcement. Any amount that is not used in this way must be paid into the Consolidated Fund, the government’s general bank account at the Bank of England.

POLICY IMPLICATIONS

11. Implementing the new legislation helps to meet Aim 2 of the Housing Strategy 2016 to 2021; to deliver transformational improvement in the private rented sector. This in turn helps ensure that Burnley is a Place of Choice for residents to live.

DETAILS OF CONSULTATION

12. Scrutiny Committee and the Private Rented Sector Forum.

BACKGROUND PAPERS

FURTHER INFORMATION

PLEASE CONTACT: Clare Jackson

ALSO: Christian Smith

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The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Enforcement Policy for Electrical Safety in the Private Rented Sector

December 2021

Contents Page

Introduction	3
Requirements of the Regulations	3
Tenancies that the Regulations apply to	4
Enforcement of the Regulations	4
Remedial action	4
Urgent remedial action	5
Recovery of the cost of remedial action	6
Civil Penalties	7
Recovery of the Civil Penalties	7
Appeals	7
Selective and HMO Licensing	8
Enforcement Inspections	8
Review of the Policy	8
Making a Complaint	8
Appendix 1 – Determining the amount of civil penalty	9

1. Introduction

The Council are committed to improving standards in the private rented sector by supporting those landlords that provide good quality accommodation and by taking appropriate action against those unscrupulous landlords who breach legal requirements. Part of improving standards in the sector is ensuring electrical installations within the property are safe and adequately maintained.

On 1 June 2020 the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 ("Regulations") came into force. This introduces new legal requirements for rented homes for new tenancies from 1 June 2020 and existing tenancies from 1 April 2021.

Dangerous electrical installations in the home can cause electric shocks, burns or fire. This can happen through damage to sockets, switches and appliances, deterioration of the electrical installation, a lack of maintenance, misuse of the installation or work undertaken to the installation by an unqualified person.

The electrical installation includes the fuse box, wiring and cables, socket outlets for connecting a range of appliances such as fridges or mobile phones and switches and light fittings within the home. An electrical safety installation and test will include these elements to ensure the installation is safe for the residents and visitors to the property. Landlords should carry out visual inspections of the installations as part of their regular inspections of the property to ensure no damage has occurred and the installation is not being misused, including the overloading of sockets.

The regulations do not cover electrical appliances. Landlords are required to undertake regular portable appliance testing (PAT) for appliances they have supplied.

This policy sets out how Burnley Borough Council will impose civil penalties under the Regulations in accordance with Government Guidance. The policy broadly aligns with the council's Policy and Matrix for the use of Civil Penalties under the Housing and Planning Act 2016.

This policy forms part of the Council's private sector enforcement policy which sets out the broad principles and processes which Officers will follow when enforcing housing related legislation to ensure the approach is fair and consistent which will stand up to scrutiny.

2. Requirements of the Regulations

For the purposes of the regulations a landlord is defined as a person who grants or intends to grant a specified tenancy (Section 122(6) of the Housing and Planning Act 2016).

Landlords must have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at an interval of at least every 5 years (sooner if the report recommends a lesser timescale in between tests).

Landlords must ensure that the first inspection and testing is carried out before the tenancy commences in relation to a new specified tenancy; or by the 1st April 2021 in relation to an existing specified tenancy.

Landlords must ensure that the electrical safety standards are met during any period when the premises are occupied under a specified tenancy.

The inspection report will show that the installation is one of the following:

- Safe and no further action is required;
- Danger is present and there is a risk of injury (Code 1 (C1)). In this situation the cause of the danger would be rectified by the competent person before leaving the property;
- The installation poses a potential danger (Code 2 (C2));
- Further investigation is required without delay (FI);
- Improvement to the installation is recommended (Code 3 (C3)). Advisory and therefore works do not have to be completed.

Where the inspection report shows a C1, C2 or FI outcome, the landlord must ensure that suitable remedial works or investigations are undertaken. A C3 outcome is advisory and therefore works do not have to be completed

Landlords must provide a copy of the electrical safety report to their tenants, and if requested to their local authority:

- Each existing tenant within 28 days of the inspection and test
- A new tenant before they occupy the property
- A prospective tenant within 28 days of receiving a request for the report
- The Council within 7 days of receiving a request for the certificate in writing

Landlords must keep a copy of the report until the next report is due; then a copy of the existing report should be provided to the person undertaking the next inspection.

Where the work undertaken reveals further issues that require either further remedial work or further investigation, this should be addressed within a further period of 28 days (or shorter period, where this is required).

The person completing the works must supply the landlord with a confirmation that the works have been completed (so the installation is now safe) or further work/investigation is needed. The landlord must provide a copy of this confirmation together with the original inspection certificate to each tenant and to the Council within 28 days of the work being undertaken.

Where further work or investigation is required, the requirements to complete work and provide the necessary confirmation are repeated (as per the original inspection).

3. Tenancies that the Regulations apply to

The regulations apply to new specified tenancies from the 1st July 2020 and for existing specified tenancies from the 1st April 2021. A specified tenancy allows one or more persons the right to occupy all or part of the premises as their only or main residence and provides for payment of rent (whether or not a market rent); and is not:

- A tenancy where the occupier shares any accommodation with the landlord or a member of the landlord's family;
- A tenancy that is a long lease; or grants a right of occupation for a term of 7 years or more. A tenancy does not grant a right of occupation for a term of 7 years or more if the agreement can be terminated at the option of a party before the end of 7 years from the commencement of the term.
- A tenancy for student halls of residents, hostels, refuges, care homes, hospitals or hospices and other accommodation relating to the health care provision.

4. Enforcement of the Regulations

If the Council are satisfied that the landlord is in breach of the requirements and the report doesn't indicate urgent remedial action is required, they have a duty to serve a remedial notice under the Regulations. Breaching the remedial notice may result in the Council serving a financial penalty.

Remedial Action

If the Council have reasonable grounds showing that the landlord has breached the regulations the Council **must** serve a remedial notice on the landlord within 21 days of deciding that it has reasonable grounds for service. The notice includes:

- The remedial action that is required to be undertaken within 28 days of service
- Details of how to make representations to the Council
- Explanation of the penalties (including the potential maximum penalty) that may result from non-compliance.

The landlord may make written representations against such a notice within 21 days, if made the notice is suspended until the representations have been considered. The Council must consider any representations and confirm that outcome of those considerations, in writing, within 7 days of the end of the representation period.

A landlord must comply with a remedial notice where either no representations are made, or the notice is confirmed (after consideration of the representations) unless

they are able to claim that they have taken all reasonable steps e.g. Providing evidence that the tenant has prevented access.

If the landlord fails to comply with a remedial notice the Council **may** undertake the required remedial work themselves if the tenants agree. Before doing so, the Council must be satisfied on the balance of probability that there has been a breach of the remedial notice. Before work starts the Council must serve a notice of intention to take remedial action on the landlord. The notice includes:

- The nature of the proposed remedial work
- The date when the work will be undertaken
- Information on the right of appeal against the decision to do the work

The Council must arrange for an authorised person to undertake the remedial work within 28 days of the end of the intention to take remedial action notice expiry date (or within 28 days after confirmation of notice, if appealed). The tenants must be given at least 48 hours' notice before the remedial works starts.

A landlord may not be in breach of the Remedial Notice if they can evidence that they have taken all reasonable steps to comply with that duty.

Where the landlord is prevented from entering property for the purposes of the Remedial Notice by the tenant or tenants of that property, the landlord will not be considered to have failed to have taken all reasonable steps to comply with the Remedial Notice. To support this defence evidence of attempted appointments and refused access will be required.

Urgent Remedial Action

Where an electrical report indicates that urgent action is required and the Council is satisfied that the landlord is not undertaking the necessary work, they may arrange (with the consent of the tenants) for an electrician to undertake the urgent work. The tenants must be given at least 48 hours' notice of the date to carry out the work. The Council must issue an urgent remedial action notice to the private landlord and every occupier either prior to or up to 7 days from the date when the remedial action commences. The urgent remedial action notice must include:

- The nature of the urgent remedial action required
- The date when the urgent work is or has been started
- Information on the right of appeal against the decision to do the work

5. Recovery of the Costs of Remedial Work

The Council may issue a demand to recover costs from the private landlord relating to remedial works undertaken which becomes payable after 21 days from the day of issue unless an appeal is submitted

6. Civil Penalties

Where the Council are satisfied, beyond reasonable doubt, that a private landlord has breached a duty under Regulation 3 they may impose a financial penalty (or more than one penalty in the event of a continuing failure) in respect of the breach. A civil penalty may be of such amount as the Council determine to impose (See Appendix 1); but must not exceed £30,000.

Before imposing a financial penalty a notice of intention must be served on the private landlord. The notice includes:

- The amount of the proposed penalty
- The reasons for imposing the penalty
- Information about the right to appeal

The landlord may make written representations to the Council within 28 days. Within 28 days of expiry of the representation period the Council must decide whether to impose a financial penalty on the landlord. If it decides to impose a penalty it must serve a final penalty notice which includes:

- The amount of the penalty
- The reasons for imposing the penalty
- Information about rights of appeal

The penalty is payable within 28 days. The Council may, at any time, withdraw a Notice of Intention or a Final notice or reduce the penalty amount specified in a notice by doing so in writing.

7. Recovery of the Civil Penalties

The Council may recover the penalty or part on the order of the county court as if it were payable under an order of that court. The Council may apply the proceeds to meet the costs and expenses incurred in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector. If not so applied, it must be paid into the Consolidated Fund.

8. Appeals

A landlord may appeal against a notice of intention to take remedial action to the First-tier Tribunal within 28 days of service. An appeal suspends the remedial notice until the appeal has been determined. The tribunal may affirm, vary, or quash the remedial notice. A landlord can also appeal the costs of the remedial action, this appeal must be made to the First-tier Tribunal within 21 days of the date of issue.

A landlord can also appeal an urgent remedial action notice within 28 days of either the date that the work was started or was planned to start (whichever was the first date). This appeal does not however suspend the urgent remedial action notice.

A landlord can appeal a Final Notice for a Civil Penalty within 28 days to the First-tier Tribunal. If appealed the final notice is suspended until withdrawn or determined.

9. Selective and Houses in Multiple Occupation (HMO) Licensing

The Regulations introduced a new mandatory condition for Selective and HMO licenses stating that a licence holder must ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations.

As part of the licensing application process the Council requests an Electrical Installation Condition report.

10. Enforcement Inspections

Under Part 1 of the Housing Act 2004 the Council have a duty or a power to investigate complaints of disrepair which may result in a Category 1 or 2 hazard. In all such cases the Council will request from the landlord a copy of the Electrical Installation Condition Report.

11. Review of the Policy

The Council will keep the policy under review the effectiveness of the policy and may make amendments accordingly.

If you would like further advice or clarification, the private sector enforcement team can help by calling 01282 425011 or emailing housing@burnley.gov.uk.

Alternatively, you can write to us at:

Private Sector Housing
Burnley Borough Council
Town Hall
Manchester Road
Burnley
BB11 9SA

12. Making a Complaint

The Private Sector Housing Team aims to provide the best possible service. However, if you are not happy with the service you receive you can make a formal complaint. More information about how to make a formal complaint can be found on the council's website at: www.burnley.gov.uk/complaint

Appendix 1 – Determining the Amount for the Civil Penalty

1. A financial penalty may be of any amount up to the statutory maximum of £30,000. However, local housing authorities are expected to reserve the higher amounts for the worst offenders and take a logical and proportionate approach to setting the level of financial penalties more generally. The overarching principle is that the more serious the breach, the higher the penalty should be. The penalty for each breach must therefore be determined on a case-by-case basis.
2. The actual amount levied in any particular case should reflect the severity of the offence, as well as the landlord's previous record of offending. The Council should consider the following factors to help ensure the civil penalty is set at an appropriate level:
 - Risk of Harm
 - Culpability
 - History of Compliance
3. These factors are contained in the financial penalty matrix which helps officers to determine the level of fine that should be imposed by creating a score and band for each case. Officers should first determine the severity of the offence by looking at the risk of harm and culpability categories detailed in the tables below.

Risk of Harm Categories

High	Serious adverse effect on individuals and/or having a widespread impact. High risk of an adverse effect on individuals including where persons are vulnerable. Electrical defects giving rise to the offence poses an imminent or serious and substantial risk of harm to the occupants and/or visitors, for example C1 defects.
Medium	Adverse effect on individuals Medium risk of an adverse effect on individuals including where persons are vulnerable. Tenant misled/disadvantaged by the failing. The electrical defect giving rise to the offence poses a serious risk of harm to the occupants and/or visitors, for example multiple C2 defects.
Low	Low risk of an adverse effect on individuals The housing defect giving rise to the offence poses a risk of harm to the occupants and/or visitors, for example isolated C2 defects or a failure to carry out further investigations.

Culpability Categories

Very High (Deliberate Act)	Where the offender intentionally breached, or flagrantly disregarded, the law. For example, repeatedly ignored reminders to comply with the Regulations. Failure to comply with a correctly served compliance notice. No attempt made to contact the local authority to discuss breaches.
High (Reckless Act)	Actual foresight of or wilful blindness to the risk of offending but risks nevertheless taken by the landlord or property agent, for example failure to comply with the Regulations.
Medium (Negligent Act)	Failure of the landlord or property agent to take reasonable care to put in place and enforce proper systems that prevents the offence being committed. For example, part compliance with a compliance notice but failure to fully complete all scheduled items within the notice timescale.
Low (Low or no culpability)	Offence committed with little or no fault on the part of the landlord or property agent. For example, significant efforts were made to comply with the Regulations, but they were obstructed by the tenant to allow contractor access or damage caused by tenants. Failings were minor and occurred as an isolated incident.

Having determined the category of harm and culpability, the officers should refer to the following table to reach a penalty band 1 to 6.

Penalty Band

Culpability	Harm Category 1	Harm Category 2	Harm Category 3
Very High	6	5	4
High	5	4	3
Medium	4	3	2
Low	3	2	1

Having made the penalty band assessment above, officers will then determine the landlords history of compliance to reach a starting point for the financial penalty.

History of Compliance

- The Council would expect a good private landlord to have very little contact with the Council's Private Sector Housing Team, other than for advice or for licensing obligations. They would be expected to maintain their properties in a good and safe condition and keep up-to-date and comply with all relevant legal requirements. Unfortunately, there are private landlords who are regularly subject to enforcement action owing to their failure to maintain their properties in an acceptable condition.

5. A historically non-compliant private landlord should be subject to a more significant penalty on the basis that they have yet to change their behaviour. A penalty amount adjustment relating to the offender's compliance is therefore appropriate. This should help deter repeat offending.
6. The Council will review all relevant records to identify any previous evidence of legislative failings. However, only evidence relating to the five years immediately prior to the breach date will be considered. The evidence reviewed will include:
 - Any previous convictions for housing related offences;
 - Whether previously subject to a civil penalty for a housing related contravention;
 - Whether previously subject to, or associated with, statutory enforcement action (e.g. Improvement Notice, Emergency Prohibition Order, etc.); and
 - The number of genuine housing condition complaints received in respect of properties associated with the offender

Following the review, the landlord's compliance will be classed as one of the following categories and then set at the lowest amount as detailed in the starting points table e.g. for Band 1 with a significant history of non-compliance the fine will be £4,000.

Significant	Where there is evidence of multiple enforcement interventions by the council's Private Sector Housing Team, together with evidence of non-compliance, the significant category will be used. This category may be used for any landlord who has been successfully prosecuted for a housing offence or been subject to a housing related civil penalty.
Some	This category will be used where the landlord is associated with more evidence than would normally be expected of a good private landlord having regard to the size and nature of their portfolio. There is likely to be evidence of statutory enforcement action.
None/negligible	This category will be used if, following a review of the council's records, there is no relevant evidence associated with the landlord. Any unsubstantiated housing condition complaints will be disregarded.

Starting Points

Band	Compliance	Amount
Band 1	None/Negligible	£1,000 to £2,333
	Some	£2,334 to £3,999
	Significant	£4,000 to £4,999
Band 2	None/Negligible	£5,000 to £6,666
	Some	£6,667 to £8,332
	Significant	£8,333 to £9,999

Band 3	None/Negligible Some Significant	£10,000 to £11,666 £11,667 to £13,332 £13,333 to £14,999
Band 4	None/Negligible Some Significant	£15,000 to £16,666 £16,667 to £18,332 £18,333 to £19,999
Band 5	None/Negligible Some Significant	£20,000 to £21,666 £21,667 to £23,332 £23,333 to £24,999
Band 6	None/Negligible Some Significant	£25,000 to £26,666 £26,667 to £28,332 £28,333 to £30,000

7. The level of financial penalty should, in a fair and proportionate way, meet the objectives of punishment, deterrence and the removal of gain. As such, the council will, once the starting point has been determined, review the proposed financial penalty and consider whether there are any other mitigating or aggravating factors that should be taken into account when setting the amount of financial penalty. If there are none, no adjustment will be made to the starting point identified by the Table of Financial Penalties.

8. Some examples of mitigating and aggravating factors are given below. However, the list is not exhaustive, and the council may take into account any factor deemed to be relevant:

Aggravating

- Evidence that the landlord has been motivated by financial gain
- Evidence that the landlord deliberately concealed the offence/evidence
- Evidence to show the tenant is a vulnerable individual
- If actual harm has occurred, the Council may consider increasing the amount of financial penalty.

Mitigating

- That the landlord has cooperated with the investigation
- That the landlord has taken steps to rectify the offence promptly
- The landlord has provided evidence of ill physical or mental health preventing reasonable compliance
- There is evidence that the landlord is a vulnerable person which is linked to the breach

9. The starting point of the penalty can be increased or decreased. This adjustment range will usually be limited to an amount equal to 50% of the starting point.
10. There are cases where there will be multiple breaches of the Regulations. When considering imposing more than one civil penalty on a landlord as a consequence of them committing more than one breach, the Council will consider where the cumulative penalty would be just and proportionate in the circumstances having regard to the offending behaviour as a whole.

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REPORT TO EXECUTIVE



DATE	1st December 2021
PORTFOLIO	Community & Environment
REPORT AUTHOR	John Clucas
TEL NO	0114 3999061
EMAIL	jclucas@burnley.gov.uk

Gambling Act 2005 Burnley Borough Council Gambling Policy

PURPOSE

1. To seek Executive's endorsement of the draft Gambling Policy Statement.

RECOMMENDATION

2. That Executive recommend that Full Council approve the draft Gambling Policy Statement at Appendix A.

REASONS FOR RECOMMENDATION

3. To comply with the 3 year review required by the Gambling Act 2005.

SUMMARY OF KEY POINTS

4. The Gambling Act 2005 requires Burnley Borough Council to update its Gambling Policy at least every 3 years. In order to meet this requirement the revised policy should be published before the 2nd January 2022.

There is a requirement when updating the policy that it is sent out to relevant authorities as part of a statutory consultation process. The Licensing Committee agreed the draft policy prior to consultation, (on the 23rd June 2021) which is now complete. A formal 6 week consultation period included distribution to relevant people and organisations, publication on the Councils website inviting comments, and a press release. No comments were received and no changes have been made as a result of the consultation. The policy has been considered by Licensing Committee and recommended for approval at Full Council in December 2021.

There is currently a national review of the Gambling Act 2005 which may impact on this policy, and if that is the case any relevant changes will be incorporated into the Councils Policy at a later date.

There are only minor changes in this policy compared with the current version in place.

To assist Members and consultees the amended parts of the policy have been highlighted.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

5 None

POLICY IMPLICATIONS

6. The Policy once agreed will replace the Gambling Policy 2019-2021, and become effective from 2nd January 2022.

DETAILS OF CONSULTATION

7. The formal consultation has been completed including the Licensing Committee and the Scrutiny Committee.

BACKGROUND PAPERS

8. None

FURTHER INFORMATION

PLEASE CONTACT:

**John Clucas ext 249061
Karen Davies ext 249058**

Gambling Act 2005

POLICY STATEMENT

January 2022 to December 2024

Burnley Borough Council
Gambling Act 2005
Policy statement Jan 2022 to Dec 2024

THE LICENSING OBJECTIVES

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Table of Contents

Item	Page
PART A	
1. Introduction	4
2. A Profile of Burnley	6
3. Policy Statement and Consultation	7
4. Declaration	8
5. Responsible Authorities	8
6. Interested parties	9
7. Exchange of information	10
8. Enforcement	11
9. Licensing Authority functions	12
PART B	
10. Premises licences	14
11. Adult Gaming Centres	20
12. (Licensed) Family Entertainment Centres	20
13. Casinos	21
14. Bingo premises	22
15. Betting premises	22
16. Tracks	23
17. Travelling fairs	24
18. Provisional Statements	24
19. Reviews	24
PART C	
20. Unlicensed Family Entertainment Centre gaming machine permits	26
21. Alcohol Licensed premises gaming machine permits	27
22. Prize Gaming Permits	28
23. Club Gaming and Club Machines Permits	29
24. Temporary Use Notices	30
25. Occasional Use Notices	30
APPENDICES	
Appendix A - CONSULTEES	31
Appendix B - RESPONSIBLE AUTHORITIES	33
Appendix C - SUMMARY OF DELEGATION	34

1. Introduction

- 1.1 This **policy statement** has been published as a consequence of:
- It being a requirement under Section 349 of the Gambling Act 2005 that dictates all licensing authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act, commonly known as a policy statement.
 - The policy statement forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
 - The Policy Statement has to be approved by the Executive and the Full Council of Burnley Borough Council and need to be revised and updated at least every three years.
- 1.2 All references to the Gambling Commission's Guidance for local authorities refer to the **Guidance published on the Gambling Commission website**.
- 1.3 The Gambling Act 2005 (the Act) has appointed Burnley Borough Council as a Licensing Authority. We will regulate gambling with integrity in the public interest.
- 1.4 We are committed to avoiding duplication with other legislation and regulatory regimes as far as possible, and will not replicate issues in this **policy statement**, which are already legal requirements under other legislation such as health and safety and fire precautions.
- 1.5 This **policy statement** has been developed after having regard to the statutory guidance from the Gambling Commission and having given appropriate weight to the views of persons and organisations consulted.
- 1.6 The Council will delegate all functions under the Act to the Licensing Committee, except those functions, which by law must be dealt with by the Council as a whole such as fee levels and the approval of this policy statement.
- 1.7 Section 349 of the Act requires the Licensing Authority to publish a **policy statement** that we will apply in exercising our functions under the Act. This statement fulfils that statutory requirement.
- 1.8 This policy statement will be applied during the 3-year period from 3rd January **2022** until 31st December 2024 and during that time will be kept under review and revised when and if appropriate.
- 1.9 This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. This statement is designed to be a strategic gambling policy, not an operational guide to the Act.

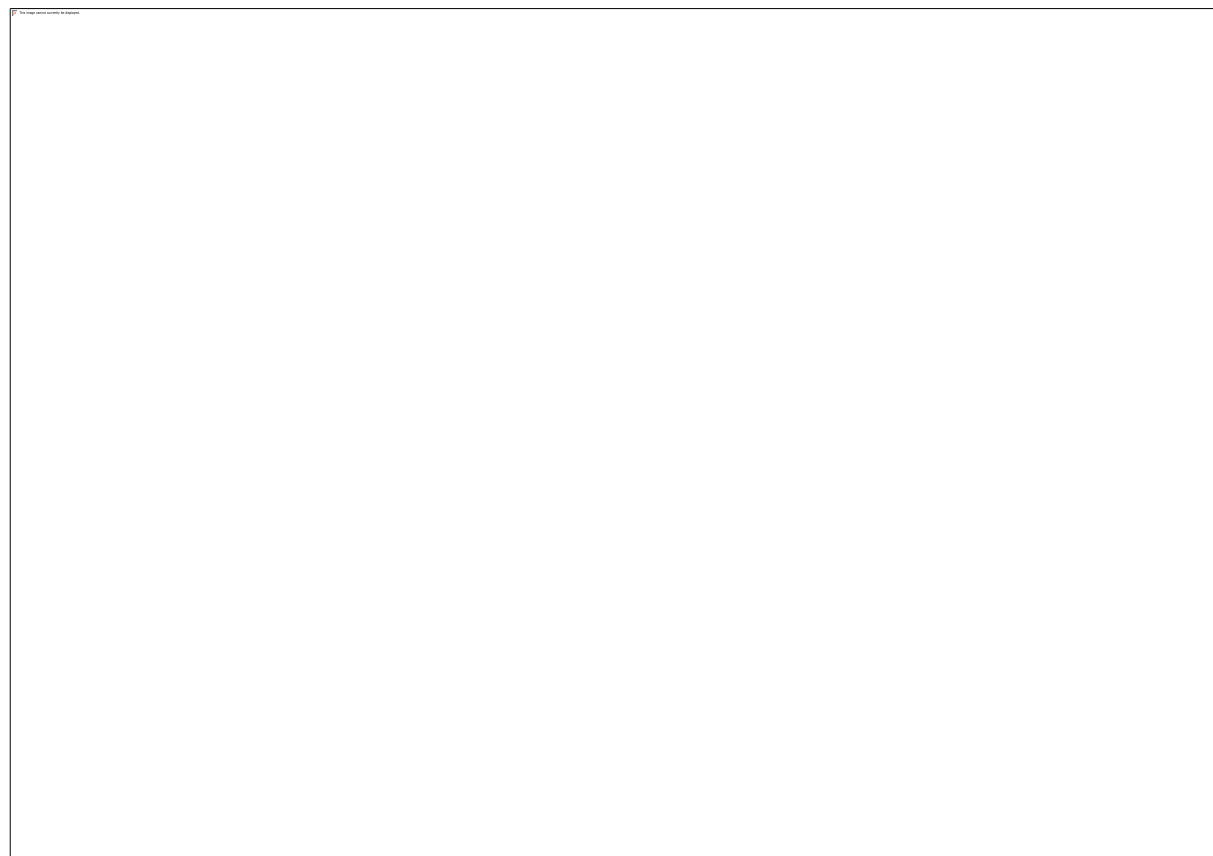
- 1.10 In exercising our functions under the Gambling Act 2005, Burnley Borough Council as a licensing authority will have regard to the statutory licensing objectives, which are;
- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
 - **Ensuring that gambling is conducted in a fair and open way**
 - **Protecting children and other vulnerable persons from being harmed or exploited by gambling**
- 1.11 We are aware that Section 153 of the Act requires us, in making decisions concerning premises licences and temporary use notices, to aim to permit the use of premises for gambling in so far as we think it is:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the statutory licensing objectives and
 - In accordance with this **policy statement**
- 1.12 Nothing in this policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in this policy will undermine the right of any person to make representations on an application, or seek a review of a licence where there is a legal power to do so.
- 1.13 Previous legislation required that the grant of certain gambling permissions should take account of whether there was an unfulfilled demand for gambling facilities. We acknowledge that under the Act, unmet demand is not a criterion for a Licensing Authority in considering an application.
- 1.14 We appreciate that gambling can be an emotive subject but acknowledge that, in accordance with Gambling Commission Guidance for Local Authorities, “considerations such as moral or ethical nuisance, objections to gambling are not a valid reason to reject applications for premises licences “. Except in respect of a Casino resolution under Section 166 of the Act, and also that unmet demand is not a criterion for a Licensing Authority.
- 1.15 We will therefore consider any application in accordance with the Act, on its individual merits without regard to demand or moral objections to gambling in general.

2. A Profile of Burnley

2.1 Burnley Borough Council is situated in the County of Lancashire and is one of 14 Councils within the County. Burnley has an estimated population of 91,000 contained within an area of 43 square miles. (Information from Census 2011)

2.2 The population profile is illustrated below;

Years of Age	0-14	15-24	25-44	45-64	65+
Percentage of Population	18.4%	12.9%	26.1%	26.3%	16.3%



2.3 The lifeblood of the area is its industry, which is concentrated in the urban cores of Burnley and Padiham.

In post-war years there has been a diversification away from textiles to engineering and the newer technology industries. Much of the Borough is rural in character, and there are 7 parish councils.

The M65 motorway provides easy access to the Lancashire coast, the Lake District, as well as the cities of Manchester, Leeds and Liverpool.

2.4 The Council wants to make the borough a place of choice. It will be a place where businesses want to invest, because of its skilled workforce and its competitive, modern economy. It will be a place where people want to live because of its clean and safe neighbourhoods, its reputation as a centre of educational excellence, and its beautiful parks and wild countryside.

3. The Policy Statement and Consultation

- 3.1 Burnley Borough Council is required by the Gambling Act 2005 to publish a policy statement, which we propose to apply when exercising our functions. This statement must be published at least every three years. The policy statement must also be reviewed from “time to time” and any amended parts re-consulted upon and the statement must be then re-published.
- 3.2 This policy statement has been published following extensive consultation. A list of the persons we have sent this document to is attached at **Appendix A**.
- 3.3 The Gambling Act requires that the following parties be consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005
- 3.4 Our consultation took place between July and October 2021 and we have followed best practice as set out by the Department for Business, Innovation and Skills,
- 3.5 The full schedule of comments and amendments consequential to these comments will be available by request in writing to the Licensing Office, Burnley Borough Council.
- 3.6 This policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

4. Declaration

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

5. Responsible Authorities

- 5.1 Burnley Borough Council is required by regulations to state the principles that we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.
- 5.2 The principles we will use are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- 5.3 In accordance with the Gambling Commission's Guidance for Licensing Authorities, we intend to designate the Lancashire Safeguarding Children Board, Lancashire County Council for this purpose.
- 5.4 This body has countywide responsibility, is subject to democratic accountability and is currently the body that has become a responsible authority under the Licensing Act 2003.
- 5.5 The Responsible Authorities under the Gambling Act 2005 are:
- Burnley Borough Council Licensing Authority
 - The Gambling Commission;
 - The Chief Constable, Lancashire Constabulary
 - Lancashire Fire and Rescue Service Authority
 - Burnley Borough Council **Development Control and Planning Policy Services**
 - Lancashire Safeguarding Children Board, Lancashire County Council
 - H.M. Revenue & Customs

Subject to any other person being prescribed in Regulations made by the Secretary of State. The contact addresses for these authorities are attached at Appendix B.

6. Interested Parties

6.1 S.158 of the Act defines interested parties. To accept a representation from an interested party, we must take the view that the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- has business interests that might be affected by the authorised activities; or
- represents persons in either of these two groups;

We will have regard to anything an interested party says about their status to make representations.

The approach taken by us in determining who is an interested party is dealt with in this statement of policy.

6.2 The following gives further advice on how we can determine whether someone is an interested party.

People living close to the premises

There are a number of factors that we will take into account when determining whether a person 'lives sufficiently close to the premises'. These might include:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

6.3 Relevant factors will depend on the particular application. For example, we believe it is reasonable for us to consider that living sufficiently close to premises to likely be affected could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

The nature and scope of business interests that could be affected

6.4 It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be affected by

the premises' under consideration. For example, an operator in a particular sector be it casino, bingo, betting etc, should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. Specifically, we recognise that the 'demand test' from previous gambling legislation does not apply under the Act

6.5 We should be satisfied that the relevant business is likely to be affected. Factors that are likely to be relevant include:

- the size of the premises
- the 'catchment' area of the premises, so how far people travel to visit the premises

Whether the person making the representation has business interests in that catchment area that might be affected

People representing those in the above categories

6.6 Interested parties can be people who are democratically elected such as councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

6.7 Save for democratically elected persons, We will satisfy ourselves on a case by case basis that a person does represent interested parties, and request written evidence where necessary. A letter from the interested person(s) they are representing would be sufficient.

6.8 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. Applicants should contact the Principal Licensing Officer, Burnley Borough Council in the first instance rather than approach their Councillor directly.

7. Exchange of Information

7.1 We are required to include the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between ourselves and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

7.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the data protection legislation (as defined in section 3 of the Data Protection Act 2018) will not be contravened.

7.3 We will also have regard to the Guidance issued by the Gambling Commission to

Licensing Authorities, as well as any future relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 7.4 Should any protocol on information exchange be established in the future, such protocols will be publicly available.

8. Enforcement

- 8.1 Licensing authorities are required by regulations under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 8.2 This licensing authority's principles are that we will be guided by the Gambling Commission's Guidance for local authorities and our policy will endeavour to be :

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects

- 8.3 This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based approach to the compliance process where the main determinant is the risk posed to the three licensing objectives. The authority will have regard to the 'Regulators Code' in accordance with Section 22 of the Legislative and Regulatory Reform Act 2006.

- 8.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the three licensing objectives, including compliance with general licensing conditions (including mandatory and default conditions), specific licence conditions and any applicable codes of practice.

- 8.5 The Gambling Commission will be the enforcement body for Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission for investigation.

- 8.6 Any prosecution will only be commenced in accordance with the sufficiency of evidence and public interest.

- 8.7 Any such prosecution will be commenced and conducted by the Head of Legal and Democratic Services in accordance with the powers delegated to her by the Council

9. Licensing Authority functions

9.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see Section 7 above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

9.2 We as the licensing authority will not be involved in licensing remote gambling. Regulation of such activity will be the responsibility of the Gambling Commission via Operator Licences.

9.3 In accordance with the Act and Guidance, this authority will:

- Refer the decision whether to make a resolution not to issue casino licences within the Borough to Full Council.
- Refer approval of this three-year licensing policy to Full Council
- Refer any delegated power under forthcoming Regulations to set fees to Executive.

- Delegate all decisions relating to premises licences to the Licensing Committee where representations have been received and not withdrawn.
- Further delegate decision making to officers in accordance with the law and guidance, attached at Appendix C.

PART B

10 Premises Licences

General Principles

- 10.1 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions that will be detailed in regulations issued by the Secretary of State.
- 10.2 We, as the licensing authority, will be able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.
- 10.3 This licensing authority is aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with this statement of licensing policy
- 10.4 We appreciate that gambling can be an emotive subject but acknowledge that, in accordance with Gambling Commission Guidance for Local Authorities, “moral or ethical objections to gambling are not a valid reason to reject applications for premises licences.” Except in respect of a Casino resolution and also that unmet demand is not a criterion for a Licensing Authority.
- 10.5 Premises are defined in the Act as “includes any place”. Different premises licences cannot apply in respect of single premises at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can reasonably be regarded as different premises.
- 10.6 We will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.
- 10.7 We note that the Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. We support this view.
- 10.8 This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that:

Licensing Authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes in particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close

proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- 10.9 We also note that in relation to premises which are still to be constructed, under construction or alteration that following case law operators may apply for a premises licence, albeit they are not ready to be used for gambling. This authority will determine such applications on their own merits.
- 10.10 This licensing authority is aware that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can be considered. Operators will be expected to demonstrate in their local risk assessment (LRA) the impact of the provision of gambling facilities in a particular area on the licensing objectives. From 6 April 2016 a new requirement was introduced requiring licensed operators of certain gambling establishments to undertake local risk assessments. This requirement was formalised in the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in April 2018. <http://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf>
- 10.11 We will, in accordance with the Gambling Commission's Guidance for local authorities, pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 10.12 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon, this **policy statement** will be updated. However this authority would expect an operator's local risk assessment (LRA) to consider for example the proximity of their premises in relation to schools, hospitals and centres where children or vulnerable groups may be present.
- 10.13 It should be noted that any such future policy will not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how any potential concerns can be overcome.
- 10.14 This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the statutory planning regime.
- 10.15 This Council acting as a licensing authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of an application for a Premises Licence.
- 10.16 We will though, carefully consider any concerns about licensing conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

- 10.17 The Planning Department are a responsible authority under this Act and have the opportunity to make representations should they desire, otherwise the two regimes will be properly separated.
- 10.18 Premises licences granted must be reasonably consistent with the licensing objectives. Having regard to these objectives, we have considered the Gambling Commission's Guidance to local authorities and make the following observations:

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

- 10.19 This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. Their guidance does however envisage that the licensing authority should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- 10.20 Therefore, where an area has known high levels of organised crime, we will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors. Responsible authorities would however have the right to make representations with regard to such premises.
- 10.21 We are aware that there is not a clear line between nuisance and disorder and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. It should be noted that public nuisance is not a Gambling Act licensing objective and issues of nuisance are not relevant considerations under the Gambling Act 2005.
- 10.22 In considering licence applications, the Council will particularly take into account the following:
- The design and layout of the premises;
 - The training given to staff in crime prevention measures appropriate to those premises;
 - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
 - The likelihood of any violence, public order or policing problem if the licence is granted.
 - The operators local risk assessment (LRA) in relation to known problems in an area such as high levels of crime, drug activity and anti-social behaviour.

Ensuring that gambling is conducted in a fair and open way

- 10.25 This licensing authority is aware that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned frequently with ensuring that gambling is conducted in a fair and open way as this will be addressed by the operator and personal licensing system. It is acknowledged that there is a

greater role for the Licensing Authority in track gambling which is explained in Section 16 below.

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

10.26 We note the Gambling Commission Guidance to local authority's states that this objective relates to preventing children from taking part in gambling as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive, to children.

With regards to children and young persons we recommend that the following matters are considered by operators when making their risk assessment;

- Institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as leisure centres, cinemas etc.
- Any premises where children congregate including bus stops, cafes, shops, and any other place where children are attracted
- Any areas that are prone to issues of anti-social behaviour, under-age drinking etc. involving children
- Recorded incidents of attempted under-age gambling

10.27 In reference to the term "vulnerable persons" we note that the Gambling Commission or statute law is not seeking to offer a definition but the Commission states that "it will for regulatory purposes assume that this group includes

- people who gamble more than they want to;
- people who gamble beyond their means;
- and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.

10.29 With regards to matters relating to vulnerable adults we recommend the following matters, are considered by operators when making their risk assessments:

- Information held by licensees regarding self-exclusions and incidents of under-age gambling
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, housing association offices, addiction clinics or help centres, places where alcohol or drug dependent people may congregate etc.

10.30 This licensing authority will consider promotion of this licensing objective on a common sense, case by case basis. We will also take account of the Codes of Practice regarding this objective in relation to specific types of premises.

Conditions on Premises Licences

10.31 Any conditions we attach to licences will be proportionate and will be :

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

10.32 The Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises, the authority may consider attaching individual conditions related to the licensing objectives.

10.33 This Authority takes note of the Gambling Commission's guidance in relation to Local Risk Assessments for operators. The Gambling Commission's 'Licence Conditions and Codes of Practice' supplemented by a new 'Social Responsibility Code' formalise the need for operators to consider local risks and have policies, procedures and control measures to mitigate those risks. Account must be taken by operators of relevant matters identified in this Authority's statement of policy.

10.34 This Authority takes note of Gambling Commission's guidance requiring a licence applicant to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take account of significant changes in local circumstances, including those identified in this council's statement of policy
- When there are significant changes at the licensee's premises that may affect their mitigation of local risks

10.35 Applicants may wish to refer to this council's Community Safety Partnership Strategic Assessment to obtain a local profile of the Borough along with highlighted and emerging threats to the Borough when preparing local risk assessments. The Social Responsibility Code supplemented by the ordinary code (LCCP) requires that licensees share their risk assessment with licensing authorities when applying for a premises licence or varying an existing licence. The risk assessment should be kept on the individual premises and made available at the request of the Authority; for example when carrying out inspections.

10.36 We will, where considered necessary, consider specific measures for buildings which are subject to multiple premises licences. Such measures may include the supervision of

entrances, segregation of gambling and non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises to promote the licensing objectives, in accordance with Gambling Commission Guidance.

10.37 We will also ensure that where Category A to C gaming machines are on offer in premises to which children are admitted, other than premises licensed for the supply of alcohol under the Licensing Act 2003,

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where these machines are located
- Access to the area where these machines are located is supervised
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder, and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years of age.

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

10.39 We are aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

10.40 We will, in accordance with the Gambling Commission's Guidance, consider the impact upon the third licensing objective and the need to ensure that the entrances to each type of premises are distinct from each other and that children are excluded from gambling areas where they are not permitted by law or condition, to enter

10.41 It is noted that there are conditions which the licensing authority cannot by law attach to premises licences which are:

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

10.42 The Gambling Commission advises in its Guidance that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at authorised access (for example by children and young persons) then it may require that entrances to premises are controlled by a door supervisor, and is entitled to impose conditions to that effect. Where it is decided that supervision of

entrances/machines is appropriate for particular cases, a consideration as whether or not these supervisors need to be licensed by the Security industry Authority will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per guidance)

11 Adult Gaming Centres

- 11.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. Gaming machines are a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC's to minimise the opportunities for children to gain access. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the premises.
- 11.2 Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

12 (Licensed) Family Entertainment Centres

- 12.1 We will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 12.2 We will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. For example, such measures may include, but would not be limited to, the following:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Specific opening hours
 - Self-barring schemes
 - Notices/signage
 - Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual

- exploitation (CSE)
 - Clear policies that outline the steps to be taken to protect children from harm.
 - Provision of information leaflets/helpline numbers for organisations such as Gam-Care.
- 12.3 We will, in accordance with the Gambling Commission's guidance, refer to the Commission, and be aware of any conditions that apply to operating licences covering the way in which the area containing the Category C or higher machines, should be delineated.
- 12.4 This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

13 Casinos

- 13.1 This licensing authority does not have an existing licensed casino within the Borough. (Licences granted under the 1968 Act, granted under grandfather arrangements). There are two types of new casino premises licences, large and small casinos. The Borough of Burnley is not an area chosen for the issue of casino licences.

No casino resolution

- 13.2 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so.

Betting machines

- 13.3 It is desirable that the difference between a gaming machine and betting machine is understood. A machine is not a gaming machine if it is designed or adapted for use to bet on future real events.
- 13.4 Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These "betting machines" are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits.
- 13.5 Such betting machines merely automate the process which can be conducted in person and therefore do not require regulation as a gaming machine.
- 13.6 However, where a machine is made available to take bets on virtual races, that machine is a gaming machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.
- 13.7 Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

- 13.8 In accordance with the Gambling Commission's Guidance for local authorities, when considering the number / nature / circumstances of betting machines that a casino operator wishes to offer, we will take into account;
- the size of the premises
 - the number of counter positions available for person-to-person transactions, and,
 - the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons."

14 Bingo Premises

- 14.1 This licensing authority notes that the Gambling Commission Guidance states;
- "Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.
- 14.2 We note that under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.
- 14.3 We will consider restrictions that apply to such premises in the current Licence conditions and codes of practice published on the Gambling Commission's website.

15 Betting Premises

- 15.1 We note that the Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing. This Section of our policy discusses off-course betting, that is betting that takes place other than at a track in what is currently known as a licensed betting office. Tracks are discussed in the following Section. It should be noted that there are also betting offices on tracks, that have a separate premises licence from the track licence.
- 15.2 It is noted that the Gambling Commission's Guidance for local authorities states, Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

- 15.3 It is noted that the Gambling Commission's Guidance for local authorities states S.235(2)(c) provides that a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events. Some betting premises may make available for use machines that accept bets on live events, such as a sporting event, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely replicate and automate the process that can be conducted in person, and therefore do not require regulation as gaming machines. S.181 of the Act contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). Part 19 of this Guidance provides further details.
- 15.4 This licensing authority will give sympathetic consideration to re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public

16 Tracks

- 16.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Tracks are different from other premises in that they may be subject to one or more Premises Licences, provided that each Licence relates to a specific area of the track.
- 16.2 This licensing authority will have particular regard to the protection of children and other vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. We would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
- 16.3 We are aware that tracks are different from other premises in that there may be more than one premises licence in effect, each covering a specified area of the track. In accordance with the Gambling Commission guidance, this authority will especially consider the impact of the third licensing objective.
- 16.4.1 The licensing authority notes the Commission's comments that it "may be considered that it is disproportionate and unnecessary to insist that betting rules are displayed at each distinct betting location; rather the rules should be made available at suitable central locations. The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which area of the track they are in" and that the requirement "could also be met by making a copy of the rules available in leaflet form from the main track office, and customers could be given a copy if they request one".

17. Travelling Fairs

- 17.1 We note that we as the licensing authority are required to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 17.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 17.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with other departments of the Council and its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

18. Provisional Statements

- 18.1 Section 204 of the Act provides for a person to make an application to the Authority for a Provisional Statement in respect of premises that s/he:
- Expects to be constructed;
 - Expects to be altered; or
 - Expects to acquire a right to occupy.
- 18.2 Developers may wish to apply for Provisional Statements before they enter into a contract to buy or lease property or land to judge whether or not a development is worth taking forward in light of the need to obtain a Premises Licence. It is also possible for an application for a Provisional Statement to be made for premises that already have a Premises Licence (either for a different type of gambling or for the same type).
- 18.3 This authority has noted the Gambling Commission's Guidance that "A licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

19. Reviews

- 19.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review, which is essentially a request by a third party to the licensing authority to review a particular licence.
- 19.2 Section 200 of the Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full-scale review being conducted, but the review itself, if necessary will be heard by elected members.
- 19.3 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out.

19.4 An application for a review may be (but need not be) rejected if the licensing authority thinks that the grounds on which the review is sought:

- (a) are not relevant to the principles that must be applied by the licensing authority in accordance with section 153.

If the application raises issues that are not relevant to the Commission guidance/codes of practice, this **policy statement**, or the licensing objectives, then we may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that we are required to permit the use of premises for gambling in so far as we think that permission is in accordance with the matters set out in that section.

Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;

- (b) the grounds are frivolous;
- (c) the grounds are vexatious;
- (d) the grounds “will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- (e) are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
- (f) are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances we will take into account the period of time that has passed since the representations were made, but the underlying requirement is that we should not review the licence on the basis of the same arguments considered on the grant of the premises licence.

PART C

20. Unlicensed Family Entertainment Centre gaming machine permits

- 20.1 Family entertainment centres (FECs) will perhaps be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons.
- 20.2 Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit. Permits cannot be issued to vessels or vehicles.
- 20.3 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use as required by Section 238.
- 20.4 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed FEC and, if the applicant is an individual, he must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.
- 20.5 The Gambling Act 2005 states that a licensing authority may prepare a **policy statement** that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 20.6 The Gambling Commission's Guidance for local authorities also states: "In their three year licensing statement of principles, licensing authorities should include a policy statement that they propose to apply when exercising their functions in considering applications for permits licensing authorities will want to give weight to child protection issues."
- 20.7 The Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities may also consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that employees are trained to have a full understanding of the maximum stakes and prizes. (24.7)
- 20.8 We note that a licensing authority can grant or refuse a licence but cannot attach conditions to this type of permit.
- 20.9 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

- 20.10 The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises

21. (Alcohol) Licensed premises gaming machine permits

- 21.1 There is provision in the Act for premises licensed under the Licensing Act 2003 for the sale of alcohol for consumption on the premises, that have a bar at which alcohol is served, without a requirement that alcohol is only served with food to automatically have 2 gaming machines, of categories C and/or D. Licence holders merely need to notify the licensing authority.
- 21.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 21.3 If a premises licence holder wishes to have more than 2 machines, then they need to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and *“such matters as they think relevant.”*
- 21.4 This licensing authority considers that “such matters” will be decided on a case by case individual basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult-only gaming machines.
- 21.5 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage on the machines or in the premises may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 21.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would normally need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.

- 21.7 It should be noted that we as the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to a permit.
- 21.8 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

22. Prize Gaming Permits

- 22.1 The Gambling Act 2005 states that a licensing authority may “prepare a **policy statement** that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 22.2 This licensing authority has prepared a **Policy statement** which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.
- 22.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 22.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are :
- The limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

23 Club Gaming and Club Machines Permits

- 23.1 Bona Fide Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.
- 23.2 The Club Gaming Permit will enable the premises to provide 3 gaming machines of categories B3A or B4 to D, equal chance gaming and games of chance.
- 23.3 The Act states: Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to bridge and whist.
- 23.4 A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 23.5 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 23.6 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).
- 23.7 The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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

24. Temporary Use Notices

- 24.1 Part 9 of the Act sets out the position in relation to temporary use notices. These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.
- 24.2 Regulations state that the only activities permitted under a TUN are the provision of facilities for any form of equal chance gaming where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner (this does not include providing such facilities in circumstances where any person participating in the gaming does so by means of a gaming machine).
- 24.3 In relation to premises we will apply the Gambling Commission Guidance which states:

“In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “a set of premises”, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different “sets of premises”, given that they may be occupied and controlled by different people. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.”

25. Occasional Use Notices:

- 25.1 We have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will, however, consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice. Provided that the Notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for counter-notices or objections to be submitted.

SCHEDULE OF CONSULTEES TO THIS DRAFT **POLICY STATEMENT**

- All Elected Councillors, Burnley Borough Council
- The Head of **Head of Streetscene**, Burnley Borough Council
- The Head of Legal Services, Burnley Borough Council
- The Environment and Licensing Manager, Burnley Borough Council
- The Gambling Commission Headquarters Policy Section
- The Gambling Commission Regional Inspector for Lancashire and Cumbria
- The Chief Constable, Lancashire Constabulary
- Lancashire Fire and Rescue Service Authority
- Lancashire Area Child Protection Committee, Lancashire County Council
Social Services Section
- H.M. Revenue & Customs
- Blackburn and Darwen Council
- Hyndburn Borough Council
- Ribble Valley Borough Council
- Rossendale Borough Council
- Pendle Borough Council
- Calderdale Borough Council
- British Amusement Catering Trade Association
- British Holiday & Home Parks Association
- Community Trade Union
- Association of British Bookmakers
- All persons who hold Betting Office and Bookmakers Permits in Burnley
- All persons who hold Bingo Licences or Bingo Certificates in Burnley
- Clubs and Institute Union
- Gaming Machine Suppliers who regularly apply for Gaming Permits in Burnley

- Representatives of Premises Licence Holders in Burnley
- Representatives of Club Premises Certificate holders in Burnley
- Lancashire County Council Trading Standards
- GamCare
- Responsibility in Gambling Trust
- Gam – Anon
- Residents Associations and Tenant Groups.

**SCHEDULE OF RESPONSIBLE AUTHORITIES
GAMBLING ACT 2005**

1. Burnley Borough Council Licensing Authority
First Floor Parker Lane Offices, Parker Lane, Burnley, BB11 2DT
2. The Gambling Commission, Victoria Square House, Victoria Square
Birmingham, B2 4BP
3. The Chief Constable, Lancashire Constabulary C/O Divisional Licensing
Unit, Burnley Police Station, Parker Lane, Burnley, BB11 2BT
4. Lancashire Fire and Rescue Authority C/O Fire Safety Department,
Burnley Community Fire Station, Ormerod Road, Burnley, BB10 3AA
5. Burnley Borough Council Planning Services, Parker Lane, Burnley, BB11
2DT
6. Burnley Borough Council Environmental Protection, Parker Lane,
Burnley, BB11 2DT
7. Lancashire Safeguarding Children Board, Room B52, PO Box 61,
County Hall, Preston, PR1 8RJ
8. H.M. Revenue and Customs, National Registration Unit (Betting &
Gaming) Portcullis House, 21 India Street, Glasgow, G2 4PZ

**SUMMARY OF THE DELEGATION OF POWERS UNDER THE
GAMBLING ACT 2005**

All to licensing committee except these to officers:

To undertake the following functions in relation to the Gambling Act 2005:

- To determine applications for premises licences where no representations received or representation have been withdrawn
- To determine applications for a variation to a licence where no representations received or representations have been withdrawn
- To determine applications for the transfer of licences where no representations have been received from the Commission or responsible authority
- To determine applications for provisional statements where no representations received or representation have been withdrawn
- To determine applications for club gaming/club machine permits where no representations have been made
- To determine applications for other permits
- To determine the cancellation of licensed premises gaming machine permits
- To determine requests for temporary use notices

HOUSEHOLD SUPPORT FUND PROPOSAL

REPORT TO EXECUTIVE



DATE	1st December 2021
PORTFOLIO	Finance/Health and Wellbeing
REPORT AUTHOR	Rob Dobson
TEL NO	3115
EMAIL	rdobson@burnley.gov.uk

PURPOSE

1. To propose a scheme for the household support fund.

RECOMMENDATION

2. That the priority for Burnley Council's allocation of Household Support funding is the reduction of fuel poverty in low-income households with school age children.
3. That the Head of Policy and Engagement is given delegated authority to finalise a delivery plan for the scheme agreed by the Executive, in consultation with the Head of Finance and Property and the Executive Member for Community and Environmental Services.

REASONS FOR RECOMMENDATION

4. The proposed scheme is targeted towards a clearly defined need and is manageable given the size of the allocation and the time available to deliver it.

SUMMARY OF KEY POINTS

5. Fund amount and overview of the scheme

- The county council has been granted £9.7million to be used by March 2022 to support vulnerable households. The county council is set to provide food vouchers during the school holidays at an anticipated cost of £1.77 million. £3 million is being allocated by the county council to district councils. Each district's proportion was calculated using the DWP's formula based on deprivation levels and population.
- The funding covers the period 6 October 2021 to 31 March 2022 inclusive. Burnley Council's allocation is £300,000, which we are expected to receive by mid-November.
- The Government's guidance states that, in addition to covering food costs, the fund can be used to help with energy and water bills. It can also be used to support households with wider essential costs.

- At least 50% of the funding must be allocated to vulnerable households with children.
- In exceptional cases of genuine emergency, it can also be used to support housing costs – this is strictly defined and does not include mortgage support.
- Delivery can be through a variety of routes including direct payments into personal bank accounts, providing vouchers to households, making direct provision of food, or issuing grants to third parties.
- The Government is asking councils to identify and provide support to a broad cross section of vulnerable households.
- In delivering proposals the council has a responsibility to take account of and manage the risk of fraud.
- The council can claim reasonable administration costs.
- Government has set strict reporting arrangements that need to be complied with.

6. Action on fuel poverty

- It is recommended that the council's scheme prioritises alleviation of fuel poverty this winter for the following reasons:
 - The county council will be using a share of the funding to provide food vouchers to children eligible for free school meals during school holidays, and existing covid budgets will be used by Burnley council to ensure that the food bank is well stocked up to the end of March 2022.
 - Existing budgets in the county council (the crisis support scheme) and Burnley Council's own Acorn fund, are available for household essentials such as beds and white goods. It is therefore proposed that these items do not form part of the main, open scheme. Instead, £10,000 from the allocation will be put aside for clients referred into the private sector housing and homelessness teams.
 - The latest data shows that 16.4% of the borough's households are fuel poor, compared to a Lancashire average of 13.7%.
 - UK energy prices have been predicted to rise by 30% in 2022.
 - By helping to reduce household fuel costs, recipients of the fund may choose to redirect this saving into other household needs.

7. The scheme

- There are 4,500 children in Burnley eligible for free school meals, so around 3,000 households.
- These households will apply online for support. However, the scheme will ensure that support is available to assist the digitally excluded to apply.
- Subject to confirmation of the number of eligible, it is proposed that these households will be offered £85. This will be paid directly into the household's energy account, or in the form of fuel vouchers where the household has a pre-paid meter.
- Though the scheme prioritises families, this is nevertheless a broad cross section of the local population. Older, vulnerable, residents can access the Government's warm home discount, winter fuel payment and cold weather payment, and £10,000 will be put aside for any household or individual with an emergency need. This part of the scheme will be managed by the council's housing team.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION
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8. There are no new budget implications arising from this report.

POLICY IMPLICATIONS

- 9. The Council will need to ensure fair access to the fund. Policy and Engagement will work with the CVS and other VCFS networks to get the word out.
- 10. Demand is expected to be high. Communications will be developed to manage applicants' expectation on decision timescales.

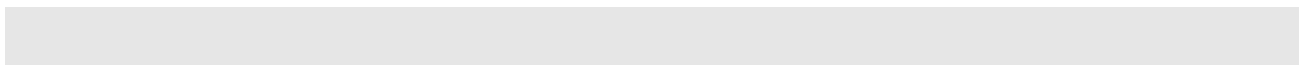
DETAILS OF CONSULTATION

11. Scrutiny Committee

BACKGROUND PAPERS

- 12. <https://council.lancashire.gov.uk/ielssueDetails.aspx?IId=106069&PlanId=0&Opt=3#AI85280>

FURTHER INFORMATION PLEASE CONTACT	Rob Dobson
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HOUSE IN MULTIPLE OCCUPATION AND SMALL FLATS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

REPORT TO THE EXECUTIVE



DATE	1st December 2021
PORTFOLIO	Economy and Growth
REPORT AUTHOR	Pete Milward
TEL NO	Ext 3296
EMAIL	pmilward@burnley.gov.uk

PURPOSE

1. The purpose of this report is to seek approval to undertake formal public consultation on a draft Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD).
2. The draft SPD (attached at Appendix A) has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

RECOMMENDATION

3.
 - (1) That Executive approve the draft House In Multiple Occupation and Small Flats SPD for public consultation for a seven week consultation period commencing in December 2021.
 - (2) That, up to the start of the consultation period, the Strategic Head of Economy and Growth be authorised by the Executive to make minor changes to the wording or layout of the draft SPD, providing that the changes do not materially change the meaning of the consultation document.

REASONS FOR RECOMMENDATION

4. To seek comments in accordance with the relevant regulations and commitments in the Council's Statement of Community Involvement (SCI).

SUMMARY OF KEY POINTS

Background

5. The focus of this SPD is proposals for Houses in Multiple Occupation and small flats (including studios and self-contained bedsits). Its particular focus is on conversions and changes of use rather than new build schemes as these are much less common in Burnley. The principles and guidance would still be relevant to new build schemes, but a wider range of considerations would also be relevant.
6. The SPD guidance is therefore limited to the following uses and 'use classes':
 - Conversion of a non-domestic building into a HMO (between 3 and 6 unrelated individuals – Use Class C4)
 - Change of use of a Use Class C3 dwellinghouse to shared housing occupied by more than 6 people (*Sui Generis* Larger HMO)
 - Change of use of an existing small HMO (Use Class C4) to a larger HMO (*Sui Generis*)
 - Change of use and conversion of non-domestic buildings and individual dwellinghouses to small flats (small one bedroomed flats, studios and self-contained bedsits (Use Class C3)
7. Whilst Burnley's Local Plan includes policies that are used to assess applications for new HMO's and small flats (where schemes require planning approval), the SPD provides more detail on these policies and how they apply to these types of developments. It has been prepared to assist property owners, planning applicants, planning officers and elected councillors in preparing, commenting on and determining planning applications.
8. There is no requirement for planning permission for the change of use of a dwelling house in Use Class C3 to a small HMO in Use Class C4. The Council may consider the need for an Article 4 Direction to help control this type of small HMO.

Early Consultation

9. During the preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, specifically those whose work relates to the issues within the document e.g. Housing, Development Management and Environmental Health who have assisted in the drafting of the document.

Strategic Environmental Assessment

10. SPDs no longer require Sustainability Appraisal (SA) but can require Strategic Environmental Assessment under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment ('the SEA Directive') and through UK legislation i.e. The Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').
11. Councils must carry out a screening process to determine whether relevant plans or programmes are likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, it must prepare a statement setting out the reasons for this determination. Before coming to a conclusion on this matter, the Council is required to consult with three specific consultation bodies namely: Historic England, Natural England and the Environment Agency. The three

bodies have confirmed their agreement with the Council's conclusion on this matter and the Council made a determination on 18th August 2021 that SEA is not required.

Proposed Consultation

12. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this to period to six weeks to allow more time for interested parties to respond. Consultation to take place starting in December and will be extended by a week to seven weeks to allow for the Christmas holidays.
13. Consultation on the draft SPD will include notification to all those required to be notified by legislation and all others on the Local Plan consultation database, together with advertisement on social media and the Council's website. The document will also be made available at the Contact Centre and main libraries.
14. A revised SPD will then be prepared taking into account the consultation responses received and will be presented to Executive for formal adoption in 2022.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

15. The work will be completed within existing officer resources and the costs associated with consultation and production will be met within existing budgets. As such there are no financial implications directly associated with this report.

POLICY IMPLICATIONS

16. House in Multiple Occupation and Small Flats SPD will be a material consideration when considering relevant applications.

DETAILS OF CONSULTATION

17. As set out in paragraph 9.

BACKGROUND PAPERS

18. None.

FURTHER INFORMATION

PLEASE CONTACT:

Pete Milward

ALSO:

Elizabeth Murphy

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Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD)

Consultation Draft: December 2021

Draft for Executive Approval: December 2021

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Contents

Contents	3
1. Introduction	5
2. Purpose and Scope of the SPD.....	5
Houses in Multiple Occupation (HMOs)	6
Small flats, Studios and Self-contained Bedsits	6
3. Policy Context	6
National Policy.....	6
Local Policy	7
4. What is a House in Multiple Occupation? (HMO)	8
The Housing Act	8
Planning Legislation.....	8
Article 4 Directions	9
5. How will applications for HMOs be considered?	11
Amenity of neighbours and local character.....	11
Cumulative Impact	11
Living conditions.....	12
Balance of HMOs within Burnley Town Centre	12
Flood Risk	13
Making a Planning Application	13
Licensing.....	13
6. Small Flats.....	15
Cumulative Impact	16
Acceptable Conditions for Future Users and Occupiers	16
Appendices	19
Appendix A – HMOs and the Housing Act (2004)	21
Standard test for HMOs.....	21
Self-contained flat test	21
Converted building test	22

HMO declarations	22
Converted houses – section 257 HMOs.....	23
Definition of a single household.....	23
Only or main residence	23
Exemption from HMO regulations	24
Appendix B – Burnley Council House in Multiple Occupation Standards	25
Space Standards	25
HMOs with kitchen facilities for the exclusive use of the occupants (Bedsits)	25
Usable Space	26
Washing Facilities and Toilets.....	26
Kitchens.....	27
Kitchen for Exclusive use: Bedsits:.....	29
Fire Safety	30
Fire Risk Assessment	30
Higher Risk Houses	33
The Management of HMO's	33
Definitions:	33
Occupiers of a HMO's:.....	35
Waste Disposal	36
Appendix C - National, Regional & Local Policies.....	37
National Planning Policy Guidance	37
Local Plan Policy	37

1. Introduction

- 1.1. This Supplementary Planning Document (SPD) has been prepared by Burnley Council as part of its planning policy framework.
- 1.2. It supplements the policies of the Burnley's Local Plan in relation to maintaining and achieving a balance of households within the Borough's neighbourhoods and ensuring that different housing needs are met whilst protecting the interests of residents, landlords and businesses. The text of the most relevant policies can be seen in Appendix C.
- 1.3. SPDs elaborate upon the policy and proposals in Local Plans, but do not have their formal statutory 'Development Plan' status. They are, however, material considerations in the consideration of relevant development proposals.
- 1.4. The SPD was adopted by the Council on *[to be inserted]*.

2. Purpose and Scope of the SPD

- 2.1. The focus of this SPD is proposals for Houses in Multiple Occupation and small flats (including studios and self-contained bedsits). Its particular focus is on conversions and changes of use rather than new build schemes as these are much less common in Burnley. The principles and guidance would still be relevant to new build schemes, but a wider range of considerations would also be relevant.
- 2.2. The SPD guidance is therefore limited to the following uses and 'use classes':
- Conversion of a non-domestic building into a HMO (between 3 and 6 unrelated individuals – Use Class C4)
 - Change of use of a Use Class C3 dwellinghouse to shared housing occupied by more than 6 people (*Sui Generis* Larger HMO)
 - Change of use of an existing small HMO (Use Class C4) to a larger HMO (*Sui Generis*)
 - Change of use and conversion of non-domestic buildings and individual dwellinghouses to small flats (small one bedroomed flats, studios and self-contained bedsits (Use Class C3))
- 2.3. Whilst it does not cover residential institutions (C2), where schemes provide a low level of care or support such that they remain in Class C3 or become *sui generis* (by virtue of being a mixed use or use outside any of the uses classes), the guidance on small flats will apply. It does not cover hostels (*sui generis*) or student halls of residence.
- 2.4. Whilst Burnley's Local Plan includes policies that are used to assess applications for new HMO's and small flats, where schemes require planning approval, this SPD provides more detail on these policies and how they apply to these types of developments. It has been prepared to assist property owners, planning applicants, planning officers and elected councillors in preparing, commenting on and determining planning applications

Houses in Multiple Occupation (HMOs)

2.5. Planning applications for HMOs have increased in the borough in recent years and concerns have been raised both over the concentration of these within certain locations and about the quality of accommodation they sometimes provide.

2.6. Whilst it is acknowledged that HMOs and the wider private rented sector play an important role in meeting housing needs, an increase in the number of HMOs generally and a concentration of these within particular locations, can have negative impacts.

2.7. The Local Plan seeks to provide a mix of housing types and tenures to meet the needs of all households, and an oversupply of HMOs can reduce the supply and affordability of homes for families to rent or to purchase their first home. HMOs can also have an adverse impact on the environment through parking problems and litter; and social impacts such as anti-social behaviour. In addition, the occupation of dwellings as HMOs by a higher number of adults compared to a typical family home, can place additional demands on services and infrastructure, for example increased waste generation and collection.

2.8. The concentration of HMOs in certain areas can also create issues; it can alter the character of neighbourhoods and adversely affect new and existing residents and businesses. These effects may arise from divisions between social groups and lack of interaction, high turnover of occupants, poor upkeep, parking issues and issues with refuse storage.

2.9. There are currently (December 2021) 31 licensed HMOs in the Borough.

Small flats, Studios and Self-contained Bedsits

2.10. There have been a significant number of planning applications for small flats over the last few years, mostly involving the change of use and conversion of former office buildings and individual dwellinghouses. In determining these applications, the Council is mindful of the overall mix of housing required to meet the borough's needs and also the quality of schemes, particularly in terms of internal space standards, external amenity space and car parking. Due to changes to permitted development rights introduced since 2013, a number of these schemes do not require planning permission or require 'light touch' prior notification process which only allows a limited number of factors to be addressed.

3. Policy Context

National Policy

3.1. National planning policy exists in the form of the National Planning Policy Framework (NPPF) and a small number of other policy documents and written ministerial statements, supported by a frequently updated online Practice Guidance covering a series of themes. It also exists in the provisions of the relevant Act of Parliaments, key sections of which are also described in Appendix A.

3.2. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. One of the three overarching objectives of the NPPF requires the planning system to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

3.3. Whilst there is no specific reference to HMOs within the NPPF, it sets out the Government's objective of "significantly boosting the supply of homes" and requires Councils to assess and reflect in their local plans, the number, size, type and tenure of housing needed for different groups in the community, including for those who require affordable housing, students, families, and people who rent their homes etc. The Practice Guidance echoes the content of the NPPF in that it does not provide specific advice on HMOs, however, it does provide guidance on planning for the housing needs of different groups.

3.4. Paragraph 119 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

3.5. Paragraph 126 of the NPPF states that; "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Local Policy

3.6. Current local policies can be found in Burnley's Local Plan which was adopted on 31st July 2018. Local Plans are prepared to be consistent with national policy.

3.7. Whilst the Local Plan does not contain any policies that specifically relate to HMOs, Local Plan Policy SP4 sets the development strategy for the Borough and supports new development within defined Development Boundaries where it is of an appropriate type and scale, bearing in mind the role of the settlement in the hierarchy, and where it satisfies a number overarching criteria including that : "it does not have an unacceptably detrimental impact on residential amenity or other existing land users."

3.8. Policy SP5 requires high standards of design, construction and sustainability through setting a number of minimum requirements to be addressed, including: respecting existing or locally characteristics street layouts, scale and massing; have respect for townscape setting and where appropriate, landscape setting; and, not result in unacceptable conditions for future users and occupiers of the development. Further criteria are included within the policy to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users and to provide adequate and carefully designed storage for bins and recycling containers.

3.9. Policy HS4 states that new housing developments should be high quality in their construction and design in accordance with Policy SP5 and sets out requirements a range of matters relating to all housing developments, including privacy, outlook, daylight; and for larger schemes, requirements for adaptable homes and public open space.

3.10. A wide range of other Local Plan policies would also be relevant to any schemes for HMOs or small flats depending on the particular type and location of the scheme in question, e.g. parking requirements (IC5) flood risk (CC4) and conservation areas and listed buildings (HE2).

4. What is a House in Multiple Occupation? (HMO)

4.1. Houses in Multiple Occupation (HMOs) are defined separately by housing and planning legislation. The definition of HMOs was originally set by the Housing Act 2004, with a definition of HMOs introduced to the Use Classes Order¹ for planning purposes in 2010.

The Housing Act

4.2. Under the Housing Act 2004², a building, or part of a building, is considered to be an HMO if it meets one of the three tests below. These are set out in more detail in Appendix A, along with further information from the Housing Act:

- It is occupied by more than one single household which shares facilities such as a toilet, bathroom or kitchen. This is known as the '**standard test**'; or,
- It is occupied by more than one single household within a converted building that does not entirely comprise self-contained flats (whether or not there is also a sharing or lack of amenities). This is known as the '**self-contained test**'; or,
- It is occupied by more than one single household within a property made up entirely of converted self-contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies. The '**converted building test**'.

4.3. A 'household' is defined within the Housing Act 2004 as an individual or members of the same family, partners or co-habiting couples and relatives.

4.4. The Act also defines types of living accommodation that are not HMOs³. These include, but are not limited to; properties occupied by the owner and up to two lodgers, higher education halls of residence or properties occupied by religious communities.

Planning Legislation

4.5. Planning legislation now defines two different types of HMO. Until 2010, HMOs were either included within the definition and use class of dwellinghouses (C3) or were *sui generis* i.e. not in any use class and always required planning permission.

Use Class C4 (i.e. small HMOs)

4.6. In 2010, changes to the General Permitted Development Order (GPDO)⁴ introduced a new Use Class, C4, covering the following uses:

- Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom

¹ Town and County Planning (Use Classes) Order 1987 (as amended).

² Section 254 of the Housing Act (2004)

³ See Schedule 14 of the Housing Act (2004)

⁴ The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

4.7. Care homes, children's homes, bail hostels and small religious communities are excluded from Use Class C4. Properties occupied by the owner and up to two lodgers are also excluded. Some of these uses are in Use Class C3, some in other Use Classes and some are *sui generis*.

4.8. Use Class C3 was amended accordingly to reflect this new C4 use class, and C3 use now consists of the following:

- Class C3a - Those living as a single household as defined by the 2004 Housing Act 2004 (basically a 'family' where there is no limit on the number of members of the household)
- Class C3b - Not more than six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- Class C3c - Not more than six people living together as a single household who do not fall within the C4 definition of a HMO (for example a small religious community, or homeowners with up to 2 lodgers)

4.9. Planning permission is required for the conversion of a non-domestic building into a Class C4 small HMO. Planning permission is not currently required to convert a Use Class C3 dwellinghouse into a Use Class C4 small HMO. That conversion can be done under Class L of the permitted development rights set out in the General Permitted Development Order (Paragraph A of Class L in Part 3 to Schedule 2).

Sui Generis (i.e. larger) HMOs

4.10. Larger HMOs are typically defined as having more than 6 unrelated people sharing amenities, and are not classified by the Use Classes Order. For planning purposes such HMOs are regarded as having a '*Sui Generis*' use (meaning that they do not fit comfortably into a standard use class).

4.11. The change of use of a non-domestic building, the change of use of a Use Class C3 dwellinghouse, and the change of use of a Class C4 small HMO to shared housing occupied by more than 6 people (a large *sui-generis* HMO) requires planning permission.

4.12. Existing large HMOs may require planning permission for the occupation of further residents if they have a previous planning permission that states the number of residents within the application description, or other restrictive condition.

Article 4 Directions

4.13. Article 4 Directions can be used by local planning authorities to remove permitted development rights in part or all of their area, thereby requiring planning permission for developments that would otherwise be permitted development.⁵ They area means by which local planning authorities can exert greater control over small HMOs (i.e. by requiring planning permission for the change of use of a dwelling house in Use Class C3 to a small HMO in Use Class C4).

⁵ There are currently two Article 4 Directions in Burnley which relate to the protection of visual amenity and the character and appearance of the countryside. Neither are related to HMOs
<https://www.burnley.gov.uk/residents/planning/permission-needed/applying-planning-permission-residential/when-are-permitted>

4.14. The NPPF (para. 53) requires the use of Article 4 Directions of this type to be limited to situations where it is “necessary to protect local amenity or the wellbeing of the area”; and in all cases, to “be based on robust evidence, and apply to the smallest geographical area possible’.

4.15. The Planning Practice Guidance “When is Permission Required?” similarly states that evidence is required to justify the purpose and extent of a Direction, to demonstrate that such action is needed to protect local amenity or well-being of the area. The PPG also requires the potential harm that the Article 4 direction is intended to address to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area (for example those covering a large proportion of or the entire area of a local planning authority).

4.16. Of course, the introduction of an Article 4 Direction does not mean that all planning applications for a change of use from a dwellinghouse to a Use Class C4 HMO should or will be refused. Rather, the Direction, in requiring the submission of a planning application, allows the impacts of the development to be considered.

4.17. The Council may consider the need for an Article 4 Direction to help control the increasing number of small HMOs.

5. How will applications for HMOs be considered?

5.1. The Local Plan includes a range of policies that may be relevant to specific HMO proposals, depending on their location and size, and these should be taken into account as appropriate.

5.2. Policies SP4, SP5 and HS4 in particular, include criteria which will be relevant to all HMO applications and the key factors that these policy clauses address and how schemes will be assessed in terms of meeting the requirements is explained below.

Amenity of neighbours and local character

5.3. In accordance with policy, new HMOs must not have an unacceptable detrimental impact on the amenity of neighbouring occupants or adjacent land users and ensure appropriate levels of privacy and outlook for adjacent residents. They should also retain the quality of the street scene and demonstrate high standards of design construction and sustainability.

5.4. The intensity of the use of the property by way of the increased number of occupiers and their associated impacts can be felt over a range of issues. The particular issues which will be taken into consideration include:

- Noise and disturbance;
- The adequacy and location of refuse, recycling and bicycle storage;
- The impact on the character of the building and the surrounding area;
- The impact on highway safety, car parking and congestion on the surrounding streets.

Policies SP4 2 c), Policy SP5 2 e), Policy SP5 2 g), Policy SP5 2 i), Policy IC3 2 and Policy IC3 3. These require that development proposals do not have an unacceptably detrimental impact on residential amenity or other existing land users, have respect for their townscape setting, ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, provide adequate and carefully designed storage for bins and recycling containers; and indicate that development will be expected to provide a minimum number of parking spaces per new dwelling depending on their type and location. Adequate provision for cycle parking will also be expected.

Cumulative Impact

5.5. It will be necessary to consider the cumulative impact that proposals will have on local character and amenity.

5.6. Where there is a high localised concentration or where a dwelling house would be sandwiched between HMOs, the impact on existing residents may be considered such that the application is refused.

5.7. In other instances, as referred to in para 2.8, the concentration of HMOs in certain areas can alter the character of neighbourhoods and adversely affect new and existing residents and businesses.

Policies SP4 2c), Policy SP5 2 e), Policy SP5 2 g) and Policy SP5 2 i) require that development proposals do not have an unacceptably detrimental impact on residential amenity or other existing land users, have respect for their townscape setting, ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users

Living conditions

5.8. In line with policy, new HMOs of all sizes should provide acceptable conditions for future occupiers of the development and appropriate levels of privacy and outlook and natural daylight and, where appropriate, access to outdoor amenity space. Some locations, such as those within town centres, may require alternative solutions, for example, considering the opportunity to access existing areas of outdoor space nearby. Noise transfer within the property should be addressed by layout and appropriate levels of noise insulation.

5.9. To ensure that proposals comply with policy, in particular clause 2 h) of SP5, the accommodation, internal layout, measurements of the HMO and associated access and storage should meet the standards⁶ within Appendix B of this SPD, or replacement standards adopted in the future by the Council, unless in exceptional circumstances an alternative approach can be justified to the Council's satisfaction. An example of the type of proposal where an alternative approach may be justified is one involving a heritage asset where the strict application of all of the requirements would harm the asset. However, the accommodation must be of a satisfactory standard and if this cannot be achieved without harm to the heritage asset, such schemes are likely to be refused.

5.10. Applications should include a full set of floor plans which identify whether rooms are single or double, and the layouts of furniture including sanitary ware.

5.11. Residential conversions to HMOs should be easily capable of conversion back into a single dwelling to provide accommodation for a single household.

Policy SP5 2 h) requires that development does not result in unacceptable conditions for future users and occupiers of the development. Policy HS4 2) requires private and functional outdoor space for occupants, adequate levels of daylight and appropriate levels of privacy and outlook for occupants.

Balance of HMOs within Burnley Town Centre

5.12. Changes to the balance of uses within Burnley Town Centre created by proposals for HMOs may have a detrimental impact on the vitality of the town centre. The Local Plan defines a Burnley Town Centre Boundary. Within the Town Centre Boundary there is a defined Primary Shopping Area⁷ which is made up of the town centre's primary and secondary frontages. The aim of identifying these areas is to maintain a critical mass of retailing uses. Policy TC3 sets out the level of non retail A1 units that will be allowed in primary and secondary frontages.

5.13. In the rest of the town centre (outwith the Primary Shopping Area) there is a greater degree of flexibility on uses. In accordance with Policy TC2, however, the Council will seek to refuse planning applications for residential uses (including HMOs) where the development would lead to a concentration of residential uses within the Burnley town centre which would undermine the overall mix of main town centre uses.

5.14. An unacceptable concentration would be considered to be present where:

- More than 10% of properties within a 100m radius of the area surrounding the application property are already in HMO use.

⁶ Burnley Borough Council's Standards for Houses in Multiple Occupation: October 2018
<https://www.burnley.gov.uk/residents/housing/private-rented-sector/house-multiple-occupation-hmos/burnleys-hmo-standards>

⁷ In Padiham the Primary Shopping Area is one and the same as the Town Centre Boundary. Within Padiham Town Centre residential uses, including HMOs will only be permitted on upper floors.

5.15. Exceptional circumstances may exist where the concentration of HMOs within the 100m radius is such that the retention of remaining buildings will have little effect on the balance and mix of properties/households. In these circumstances it is recognised that some owners or long-term residents, being in the significant minority, and wanting to leave the street, may struggle to sell their property for their continued use.

5.16. Evidence of marketing for a period of at least 6 months at a reasonable value, will be also be required to support such applications.

5.17. In September 2020 changes to the Town and Country Planning (Use Classes) Order 1987 (the 'UCO') came into effect and introduced a single 'Commercial, Business and Service' Class E which combined a number of the previous retail, office and non-residential institutions and assembly and leisure uses classes including shops, restaurants, offices, gyms and nurseries.

5.18. In 2021, an update was made to the General Permitted Development (England) Order 2015 (the 'GPDO') to allow (from August 2021) the change of use of these Class E properties of up to 1500m² to residential use subject to meeting all limitations and conditions set out, including 'Prior Approval'.

Policy TC2 8 b) requires that residential development in Burnley Town Centre outwith the Primary Shopping Area does not lead to a concentration of residential uses which undermines the overall mix of main town centre uses or c) prejudice the lawful operating conditions or viability of adjacent land uses

Flood Risk

5.19. A change of use to a HMO within Flood Zone 2 (medium) or 3 (high) may increase the risk to occupants, particularly where the proposals would involve the creation of sleeping accommodation on the ground floor. In line with Local Plan Policy CC4, the Council will seek to ensure that development does not result in increased flood risk and where necessary, that mitigation is included to protect occupiers.

Policy CC4 1) states that the Council will seek to ensure that new development does not result in increased flood risk from any source or other drainage problems, either in the development site or elsewhere

Making a Planning Application

5.20. Advice on how to make a planning application can be found on the Council's website or by seeking pre-application advice. Further information can be found using the following links:

Making a Planning Application

<https://www.burnley.gov.uk/residents/planning/development-control/how-make-application>

Pre-applications

<https://www.burnley.gov.uk/residents/planning/development-control/permission-needed>

Licensing

5.21. Licensing is a separate consenting regime. Under HMO licensing legislation a lack of planning permission is not a relevant factor when making a decision on whether to grant or refuse an HMO

licence. However, Government guidance 'Houses in Multiple Occupation and residential property licensing reform: Guidance for Local Housing Authorities'⁸ states that *"We actively encourage local authorities to ensure planning permission has been given before issuing a licence. Wherever possible we recommend processing consents in parallel, to resolve any issues as early as possible"*. Conversely, having planning permission in place (or not requiring it) does not mean you are licensed to operate an HMO and you may therefore need to apply for this separately.

5.22. Where the council becomes aware of an unauthorised HMO through licensing activity the council will consider whether it is expedient to take enforcement action.

5.23. A licence is required for HMOs in Burnley borough for rental properties that meet all the following criteria:

- There will be 5 or more unrelated people living in it
- There will be 2 or more separate households living there
- The tenants will share some amenities like the kitchen, toilet or bathroom.

5.24. The Council's website includes details about HMO licensing and the license application process:

<https://www.burnley.gov.uk/HMO>

⁸ Houses in Multiple Occupation and residential property licensing reform: Guidance for Local Housing Authorities' October 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925269/HMOs_and_residential_property_licensing_reforms_guidance.pdf

6. Small Flats

6.1. As set out in Section 2, this SPD focuses on small one bedroomed flats, studios and self-contained bedsits⁹.

6.2. The Local Plan sets out that providing a mix of new housing types across the Borough is essential. Policy HS3 details how proposals will be assessed and sets out indicative housing mix proportions based on evidence of need and demand from the Strategic Housing Market Assessment.

6.3. As part of the ongoing monitoring of the implementation of the Local Plan the Council is monitoring the number of planning permissions and completions relative to the indicative housing mix proportions. Should it become apparent that further provision of small flats for example would result in an unwelcome imbalance of house types and sizes when set against these proportions, this will be considered as part of the 'planning balance' when determining planning applications; along with a consideration of the individual impact of proposals.

6.4. A wide range of Local Plan policies would apply to any particular scheme depending on its scale and location and whether it is new build or conversion. Most of these considerations would apply similarly to schemes for large flats and houses. The purpose of this part of the SPD is to look at some of the issues that are specific to or highlighted with schemes for small flats and where additional guidance on the application of Local Plan policy is considered helpful. These include Policies SP4, SP5, HS4 and IC3. The criteria covered by these policies which this SPD intends to provide further guidance include the following:

SP4 2 c) - It does not have an unacceptably detrimental impact on residential amenity or other existing land users

SP5 2 g) - Ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking

SP5 2 e) - Have respect for their townscape setting and where appropriate, landscape setting

SP5 2 a) - Respect existing, or locally characteristic street layouts, scale and massing

SP5 2 h) - Not result in unacceptable conditions for future users and occupiers of the development

HS4 2 a) - be well laid out to ensure habitable rooms receive adequate levels of daylight

HS4 2 c) - provide appropriate levels of privacy and outlook for occupants

HS4 2 b) - Provide private and functional outdoor space for occupants. For flats and mews/courtyard developments, outdoor space may be shared

IC3 2 - For residential schemes, development will be expected to provide a minimum number of parking spaces per new dwelling depending on their type and location

IC3 3 – Adequate provision for cycle parking will also be expected.

⁹ For the purposes of this SPD a small flat will be a flat less than 39m²

6.5. These criteria are intended both to safeguard against unacceptable adverse impacts on existing residents, other land users, neighbourhoods and town centres; but also to ensure that the standard of accommodation provided for new residents is adequate and does not create problems amongst the new residents or physical and mental health problems for individual residents. In considering proposals against these policy criteria, the Council will take account of the following issues.

Cumulative Impact

6.6. When considering cumulative impacts, the impact of a proposals on townscape, neighbouring occupiers and adjacent users, the appropriate scale for the assessment will normally be the 'local neighbourhood' which has a similar function/activity to the street where development is proposed. For proposals in town centres cumulative impacts would also include a second level of assessment across the wider town centre.

Acceptable Conditions for Future Users and Occupiers

6.7. The internal layout and other aspects of proposed small flat developments should result in good quality living accommodation for residents. All proposed developments should adopt the following approaches as good practice:

Internal Layout

6.8. Currently, there are no minimum space standards prescribed for small flats in the Local Plan. Whilst future planning policies will consider the need to introduce standards to reflect the National Described Space Standards (NDSS), these are not currently included in the Local Plan. The Local Plan does however require schemes to provide acceptable conditions for future occupiers to be well laid out ensuring there is adequate daylight, privacy and outlook and as such these nationally described standards can provide a benchmark for assessing the adequacy of internal floor space.

6.9. Failure to meet these standards would not automatically be a reason for refusal of planning permission, however, a development which fails to meet them may be judged to not meet criteria SP5 2) h) and may give rise to other planning issues such as inadequate outlook and daylight or result in issues associated with the overdevelopment of sites.

Noise

6.10. As noted in the Council's Authority Monitoring Report, a significant proportion of complaints received by the Council's Environmental Health team concern domestic noise.

6.11. To reduce noise transfer problems both within and between dwellings, care should be taken with which rooms are beside, above or below each other. Halls, corridors and storage space can be used to absorb sound and act as buffers against sound transmission between and within dwellings.

- In order to minimise noise nuisance between dwellings, rooms with a similar use should be placed next to and above one another (stacking) wherever possible to avoid living and sleeping spaces sharing common walls, floors and ceilings
- Non-habitable rooms such as hallways or storage space should be used as noise buffers between or within dwellings wherever possible
- Building and dwelling layouts should be planned to limit the transmission of airborne and impact sound from common areas

Waste (Refuse and Recycling) Storage

6.12. Waste generation levels are likely to be higher for schemes involving small flats in comparison to a lower number of larger flats or single dwelling houses.

6.13. The design and layout of developments must therefore be carefully considered to ensure that there are adequate facilities for waste storage both internally and externally, and for collection. Schemes that do not provide for adequate and appropriately screened storage will not be supported.

6.14. The majority of properties in the Borough can have up to three bins: a recycling bin; a garden waste bin and a non-recyclable bin. Plans for the provision of storage areas should therefore take account of these storage requirements.

6.15. In order to ensure that adequate provision is made for waste, the following information must be provided:

- Proposed floor plans to show the location of an internal waste storage area to be used prior to removal to an external storage area. The internal storage area must be sited so not to be a danger to children, or cause problems with hygiene and attract pests. Refuse bins must not be stored on escape routes.
- Proposed site plan and elevations to show the location, size and design of an external waste storage area to be used for the storage of waste and recycling bins. The plans should show the route (and distance) from the external storage area to the collection point.

6.16. The waste storage area must be in a suitable location within the curtilage of the property, sited to be accessible to all residents with a clear route available from it to the public highway in order to facilitate collection. The storage area must be sensitively sited so to be adequately ventilated, capable of being cleansed and avoid any loss of amenity to neighbouring residents or harm to the wider streetscene.

Highway safety and parking, including cycle storage

6.17. Developments for small flats can place additional pressure on car parking within the local area due to higher densities of adults residing at the site. In considering proposals the Council will apply the adopted car parking standards set out in Policy IC3 and Appendix of 9 of Burnley's Local Plan.

6.18. Development will be expected to provide a number of parking spaces per dwelling depending on their type and location.

6.19. The existing and proposed site plan must identify car parking arrangements (where appropriate). Off and on street parking should be carefully designed, safe and appropriate for the streetscene. Car parking provision that would have a significant adverse impact on the character of an area will be resisted.

6.20. Adequate provision must be made for convenient and secure cycle storage within the on the basis of the standards set out in Appendix 9 of Burnley's Local Plan. Adequate space should be provided within the curtilage of the property or within a convenient and secure communal space.

6.21. The cycle storage area must be accessible to all residents with a clear route available from it to the public highway.

6.22. In order to ensure that adequate provision is made for cycle storage, the submitted site plan must show the location and size of the cycle storage area and elevations must be provided of the store

design. The store must be sensitively designed and sited so to avoid any loss of amenity to neighbouring residents or the wider streetscene.

Amenity Space

6.23. Separate to external waste storage and cycle parking requirements, the submitted site plan must also identify the location of an external private or communal area for clothes drying and amenity space for residents. The suitability of the external area to accommodate all requirements will be assessed on a case-by-case basis.

Appendices

Appendix A – HMOs and the Housing Act (2004)

A1.1 The Housing Act 2004 clarifies the definition of a house in multiple occupation (HMO), replacing the definition under the Housing Act 1985. The definition of an HMO is found in Part 7 of the 2004 Act.¹⁰

A1.2 To be defined as an HMO, a building, or part thereof, must fall within one of the following categories:

- a building or flat in which two or more households share a basic amenity, such as bathroom, toilet or cooking facilities: this is known as the 'standard test' or the 'self-contained flat test'
- a building that has been converted and does not entirely comprise of self-contained flats: this is known as the 'converted building test'
- a building that is declared an HMO by the local authority
- a converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied: this is known as a section 257 HMO

A1.3 These tests are explained in detail below.

Standard test for HMOs

A1.4 A building is an HMO under the standard test if the:¹¹

- occupants share one or more of the basic amenities (defined as a toilet, personal washing facilities and cooking facilities) or the accommodation lacks one or more of these amenities
- building does not entirely consist of self-contained flats (it may, however, comprise some self-contained units)
- building is occupied by at least three people who constitute more than one household
- building is the occupants' main residence (or should be treated as such)
- occupation constitutes the only use of the accommodation, and
- rents are payable, or some other form of consideration, for at least one person's occupation

A1.5 This test applies to the most common type of HMO. It applies to shared houses (shared by more than one household such as students) and purpose-built bedsit accommodation. It may also apply to a hostel if the accommodation does not entirely comprise of self-contained units.

Self-contained flat test

A1.6 The criteria to meet the self-contained flat test are the same as the standard test, except that they apply to an individual flat that is in multiple occupation.¹²

¹⁰ s.254 Housing Act 2004.

¹¹ s.254(2) and para 7, Sch. 14 Housing Act 2004

¹² s.254(2) and (3) Housing Act 2004.

A1.7 A unit of accommodation is self contained if it is a separate set of premises, and all three basic amenities are available for the exclusive use of its occupants.¹³

A1.8 If a building comprises both self-contained and non-self-contained accommodation and there is some sharing of facilities, then the standard test applies.

Converted building test

A1.9 The converted building test is met where:¹⁴

- a building or part of a building consists of living accommodation and has been converted, where one or more of the units of accommodation have been created since the building was originally constructed
- it contains at least one unit of accommodation that is not a self-contained flat (there may be some self-contained flats)
- the accommodation is occupied by three or more persons who do not form a single household
- the accommodation is the occupants' main or only residence (or should be treated as such)
- occupation as living accommodation constitutes the only use of that accommodation
- rents are payable

A1.10 This test would apply, for example, in the case of a house converted to bedsits, where bathrooms and/or toilets are shared.

HMO declarations

A1.11 The local authority can make a declaration that a house is in multiple occupation where it is satisfied that the premises meets one of the three tests above and the occupation of the living accommodation (by more than one household) constitutes a 'significant use',¹⁵ rather than 'sole use', of the property.¹⁶

A1.12 An HMO declaration makes it clear that the building shall be regarded as an HMO for the purposes of the Act. The declaration could be used where a hotel taking short-term guests is also providing accommodation for homeless people.

A1.13 The local authority must serve a notice that the building has been declared an HMO on each relevant person (any person with an interest in the building, or who manages or has control of the building, but not a tenant) within seven days of making the decision.¹⁷

A1.14 The notice comes into force after 28 days, which is the period for appeal to the First-tier Tribunal (Property Chamber).¹⁸ If there is an appeal, the notice only comes into effect once it has been

¹³ s.254(8) Housing Act 2004.

¹⁴ s.254(4) Housing Act 2004.

¹⁵ s.260 Housing Act 2004.

¹⁶ s.255 Housing Act 2004; Herefordshire Council v Rohde [2016] UKUT 39 (LC).

¹⁷ s.255(4) Housing Act 2004.

¹⁸ Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 SI 2013/1169; the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2013 SI 2013/1187.

confirmed by the Tribunal and the time for appeal against that decision has elapsed (normally 28 days) or the Upper Tribunal confirms the notice.

A1.15 The local authority may revoke the declaration at any time on its own initiative or on application by a relevant person, where the building no longer meets any of the HMO tests. If the local authority refuses an application to revoke an HMO declaration, this decision can be appealed to the First-tier Tribunal (Property Chamber) within 28 days.

Converted houses – section 257 HMOs

A1.16 Section 257 of the Housing Act 2004 applies to whole converted properties rather than individual dwellings and describes a HMO as a building:¹⁹

- which has been converted into and consists of self-contained flats
- where the conversion work did not comply with the appropriate building standards and still does not
- where less than two-thirds of the flats are owner-occupied

A1.17 The appropriate building standards are those required by the Building Regulations 1991 or 2000 (whichever were in force at the time of the conversion).

A1.18 Owner-occupiers are those with a lease of more than 21 years or who own the freehold in the converted block of flats, or a member of the household of the person who is the owner.

Definition of a single household

A1.19 A building is considered an HMO if it is occupied by more than one household. The Housing Act 2004 defines a single household as:²⁰

- a family, for example a couple (whether married or not and including same-sex couples) or persons related to one another
- an employer and certain specified domestic employees
- a carer and the person receiving care
- a foster parent and foster child

Only or main residence

A1.20 To be an HMO the accommodation has to be used by persons as their only or main residence. It is usually apparent if this is the case, but secondary legislation specifies certain situations where the nature of occupation is less clear cut. These include:²¹

- a residence for the purpose of undertaking full-time further or higher education
- a refuge, that is a building or part of a building used by a voluntary organisation for temporary accommodation for people who have left their home as the result of domestic violence

¹⁹ s.257 Housing Act 2004; *Hastings BC v Turner* [2020] UKUT 184 (LC).

²⁰ s.258 Housing Act 2004.

²¹ s.259 Housing Act 2004; reg 5 Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI 2006/373.

- occupation by migrant or seasonal workers where the employer or agent provides the accommodation
- occupation by asylum seekers and their dependents, where the accommodation has been provided under section 95 of the Immigration and Asylum Act 1999 and the accommodation is provided by a private landlord under contract to or on behalf of UKVI

A1.21 A hostel or night shelter providing accommodation to homeless people may be an HMO because, even if the accommodation is overnight, it is the occupants' only residence. Rent (or consideration) must be paid for the HMO definition to apply.

Exemption from HMO regulations

A1.22 Certain buildings that meet the criteria to be defined as an HMO under the Housing Act 2004 are exempt from the licensing provisions and the management regulations.

A1.23 This comprises buildings that are:²²

- managed or controlled by private registered providers of social housing, a co-operative society, local authorities and other specified public sector bodies
- buildings regulated under other legislation, for example boarding schools, prisons, accommodation centres for asylum seekers and care homes
- occupied by religious communities, unless they are section 257 HMOs
- halls of residence (or other accommodation occupied by students) that are managed or controlled by one of the educational establishments listed in the regulations
- only occupied by an owner/occupier, members of their household and no more than two tenants or licensees. This exemption does not apply to section 257 HMOs
- only occupied by two people who form two households
- properties subject to a temporary exemption notice or an interim management order

²² Sch. 14 Housing Act 2004, as amended.

Appendix B – Burnley Council House in Multiple Occupation Standards

Space Standards

B.1 Houses in Multiple Occupation should meet the following space standards as the minimum requirements.

Table 1 – Space Standards

Minimum Bedroom Size	Total Number of People in HMO	Minimum Kitchen Size	Living / Dining Room Size
Occupant 6.51m ² Or Occupants 11m ²	3 to 5 people	7m ²	11m ²
	6 to 10 people	10m ²	16.5m ²
	11 to 15 people	13.5m ²	21.5m ²
	16+ people	16.5m ²	25m ²
Occupant 10m ² Or Occupants 15m ²	3-5 people	7m ²	No additional communal living space required
	6-10 people	10m ²	
	11 to 15 people	13.5m ²	
	16+ people	16.5m ²	

B.2 The kitchen or living room should be within one floor distance from an occupants bedroom.

HMOs with kitchen facilities for the exclusive use of the occupants (Bedsits)

B.3 A bedsit is where sleeping, living and cooking facilities are provided for exclusive use by the occupants within a single unit of accommodation (e.g. one room). It can be occupied by a maximum of two persons.

B.4 A 1 person bedroom, sitting room and kitchen must be a minimum of 13m². A 2 person bedroom, sitting room and kitchen must be a minimum of 20.5m².

Usable Space

B.5 The measured space in any room must be 'usable space'. The room should be able to accommodate the required amount of appropriate furniture easily and still allow space for movement about the room.

B.6 Any floor space that has a ceiling height of less than 1.5m shall be disregarded for the purpose of measuring the total usable space in the room.

B.7 All habitable rooms, kitchens, bathrooms and toilets shall have a minimum floor to ceiling height of 2.3m, except in the case of basements which shall have a minimum height of 2.14m.

Washing Facilities and Toilets

B.8 Where there are five or more occupiers sharing bathing and toilet facilities there must be at least one separate toilet and wash hand basin with appropriate splash back and at least one bathroom with a fixed bath or shower and toilet.

B.9 The bathrooms or shower rooms and toilets shall be readily accessible and normally not more than one floor away from the user. Shared facilities shall be accessible from a common area. Facilities must be inside the building.

B.10 Bathrooms and shower rooms must be of adequate size and be laid out in such a way as to enable persons to undress, dry and dress themselves in a safe manner.

B.11 Each bath, shower and wash hand basin shall be provided a continuous and adequate supply of hot and cold running water, designed to ensure reasonable temperature control.

B.12 Bathrooms and shower rooms must have adequate lighting, heating and ventilation. Bathrooms, shower rooms and toilets must be fit for the purpose.

B.13 The splash back to a wash hand basin or bath shall be a minimum 300mm high and extend to at least at least equal to the width of the wash hand basin and all joints shall be adequately sealed.

B.14 In the case of a shower whether in it's own compartment or over a bath, the splash-back shall be a minimum 150mm above the height of the shower head and up to the edge of a fixed shower screen (the shower screen must meet current British Standards). Where a shower curtain is used the splash-back should extend 300mm beyond the shower curtain to ensure it is waterproof.

B.15 The walls and ceilings in the bathroom, shower room and toilet should be smooth, impervious, which can be easily cleaned. The flooring should be capable of being easily cleaned and slip- resistant.

B.16 Bathrooms, shower rooms and toilets must be constructed to ensure privacy.

B.17 Any toilet provided in a separate compartment must have a wash hand basin with an appropriate splash back as detailed above.

B.18 The table below explains the sharing ratios for bathrooms and toilets.

Table 2 – Number of Bathroom/Showers and Toilet Facilities

Number of Occupants	Facilities Required
1 to 4 people	1 bathroom containing a bath or shower, toilet with a wash hand basin (the toilet with wash hand basin may be situated in a separate room).
5 people	1 bathroom containing a bath or shower, toilet with a wash hand basin. 1 separate toilet with wash hand basin.
6 to 9 people	2 bathrooms containing a bath or shower, toilet with wash hand basin.
10 people	2 bathrooms containing a bath or shower 2 toilets with wash hand basin, one of which must be in a separate room.
11 to 14 people	3 bathrooms containing a bath or shower, toilet with wash hand basin.
Bedrooms with en-suites	Where a bedroom is provided with a complete en-suite facility (bath/shower, toilet and wash hand basin) for the exclusive use of that occupant, then that occupant will be disregarded when considering the provision of washing facilities for the shared facilities in the remainder of the dwelling.

Kitchens

B.19 A kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food.

B.20 The kitchen must be equipped with the following equipment (see Appendix 1 for further information), which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:

- Sinks with draining boards
- An adequate supply of cold and constant hot water to each sink supplied
- Installations or equipment for the cooking of food
- Electrical sockets
- Worktops for the preparation of food
- Cupboards for the storage of food or kitchen and cooking utensils
- Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers)
- Appropriate waste disposal facilities; and
- Appropriate extractor fans, fire blankets and fire doors.

B.21 The kitchen layout must be safe, convenient and allow good hygiene practices.

B.22 Cookers should be located away from doorways and have enough floor space for items to be safely retrieved from the oven

B.23 If two sets of facilities are provided the layout must allow them both to be used safely at the same time. No more than two sets of facilities shall be provided in any one kitchen.

Table 3 – Kitchen Facilities for Shared Use

Number of Occupants	Minimum Provision of Kitchen Facilities
3 to 5 people	<p>A complete set of kitchen facilities consisting of the following items must be provided for every five persons:</p> <p>Sink:</p> <p>A stainless steel sink, integral drainer and a tiled splash-back, on a base unit. A minimum of 300mm high should be provided to the sink and draining board, and all joints shall be adequately sealed.</p> <p>The sink must have constant supplies of hot and cold running water and be properly connected to the drains. The cold water must come directly from the rising water main. It must be possible to stand directly in front of the cooker and sink and to place utensils down on both sides of each.</p> <p>Cooker:</p> <p>A gas or electric cooker with four ring burners, oven and grill, that are capable of simultaneous use. The cooker is to be located away from doorways.</p> <p>Electrical Sockets:</p> <p>At least two double 13amp electrical power points (in addition to those used for fixed appliances, such as washing machines).</p> <p>Worktop:</p> <p>A kitchen worktop that is level, secure and impervious. The minimum dimensions are 1500mm length for 3 occupants plus 500mm per additional person.</p> <p>Storage:</p> <p>A food storage cupboard for each occupant that is at least one 500mm wide base unit or wall unit. The space in the unit beneath the sink and drainer is not allowable for food storage.</p> <p>Fridge/Freezer:</p> <p>A refrigerator with adequate freezer space. If not in the kitchen the fridge/freezer must be freely accessible and adjoining the kitchen.</p> <p>Waste Disposal:</p> <p>Appropriate waste disposal facilities must be provided</p> <p>Ventilation:</p> <p>At a minimum the window opener should be easily accessible to open and close to provide ventilation. Ideally, mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second, or 30 litres/second if the fan is sited within 300mm of the centre of the hob.</p>

6 to 7 people	A combination microwave is acceptable as a second cooker. A dishwasher is acceptable as a second sink. A refrigerator and a separate freezer.
8 to 10 people	Two complete sets of kitchen facilities as above.

B.24 Where the landlord provides a catering service the facilities must comply with the Food Hygiene (England) Regulations 2006. In addition, some self-catering facilities will need to be provided and the level of facilities required will be determined on a case-by-case basis, taking into account the level of provision by the landlord. Please contact Burnley Council for further advice.

Kitchen for Exclusive use: Bedsits:

B.25 A bedsit is where sleeping, living and cooking amenities are provided for exclusive use by occupants within a single unit of accommodation (i.e. one room).

Table 4 – Kitchen Facilities for Exclusive use: Bedsits

Minimum Provision of Kitchen Facilities for Exclusive use: Bedsits
<p>Cooking: A gas or electric cooker with a minimum two-ring hob, oven and grill.</p> <p>Storage: A food storage cupboard for each occupant that is at least one 500mm wide base unit or wall unit. The space in the unit beneath the sink and drainer is not allowable for food storage.</p> <p>Preparation: A kitchen worktop that is level, secure and impervious. The minimum dimensions are 500mm width and 1000mm length.</p> <p>Electricity: Two double 13 amp power sockets suitably positioned at worktop height for use by portable appliances, in addition to sockets used by fixed kitchen appliances, plus two double sockets located elsewhere within the bedsit.</p> <p>Washing: A stainless steel sink and integral drainer set on a base unit with constant supplies of hot and cold running water. The sink shall be properly connected to the drainage system. The cold water shall be direct from the mains supply. A tiled splash-back shall be provided behind the sink and drainer.</p> <p>Ventilation: At a minimum the window opener should be easily accessible to open and close to provide ventilation. Ideally, mechanical ventilation to the outside air at a minimum extraction rate of 60 litres/second, or 30 litres/second if the fan is sited within 300mm of the centre of the hob.</p> <p>Layout: The same principles of safe layout and design apply in bedsits as for shared kitchens. Cookers must not be located near doorways to avoid collisions.</p>

Fire Safety

B.26 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 require appropriate fire precaution facilities and equipment must be provided of such type, number and location as considered necessary.

B.27 The Regulatory Reform Order (Fire Safety) 2005 requires all HMOs to have a sufficient risk assessment with regard to fire. The Council will usually complete joint property inspections of licensed HMOs with the Lancashire Fire and Rescue Service.

B.28 The Management Regulations require fire fighting equipment and fire alarms to be maintained in good working order.

B.29 Fire Safety guidance about fire safety provisions for certain types of existing housing is published by LACORS. This document contains advice for landlords and fire safety enforcement officers in both local housing authorities and fire and rescue authorities on how to ensure adequate fire safety.

B.30 The information in Table 5 below is summarised from the Lacors Fire Safety Guidance document and provided to help landlords understand their responsibilities and the fire safety precautions judged necessary for HMOs.

Fire Risk Assessment

B.31 A Fire Risk Assessment is required. A Fire Risk Assessment is an organised and methodical look at the premises, the activities carried on there and the likelihood that a fire could start and cause harm to those in and around the premises. The aims of a Fire Risk Assessment are:

- to identify fire hazards;
- to reduce the risk of those hazards causing harm to as low as reasonably practicable; and
- to decide what physical fire precautions and management arrangements are necessary to ensure the safety of people in the premises if a fire does start.

B.32 For all medium/large HMO's it is recommended that a professional fire risk assessment is completed.

B.33 Further useful information for landlords and agents about fire risk assessments, including a link to find a risk assessor, is available on the Lancashire Fire and Rescue Service website at: <http://www.lancsbusinessplus.org.uk/>

B.34 The following table provides examples based on typical properties that do not present a high risk.

Table 5 – Fire Safety

		Number of Storeys		
Area	Items	1 or 2	3	4+
Fire Doors	Doors to kitchens must be 30 minute fire doors with combination heat and smoke seal intumescent strips	✓	✓	✓
	Bedroom doors must be 30 minute fire doors with combination heat and smoke seal intumescent strips	✓	✓	✓
	Doors to any cellars must be 30 minute fire doors with combination heat and smoke seal intumescent strips. Note - Self closer devices should be fitted to all 30 minute fire doors.	✓	✓	✓
Fire Alarm System	Grade A* fire alarm system with smoke detectors in escape route at all levels, heat alarm in the kitchen , incorporate manual call points.	✗	✗	✓
	Grade D* fire alarm system with smoke detectors in escape route at all levels and heat alarm in the kitchen	✓	✓	✗
	Additional interlinked smoke alarms to bedrooms	✓	✓	✓
	Additional interlinked smoke alarms in any cellar *Note – For further information about Grades of fire alarm system – see LACORS Housing- Fire Safety guidance.	✓	✓	✓
Fire Fighting Equipment	Fire blanket in kitchen	✓	✓	✓
Locks on Doors	Final exit doors must have a security lock that can be opened from the inside without a key.	✓	✓	✓
	Locks on bedroom doors must be provided with a lock that can be opened without a key from the inside.	✓	✓	✓

Protected Escape Route	30 minute protected escape route. **	✓	✓	✓
	Walls and floors should be of sound, traditional construction;	✓	✓	✓
	Escape windows in each bedroom as an alternative escape route.	✓	✗	✗
	**the staircase enclosure should be of sound, conventional construction throughout the route, and the stairs should be 30 minutes fire resisting.			
Lighting of Escape Routes	Conventional artificial lighting	✓	✓	✓
	Emergency lighting Note – Emergency escape lighting required only if route is complex or where there is no effective borrowed light.	✗	✓	✓
Signage	Signage along escape routes	✗	✗	✓
	Note – Fire exit signage along escape route if the escape route is complex.			

B.35 Although the table above can't detail an exhaustive list of requirements it shows what the necessary requirements may include.

B.36 Fire safety signs/fire exit signs should be considered as part of the fire risk assessment and be fitted along the escape route if the escape route is complex.

B.37 Landlords are required to test and maintain fire alarm and emergency lighting systems in accordance with the British Standards.

Grade A fire alarm systems should be tested weekly. The system must be inspected and serviced at periods not exceeding six months in accordance with the recommendations of Clause 45 of BS 5839-1:2017. An inspection and servicing certificate of the type contained in H.6 of BS 5839-1:2013 should be issued by a suitably qualified and competent person.

Emergency lighting systems should be tested regularly/a minimum of monthly – self certified by landlords, and a full system test and service must be completed annually by a competent person in line with BS5266.

Grade D fire alarm systems should be tested at reasonable intervals/a minimum of 3 monthly. Testing and maintenance must be in accordance with the manufacturer's instructions. Landlords can self-certify this has been completed.

Higher Risk Houses

B.38 If the property is of a non-standard layout or if the occupants present a higher risk due to factors such as drug/alcohol dependency or limited mobility then the risk may increase and additional precautions may need to be taken. This must be factored into your Fire Risk Assessment.

B.39 An example of a non-typical layout is 'inner rooms' where the bedroom is located such that the occupant passes through risk rooms (living rooms, kitchens or dining rooms) in order to reach the means of escape. There are various solutions available such as escape windows or water suppression systems; these should be discussed with a case officer before undertaking works.

The Management of HMO's

B.40 The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to all HMOs (except those consisting entirely of self-contained flats) whether they require a licence or not. These regulations cover the manager's and occupiers responsibilities to maintain the property in a clean and safe condition

B.41 Anyone failing to comply with any part of the regulations is committing an offence and could be prosecuted by the Council.

B.42 For HMOs consisting of self-contained flats, then The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply.

Definitions:

B.43 The regulations refer to 'the manager' of an HMO. This is the person managing the HMO. It may be the landlord, manager or agent.

B.44 A 'household' is the individual or family occupying the property. For a shared house (eg of students) each person would be considered as a 'household' for the purposes of the Regulations.

B.45 'Common parts' are all the areas both inside and outside the property used by more than one household.

B.46 'Living accommodation' is the room(s) let to a household for their personal use.

B.47 The Manager of a HMO Must:

Provide Information to Occupiers	<ul style="list-style-type: none"> ✓ Make each occupier aware of his name, address and contact telephone number ✓ Display these details in a prominent position in the property (usually in a common area of the HMO)
Duty to Take Safety Measures	<ul style="list-style-type: none"> ✓ Maintain means of escape from fire in a safe condition and keep them free from obstruction. ✓ Maintain any fire-fighting equipment and alarms in good working order. ✓ Ensure that all notices indicating the fire escape route are displayed in positions which enable them to be clearly seen by

	<p>occupants (<i>this does not apply where the HMO has four or fewer occupiers</i>)</p> <ul style="list-style-type: none"> ✓ Take steps to protect occupiers from injury having regard to: <ul style="list-style-type: none"> ○ The design of the HMO ○ The structural conditions in the HMO ○ The number of occupiers in the HMO. ○ Making sure any balconies or roofs accessible from the property are safe. ○ Fitting bars or other safeguards to openable windows on the first floor or higher which have a low sill to prevent the window being opened so far that an occupier could fall.
Maintain Water Supply and Drainage	<ul style="list-style-type: none"> ✓ Keep the water supply and drainage system in good working condition, ensuring:- <ul style="list-style-type: none"> ○ Any water storage tank is provided with a suitable cover. ○ Water fittings liable to frost damage should be protected. ✓ The manager must not unreasonably cause or permit the water or drainage supply to be interrupted.
Supply and Maintain Gas and Electricity	<ul style="list-style-type: none"> ✓ Ensure that gas and electricity supplies are maintained in a safe condition. ✓ The manager must not unreasonably cause the gas or electricity supply to be interrupted. ✓ If the Council make a request in writing, provide a copy of the latest gas appliance test certificate within 7 days. ✓ Arrange to have every fixed electrical installation inspected and tested (by a person qualified to do this) every 5 years as a minimum, and obtain a certificate to show the results. If the Council make a request in writing, provide a copy of the latest test certificate within 7 days. ✓ If you provide portable electrical appliances, you will need to supply a PAT test certificate.
Maintain Common Parts, Fixtures, Fittings and Appliances	<ul style="list-style-type: none"> ✓ Keep all common parts: <ul style="list-style-type: none"> ○ In good and clean decorative repair ○ In safe and working condition ○ Prevent the obstruction of these areas. ✓ Make sure all handrails and banisters are in good repair (and provide additional rails or banisters if necessary); stair coverings must be secure and in good condition. ✓ Make sure all windows or other means of ventilation are in good repair.

	<ul style="list-style-type: none"> ✓ Provide adequate light fittings, available for use at all times. ✓ Maintain fixtures, fittings or appliances in good working order. (This does not apply to anything brought in by an occupier). ✓ Keep outbuildings, yards, forecourts maintained in repair, clean condition and good order. ✓ Keep gardens safe and tidy ✓ Keep boundary walls fences and railings etc in good condition and safe. ✓ Make sure any parts of the property which are not in use are also kept clean and free from obstruction including refuse and litter.
Maintain Living Accommodation	<ul style="list-style-type: none"> ○ Make sure that living accommodation and any furniture supplied with it are clean at the beginning of a person's occupation. ○ Keep in good repair and maintained (this does not apply to anything brought in by the occupier): ○ The internal structure ○ Any fixtures, fittings and appliances within each area of living accommodation ○ Every window and other means of ventilation.
Provide Waste Disposal Facilities	<ul style="list-style-type: none"> ✓ Ensure that sufficient bins are provided for occupiers to store refuse and make arrangements for the disposal of refuse having regard to the service provided by the Council.

Occupiers of a HMO's:

B.48 The Regulations also place a number of duties upon the occupiers/tenants of an HMO. These duties include:

1. Do nothing to hinder the manager in carrying out his duties.
2. Allow the manager, or someone acting on his behalf, to enter at all reasonable times. (before entering for anything other than an emergency the manager must give 24 hours notice).
3. Provide information the manager may need to carry out his duties.
4. Take care to avoid damage to anything the manager is legally required to provide.
5. Store and dispose of refuse and litter correctly.
6. Comply with reasonable instructions regarding fire safety.

Waste Disposal

B.49 HMOs occupied by separate and multiple households generate more waste than a single family. The Council are committed to reducing environmental crime. To do this it is important that the landlord of the HMO provides the occupants with the appropriate facilities for storing rubbish.

B.50 To encourage occupants to recycle waste, internal storage areas should be designed to enable occupants to segregate their waste into refuse and recyclables and to store it temporarily until it can be transferred to external bins.

B.51 Where provision for internal storage is included, occupants should be supplied with container(s) for the internal segregation of waste for recycling. Burnley Borough Council does not provide such containers.

B.52 Options that landlords may wish to consider are kitchen units with pull out drawers and separate containers. There are several such products on the market.

B.53 The containers described below should be able to be stored within the external boundary of each property. Container storage areas should be in a convenient position to enable the householder to wheel them to the kerbside for collection.

B.54 Occupiers are required to present their containers at the kerbside on collection day and return them to the storage area as soon as possible following collection.

Table 6 – Waste Disposal and Recycling

Number of Occupants	Refuse	Recycling Paper/Card	Recycling Glass, Cans, Plastic Bottles
1 to 4 people	1x 240 litre bin	White Sack	Blue box
5 to 8 people	2x 240 litre bin	White Sack	Blue box
9 to 12 people	3x 240 litre bin	White Sack	Blue box

B.55 If additional recycling facilities are required please contact Burnley Council's Streetscene Department for further advice on 01282 425011.

Appendix C - National, Regional & Local Policies

National Planning Policy Guidance

C.1 National planning policy exists in the form of the NPPF and a small number of other policy documents and written ministerial statements, supported by an online practice guidance covering a series of themes – See ministry of Housing, Communities and Local Government website:

<https://www.gov.uk/guidance/national-planning-policy-framework>

Local Plan Policy

Policy SP4: Development Strategy

1) Development will be focused on Burnley and Padiham with development of an appropriate scale also supported in the following main and small villages:

Settlement Hierarchy:

Tier	Category	Settlement	
1	Principal Town	Burnley	<p>Role & Function: Principal service centre for the Borough and home to the majority of the borough's population and a town of a sub-regional importance for retail, leisure and public administration and services with excellent public and private transport links.</p> <p>Development Scale</p> <p>Housing: Large scale, major and a variety of smaller sites to deliver a comprehensive range of choice of types and tenures.</p> <p>Employment: Large scale, medium and a variety of smaller sites to deliver a comprehensive range of units for new and existing businesses and employment opportunities for new and existing residents.</p> <p>Retail: Sub regional centre for retailing and the principal retail destination for the borough. Town centre with defined Town Centre boundary and defined Primary Shopping Area and Primary and Secondary Frontages where new development will be concentrated including through a new allocation and by virtue of its size.</p>
2	Key Service Centre	Padiham	<p>Role & Function: A key service centre and public transport hub for the surrounding villages and rural areas and home to a significant proportion of the borough's population.</p> <p>Development Scale</p> <p>Housing: Large scale, major and a variety of smaller sites to deliver a comprehensive range of choice of types and tenures.</p> <p>Employment: Large scale, medium and a variety of smaller sites to deliver a comprehensive range of units for new and existing businesses and employment opportunities for new and existing residents.</p> <p>Retail: Town centre with defined Town Centre boundary with a supporting role to Burnley in the retail hierarchy where by virtue of its smaller size, more modest development would be focussed.</p>
3	Main Village	Hapton Worsthorne	<p>Role & Function: Predominantly residential areas but with some local employment sites, which provide a limited but reasonable range of services to the local community and local businesses and have good public and private transport links to larger towns.</p> <p>Development Scale</p>

			<p>Housing: Medium and small scale sites to deliver quality and choice and modern adaptable stock for existing and new residents and to deliver aspirational housing and support and enhance existing service provision.</p> <p>Employment: Small scale schemes to provide opportunities for new and existing businesses and employment opportunities for new and existing residents.</p> <p>Retail: No defined centre – local shops to serve local community</p>
4	Small Village	Clow Bridge Mereclough Lane Bottom Hurstwood Overtown Holme Chapel Walk Mill	<p>Role & Function: Predominantly residential areas but with some small scale local/rural employment sites, which provide a basic range of services to the local community and local businesses and have reasonable public and private transport links to larger towns and villages.</p> <p>Development Scale</p> <p>Housing: Small scale schemes to deliver quality and choice and modern adaptable stock for existing and new residents and support and enhance existing service provision.</p> <p>Employment: Limited small scale schemes to provide opportunities for new and existing rural businesses or rural diversification and employment opportunities for new and existing residents.</p> <p>Retail: No defined centre – local shops or facilities selling basic convenience goods to serve local community.</p>

Development Boundaries and development within them

2) In addition to those sites specifically allocated for development in policies elsewhere in this Plan, new development will be supported within the Development Boundaries as defined on the Policies Map where it is of an appropriate type and scale bearing in mind the role of the settlement in the hierarchy and where it satisfies the following overarching criteria and other relevant policies of this Plan:

- a) It makes efficient use of land and buildings;
- b) It is well located in relation to services and infrastructure and is, or can be made, accessible by public transport, walking or cycling; and
- c) It does not have an unacceptably detrimental impact on residential amenity or other existing land users.

3) In considering the acceptability of development proposals on unallocated sites within these Development Boundaries, consideration will also be given to:

- a) Whether schemes appropriately re-use existing buildings and infrastructure; or
- b) Whether schemes make use of previously-developed land that is not of recognised high biodiversity value.

Development in the Open Countryside

4) The open countryside is defined as land beyond any Development Boundary. In the open countryside development will be strictly controlled.

Coalescence

5) Development proposals should not lead to the coalescence of settlements.

Policy SP5: Development Quality and Sustainability

The Council will seek high standards of design, construction and sustainability in all types of development. Proposals will be expected to address the following minimum requirements, as appropriate to their nature and scale:

1) Energy Efficiency

- a) Incorporate measures to minimise energy and water consumption;
- b) A BREEAM Assessment must be carried out for all non-residential development with a floor space above 1,000m² and a rating of 'Very Good' or better will be expected;
- c) Seek opportunities for on-site energy supply from renewable and low carbon energy sources; and
- d) Seek opportunities to contribute to local and community-led renewable and low carbon energy initiatives.

2) Design and Layout

- a) Respect existing, or locally characteristic street layouts, scale and massing;
- b) Contribute positively to the public realm and avoiding unnecessary street clutter;
- c) Maximise the benefits of any waterfront locations, and at canalside locations optimising views and natural surveillance of the canal and opportunities for public access to it;
- d) Provide for new open space and landscaping which enhances and/or provides mitigation against loss of biodiversity and assists with the physical and visual integration of new development;
- e) Have respect for their townscape setting and where appropriate, landscape setting;
- f) Be orientated to make good use of daylight and solar gain;
- g) Ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking;
- h) Not result in unacceptable conditions for future users and occupiers of the development; and
- i) Provide adequate and carefully designed storage for bins and recycling containers. These should be located or designed in a way which is both convenient and safe for occupants and supports the quality of the street scene.

3) Key Gateways

- a) Where development is at or highly visible from a Key Gateway identified on the Policies Map, it should address in its design, orientation and layout, the Key Gateway and its particular nature/location and include where appropriate:
 - i) a landmark building;
 - ii) landmark tree planting;
 - iii) public art (can be incorporated into the public realm); or
 - iv) a carefully designed gentle transition from countryside to town.

4) Materials

- a) **Use a palette of high quality materials which are appropriate** to the local context in all respects including: type, colour, texture, element size and laying pattern and avoid unnecessary and excessive patterning;
- b) **Where contemporary materials are appropriate, use these in manner which respects the established character of the locality; and**
- c) **Wherever practical, use low embodied energy materials, including materials that are sourced locally or involve the appropriate reuse of existing resources through the conversion of existing buildings or reuse of demolished structures.**

5) **Accessibility**

- a) **Seek to incorporate and promote sustainable methods of transport, including cycle routes, walking routes and good links to public transport; and**
- b) **Be inclusive and accessible to all and promote permeability by creating places that connect with each other and with existing services and are easy to move through.**

6) **Security**

- a) **Be designed with the safety and security of occupants and passers-by in mind, helping to reduce crime and the fear of crime including through increasing the opportunity for natural surveillance.**

Policy HS4: **Housing Developments**

- 1) **New housing developments should be high quality in their construction and design in accordance with Policy SP5.**
- 2) **For schemes of more than 50 dwellings, planning applications should include a phasing plan which should include details of the proposed phasing, temporary works and security measures which should demonstrate an acceptable standard of development and amenity for early residents and existing adjacent residents.**
- 3) **In addition, the Council will require new housing developments to:**
 - a) **Provide private and functional outdoor space for occupants. For flats and mews/courtyard developments, outdoor space may be shared;**
 - b) **Be well laid out to ensure habitable rooms²³ receive adequate levels of daylight; and**
 - c) **Provide appropriate levels of privacy and outlook for occupants and for existing adjacent residents. Unless an alternative approach is justified to the Council's satisfaction, the following privacy distances will apply:**

Type	Situation	Minimum distance
Single storey and two storey dwellings:	Between facing windows of habitable rooms	No less than 20 metres
Single storey and two storey dwellings:	Where windows of habitable rooms face: ²⁴	No less than 15 metres

²³ Habitable rooms are those in a dwelling house other than landing bathrooms toilets and utility rooms

²⁴ Windows within a 45° angle of each other

	<ul style="list-style-type: none"> • a blank gable; or • other windows serving non-habitable rooms. 	
Three storey dwellings/apartments or where levels creates a significant difference in heights	For each additional storey above 2 storeys or where levels creates a significant difference in heights	As above plus an additional set back of 3 metres

Adaptable Homes

- 4) For schemes over 10 dwellings, 20% of dwellings should be designed to be adaptable to support the changing needs of occupiers over their lifetime, including people with disabilities complying with the optional technical standards of Part M4(2) of the Building Regulations 2010.

Open Space provision in new housing development

- 5) New housing developments will be required to provide or contribute to public open space provision as follows.
- a) Proposals for 50 dwellings or more will be expected to incorporate recreational public open space to a minimum standard of 0.3 Ha per 50 dwellings or a proportion thereof, in accordance with the Fields in Trust Standard of 2.4 hectares per 1,000 population; or exceptionally, provide or pay a contribution in lieu of part or all of the open space provision for the creation or benefit of existing public open space nearby.
- b) Proposals for new housing developments of between 10 and 49 dwellings will be expected to provide public open space in line with the above standard. Where such a public open space is impracticable or unusable the Council will negotiate with the developer the payment of a commuted sum for the benefit of existing Public open space nearby.
- c) Proposals for new housing development of between 5 and 9 dwellings will be expected to provide the payment of a commuted sum in accordance with the Council's published schedule of fees for the benefit of existing or proposed public open space nearby.
- 6) As part of the overall recreational space requirement referred to in 5) above, developers of housing sites comprising predominantly family housing, will be required to provide 0.09 Ha (0.23 acres) of equipped children's play space per 50 dwellings, or proportion thereof.
- 7) Where public open space is provided in new housing development, it must normally be a single plot with a minimum functional size of 1,200m² and be overlooked by adjoining properties. It should be landscaped to a high standard of design and the space must be usable, and easily accessible by all residents, including those with disabilities, and provide a safe place to play and relax whilst not causing a nuisance to nearby residents. The type of open space should have regard to the local needs and standards for all types of open space set out in the Council's Green Spaces Strategy.
- 8) Landscaping works and the provision of play equipment and its future maintenance is the responsibility of the developer; where public open space is provided on-site, the developer will be expected to fund its maintenance for a period of at least 20 years, or put in place a sustainable scheme of management;
- 9) Open space provision should be designed to deliver multifunctional benefits in particular by:

- a) Providing and contributing to a wider network of green infrastructure as set out in Policy SP6;
- b) Working with and retaining important existing landscape character, features, trees and habitats in accordance Policy NE1, 3 and 4;
- c) Contributing to the provision of Sustainable Drainage Systems in accordance Policy CC5.
- 10) Public open spaces provided under this policy will subsequently be protected as Open Space under Policy NE2.

Policy TC2 Development within Burnley and Padiham Town Centres

1) The Council will seek to maintain and enhance the retail and service function of Burnley and Padiham Town Centres, the boundaries of which are defined on the Policies Map. Main Town Centre Uses which accord with other relevant policies elsewhere in the Plan will be supported in the following locations:

- a) **Proposals for retail development (A1 Use Class) will be supported within the Primary Shopping Area for Burnley or within the Town Centre of Padiham.**
- b) **Proposals for comparison retailing (A1 Use Class) should normally be located within the Primary Shopping Area of Burnley or within the Town Centre of Padiham.**
- c) **Proposals for convenience retailing (A1 Use Class) will be supported within the Town Centres of Burnley and Padiham.**
- d) **Subject to the limits set out in Policy TC3, proposals for other retail uses (A2-A5) and other main town centre uses will be supported within the Town Centres of Burnley and Padiham.**

Sequential Test²⁵

2) Proposals for comparison retailing (A1 Use Class) that do not comply with 1) b) due to a lack of suitable sites are required to be located in accordance with the following sequential test:

Burnley:

- a) **Edge of Centre locations (300m of the Primary Shopping Area); other Town Centre locations; edge of centre locations (300m of the Town Centre Boundary); out of Centre.**

Padiham:

- b) **Edge of Centre locations (300m of the Town Centre Boundary); out of Centre.**

3) Proposals for convenience and other retailing (A1 to A5 Use class) and other main town centre uses are required to be located in Town Centres. Where suitable sites are not available, these are required to be located in accordance with the following sequential test: Edge of Centre locations (300m of the Town Centre boundary); out of Centre.

4) When considering the sequential tests above, preference will be given to accessible sites that are well connected to the Primary Shopping Area /Town Centres. Applicants will be expected to demonstrate flexibility on issues such as format and scale.

²⁵ This requirement does not apply to small scale rural or local uses (Policies EMP4 and EMP5). Separate policy provisions also apply in District Centres - Policy TC6 and for uses in the Weavers' Triangle - Policy TC5

Impact Assessment

5) Proposals for main town centre uses which do not comply with 1) a) to d) above, or are not specifically allocated for town centre uses, should be supported by an Impact Assessment addressing the following:

- a)** The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b)** The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

6) The requirement for an Impact Assessment will apply to proposals of the following size/type:

Retail:

- i)** Burnley – 1,000 sq.m gross and above
- ii)** Padiham – 500 sq.m gross and above

Other Main Town Centre Uses:

- iii)** 2,500 sq.m and above

7) Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors set out in 5 a) and b), it will be refused.

Residential

8) Proposals for residential development, including new build, conversion or change of use on appropriate sites within the Town Centres will be considered favourably subject to meeting the other policy requirements of the Plan where:

- a)** Within Burnley Primary Shopping Area and within Padiham Town Centre these are located on upper floors;
- b)** In Burnley Town Centre outwith the Primary Shopping Area, they do not lead to a concentration of residential uses which undermines the overall mix of main town centres uses.
- c)** The development does not prejudice the lawful operating conditions or viability of adjacent land uses.

Policy NE5: Environmental Protection

1) Development proposals, as appropriate to their nature and scale, should demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution both during their construction and in their operation.

Air Quality

2) The Council will seek to ensure that proposals for new development will not have an unacceptable negative impact on air quality and will not further exacerbate air quality in AQMAs or

contribute to air pollution in areas which may result in an AQMA. Applicants should consult with the Council's environmental health service to establish if the proposed development is located within an AQMA.

3) An air quality assessment will be required where a development may result in a significant increase in air pollution, or lead to a significant deterioration in local air quality resulting in unacceptable effects on human health, local amenity and/or the environment. Assessments shall address the following:

- a) The existing background levels of air pollution;
 - b) Existing developments and sources of air pollution throughout the borough and the cumulative effect of planned developments; and
 - c) The feasibility of any mitigation measures that would reduce the impact of the development on local air quality.
- 4) The Council will support and promote the provision of charging points for ultra-low emission vehicles.

Light Pollution

5) New lighting schemes should be appropriate to the type of development and its location. Proposals for outdoor lighting should not have an unacceptable adverse impact by reason of light spillage or glare on neighbouring building/uses, the countryside, highway safety or biodiversity in line with Policy NE4. Where appropriate, a light impact assessment will be required as part of the application submission.

Noise Pollution

6) Developments generating noise which is likely to create significant adverse impacts on health and quality of life and cannot be mitigated and controlled through the use of conditions or through pre-existing effective legislative regimes, will not be permitted.

Contaminated Land

7) On sites that are known to be or potentially contaminated, applicants will be expected to carry out an appropriate survey by a suitably qualified and experienced person.

- a) A Phase 1 Desk Study will be required for any application which results in a sensitive end use on a site where such a site is or may be contaminated by virtue of previous users.
- b) A Phase 2 Study will be required if the site is known or identified as having high levels of contamination. A Remediation Strategy shall be provided by the developer to bring the site to an acceptable level of condition which is relevant to the proposed use.

Unstable Land

8) On sites that are known to be or where there is reason to suspect them to be unstable and the risk of instability has the potential to materially affect either the proposed development or neighbouring uses/ occupiers, applicants will be expected to carry out an appropriate assessment by a suitably qualified and experienced person to demonstrate that the proposed development is safe and stable or can be made so. This should:

- a) Include a preliminary assessment including a desk based survey of the previous uses of the site and their potential for instability in relation to the proposed development; and

- b) Where the preliminary assessment establishes that instability is likely but does not provide sufficient information to establish its precise extent or nature, site investigation and risk assessment must be carried out to determine the standard of remediation required to make the site suitable for its intended use.**
- 9) Where remediation, treatment or mitigation works are considered necessary to make the site safe and stable and/or to protect wider public safety, conditions or obligations will be imposed to ensure appropriate works are completed prior to the commencement of development or in accordance with an alternative programme agreed.**

Water Quality

- 10) Development will not be permitted where it would have an adverse effect on the quality or quantity of groundwater resources or watercourses and water bodies.**

Additional Restrictions Grant

Report to Executive



DATE	1st December 2021
PORTFOLIO	Economy & Growth
REPORT AUTHOR	Kath Hudson
TEL NO	01282 477211
EMAIL	khduson@burnley.gov.uk

PURPOSE

1. The purpose of the report is to seek approval for the proposed revisions to the use of the remaining Additional Restrictions Grant Funds

RECOMMENDATION

2. It is recommended that the Executive:
 - a) Approves the proposals for the use of the remaining ARG grant as set out in paragraph 6.
 - b) Delegates authority to Strategic Head of Economy and Growth in consultation with the Head of Finance and Property and Executive Member for Economy and Growth the final policy detail
 - c) Delegates authority to Strategic Head of Economy and Growth in consultation with the Head of Finance and Property and Executive Member for Economy and Growth to agree any further changes to the use of ARG in response to arising situations and the limited time to commit the allocation.

REASONS FOR RECOMMENDATION

3. On 31 October 2020, the Government announced the introduction of additional support for Local Authorities under national and Local Covid Alert Level 3 restrictions. It is for local authorities, within the broad parameters set out in the ARG Guidance, to determine how to use the fund. The Council approved a scheme on the 14th November 2020 and revised the scheme in January 2021 following the second lock down period and again in July 2021 after the end of the restrictions period.
4. The remaining budget must be committed by 31st March 2022. The recommendations and revised proposals reflect the amount of money available, the lifting of all restrictions in summer 2021 and the transition from response to recovery with a new emphasis on assisting businesses to recover and invest.

SUMMARY OF KEY POINTS

5. In July 2021 the Executive approved proposals to spend its remaining £503,000 allocation. The proposals outlined in the July report have been implemented and 150 businesses have received the additional support agreed including:
6. Taxi driver's resident in Pendle with a Burnley Licence received a one of grant payment of £750.00. Nightclubs, catteries and kennels, and events sector businesses all received additional payments reflecting on-going restrictions on the operation of some businesses and international travel restrictions.
7. A Business Hardship fund was also established, and 10 businesses have been supported.
8. A Covid Closure Grant scheme was designed to support businesses that were forced to close as a result of Covid outbreaks. Eight businesses have received support totalling £11,866. Two applications are currently under consideration. There has been very little demand for this fund following the removal of the 10 day isolation rule in August.
9. The recommendations and revised proposals set out below reflect the transition from Respond (i.e. responding to the immediate impact of closures and restrictions) to Recover as outlined in the Council's Economic Recovery and Growth Strategy.
10. There is £212k remaining in the additional restrictions budget and it is proposed to widen the support available to ensure we maximise the support available to businesses for recovery as follows:
 - The hardship fund will be made available to support any size of business (currently businesses must employ 10 staff) that is able to evidence that their business continues to be impacted due to the pandemic but meets the remaining criteria of the hardship fund.
 - Continue to operate the Covid Closure Grant scheme and to support any businesses that are forced to close over the winter months.
 - Deliver a program of business startup workshops in January, February and March 2022 to support people who may be looking to set up their own business, and three days of advice, support and health checks to recently opened retain start ups in Burnley and Padiham Town Centres to help them become sustainable businesses supporting town centre recovery.
 - The Council currently offers a very limited number of very small grants (outside of the Padiham TH and Lower St James Street HAZ) to support businesses who are undertaking shop front improvements. The Economy and Growth Service is aware of a number of businesses wishing to undertake shop front improvements but there are currently insufficient resources in the Council's budget to support either the number of applicants or the size of applications. It is proposed to offer a grant between 50% and 80% with a maximum grant of £12k depending on the scale and scope of works. The scheme will enable businesses to invest in properties at a time when they may have limited working capital as a result of restrictions over the last 18 months. Schemes must have relevant consents and be completed by 31st March 2022.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION
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11. The Council has available after existing commitments £212,870 of ARG funding. The funds must be defrayed by 31st March 2022. The use of the funding is strictly monitored and once the funding is spent the scheme will close.
12. It should be noted that should there be further serious outbreaks leading to a full or partial lockdown the Council would not have resources available to provide grants to businesses unless it is provided with additional government support.

POLICY IMPLICATIONS

13. The decision supports the Council's strategic priorities for economy and growth and the recently adopted Economic Recovery and Growth Strategy

DETAILS OF CONSULTATION

14. All Executive Members

BACKGROUND PAPERS

15. Report to Executive 14th July 2021

FURTHER INFORMATION	
PLEASE CONTACT:	Kath Hudson Ext 7211
ALSO: Kate Ingram Ext 7271	

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Revenue Monitoring Report 2021/22 – Quarter 2 (to 30 September 2021)

REPORT TO EXECUTIVE



DATE	01 December 2021
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Howard Hamilton-Smith
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PURPOSE

1. To report the forecast outturn position for the year as at 31 March 2022 based upon actual spending and income to 30 September 2021.
2. Members are asked to note the financial impact of the Coronavirus pandemic as can be seen in paragraph 5. In view of these exceptional times the revenue monitoring position is uncertain.

RECOMMENDATION

3. The Executive is asked to:
 - a. Note the projected revenue budget forecast position of a net overspend of £86k, as summarised in Table 1 and detailed in Appendix 1.
 - b. Note that further income compensation is to be received for the period April – June 2021. Where these income losses are more than 5% of a council's planned income from sales, fees and charges, the government will cover them for 75p in every pound lost. See paragraph 13 for further details.
 - c. Approve the establishment of a new collection fund deficit reserve. See paragraph 6 for further details.

The Executive is also asked to seek approval from Full Council for:

- d. The latest revised net budget of **£15.419m** as shown in Table 1, and
- e. The net transfers from earmarked reserves of **£2.166m** as shown in Appendix 2.

REASONS FOR RECOMMENDATION

4. To give consideration to the level of revenue spending and income in 2021/22 as part of the effective governance of the Council and to ensure that appropriate management action is taken to ensure a balanced financial position.

SUMMARY OF KEY POINTS

5. Financial Impact of Covid -19

This report shows the forecast outturn position based on the net budget forecast within the current reporting period. In previous years, the focus of this report has been on the net budget forecast and the achievement of the savings targets. Due to the Coronavirus pandemic, this year is a continuation of the 2020/21 financial year with the focus instead being on the forecast reductions in income and increases in expenditure together with an evaluation of progress against savings targets. Due to the continuing uncertainty around the pandemic, it is difficult to predict the ongoing impact on the potential year end outturn. At the end of the current reporting period, the forecast year end net budget deficit stands at £86k, which is reduced from the £195k overspend as reported at Q1. This is after taking into consideration an estimated £0.237m to be reclaimed under the Sales, Fees and Charges Compensation Scheme and £0.719m of direct Central Government funding received to date. The deficit is based upon forecast income and expenditure as at the end of Quarter 2, a time at which there are many future unknowns. The budget is being continually monitored.

Members will recall that £0.860m from Tranche monies received in 2020/21 was set aside in an earmarked reserve to help cover for any future shortfalls in income/increases in expenditure. The current forecast deficit will initially be met from the Central Government funding received to date, with the balance from the monies set aside in 2020/21. Due to the uncertainty of the pandemic, the Council is only able to focus on the short-term impact of the pandemic with the long-term impact still uncertain. There is the potential for increased costs and income losses over the longer term.

6. Revenue Budget Monitoring Process

All budget holders are required to review their budgets on a monthly basis. Three in-year reports on revenue budget monitoring are presented to the Executive and Scrutiny Committee during the course of the financial year. This is the first in-year report for 2021/22. In addition to these three reports there is a final report for revenue to consider the actual spending at the end of the financial year compared with the revised revenue budget. Under the scheme of delegation each budget area is delegated to a Head of Service who remains accountable for the effective discharge of financial management as an integral part of achieving strategic objectives and in turn meeting service delivery priorities.

All Heads of Service have been asked to consider their budgets and provide information and details of any actual or anticipated significant variations between spending / income and budgets.

7. Budget Changes

Since the budget was approved, the following proposed budget changes have been made and are shown in Appendix 1:

- Virements approved by Heads of Service and Management Team.
- Decisions confirming additional awards of grant and contributions up to £50k approved by Heads of Service and Management Team.
- Executive Member for Resources and Performance Management decisions confirming additional awards of grant and contribution over £50k.
- Decisions made by the Executive.
- Transfers to/from Earmarked Reserves in respect of grants/contributions and also approved carry forwards from 2020/21 (Appendix 2).

Members are asked to approve the latest revised net budget of £15.419m as shown in Table 1.

8. Revenue Budget Summary

Table 1 shows a summary by service area of the revised budget for the year along with the current forecast as at the end of Q2 and the anticipated variance.

At the end of Q2 the net budget forecast is currently £86k deficit, this is a reduction from the £195k forecast overspend reported in Q1. Incorporated into the budget are two savings targets: a £169k salary savings target and a £79k non salary savings target. This report would normally focus on the savings identified in year and the achievement of these targets. In the current circumstances this is not feasible. The net budget forecast of £86k deficit is based upon the latest estimates of income and expenditure, of which there are still many future unknowns. Consideration has only been given to the short-term impact of the pandemic and there is a high probability that the impact will be longer-term spanning future financial years, with increased costs and income losses.

9. Members will recall that savings totalling £0.182m were built in to the 2021/22 revenue budget to ensure that a balanced budget was achieved. As part of the budget monitoring process, progress against the achievement of these savings is to be monitored in year, details of which can be seen below:

Description	Saving £000	Progress of Achievement
Reduction in Growth Lancashire subscription costs	13	Fully achieved. Subscription payment reduced.
Reduction in Regeneration Development consultancy support budget	11	Forecast to achieve. Budget to continue to be monitored.
Streetscene restructure and deletion of vacant posts	10	Fully achieved. Restructure complete.
Back-office efficiency savings within Green Spaces	6	Forecast to achieve. Budget to continue to be monitored.
Savings from the flexible retirement of 1 x post	35	Fully achieved.
Capitalisation of one officer remuneration costs within Empty Homes	28	Fully achieved.
Operational Budget Savings - Streetscene	10	Forecast to achieve. Budget to continue to be monitored.
Re-tender Stables Café at increased rent	10	Fully achieved. Target income achieved.
Thompson Park pavilion rent	5	Budget to continue to be monitored.
Efficiency savings - Burnley Leisure	50	Fully achieved. Leisure Trust SLA agreed.
Reduce Parish Council Grants in line with funding reductions	4	Fully achieved. Parish grants reduced in line with saving required.
TOTAL	182	

10. In February 2021 the Government announced details of £1.55 billion of un-ringfenced grant to support local authorities in 2021/22. Of this allocation, Burnley's share was £0.719m. In addition, an extension to the Sales, Fees & Charges Compensation Scheme for the first quarter of 2021/22 was also announced.
11. Due to the ever-changing environment the budget position is fluid and is being continually monitored and reviewed. More detailed forecasts will be provided throughout the year as part of the budget monitoring reporting cycles.
12. As previously mentioned the Government announced an extension to the 2020/21 Sales, Fees & Charges Compensation Scheme into the first quarter of 2021/22. Where these income losses are more than 5% of a council's planned income from sales, fees and charges, the government will cover them for 75p in every pound lost. Based on the estimated losses of income identified in this report, it is estimated that £237k can be claimed under the scheme.

Table 1: Revenue Budget Forecast Position 2021/22

		Reconciliation of Approved Budget & Funding	Forecast position as at Quarter 1						Forecast position as at Quarter 2				
		Net Budget 2021/22	Revised Budget	Forecast Q1	Forecast Net Income from Sales, Fees & Charges	Revised Forecast Q1	Variance Q1		Revised Budget	Forecast Q2	Forecast Net Income from Sales, Fees & Charges	Revised Forecast Q2	Variance Q2
		£000s	£000s	£000s	£000s	£000s	£000s		£000s	£000s	£000s	£000s	£000s
a	Economy and Growth	616	774	844	0	844	70		802	819	0	819	17
b	Policy and Engagement	441	700	710	(7)	703	3		826	850	(7)	843	18
c	Management Team	361	361	361	0	361	0		361	361	0	361	0
d	Sport and Culture Leisure Client	728	899	899	0	899	(0)		899	899	0	899	0
e	Green Spaces and Amenities	1,067	1,177	1,261	(50)	1,211	34		1,178	1,289	(50)	1,239	62
f	Streetscene	3,125	3,201	3,509	(57)	3,452	251		3,203	3,511	(57)	3,454	251
g	Housing and Development Control	458	669	687	(22)	665	(3)		669	687	(22)	665	(3)
h	Strategic Partnership	3,935	3,916	3,916	0	3,916	0		3,916	3,916	0	3,916	0
i	Finance and Property	532	532	957	0	957	425		555	866	0	866	311
j	Revenues and Benefits Client	(1,287)	(1,287)	(1,055)	(101)	(1,156)	131		(1,287)	(1,055)	(101)	(1,156)	131
k	Legal and Democratic Services	1,015	1,017	979	0	979	(38)		1,017	994	0	994	(23)
l	People and Development	235	235	235	0	235	0		235	235	0	235	0
m	Central Budgets - Other (includes corporate costs eg utilities, apprenticeship levy)	890	2,132	2,132	0	2,132	0		2,009	2,009	0	2,009	0
	Central Budgets - Savings Targets (see Table 2)	(248)	(248)	(248)	0	(248)	0		(248)	(248)	0	(248)	0
NET SERVICE BUDGET		11,869	14,077	15,186	(237)	14,949	872		14,132	15,132	(237)	14,895	763
Pensions		772	772	772	0	772			772	772	0	772	0
Provisions (Balance to be determined at year end)		0	0	0	0	0	0		0	0	0	0	0
Impairments (Provisions for Bad Debt)		0	0	0	0	0	0		0	0	0	0	0
Parish Precepts (Disbursement to Parishes)		169	169	169	0	169	0		169	169	0	169	0
Treasury (Investment Income & Expenditure)		951	951	992	0	992	41		951	991	0	991	41
Capital Financing		1,240	1,996	1,996	0	1,996	0		1,996	1,996	0	1,996	0
Earmarked Reserves (to / (from))		(131)	(2,547)	(2,547)	0	(2,547)	0		(2,602)	(2,602)	0	(2,602)	0
Strategic Reserves (to / (from))		550	1	1	0	1	0		1	1	0	1	0
NET CORPORATE ITEMS		3,551	1,342	1,383	0	1,383	41		1,287	1,327	0	5,544	41
Council Tax		(7,266)	(7,266)	(7,266)	0	(7,266)	0		(7,266)	(7,266)	0	(7,266)	0
Parish Precepts (Receipts from Council Tax Payers)		(169)	(169)	(169)	0	(169)	0		(169)	(169)	0	(169)	0
Business Rates: Retained Income		(4,513)	(4,513)	(4,513)	0	(4,513)	0		(4,513)	(4,513)	0	(4,513)	0
Business Rates: S31 Grants (For award of business rates)		(1,442)	(1,442)	(1,442)	0	(1,442)	0		(1,442)	(1,442)	0	(1,442)	0
Prior Year Collection Fund (Surplus)/Deficit		632	632	632	0	632	0		632	632	0	632	0
Revenue Support Grant		(1,649)	(1,649)	(1,649)	0	(1,649)	0		(1,649)	(1,649)	0	(1,649)	0
New Homes Bonus		(564)	(564)	(564)	0	(564)	0		(564)	(564)	0	(564)	0
Other Government Grants		(449)	(449)	(449)	0	(449)	0		(449)	(449)	0	(449)	0
FUNDING		(15,419)	(15,419)	(15,419)	0	(15,419)	0		(15,419)	(15,419)	0	(15,419)	0
BUDGET BALANCE		(0)	(0)	1,149	(237)	913	913		(0)	1,040	(237)	5,020	804
LA Support Grant Allocations 21/22		0	0	(719)	0	(719)	(719)		0	(719)	0	(719)	(719)
Forecast Budget Gap Excluding Collection Fund		(0)	(0)	430	(237)	195	195		(0)	321	(237)	4,301	86

13. SAVINGS TARGETS

As previously mentioned, in setting the budget it was assumed that two savings targets would be achieved: £169k salary savings from not filling posts immediately and £79k in year savings/additional income target. In light of the financial pressures incurred as a result of the Coronavirus pandemic the operational underspend target may not be achieved. The salary savings target may be achieved due to staff turnover and vacant posts. At present the forecast budget overspend is £86k. This is after Central Government funding has been taken into consideration. A summary of the in-year targets and the projected budget forecasts categorised by salary and non-salary expenditure as at the end of Q2 can be seen in Table 2 below:

Table 2: Summary of Corporate Savings				
Savings	Revised Budget	Savings Forecast Q1	Savings Forecast Q2	Balance of Savings yet to be Identified
	£000	£000		£000
Salary Savings	(169)	21	25	(123)
Non-Salary Savings	(79)	0	0	(79)
Shortfall in Income/Increases in Expenditure	0	(536)	(133)	(669)
TOTAL	(248)	(515)	(108)	(872)
Less Sales, Fees and Charges Compensation				237
Less Central Government Received				719
TOTAL SAVINGS YET TO BE IDENTIFIED				(86)

Salary Savings Target

The position at the end of Q2 is that £46k of salary savings have been secured to date as can be seen in Table 2 above, leaving a shortfall of £123k to identify throughout the remainder of the year.

Non-Salary Savings Target

Due to pressures on income and expenditure due to the Covid-19 pandemic no savings have been identified towards the non-salary savings target at this stage. Any savings identified have been offset by increases in expenditure.

Additional shortfalls in income/increases in expenditure of £669k have been identified.

The combined balance of savings (salary, non-salary and additional shortfalls in income/expenditure) yet to be identified totals £872k which is reduced to a net budget deficit of £86k once Central Government funding received to date has been taken into consideration. The above estimates are based on forecasts at the end of Quarter 2, when there are still many future uncertainties. As such the budget is fluid in nature and may change (positively or negatively) as the year progresses.

15. SERVICE REPORTS

15.1 Departmental budgets and current forecast for each service area can be found in Appendix 1. Summarised below by service area are narratives explaining movements in the projected forecast along with any issues or concerns to be highlighted.

a. Economy and Growth

Forecast Variance: £17k net overspend

Previous forecast variance: £70k net overspend

Salary savings (£11k) due to a vacant post which has now been filled. In addition, salary savings (£6.5k) due to a new employee starting on a lower SCP than estimated when the budget was prepared.

Reduction in advertising expenditure across the Market Hall and Market (£15k) due to incoming tenants contributing to advertising costs. Also reductions across various spend areas within the market hall (£27k), mainly around repairs as tenants contribute to repair costs plus a planned replacement of the compactor is no longer taking place, the compactor is instead going to be repaired.

Reduction in stall income and service charge income at the Market Hall (£69k) based on the number of stalls occupied to date (leased and non-leased). There are a number of leases due for renewal this year, which if renewed may partially reverse this estimate. In addition, the take up of non-leased stall occupation may increase once the impact of the pandemic starts to subside. Forecast reduction in storage and utility recharges (£7.5k) due to current occupation levels.

b. Policy and Engagement

Forecast Variance: £18k net overspend

Previous forecast variance: £3k net overspend

Further reduction in Graphics external income (£15k) in addition to the (£10k) reduction reported in Q1 due to reduced demand as a result of the pandemic of which it is estimated that £7k can be claimed under the Sales, Fees & Charges Compensation Scheme, which has been reflected in the net overspend figure above.

c. Management Team

Forecast Variance: £0

Previous forecast variance: £0k

There are no variances or issues of concern to report in this quarter.

d. Sport and Culture Leisure Client

Forecast Variance: £0k net overspend

Previous forecast variance: £0k

Quarter 2 has continued in a positive light for the Leisure Trust with customers returning to the leisure facilities being greater than projected. The return of hospitality has been good, albeit hindered by the lack of quality and available staff. This has meant that the 1855 Kitchen and Bar at the Mechanics has remained closed until the 13th October 2021. The other sites are operating, and we are seeing more confidence in customers beginning to return. There is concern around securing supply of food and drink with the ongoing shortages of drivers and products. External funding has been obtained for a

number of health related initiatives in partnership with the Council and others. This funding falls under restricted funds and can only be used for the specific delivery purposes. Given all this a £300k shortfall is still projected, however this will be reviewed at the end of Quarter 3.

e. Green Spaces and Amenities

Forecast Variance: £62k net overspend

Previous forecast variance: £34k net overspend

Increase in the workshop and stores contract costs (£12k) due to an increase in tractor hire contract costs. Offset in part by additional income to be received for the ice cream licence (£7k).

Further reduction in Towneley admission and events income (£23k) in addition to the reduction reported in Q1 (£17k) due to the hall being closed until mid-May and reduced footfall since its re-open. Also reduced football income (£2k). It is estimated that £14k can be claimed under the Sales, Fees and Charges Compensation Scheme.

Reduced burial/cremation income (£65k), consisting of interment/cremation income, erection of monument and wall plaques. Due to the increase in need in 2020/21 due to the pandemic, it is forecast that there will be a reduced need in the current financial year. It is estimated that £36k can be claimed under the Sales, Fees and Charges Compensation Scheme, which has been reflected in the net overspend figure above.

f. Streetscene

Forecast Variance: £251k net overspend

Previous forecast variance: £251k net overspend

No issues or concerns to report this quarter.

Additional recharge income (£2k) from the household waste contract to reflect the current services offered, offset by additional expenditure in relation to the Dog Warden contract (£7k), again to reflect the services offered.

Reduction in licences income (£15k), of which it is estimated that £10k can be claimed under the Sales, Fees and Charges Compensation Scheme.

Reduction in recharge income and FPN income (£4k) of which it is estimated that £3k can be claimed under the Sales, Fees and Charges Scheme.

Reduction in car parking income (£283k), in part due to the 'Free after 3' Scheme and also due to period of 'lockdown' leading to reduced footfall in the town centre. Of this reduction in income £23.6k is attributable to the 'Free after 3' scheme. This is lower than the £27k loss estimated when the scheme was approved. It is estimated that £44k of lost car park income can be claimed under the Sales, Fees and Charges Compensation scheme (the losses attributable to the 'Free after 3' scheme cannot be claimed for), which has been reflected in the net overspend figure above.

g. Housing and Development Control

Forecast Variance: £3k net underspend

Previous forecast variance: £3k net underspend

No issues or concerns to report this quarter.

An estimate of Building Control joint working fees between the Council and Blackburn with Darwen Borough Council are calculated annually and reconciled at year end. Following the annual reconciliation of 2020/21 charges paid (£14k) has been repaid to the Council as an overpayment.

Reduction in renovation grant income (£33k) due to a reduction in grants carried out due to the pandemic. It is estimated that £22k can be claimed under the Sales, Fees and Charges Compensation Scheme, which has been reflected in the net overspend figure above.

h. Strategic Partnership

Forecast Variance: £0

Previous forecast variance: £0k

There are no variances or issues of concern to report in this quarter.

i. Finance and Property

Forecast Variance: £311k net overspend

Previous forecast variance: £425k net overspend

Salary savings (£21k) in respect of 3 vacant posts. One post has been filled and the recruitment process to replace the remaining two is currently progressing.

Reduction in the previously declared increase to the provision for bad debts on property rental income (£100k) from £430k to £330k. Reduction in bus station departure income (£2k).

j. Revenues and Benefits Client

Forecast Variance: £131k net overspend

Previous forecast variance: £131k net overspend

There are no variances or issues of concern to report in this quarter.

Reduced revenues and benefits court fee income (£232k) due to a reduction in the number of court sessions held. It is estimated that £101k can be claimed under the Sales, Fees and Charges Compensation Scheme, which has been reflected in the net overspend figure above.

k. Legal and Democratic Services

Forecast Variance: £23k net underspend

Previous forecast variance: £38k net underspend

Increase in salary costs (£8k) to pay for honoraria payments, agency and overtime costs to cover vacant posts/sickness absence.

Additional election costs (£2k) due to the need to purchase equipment to ensure covid compliance.

Civic events expenditure (£5k) to fund the Aldermand & Freedom special council & award celebration.

Forecast reduction in insurance costs (£40k) based on estimated renewal costs.

Reduced income from the hire of rooms at the Town Hall (£2k) due to the Hall Closure.

l. People and Development

Forecast Variance: £0k net overspend

Previous forecast variance: £0k

There are no variances or issues of concern to report in this quarter.

m. Central Budgets

Forecast Variance: £0k net overspend

Previous forecast variance: £0k

There are no variances or issues of concern to report in this quarter.

n. Corporate Items

Forecast Variance: £41k net overspend

Previous forecast variance: £41k net overspend

There are no variances or issues of concern to report in this quarter.

The early repayment of a long-term loan has resulted in a reduction in interest income to be received (£40k). In addition, an estimated increase in treasury management consultant fees payable (£1k) following the completion of a contract benchmarking exercise.

o. Funding

Forecast Variance: £719k net underspend

Local Authority support grant received to help fund the ongoing costs of Covid-19.

16. EARMARKED RESERVES

The council holds a number of earmarked reserves, details of which can be seen in Appendix 2 which shows the opening balance at the start of the year and any in quarter movements.

A summary of the reserves can be seen in Table 3 below:

Table 3: Summary of Reserves				
	Transformation Reserve	Growth Reserve	Other Earmarked Reserves	TOTAL
	£000	£000	£000	£000
Balance as at 01/04/21	(1,992)	(1,538)	(18,176)	(21,706)
Movement in Q1	(550)	549	2,032	2,031
Drawn down in Q2	-	-	135	135
Balance as at 30/09/21	(2,542)	(989)	(16,009)	(19,540)

Please note the 'Other Earmarked Reserve' opening balance has changed since Q1 due to year end transactions.

Included within the reserve balance above is the £0.860m from Tranche monies received in 2020/21 that was set aside to help cover for any future shortfalls in income/increases in expenditure.

Any savings proposals for 2021/22 that are subsequently adopted and include proposed reductions in posts, will require the cost of any redundancies to be met in the current financial year.

17. CAPITAL FINANCING

- 17.1 Included in the revenue budget is a revenue contribution to capital outlay (RCCO) of £0.777m. This is where revenue funds are used to finance capital schemes. The contribution of £0.777m relates to vehicle and machinery replacement (£175k), refill fountains (£21k), Pioneer Place (£63k), Burnley-Pendle Growth Programme (£300k), Lower St James St Historic Action Zone (£185k) and Finsley Wharf & Canal Towpath improvements (£33k).

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

18. As shown in the body of the report.

POLICY IMPLICATIONS

19. The revenue budget determines the extent to which the Council's strategic objectives can be pursued and achieved.

DETAILS OF CONSULTATION

20. Scrutiny Committee

BACKGROUND PAPERS

21. None

FURTHER INFORMATION

PLEASE CONTACT:

Howard Hamilton-Smith – Head of Finance and Property

ALSO

Amy Johnson – Finance Manager

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Economy and Growth	RAPP Holding Accounts	RAPP Holding Accounts
Economy and Growth	Markets	Burnley Markets
Economy and Growth	Markets	Markets Shared Areas
Economy and Growth	Planning Policy	Local Plan
Economy and Growth	Planning Policy	Planning Policy
Economy and Growth	Economic Development	Town Centre Management
Economy and Growth	Economic Development	Business Support
Economy and Growth	Economic Development	Burnley Branding
Economy and Growth	Economic Development	Burnley Bondholders
Economy and Growth	Economic Development	Sandygate Square Student Accommodation
Economy and Growth	Regeneration Development	Regeneration
Economy and Growth	Regeneration Development	Weavers Triangle
Economy and Growth	Regeneration Development	HAZ Heritage Action Zone
Economy and Growth	Regeneration Development	Padiham THI
sub-total		
Policy and Engagement	Corp Engage & Policy Hold Acc	Corp Engage Holding Accounts
Policy and Engagement	Emergency Planning	Emergency Planning
Policy and Engagement	Communications	Communications
Policy and Engagement	Community Engagement	Community Engagement
Policy and Engagement	Performance And Policy	Performance and Policy
sub-total		
Management Team	Management Team	Management Team
sub-total		
Sport and Culture Leisure Client	Burnley Mechanics And Arts Devt	Burnley Mechanics And Arts Devt
Sport and Culture Leisure Client	Leisure Centres	St Peters Centre
Sport and Culture Leisure Client	Leisure Centres	Leisure Trust Client
Sport and Culture Leisure Client	Leisure Centres	Padiham Leisure Centre
Sport and Culture Leisure Client	Leisure Centres	Prairie Sports Village
sub-total		
Green Spaces and Amenities	Bereavement Service	Cemeteries and Crematorium
Green Spaces and Amenities	Parks And Green Spaces	Community Parks and Open Space
Green Spaces and Amenities	Parks And Green Spaces	Recreation and Sport
Green Spaces and Amenities	Parks And Green Spaces	Allotments
Green Spaces and Amenities	Parks And Green Spaces	Parks Externally Funded Scheme
Green Spaces and Amenities	Art Gallery And Museums	Towneley Hall
Green Spaces and Amenities	Art Gallery And Museums	Towneley Hall Ext Fund Schemes
Green Spaces and Amenities	Transport	Grounds Maintenance
sub-total		
Streetscene	Streetscene Holding Accounts	Streetscene Holding Accounts
Streetscene	Engineering Services	Bus Shelters
Streetscene	Engineering Services	Highways
Streetscene	Engineering Services	Street Lighting
Streetscene	Engineering Services	Drainage
Streetscene	Community Safety	Community Safety
Streetscene	Car Parking	Car Parking
Streetscene	Car Parking	Car Parking Enforcement
Streetscene	CCTV	CCTV
Streetscene	Environmental Services	Waste Cleaning Contract
Streetscene	Environmental Services	Street Cleansing
Streetscene	Environmental Services	Waste Collection
Streetscene	Environmental Services	Pest Control
Streetscene	Environmental Services	Dog Warden
Streetscene	Environmental Services	Default Works
Streetscene	Regulation	Environmental Health Client
Streetscene	Regulation	Taxi Licensing
Streetscene	Regulation	Other Licensing
Streetscene	Regulation	Public Funerals
sub-total		
Housing and Development Control	Housing And Development Ctrl	Housing
Housing and Development Control	Development Control	Development Control
Housing and Development Control	Building Control	Building Control
Housing and Development Control	Selective Licensing	Selective Licensing
sub-total		
Strategic Partnership	Strategic Partnership	Strategic Partnership
sub-total		

Quarter 2						
REVISED BUDGET 2020/21 £000s	Current Forecast £000s	Forecast Net Income from Sales, Fees & Charges £000s	Revised Forecast Q2 £000s	Current Variance £000s	Variance Reported Q1 £000s	Movement £000s
154	152	0	152	(2)	0	(2)
165	193	0	193	28	70	(42)
(29)	(29)	0	(29)	0	0	0
25	25	0	25	0	0	0
212	212	0	212	0	0	0
73	73	0	73	0	0	0
271	273	0	273	2	0	2
109	109	0	109	0	0	0
14	14	0	14	0	0	0
(334)	(334)	0	(334)	0	0	0
77	66	0	66	(11)	0	(11)
4	4	0	4	0	0	0
51	51	0	51	0	0	0
10	10	0	10	0	0	0
802	819	0	819	17	70	(53)
46	46	0	46	0	0	0
2	2	0	2	0	0	0
115	140	(7)	133	18	3	15
266	266	0	266	0	0	0
397	397	0	397	0	0	0
826	851	(7)	844	18	3	15
361	361	0	361	0	0	0
361	361	0	361	0	0	0
55	55	0	55	0	0	0
235	235	0	235	0	0	0
473	473	0	473	0	0	0
79	79	0	79	0	0	0
56	56	0	56	0	0	0
899	899	0	899	0	0	0
(874)	(809)	(36)	(845)	29	29	0
1,398	1,391	0	1,391	(7)	0	(7)
267	269	0	269	2	0	2
(18)	(18)	0	(18)	0	0	0
14	14	0	14	0	0	0
315	355	(14)	341	26	5	21
0	0	0	0	0	0	0
75	87	0	87	12	0	12
1,178	1,290	(50)	1,240	62	34	28
890	890	0	890	0	0	0
18	18	0	18	0	0	0
11	11	0	11	0	0	0
83	83	0	83	0	0	0
4	4	0	4	0	0	0
239	239	0	239	0	0	0
(527)	(244)	(44)	(288)	239	239	0
14	14	0	14	0	0	0
152	152	0	152	0	0	0
84	84	0	84	0	0	0
1,217	1,221	(3)	1,218	1	1	0
1,180	1,178	0	1,178	(2)	(2)	0
39	39	0	39	0	0	0
64	71	0	71	7	7	0
(24)	(24)	0	(24)	0	0	0
(28)	(28)	0	(28)	0	0	0
(118)	(118)	0	(118)	0	0	0
(105)	(90)	(10)	(100)	5	5	0
10	10	0	10	0	0	0
3,203	3,510	(57)	3,451	251	251	(1)
448	481	(22)	459	11	11	0
90	90	0	90	0	0	0
78	64	0	64	(14)	(14)	0
52	52	0	52	0	0	0
669	688	(22)	666	(3)	(3)	0
3,916	3,916	0	3,916	0	0	0
3,916	3,916	0	3,916	0	0	0

Finance and Property	Finance Unit	Finance Unit	641	637	0	637	(4)	(7)	3
Finance and Property	External Audit	External Audit	54	37	0	37	(17)	0	(17)
Finance and Property	Internal Audit	Internal Audit	142	142	0	142	0	0	0
Finance and Property	Misc Income And Expenditure	Misc Income And Expenditure	33	33	0	33	0	0	0
Finance and Property	Property	Property	(316)	16	0	16	332	432	(100)
sub-total			555	866	0	866	311	425	(114)
Revenues and Benefits Client	Revenues And Benefits Client	Revenues And Benefits Client	(323)	(323)	0	(323)	0	0	0
Revenues and Benefits Client	Housing Benefits Payments And Subs	Housing Benefits Payments And Subs	(74)	(74)	0	(74)	0	0	0
Revenues and Benefits Client	Council Tax Support	Council Tax Support	(163)	(163)	0	(163)	0	0	0
Revenues and Benefits Client	Cost Of Collection Accounts	Cost Of Collection Accounts	(728)	(496)	(101)	(597)	131	131	0
sub-total			(1,287)	(1,055)	(101)	(1,156)	131	131	0
Legal and Democratic Services	Legal	Legal Services	329	289	0	289	(40)	(40)	0
Legal and Democratic Services	Legal	Local Land Charges	(45)	(45)	0	(45)	0	0	0
Legal and Democratic Services	Legal	FOI Requests	1	1	0	1	0	0	0
Legal and Democratic Services	Governance	Conducting Elections	79	81	0	81	2	0	2
Legal and Democratic Services	Governance	Register of Electors	75	77	0	77	2	0	2
Legal and Democratic Services	Governance	Charities Administration	0	0	0	0	0	0	0
Legal and Democratic Services	Governance	Parish Councils	2	2	0	2	0	0	0
Legal and Democratic Services	Governance	Democratic Services	287	289	0	289	2	2	0
Legal and Democratic Services	Governance	Civic Administration	18	23	0	23	5	0	5
Legal and Democratic Services	Governance	Mayorality	33	39	0	39	6	0	6
Legal and Democratic Services	Governance	Members Expenses	239	239	0	239	0	0	0
sub-total			1,017	994	0	994	(23)	(38)	15
People and Development	People And Development	People and Development	235	235	0	235	0	0	0
sub-total			235	235	0	235	0	0	0
Central Budgets - Other	Central Budgets - Other	Central Budgets - Other	2,009	2,009	0	2,009	0	0	0
Central Budgets - Savings Targets	Central Budgets - Savings Targets	Salary Savings Target	(169)	(169)	0	(169)	0	0	0
Central Budgets - Savings Targets	Central Budgets - Savings Targets	Non-Salary Savings Target	(79)	(79)	0	(79)	0	0	0
sub-total			1,760	1,761	0	1,760	0	0	0
NET SERVICE BUDGET			14,132	15,133	(237)	14,896	763	873	(109)
Corporate Items	Pensions		772	772	0	772	0	0	0
Corporate Items	Provisions		0	0	0	0	0	0	0
Corporate Items	Impairments		0	0	0	0	0	0	0
Corporate Items	Parish Precepts		169	169	0	169	0	0	0
Corporate Items	Treasury Investments & Borrowing		951	992	0	992	41	41	0
Corporate Items	Capital Financing		1,996	1,996	0	1,996	0	0	0
Corporate Items	Earmarked Reserves		(2,602)	(2,602)	0	(2,602)	0	0	0
Corporate Items	Strategic Reserves		1	1	0	1	0	0	0
NET CORPORATE ITEMS			1,287	1,328	0	1,328	41	41	0
Funding	Council Tax		(7,266)	(7,266)	0	(7,266)	0	0	0
Funding	Council Tax - Parish Precepts		(169)	(169)	0	(169)	0	0	0
Funding	Business Rates: Retained Income		(4,513)	(4,513)	0	(4,513)	0	0	0
Funding	Business Rates: S31 Grants		(1,442)	(1,442)	0	(1,442)	0	0	0
Funding	Prior Year Collection Fund (Surplus)/Deficit		632	632	0	632	0	0	0
Funding	Revenu support Grant		(1,649)	(1,649)	0	(1,649)	0	0	0
Funding	New Homes Bonus		(564)	(564)	0	(564)	0	0	0
Funding	Other Government Grants		(449)	(449)	0	(449)	0	0	0
FUNDING			(15,419)	(15,419)	0	(15,419)	0	0	0
BUDGET BALANCE			(0)	1,041	(237)	804	804	910	(109)
Government Funding	LA Support Grant Allocations 21/22		0	0	0	(719)	0	(719)	0
NET BUDGET BALANCE			(0)	1,041	(237)	86	804	192	(109)

Appendix 2

Quarter 2 Movements in Reserves

	Transformation Reserve	Growth Reserve	TOTAL Strategic Reserves
	£000	£000	£000
Opening Balance	(1,992)	(1,538)	(3,530)
Original Budget 2021/22 - use of reserves	(550)	0	(550)
TOTAL	(2,542)	(1,538)	(4,080)

Change in cycle 1	0	549	549
Change in cycle 2	0	0	0
Change in cycle 3	0	0	0
Anticipated balance at 31 March 2022	(2,542)	(989)	(3,531)

Approved use of reserves future years	0	5	5
Movement between reserves	0	0	0
Balance after approvals	(2,542)	(984)	(3,526)

Other Earmarked Reserves
£000
(18,176)
(133)
(18,309)

2,165
135
0
(16,009)

0
0
(16,009)

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Capital Monitoring Report 2021/22 – Quarter 2 (to 30 September 2021)

REPORT TO EXECUTIVE



DATE	01 December 2021
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Howard Hamilton-Smith
TEL NO	(01282) 477173
EMAIL	hhamilton-smith@burnley.gov.uk

PURPOSE

1. To provide Members with an update on capital expenditure and the resources position along with highlighting any variances.

RECOMMENDATION

2. The Executive is asked to:
 - a. Recommend to Full Council, approval of net budget changes totalling an increase of £2,914,922 giving a revised capital budget for 2021/22 totalling £42,396,218 as detailed in Appendix 1.
 - b. Recommend to Full Council, approval of the proposed financing of the revised capital budget totalling £42,396,218 as shown in Appendix 2.
 - c. Note the latest estimated year end position on capital receipts and contributions showing an assumed balance of £1,124,576 at 31 March 2022 as shown in Appendix 3.

REASONS FOR RECOMMENDATION

3. To effectively manage the 2021/22 capital programme.

SUMMARY OF KEY POINTS

4. Monitoring Information

On 24 February 2021 Full Council approved the 2021/22 original capital budget, totalling £18,792,347. Since February, several reports have been approved by the Executive, resulting in revising the 2021/22 capital budget to £16,243,296 (as at 22 September 2021 Executive). The Charter Walk Acquisition was approved at Full Council at their meeting on 22 July 2021 revising the 2021/22 budget to £39,481,296.

This is the second of three in-year monitoring reports, and as such the appendices accompanying this report provide Members with the position as at 30 September 2021 on expenditure, along with providing Members with an update on the progress of the individual schemes delivery.

5. Executive Summary

- a. **Expenditure monitoring – Appendix 1** provides a detailed breakdown of the revised capital budget, scheme by scheme, presented under each of the relevant service unit areas responsible for delivering the capital projects. It shows the recommended revised budget position and expenditure as at the end of September 2021. The expenditure to date is £ 4,413,853 which is 10% of the proposed revised budget.
- b. **Revised budget and financing elements – Appendix 2** shows the revised budget of £42,396,218, along with identifying the recommended financing elements on a scheme by scheme basis. This is an increase of £2,914,922.
- c. **Council resources position – Appendix 3** shows the latest position on capital receipts, section 106 monies and third party contributions. As at the end of this round of budget monitoring the assumed level of surplus available local resources, after taking into account the 2021/22 capital commitments, totals £2,190,485.

The resources are reducing each financial year, to an estimated balance on general capital receipts of £1.125m by March 2022. This is due to reduced opportunities to realise capital receipts, as the estate reduces, which will require prioritisation of future capital schemes in line with available resources.

Please note, the general receipts position requires a number of properties to be sold before 31st March 2022, some of which are high risk (or the estimated balance will reduce).

We will monitor these sales throughout the year, and update through the cyclical monitoring reports. Should these receipts not be received, we will need to source alternative financing.

d. Building Infrastructure Works

Towneley Hall

The majority of expenditure in the current financial year will be around survey costs, consultancy fees and preparatory works. Works are to be tendered and are expected to start from April 2022.

Town Hall

Work on the Stone works is progressing and is on target to complete within budget by the end of the current financial year.

Nicholas Street

An area of dry rot was first identified in a rear first floor office and below in a ceiling/corridor wall. A specialist timber company was instructed to produce a strip out and treatment schedule. The roof was also inspected and temporary repairs carried out to an isolated area where a damaged lead lined gutter and cracked hopper outlet was letting water in. The general condition of the roof coverings and high level gutters/rain water goods is poor and there are signs of historic 'temporary' repairs over the roof area and gutters.

Following the initial strip out works, additional areas of dry rot damage were identified over suspended ceilings and wall areas on the front elevation and in an area on the ground floor and basement adjacent the party wall with the neighbouring property. There is evidence of previous timber replacement in the initial outbreak area where dry rot had been removed and treated over 10 years ago.

A further strip out and treatment schedule has been carried out, which included the replacement of dry rot affected timber lintols and further plaster and timber floor strip out. This work was necessary to halt the spread of the rot and mitigate the risk of it spreading to the neighbouring property.

Following this strip out and structural survey additional structural works have been identified following. These will commence mid-October. A defective hidden internal rainwater pipe has also been found following a further dry-rot outbreak. The pipe has been temporarily diverted and works to assess the extent of the likely remedial works are underway

e. Acquisition of Charter Walk

The Council approved the purchase of the Charter Walk at it's meeting on 22 July 2021. Subsequently a successful bid was submitted, with the exchange of contracts taking place on 07 October 2021. The sale was complete 20 October 2021.

f. Levelling Up Fund

The Council received confirmation of its successful bid at the Autumn Budget on 27th October 2021. The bid was for three schemes: UCLan Burnley Campus Expansion, Town 2 Turf Public Realm Transformation and Railway Station Accessibility Improvement at a total cost of £22.5m spanning three financial years (21/22 – 23/24).

6. Revenue Implications

a. Revenue Contributions / Reserves 2021/22

The Capital Programme includes Revenue Contributions / Reserves of £777,099 being:

Scheme	Funded	£
Vehicle & Machinery Replacement	Transport Reserve	108,975
Vehicle & Machinery Replacement	Revenue	66,025
Refill Fountains	Revenue	20,500
Pioneer Place	Growth Reserve	63,599
Lower St James Street Historic Action Zone	Growth Reserve	185,000
Finsley Wharf & Canal Towpath Improvements	Business Support Reserve	33,000
Burnley/Pendle Growth Corridor	Growth Reserve	300,000
Total Revenue Contributions		777,099

Pioneer Place costs are to fund pre contract costs.

b. Prudential Borrowing 2021/22

The MRP cost is the charge to revenue for the repayment of the principal amount borrowed based on the estimated life of the asset and is not incurred until the year after the schemes are completed.

The interest cost will be dependent on the timing of the borrowing and is subject to the interest rate at the time the borrowing is undertaken. The full year costs will be included within the revenue budget for 2021/22.

The original capital budget for 2021/22 of £18,792,347 included a planned borrowing requirement of £8,792,580.

The Outturn report dated 14 July 2021 seeks approval for slippage on borrowing of £686,125, revising the planned borrowing requirement to £9,478,705.

The Cycle 1 report dated 22 September 2021 approved a reduction of £2m on borrowing, revising the planned borrowing requirement to £7,478,705. Full Council at their meeting on 22 July 2021 approved an additional £23,238,000 revising borrowing to £30,716,705.

This revises the Borrowing to £30,716,705.

The revenue implications of borrowing £30,716,705 are a Minimum Revenue Provision (MRP) of £677k and an interest charge, assuming 3% on the borrowing, would equate to £922k for a full year.

7.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. An increase in the 2021/22 capital programme of £2,914,922 to give a revised budget of £42,396,218.

POLICY IMPLICATIONS

9. None arising directly from this report.

DETAILS OF CONSULTATION

10. Scrutiny Committee.

BACKGROUND PAPERS

11. None.

FURTHER INFORMATION

PLEASE CONTACT:	Howard Hamilton Smith – Head of Finance and Property
ALSO	Amy Johnson – Finance Manager

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2021/22 CAPITAL BUDGET CYCLE 2 MONITORING - UPDATE

APPENDIX 1

Scheme Name	Budget per Exec 22/09/21	Adjustments Per This Report		Changes to be approved in this report	Revised Budget	Total Spend as at 30/09/21	% Schemes Spend	Financed by External Funding	Narrative provided by Project Officers/Heads of Service
		Budget Adjustments	Reprofiled into Future Years						
		A	B						
	£	£	£	£	£	£	£	£	

GREEN SPACES & AMENITIES

Play Area Improvement Programme	110,927			-	110,927	-	0%	64,427	Consultation work ongoing to improve 5 play areas by end of March 2022. Improvement works will be a mix of refurbishments and new equipment with some re-location of equipment. Progress on all 5 schemes expected over the next 2-3 months.
Vehicle and Machinery Replacement	175,000			-	175,000	119,734	68%	15,000	Electric mowers purchased for Cemetery and Golf greens together with various GM equipment. Vehicle fleet replacement tipper has been purchased for Green Spaces and the transit van used by the Playgrounds Team is due to be replaced this year.
Playing Pitch Improvements	88,000			-	88,000	-	0%	88,000	Drainage improvements are to be undertaken at Lockyer Avenue. Costs for this work have already been sourced but may need updating due to the time lapse since received. We are aiming to work with the licensee of the site in the next 6 months to progress this scheme.
Extension of Burnley Cemetery	25,000			-	25,000	-	0%	-	Intend to use the capital monies set aside this financial year to appoint a consultant who specialises in the development of new Cemeteries and Cemetery extensions.
Brun Valley Forest Park	35,219			-	35,219	-	0%	35,219	No progress on this scheme as yet but we are hoping to utilise additional monies from the Treescaping Initiative (which we have applied for in conjunction with 4 other LAs) to top up the existing S106 in the programme this year. The money is proposed to be used on tree/woodland/ecological improvements at the Bank Hall Park site.
Worsthorne Recreation Ground Improvements	122,705			-	122,705	49,463	40%	122,705	The modular changing rooms and clubhouse are now in situ with some utility issues to resolve. The MUGA/Car Parking area has been developed and is complete with the exception of line marking still to be completed. Burnley Council staff will be starting work on the installation of the 2-metre-wide multi-user stone path that will go around the perimeter of the site in early October. We expect to complete this by the end of November 2021. The creation of an additional car parking area, vehicular access improvements from Lennox Street, short term improvements to the existing pump track (as well as long term funding) and the securing of funding for the Outdoor Gym equipment are all still to be completed.
Thompson Park HLF	51,173			-	51,173	1,512	3%	51,173	Outstanding works including signage, road surfacing, flood defence and works to the paddling pool expected to be completed in this financial year.
Refill Stations	20,500			-	20,500	-	0%	-	Scheme to be implemented by engineers, exact sites to be identified.
Stoop Wheelie Sports	925			-	925	-	0%	925	Spend was incurred in the previous financial year. The balance will be used for replacement safety signage
Prairie Artificial Turf Pitch	40,812			-	40,812	24,971	61%	40,812	Spend was incurred in the previous financial year. This budget is to cover retention payment to main contractor and cost consultant.
	670,261	-	-	-	670,261	195,680	29%	418,261	

STREETSCENE

Alleygate Programme	25,684			-	25,684	1,132	4%	-	7 new schemes identified and consultation to be carried out during Q3 in line with legislation. Manufacture and installation completed in Q4
River Training Walls	105,262			-	105,262	21	0%	-	Capital spend has recently been spent to strengthen the resilience of the Thompson Park Heritage Works and to protect from flooding. The remainder of the budget is provisionally committed for retaining wall schemes and will be reviewed during Qtr 3 /4.
Safer Streets	396,256			-	396,256	270,934	68%	396,256	Final invoices due and final parts of the project being completed. The project has been affected with material supply issues due to the complexities around supply chain stress due to pandemic. These supply issues have been overcome now and final installations will be completed in Q3. All funding committed.
	527,202	-	-	-	527,202	272,087	52%	396,256	

2021/22 CAPITAL BUDGET CYCLE 2 MONITORING - UPDATE

APPENDIX 1

Scheme Name	Budget per Exec 22/09/21 £	Adjustments Per This Report		Changes to be	Revised Budget £	Total Spend	% Schemes Spend £	Financed by	Narrative provided by Project Officers/Heads of Service
		Budget	Reprofiled into	approved in		as at		External	
		Adjustments	Future Years	this report		30/09/21		Funding	
	A	B	A + B						
	£	£	£	£		£	£	£	

ECONOMY & GROWTH

Padiham Townscape Heritage Initiative	756,772			-	756,772	418,129	55%	741,961	With the projects on site and those in the pipeline, TH funding towards building conservation works is practically fully committed.
Pioneer Place	5,063,599			-	5,063,599	90,062	2%	-	The funding profile is being reviewed due to delays in obtaining planning permission for Manchester Road and cost challenges in the construction sector.
NW Burnley Growth Corridor - Phase 1	872,342	1,030,000		1,030,000	1,902,342	1,185,577	62%	1,902,342	Public Realm Works - Excavation and paving works are largely complete albeit for a few small sections outstanding where other works have been ongoing. Resurfacing of the highway was completed in August under a road closure. Specifications for street furniture including bins, bollards, planters and seating, as well as plans for the northern node public art area have now been finalised and instructed.
NW Burnley Growth Corridor - Phase 2	1,030,000	(1,030,000)		(1,030,000)	-	-	0%	-	Flood Defence Works - Ground investigation works and detailed river modelling is complete. EA continue with other site preparation works including bridge investigations and the treatment of Japanese Knotweed. EA are consulting with project partners and BBC Dev. Control re the planning application for the flood defence construction.
Lower St James Street Historic Action Zone	1,083,576			-	1,083,576	155,237	14%	771,121	Programme and budget is on track to spend its committed allocations.
Finsley Wharf & Canal Towpath Improvements	33,000			-	33,000	33,000	100%	-	Project complete
Vision Park	39,386			-	39,386	-	0%	32,733	Approval has been obtained from the LEP to use this funding to contribute to an entrance sign at the front of Vision Park, once phased 2 & 3 of the development are underway.
Former Open Market & Former Cinema Block	57,738			-	57,738	-	0%	-	Remediation works to the concrete parapet cladding to be completed later in the year
Town Centre and Weavers Triangle Project Work	536,370	(40,548)		(40,548)	495,822	25,304	5%	-	This expenditure is earmarked as matched funding for the Levelling Up Fund bid that was submitted in June 2021 with a decision expected in the Autumn.
Sandyside Halls	218,938			-	218,938	20,284	9%	-	Defects works and fitting out of office unit to be completed in Q3.
Burnley Pendle Growth Corridor	300,000			-	300,000	-	0%	-	All works completed. Awaiting invoice from LCC
Leveling Up Fund	-	2,955,470		2,955,470	2,955,470	-	0%	2,914,922	The Council received confirmation of the successful Levelling Up Fund bid in October 2021. The bid consisted of three schemes: UCLan Burnley Campus Expansion, Town 2 Turf Public Realm Transformation and Railway Station Accessibility Improvement. Work on the schemes will span three financial years (21/22 - 23/24) with a total spend of £22.5m.
	9,991,721	(40,548)	-	(40,548)	12,906,643	1,927,593	15%	6,363,079	

FINANCE & PROPERTY

Leisure Centre Improvements	104,069			-	104,069	28,548	27%	-	A programme of works has been identified with the Trust and will be completed in order of priority over this financial year.
Building Infrastructure Works	1,990,043			-	1,990,043	622,903	31%	-	Burnley Town Hall works are on budget and on schedule to complete by the end of the financial year (remaining spend £0.67m), Crematorium Roof on site and will complete by the end of October (£0.1m). Works to the Jacobean Ceiling at Towneley have been completed (£20k) however the main contract for the refurbishment of the Hall has yet to be let and the majority of the costs will fall in subsequent financial years.
Acquisition of Charter Walk	-	23,238,000		23,238,000	23,238,000	75,160	0%	-	Contracts were exchanged 07/10/21 and the sale completed 20/10/21. The purchase price was £20.7m plus taxes and professional fees.
	2,094,112	23,238,000	-	23,238,000	25,332,112	726,611	3%	-	

Scheme Name	Budget per Exec 22/09/21	Adjustments Per This Report		Changes to be approved in this report	Revised Budget	Total Spend as at 30/09/21	% Schemes Spend	Financed by External Funding	Narrative provided by Project Officers/Heads of Service
		Budget Adjustments	Reprofiled into Future Years						
		A	B						
	£	£	£	£	£	£	£	£	

HOUSING & DEVELOPMENT CONTROL

Emergency Repairs	120,000	-		-	120,000	47,139	39%	120,000	Grant enquiries continue to be received for a range of enquiries, including leaking roofs and excess cold.
Better Care Grant	1,500,000			-	1,500,000	691,373	46%	1,500,000	At the start of this financial year 140 grants required completion from the previous financial year, this has reduced to 87. Since the start of the 21/22 financial year, 77 new grant referrals have been received, 23 of which have been approved. We no longer have a back log of inspections, meaning customers are visited within 2 weeks of receiving the grant referral.
Energy Efficiency	40,000	-		-	40,000	19,900	50%	40,000	Since the beginning of the financial year 51 applications have been received totalling a commitment of £20,600. Of the 51 approved grants; 32 have completed.
Empty Homes Programme	1,300,000	-		-	1,300,000	533,471	41%	-	Despite a challenging start to the financial year, the programme is targeting another 20 acquisitions and is on track to achieve this. Renovation costs have increased this year due to supply issues which we are still experiencing. We have had 8 loan applications this year and have so far completed 4. We have recently sold several properties to Calico as part of their Phase 3 work in and around Burnley Wood. We have sold 3 of our renovated properties to owner occupiers and we have a further 4 properties being renovated. Another Executive report is being prepared for November.
	2,960,000	-	-	-	2,960,000	1,291,882	44%	1,660,000	

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Scheme Name	Revised Budget £	FINANCING ELEMENTS						Total Revised Budget £
		Prudential Borrowing £	Revenue Cont'n / Reserves £	Capital Grants £	Capital Receipts £	Vacant Property Initiative Receipts £	3rd Party Contribution / Section 106 £	
Green Spaces & Amenities								
Play Area Improvement Programme	110,927	-	-	-	46,500	-	64,427	110,927
Vehicle and Machinery Replacement	175,000	-	160,000	-	-	-	15,000	175,000
Playing Pitch Improvements	88,000	-	-	-	-	-	88,000	88,000
Extention of Burnley Cemetery	25,000	25,000	-	-	-	-	-	25,000
Brun Valley Forest Park	35,219	-	-	-	-	-	35,219	35,219
Worsthorne Recreation Ground Improvements	122,705	-	-	122,705	-	-	-	122,705
Thompson Park HLF	51,173	-	-	51,173	-	-	-	51,173
Refill Fountains	20,500	-	20,500	-	-	-	-	20,500
Stoops Wheeled Sport	925	-	-	925	-	-	-	925
Prairie Artificial Turf Pitch	40,812	-	-	40,812	-	-	-	40,812
	670,261	25,000	180,500	215,615	46,500	-	202,646	670,261
Streetscene								
Alleygate Programme	25,684	-	-	-	25,684	-	-	25,684
River Training Walls	105,262	-	-	-	105,262	-	-	105,262
Safer Streets	396,256	-	-	396,256	-	-	-	396,256
	527,202	-	-	396,256	130,946	-	-	527,202
Economy & Growth								
Padiham Townscape Heritage Initiative	756,772	-	-	715,585	14,811	-	26,376	756,772
Pioneer Place	5,063,599	5,000,000	63,599	-	-	-	-	5,063,599
NW Burnley Growth Corridor - Phase 1	872,342	-	-	872,342	-	-	-	872,342
NW Burnley Growth Corridor - Phase 2	1,030,000	-	-	1,030,000	-	-	-	1,030,000
Lower St James Street Historic Action Zone	1,083,576	127,455	185,000	597,227	-	-	173,894	1,083,576
Finsley Wharf & Canal Towpath Improvements	33,000	-	33,000	-	-	-	-	33,000
Vision Park	39,386	-	-	32,733	6,653	-	-	39,386
Former Open Market & Former Cinema Block	57,738	57,738	-	-	-	-	-	57,738
Town Centre & Weavers Triangle Project Work	495,822	459,452	-	-	36,370	-	-	495,822
Sandygate Halls	218,938	218,938	-	-	-	-	-	218,938
Burnley-Pendle Growth Corridor	300,000	-	300,000	-	-	-	-	300,000
Levelling Up Fund	2,955,470	40,548	-	2,664,922	-	-	250,000	2,955,470
	12,906,643	5,904,131	581,599	5,912,809	57,834	-	450,270	12,906,643
Finance & Property								
Leisure Centre Improvements	104,069	104,069	-	-	-	-	-	104,069
Building Infrastructure Works	1,990,043	1,445,505	-	-	544,538	-	-	1,990,043
Acquisition of Charter Walk	23,238,000	23,238,000						23,238,000
	25,332,112	24,787,574	-	-	544,538	-	-	25,332,112
Housing & Development Control								
Emergency Repairs	120,000	-	-	120,000	-	-	-	120,000
Better Care Grant	1,500,000	-	-	1,500,000	-	-	-	1,500,000
Energy Efficiency	40,000	-	-	40,000	-	-	-	40,000
Empty Homes Programme	1,300,000	-	-	-	-	1,300,000	-	1,300,000
	2,960,000	-	-	1,660,000	-	1,300,000	-	2,960,000
TOTAL OF ALL SCHEMES	42,396,218	30,716,705	762,099	8,184,680	779,818	1,300,000	652,916	42,396,218

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CAPITAL RECEIPTS AND CONTRIBUTIONS ANALYSIS FOR 2020/21 + CIP 2021-25

APPENDIX 3

	<u>General Capital Receipts</u> £	<u>Vacant Property Initiatives Receipts</u> £	<u>Section 106 Money</u> £	<u>3rd Party Cont'ns</u> £	<u>Total</u> £
Capital Resources Brought Forward on 1 April 2021	1,243,419	660,778	321,956	270,018	2,496,170
Add					
Resources Received as at 30 September 2021	94,975	638,504	80,074	-	813,553
Further Resources Estimated to be Received during 2021/22:	566,000	784,496	-	13,000	1,363,496
Potential Resources Available during 2021/22	1,904,394	2,083,778	402,030	283,018	4,673,219
Less					
Required to Finance Capital Programme	(779,818)	(1,300,000)	(123,219)	(279,697)	(2,482,734)
Earmarked for Revenue Expenditure	-	-	-	-	-
Earmarked for Delivery By Outside Bodies	-	-	-	-	-
Estimated Surplus / (Shortfall) of Resources as at 31st March 2022	1,124,576	783,778	278,811	3,321	2,190,485
Add - Resources Estimated to be Received during 2022/23	107,500	1,290,000	116,000	365,866	1,879,366
Less - 2022/23 Capital Budget	(1,436,237)	(1,300,000)	(116,000)	(365,866)	(3,218,103)
Estimated Surplus / (Shortfall) of Resources as at 31st March 2023	(204,161)	773,778	278,811	3,321	851,748
Add - Resources Estimated to be Received during 2023/24	100,000	1,215,000	-	572,141	1,887,141
Less - 2023/24 Capital Budget	(466,948)	(1,300,000)	-	(572,141)	(2,339,089)
Estimated Surplus / (Shortfall) of Resources as at 31st March 2024	(571,109)	688,778	278,811	3,321	399,800
Add - Resources Estimated to be Received during 2024/25	100,000	1,215,000	-	15,000	1,330,000
Less - 2024/25 Capital Budget	(339,726)	(1,300,000)	-	(15,000)	(1,654,726)
Estimated Surplus / (Shortfall) of Resources as at 31st March 2025	(810,835)	603,778	278,811	3,321	75,074
Add - Resources Estimated to be Received during 2025/26	100,000	1,215,000	-	15,000	1,330,000
Less - 2025/26 Capital Budget	(288,635)	(1,300,000)	-	(15,000)	(1,603,635)
Estimated Surplus / (Shortfall) of Resources as at 31st March 2025	(999,470)	518,778	278,811	3,321	(198,561)

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REPORT TO EXECUTIVE



DATE	01 December 2021
PORTFOLIO	Resources & Performance Management
REPORT AUTHOR	Amy Johnson
TEL NO	(01282) 425011 ext 3162
EMAIL	ajohnson@burnley.gov.uk

Fees & Charges Tariff 2022/23

PURPOSE

1. To inform Members of the Council's proposed fees and charges from 1 April 2022.

RECOMMENDATION

That the Executive recommend to Full Council:

2. Approval of the proposed tariff of fees & charges from 1 April 2022 with an increase of 2.0% as outlined in Appendix A attached, with a range of exceptions as outlined in the report.
3. To authorise the Head of Finance and Property, in consultation with the relevant Head of Service, to determine any new charges or changes to existing charges relating to the preparation and approval of the 2022/23 revenue budget.
4. To authorise the Executive Portfolio Members to amend fees & charges periodically in their own area on the basis that overall income in their portfolio area remains the same as a minimum.
5. To authorise the Strategic Head of Economy and Growth, in consultation with the Executive Member for Resources and Performance Management and the Head of Finance and Property, to adjust fees and charges in relation to the Markets service from time to time to reflect current trading conditions and the overall position of the market.

REASONS FOR RECOMMENDATION

6. To set the Council's fees and charges from 1 April 2022 and assist in finalising the 2022/23 budget process.

SUMMARY OF KEY POINTS

7. In line with the Council's commercial strategy, Heads of Service were asked to:
- a) ensure that no charge has been omitted and the schedule is complete,
 - b) confirm increases at an overall 2.0% for the service (excluding areas where either no increase is proposed or where they are set statutorily),
 - c) confirm that the fees and corresponding VAT rates are correct,
 - d) confirm the date of the fee increase,
 - e) give notification of any potential new areas for the introduction of fees and charges within their service area and of the proposed level of such fees and charges from 1 April 2022,
 - f) make suggestions/proposals as to where income can be found in future to help alleviate the Council's budget pressures as identified in the Medium Term Financial Strategy, and
 - g) identify where services are being provided at a subsidy and where fees and charges should be increased by more than 2.0% in order to maintain the viability of service provision.
8. A summary of the key points of the proposed fees and charges are:
9. Local Land Charges
There will be no increase in Local Land Charges fees.
10. Garden Waste Collection Charges
There will be no increase to the Green Waste Collection charge of £35.00. In addition the early bird discount offered in 2021/22 will no longer be offered as it was intended as an incentive during year 1 of the price increase. No increase to the fees and charges levels will result in approximately £6k income foregone (assuming a 2% increase).
11. Building Control Fees
It is proposed that fees be increased by 2% with effect from **1st January 2022**. The fees have yet to be formally agreed by members of the Pennine Lancashire Building Control Joint Committee and are therefore subject to change. Income from fees and charges is for fee-earning work and used to offset costs. Any excess income is transferred to an earmarked reserve in Blackburn's accounts for future use in providing the service. Therefore, it does not result in any increased income to the Council as they form part of the shared service with Blackburn with Darwen Council.
12. Car Parking
There will be no increase to car parking charges (pay and display and contract parking). No increase to the fees and charges levels will result in approximately £15k pay and display income and £6k contract parking income foregone (assuming a 2% increase).
13. Commercial Waste
Commercial waste annual contracts will increase by 2.0% with the exception of 'Recycling Annual Contract - Weekly Collections' where there will be no increase. The increase of 2% will result in approximately £4k additional income.

14. Bulky & White Goods

There will be no increase to bulky and white goods charges. No increase to the fees and charges levels will result in approximately £1k income foregone (assuming a 2% increase).

15. Fixed Penalty Notices

There is to be no increase to existing Fixed Penalty Notices.

16. Licensing fees

Licensing fees are to be increased by 2.0%, where the charge is not statutory. The increase of 2% will result in approximately £3k additional income.

17. Taxi Licensing

Taxi Licensing fees are set by Licensing Committee and are to be considered at their meeting in November 2021. Should taxi licences fees require formal consultation, this could lead to a slight delay in implementation.

18. Towneley Hall

Daily car parking fees to be frozen at the 2020/21 rate along with the entrance fee. All other fees and charges to be increased by 2.0%. No increase to the car parking fees and charges levels will result in approximately £3k income forgone (assuming a 2% increase). An increase of 2% to other fees and charges will result in approximately £1k additional income.

19. Cemeteries & Crematorium

There will be no increase to Cemetery and Crematorium charges (no increase applied in 2020/21). No increase to the fees and charges levels will result in approximately £29k income foregone (assuming a 2% increase).

20. Market Hall

Market hall fees and charges to be increased by 2%. The increase of 2% will result in approximately £1k additional income.

21. Mobile Home Fit and Proper Person Assessment

A new charge for the above assessment to be introduced.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION
--

22. The assumed increase in income from the proposed changes to the fees and charges tariff presented in this report is approximately £32k in 2022/23.

POLICY IMPLICATIONS

23. None directly as a consequence of this report.

DETAILS OF CONSULTATION

24. Scrutiny Committee.

BACKGROUND PAPERS

25. None.

FURTHER INFORMATION

PLEASE CONTACT:

Amy Johnson – Finance Manager

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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COMMUNITY SERVICES**GREEN SPACES & AMENITIES****CEMETERIES****Interment Fees**

Under 1 year	no charge		no charge				
Over 1 year - 17 years	323.00	-	323.00	-	323.00	zero	1-Apr-22
18 years and over	1,237.00	-	1,237.00	-	1,237.00	zero	1-Apr-22
Where Casket is used	1,437.00	-	1,437.00	-	1,437.00	zero	1-Apr-22
Where Vault is used	1,437.00	-	1,437.00	-	1,437.00	zero	1-Apr-22
Interment after appointed time	209.00	-	209.00	-	209.00	zero	1-Apr-22
Interment of cremated remains	250.00	-	250.00	-	250.00	zero	1-Apr-22

Interment Fees - Public Grave

Over 1 year - 17 years	203.00	-	203.00	-	203.00	zero	1-Apr-22
18 years and over	415.00	-	415.00	-	415.00	zero	1-Apr-22
Service in Cemetery Chapel	154.00	-	154.00	-	154.00	zero	1-Apr-22
NHS Charge (pre-term)	74.00	-	74.00	-	74.00	zero	1-Apr-22

Removal & Replacement

Headstones (remove and re-fix to National Association of Memorial							
Masons standards)	192.00	-	192.00	-	192.00	zero	1-Apr-22
Sidestones	158.00	-	158.00	-	158.00	zero	1-Apr-22
Chippings	96.00	-	96.00	-	96.00	zero	1-Apr-22

Right to Erect Memorials

Headstone (900mm maximum)(including first inscription)	195.00	-	195.00	32.50	162.50	20.00	1-Apr-22
Wooden Cross	51.00	-	51.00	8.50	42.50	20.00	1-Apr-22
Vase without inscription and under 300 mm	FOC	-	FOC		FOC		
Otherwise	97.00	-	97.00	16.17	80.83	20.00	1-Apr-22
Inscription (each)	51.00	-	51.00	8.50	42.50	20.00	1-Apr-22

Construction

Vault - Single Space/Depth	2,439.00	-	2,439.00	-	2,439.00	zero	1-Apr-22
Vault - Double Space	At Cost		At Cost	-	At Cost	zero	
is this construction (Vatable) or right to contract (Non Vatable)							

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Exclusive Right of Burial**Burnley**

Row 1 - 4	1,120.00	-	1,120.00	-	1,120.00	zero	1-Apr-22
Lawn Section	1,377.00	-	1,377.00	-	1,377.00	zero	1-Apr-22
Half Grave (for burial of ashes only)	444.00	-	444.00	-	444.00	zero	1-Apr-22
Any other row	1,120.00	-	1,120.00	-	1,120.00	zero	1-Apr-22
Additional charge for Vault	703.00	-	703.00	-	703.00	zero	1-Apr-22

Purchase of above by Non-Resident of Burnley Borough

Miscellaneous

Search of Register	FOC		FOC		FOC		
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Padiham Garden of Remembrance

Use of Memorial Stone	128.00	-	128.00	-	128.00	zero	1-Apr-22
Use of Niche for one person	236.00	-	236.00	-	236.00	zero	1-Apr-22
Additional remains in Niche	149.00	-	149.00	-	149.00	zero	1-Apr-22

CREMATORIUM**Cremation**

Under 1 year	no charge		no charge				
Over 1 year - 17 years	219.00	-	219.00	-	219.00	zero	1-Apr-22
18 years and over	764.00	-	764.00	-	764.00	zero	1-Apr-22
Direct Cremation (before 9.30am, no chapel service)	408.00	-	408.00	-	408.00	zero	1-Apr-22
Medical Referee	18.00	-	18.00	-	18.00	zero	1-Apr-22
Additional fee for Saturday & 12.30 additional time	211.00	-	211.00	-	211.00	zero	1-Apr-22
NHS Charge (pre-term)	36.00	-	36.00	-	36.00	zero	1-Apr-22

Entries in Book of Remembrance

2 line	111.00	-	111.00	18.50	92.50	20.00	1-Apr-22
5 line	173.00	-	173.00	28.83	144.17	20.00	1-Apr-22
8 line	255.00	-	255.00	42.50	212.50	20.00	1-Apr-22
5 line with flower emblem	239.00	-	239.00	39.83	199.17	20.00	1-Apr-22
5 line with Badge	266.00	-	266.00	44.33	221.67	20.00	1-Apr-22
6 line with Coat of Arms	341.00	-	341.00	56.83	284.17	20.00	1-Apr-22

Remembrance Cards

With 2 line inscription	69.00	-	69.00	11.50	57.50	20.00	1-Apr-22
With 5 line inscription	81.00	-	81.00	13.50	67.50	20.00	1-Apr-22
With 8 line inscription	110.00	-	110.00	18.33	91.67	20.00	1-Apr-22
Additional 2 line inscription	41.00	-	41.00	6.83	34.17	20.00	1-Apr-22
Additional 5 line inscription	54.00	-	54.00	9.00	45.00	20.00	1-Apr-22
Additional 8 line inscription	63.00	-	63.00	10.50	52.50	20.00	1-Apr-22
Additional cost for flower emblem (only with 5 or 8 line entry)	69.00	-	69.00	11.50	57.50	20.00	1-Apr-22

Retaining of Ashes

After 1 month (per month)	72.00	-	72.00	-	72.00	zero	1-Apr-22
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Scattering of Ashes

Cremation not at Burnley	72.00	-	72.00	-	72.00	zero	1-Apr-22
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Memorial Wall

Lakeland stone plaque	552.00	-	552.00	92.00	460.00	20.00	1-Apr-22
(plus lettering per letter - existing walls only, new walls subject to)	3.00	-	3.00	0.50	2.50	20.00	1-Apr-22

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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new price list)

Additional inscription admin charge (plus lettering)

Emblem

Renewal of lease at end of agreement per 5 years

42.00	-	42.00	7.00	35.00	20.00	1-Apr-22	
40.00	-	40.00	6.67	33.33	20.00	1-Apr-22	
75.00	-	75.00	12.50	62.50	20.00	1-Apr-22	

Tree of Remembrance

Engraved Remembrance Leaf

60.00	-	60.00	10.00	50.00	20.00	1-Apr-22	
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Ash Plots

Exclusive right of burial (40 years)

Interment fee

Right to erect memorial

Foundation

444.00	-	444.00	74.00	370.00	20.00	1-Apr-22	
250.00	-	250.00	41.67	208.33	20.00	1-Apr-22	
281.00	-	281.00	46.83	234.17	20.00	1-Apr-22	
25.00	-	25.00	4.17	20.83	20.00	1-Apr-22	

PARKS - OUTDOOR SPORTS ACTIVITIES & EVENTS**Events - Towneley Park**

Local Organisations

Non Resident Organisation - per event

Funfair Events

177.30	2.00	180.80	30.13	150.67	20.00	1-Apr-22	
452.05	2.00	461.10	76.85	384.25	20.00	1-Apr-22	
POA		POA					

Towneley Park

Cricket

58.20	2.00	59.35	9.89	49.46	20.00	1-Apr-22	
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2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Football pitches (from 1st August each year)**Grade A - (changing, showers & attendant)**

Prairie, Fennyfold, Towneley

58.20 2.00 59.35 9.89 49.46 20.00 1-Apr-22

Grade B (pitch only)

Queens Park, Worsthorne, Stoneyholme, Hapton

40.85 2.00 41.65 6.94 34.71 20.00 1-Apr-22

Barden Central Arena

Burnley United A F C per season

n/a not charged in lieu of cleaning and management

Junior Football

Hire of Junior pitch

12.65 2.00 12.90 2.15 10.75 20.00 1-Apr-22

Use of changing accommodation only

12.65 2.00 12.90 2.15 10.75 20.00 1-Apr-22

ALLOTMENTSAllotment Rent per m²

0.30 2.00 0.31 - 0.31 zero 1-Apr-22

Concessionary Rental (50%)

0.14 2.00 0.14 - 0.14 zero 1-Apr-22

Water

15.50 2.00 15.80 - 15.80 zero 1-Apr-22

Admin fee for setting up of new tenancy agreements

12.60 2.00 12.85 2.14 10.71 20.00 1-Apr-22

Note : Allotments users require 3 months notice of any price increases.**TOWNELEY****Car Parking - Pay & Display**

Riverside - per day

1.50 - 1.50 0.25 1.25 20.00 1-Apr-22

Towneley Hall - per hour

0.80 - 0.80 0.13 0.67 20.00 1-Apr-22

9 Hole Golf - per day

1.50 - 1.50 0.25 1.25 20.00 1-Apr-22

Causeway End / Golf Course - per day

2.00 - 2.00 0.33 1.67 20.00 1-Apr-22

Barwise per day

1.50 - 1.50 0.25 1.25 20.00 1-Apr-22

Woodgrove - per day

1.50 - 1.50 0.25 1.25 20.00 1-Apr-22

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Car Parking - Contracts (per annum)

Towneley Hall	61.00	-	61.00	10.17	50.83	20.00	1-Apr-22
Riverside	40.00	-	40.00	6.67	33.33	20.00	1-Apr-22
Barwise	40.00	-	40.00	6.67	33.33	20.00	1-Apr-22
Woodgrove	61.00	-	61.00	10.17	50.83	20.00	1-Apr-22

TOWNELEY HALL**Guided Tours**

Local Links Subscription Scheme for Schools - per annum	229.30	2.00	233.90	38.98	194.92	20.00	1-Apr-22
Daytime - per person	8.35	2.00	8.50	1.42	7.08	20.00	1-Apr-22
Evening - per person	12.55	2.00	12.80	2.13	10.67	20.00	1-Apr-22
School Groups per person - half day	2.60	2.00	2.65	0.44	2.21	20.00	1-Apr-22
School Groups per person - full day	5.25	2.00	5.35	0.89	4.46	20.00	1-Apr-22

Use of Hall

Commercial Photography	314.00	2.00	320.00	53.33	266.67	20.00	1-Apr-22
Filming Fees	1,046.00	2.00	1,067.00	177.83	889.17	20.00	1-Apr-22
Great Hall (by negotiation) fees start from	627.00	2.00	640.00	106.67	533.33	20.00	1-Apr-22 *
up to	1,046.00	2.00	1,067.00	177.83	889.17	20.00	1-Apr-22 *
Regency Rooms Daytime Events (by negotiation) fees start from	627.00	2.00	640.00	106.67	533.33	20.00	1-Apr-22 *
up to	1,046.00	2.00	1,067.00	177.83	889.17	20.00	1-Apr-22 *
Regency Rooms Evening Events (by negotiation) fees start from	627.00	2.00	640.00	106.67	533.33	20.00	1-Apr-22 *
up to	1,046.00	2.00	1,067.00	177.83	889.17	20.00	1-Apr-22 *
Lecture Theatre (by negotiation) fees start from	105.00	2.00	107.00	17.83	89.17	20.00	1-Apr-22
up to	314.00	2.00	320.00	53.33	266.67	20.00	1-Apr-22
Great Hall & both Regency Rooms (by negotiation) fees start from	523.00	2.00	533.00	88.83	444.17	20.00	1-Apr-22 *
up to	3,659.00	2.00	3,732.00	622.00	3,110.00	20.00	1-Apr-22 *

* 50% discount for Charities

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Conferences & Meetings

Lecture Theatre Room Hire - fees start from	104.55	2.00	106.65	17.78	88.87	20.00	1-Apr-22	*
up to	313.65	2.00	319.90	53.32	266.58	20.00	1-Apr-22	*
Tea & Coffee per person per serving	1.05	2.00	1.05	0.18	0.87	20.00	1-Apr-22	

* 50% discount for Charities

Wedding Charges

Regency Rooms - ceremony only fees start from	366.00	2.00	373.00	62.17	310.83	20.00	1-Apr-22	
up to	1,568.00	2.00	1,599.00	266.50	1,332.50	20.00	1-Apr-22	
Great Hall & Regency Rooms ceremony & afternoon reception up to 7pm								
fees start from	523.00	2.00	533.00	88.83	444.17	20.00	1-Apr-22	
up to	3,659.00	2.00	3,732.00	622.00	3,110.00	20.00	1-Apr-22	
Photography - grounds/formal gardens	63.00	2.00	64.00	10.67	53.33	20.00	1-Apr-22	
Photography - grounds/formal gardens & inside	105.00	2.00	107.00	17.83	89.17	20.00	1-Apr-22	

Entrance Fees

Adult - 12 month pass	5.00	-	5.00	0.83	4.17	20.00	1-Apr-22	*
50% reduction on wedding & event days due to rooms being closed								
Free admission for children and students								

THOMPSON PARK**Car Parking - Pay & Display**

Thompson Park - per day	2.00	-	2.00	0.33	1.67	20.00	1-Apr-22	
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2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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STREETSCENE**CAR PARKING CHARGES**

The current strategy is to increase car parking charges every two years.

Short Stay Car Parks

Elizabeth St / Grimshaw St / Standish St / Parker Lane /

William Thompson / Orchard Bridge / Cow Lane 1 & 2 / Pioneer 1 /

Sutcliffe St / Thomas St

0-1 hour	1.00	-	1.00	0.17	0.83	20.00	1-Apr-22
1-2 hours	1.60	-	1.60	0.27	1.33	20.00	1-Apr-22
2-3 hours	2.10	-	2.10	0.35	1.75	20.00	1-Apr-22
3 Hours plus	5.60	-	5.60	0.93	4.67	20.00	1-Apr-22
Sundays & Bank Holidays	Free		Free				
Disabled pass holders - up to 3 hrs	Free		Free				

Disabled pass holders - over 3 hrs - charges apply as above

Victoria

0-1 hour	1.00	-	1.00	0.17	0.83	20.00	1-Apr-22
1-2 hours	1.60	-	1.60	0.27	1.33	20.00	1-Apr-22
2-3 hours	2.10	-	2.10	0.35	1.75	20.00	1-Apr-22
3 Hours plus	5.60	-	5.60	0.93	4.67	20.00	1-Apr-22
Disabled pass holders - up to 3 hrs	Free		Free				

Disabled pass holders - over 3 hrs - charges apply as above

Pioneer 2 / King St

0-1 hour	1.00	-	1.00	0.17	0.83	20.00	1-Apr-22
1-2 hours	1.60	-	1.60	0.27	1.33	20.00	1-Apr-22
2-3 hours	2.10	-	2.10	0.35	1.75	20.00	1-Apr-22
3 Hours plus	3.80	-	3.80	0.63	3.17	20.00	1-Apr-22

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Disabled pass holders - up to 3 hrs

Free

Free

Disabled pass holders - over 3 hrs - charges apply as above

Charter Walk Surface Car Park

0-1 hour		1.00	-	1.00	0.17	0.83	20.00	n/a
1-2 hours		1.50	-	1.50	0.25	1.25	20.00	n/a
2-3 hours	Monday - Saturday	2.00	-	2.00	0.33	1.67	20.00	n/a
3-4 hours		2.50	-	2.50	0.42	2.08	20.00	n/a
Daily Charge		8.00	-	8.00	1.33	6.67	21.00	n/a

0-2 hours

Sunday

Over 2 hours

Millenium Multi-Storey Car Park

0-1 hour		1.00	-	1.00	0.17	0.83	20.00	n/a
1-2 hours		1.50	-	1.50	0.25	1.25	20.00	n/a
2-3 hours	Monday - Saturday	2.00	-	2.00	0.33	1.67	20.00	n/a
3-4 hours		2.50	-	2.50	0.42	2.08	20.00	n/a
Daily Charge		3.00	-	3.00	0.50	2.50	21.00	n/a

Pay and Display Car Parks

Finsley Gate 2 / Centenary Way

Monday - Saturday per visit	3.80	-	3.80	0.63	3.17	20.00	1-Apr-22
Sundays & Bank Holidays	Free		Free				
Disabled pass holders - up to 3 hrs	Free		Free				

Disabled pass holders - over 3 hrs - charges apply as above

'Free after 3pm' will be introduced to Council operated pay and display car parks in Burnley Town Centre from the 12th April 2021 for an initial 3 month period. Under 'Free after 3pm' there will be free parking available in these car parks from 3pm every day.

Contracts

Finsley Gate 1, 2 & 3 / King St / Bank Parade / Pioneer 2 / Centenary Way

William Thompson / Royle Road

per quarter Monday to Friday (inclusive)	185.70	-	185.70	30.95	154.75	20.00	1-Apr-22
per quarter Monday to Saturday (inclusive)	222.90	-	222.90	37.15	185.75	20.00	1-Apr-22
Millenium Multi-Storey Car Park							
per Calendar Month Monday to Saturday	40.00	-	40.00	6.67	33.33	20.00	n/a

Other Contracts Charges

Staff Car Parking Charges - Operational	297.90	-	297.90	49.65	248.25	20.00	1-Apr-22
Staff Car Parking Charges - Non-Operational	342.30	-	342.30	57.05	285.25	20.00	1-Apr-22
Part Time Employees / Members Car Parking Charges	pro rata		pro rata				

PEST CONTROL & WASTE

Pest Control *

Flea & Bed Bug Sprays	56.20	2.00	57.30	9.55	47.75	20.00	1-Apr-22
Wasps Nests	56.20	2.00	57.30	9.55	47.75	20.00	1-Apr-22
Commercial	62.75	2.00	64.00	10.67	53.33	20.00	1-Apr-22

* Charges start from

Waste & Recycling Collection Containers

Replacement per residual waste and recycling wheeled bin	31.30	2.00	31.90	-	31.90	zero	1-Apr-22
Residual waste and recycling wheeled bin at new build properties	31.30	2.00	31.90	-	31.90	zero	1-Apr-22
Recycling Box & Lid	FOC		FOC				
White Sacks	FOC		FOC				

	2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
First green waste wheeled bin	FOC		FOC					
Additional green waste wheeled bin	31.30	2.00	31.90	-	31.90	zero	1-Apr-22	
Provision of 1100L container for new build apartments/flats	425.70	2.00	434.20	72.37	361.83	20.00	1-Apr-22	
Annual charge for Green Waste Collection*	35.00	-	35.00	-	35.00	zero	1-Apr-22	
<u>Bulky & White Goods</u> (One collection covers one white good or up to four bulky items)								
Charge per collection	13.80	-	13.80	-	13.80	zero	n/a	
<u>Back Yard Clearances</u>								
Back Yard Clearances								

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Fixed Penalty Notices

Littering	80.00	-	80.00	-	80.00	zero	1-Apr-22
Side Waste / Waste Receptables / Failing to Manage Waste - Higher	200.00	-	200.00	-	200.00	zero	1-Apr-22
Side Waste / Waste Receptables / Failing to Manage Waste - Lower	100.00	-	100.00	-	100.00	zero	1-Apr-22
Graffiti / Fly Posting	100.00	-	100.00	-	100.00	zero	1-Apr-22
Fly Tipping - Higher	400.00	-	400.00	-	400.00	zero	1-Apr-22
Fly Tipping - Lower	150.00	-	150.00	-	150.00	zero	1-Apr-22
Public Space Protection Order (PSPO)	100.00	-	100.00	-	100.00	zero	1-Apr-22
Failure to produce a Waste Carriers License	300.00	-	300.00	-	300.00	zero	1-Apr-22
Commercial Waste	300.00	-	300.00	-	300.00	zero	1-Apr-22
Dog Fouling	100.00	-	100.00	-	100.00	zero	1-Apr-22
Abandoned Vehicles	200.00	-	200.00	-	200.00	zero	1-Apr-22
Car Parking - Lower	51.00	-	51.00	-	51.00	zero	1-Apr-22 *
Car Parking - Higher	71.00	-	71.00	-	71.00	zero	1-Apr-22 *

* 50% discount if paid within 14 days

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Covid-19 Fixed Penalty Notices

Business restriction offence - first fixed penalty notice issued	1,000.00	-	1,000.00	-	1,000.00	zero	1-Apr-22
Business restriction offence - second fixed penalty notice issued	2,000.00	-	2,000.00	-	2,000.00	zero	1-Apr-22
Business restriction offence - third fixed penalty notice issued	4,000.00	-	4,000.00	-	4,000.00	zero	1-Apr-22
Business restriction offence - fourth fixed penalty notice issued	10,000.00	-	10,000.00	-	10,000.00	zero	1-Apr-22

Default Works - Property repair works

Full Cost plus charge for staff time & administration	n/a	Officer time now accounted for instead					
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Chargeable Commercial Waste*Annual Contract

Container Costs	253.40	2.00	258.50	-	258.50	zero	1-Apr-22
General Waste Sack - Roll 25 Sacks	53.80	2.00	54.90	-	54.90	zero	1-Apr-22
240L bin - per bin lift	5.60	2.00	5.70	-	5.70	zero	1-Apr-22
360L bin - per bin lift	8.40	2.00	8.60	-	8.60	zero	1-Apr-22
660L bin - per bin lift	11.40	2.00	11.60	-	11.60	zero	1-Apr-22
1100L bin - per bin lift	17.90	2.00	18.30	-	18.30	zero	1-Apr-22
Recycling Annual Contract - Weekly Collections	240.00	-	240.00	-	240.00	zero	1-Apr-22

* Charges start from

STREET RENAMING & NUMBERING

Change of a house name / number	52.00	2.00	53.00	-	53.00	zero	1-Apr-22
Change of a building name	105.00	2.00	107.00	-	107.00	zero	1-Apr-22
Change of a street name	209.00	2.00	213.00	-	213.00	zero	1-Apr-22
- plus charge per property for a change of street name	21.00	2.00	21.00	-	21.00	zero	1-Apr-22

LICENSING

rounded to nearest £1

Other Licensing

Boarding New - 1 year (New 2018 Animal Welfare Regulation)	195.00	2.00	199.00	-	199.00	zero	1-Apr-22
2 year	260.00	2.00	265.00	-	265.00	zero	1-Apr-22
3 year	293.00	2.00	299.00	-	299.00	zero	1-Apr-22
Boarding Renew - 1 year (New 2018 Animal Welfare Regulation)	191.00	2.00	195.00	-	195.00	zero	1-Apr-22
2 year	257.00	2.00	262.00	-	262.00	zero	1-Apr-22
3 year	290.00	2.00	296.00	-	296.00	zero	1-Apr-22
Home Boarder New - 1 year (New 2018 Animal Welfare Regulation)	163.00	2.00	166.00	-	166.00	zero	1-Apr-22
2 year	220.00	2.00	224.00	-	224.00	zero	1-Apr-22
3 year	249.00	2.00	254.00	-	254.00	zero	1-Apr-22
Home Boarder Renew - 1 year (New 2018 Animal Welfare Regulation)	159.00	2.00	162.00	-	162.00	zero	1-Apr-22
2 year	216.00	2.00	220.00	-	220.00	zero	1-Apr-22
3 year	245.00	2.00	250.00	-	250.00	zero	1-Apr-22
Dog Creche New - 1 year (New 2018 Animal Welfare Regulation)	193.00	2.00	197.00	-	197.00	zero	1-Apr-22
2 year	258.00	2.00	263.00	-	263.00	zero	1-Apr-22
3 year	291.00	2.00	297.00	-	297.00	zero	1-Apr-22
Dog Creche Renew - 1 year (New 2018 Animal Welfare Regulation)	190.00	2.00	194.00	-	194.00	zero	1-Apr-22
2 year	255.00	2.00	260.00	-	260.00	zero	1-Apr-22
3 year	288.00	2.00	294.00	-	294.00	zero	1-Apr-22

	2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Dog Breeder New** - 1 year (New 2018 Animal Welfare Regulation)	152.00	2.00	155.00	-	155.00	zero	1-Apr-22	
2 year	210.00	2.00	214.00	-	214.00	zero	1-Apr-22	
3 year	239.00	2.00	244.00	-	244.00	zero	1-Apr-22	
Dog Breeder Renew - 1 year (New 2018 Animal Welfare Regulation)	189.00	2.00	193.00	-	193.00	zero	1-Apr-22	
2 year	247.00	2.00	252.00	-	252.00	zero	1-Apr-22	
3 year	276.00	2.00	282.00	-	282.00	zero	1-Apr-22	
Pet Selling New - 1 year (New 2018 Animal Welfare Regulation)	183.00	2.00	187.00	-	187.00	zero	1-Apr-22	
2 year	246.00	2.00	251.00	-	251.00	zero	1-Apr-22	
3 year	278.00	2.00	284.00	-	284.00	zero	1-Apr-22	
Pet Selling Renew - 1 year (New 2018 Animal Welfare Regulation)	179.00	2.00	183.00	-	183.00	zero	1-Apr-22	
2 year	243.00	2.00	248.00	-	248.00	zero	1-Apr-22	
3 year	274.00	2.00	279.00	-	279.00	zero	1-Apr-22	
Hiring Horses New** - 1 year (New 2018 Animal Welfare Regulation)	100.00	2.00	102.00	-	102.00	zero	1-Apr-22	
2 year	171.00	2.00	174.00	-	174.00	zero	1-Apr-22	
3 year	206.00	2.00	210.00	-	210.00	zero	1-Apr-22	
Hiring Horses Renew** - 1 year (New 2018 Animal Welfare Regulation)	100.00	2.00	102.00	-	102.00	zero	1-Apr-22	
2 year	171.00	2.00	174.00	-	174.00	zero	1-Apr-22	
3 year	206.00	2.00	210.00	-	210.00	zero	1-Apr-22	
Train/exhibit animal - 3 year (New 2018 Animal Welfare Regulation)	158.00	2.00	161.00	-	161.00	zero	1-Apr-22	
200** - 6 year	485.00	2.00	495.00	-	495.00	zero	1-Apr-22	
4 year	438.00	2.00	447.00	-	447.00	zero	1-Apr-22	
Dangerous Wild Animals**- 2 year (New 2018 Animal Welfare Regulation)	175.00	2.00	179.00	-	179.00	zero	1-Apr-22	
plus vets inspection fee								
Skin Piercing/Cosmetic Treatment Establishment	145.65	2.00	148.55	-	148.55	zero	1-Apr-22	
Skin Piercers Personal Registration	47.95	2.00	48.90	-	48.90	zero	1-Apr-22	
Personal Registration - Special Cosmetic Treatments (once adopted)	47.95	2.00	48.90	-	48.90	zero	1-Apr-22	
Second hand goods dealer	79.95	2.00	81.55	-	81.55	zero	1-Apr-22	
Health Certificate	45.55	2.00	46.45	-	46.45	zero	1-Apr-22	
Request to show unclassified films	505.25	2.00	515.35	-	515.35	zero	1-Apr-22	
Sex Shop	2,347.65	2.00	2,394.60	-	2,394.60	zero	1-Apr-22	
New Sexual Entertainment Venue Licence	6,243.15	2.00	6,368.00	-	6,368.00	zero	1-Apr-22	
Renewal of a Sexual Entertainment Venue Licence	3,001.50	2.00	3,061.55	-	3,061.55	zero	1-Apr-22	
Transfer of a Sexual Entertainment Venue Licence	720.30	2.00	734.70	-	734.70	zero	1-Apr-22	
Variation of a Sexual Entertainment Venue Licence	480.25	2.00	489.85	-	489.85	zero	1-Apr-22	
Grant of Scrap Metal Dealers Site Licence (3 years)	365.70	2.00	373.00	-	373.00	zero	1-Apr-22	
Renewal of Scrap Metal Dealers Site Licence (3 years)	365.70	2.00	373.00	-	373.00	zero	1-Apr-22	
Variation of Scrap Metal Dealers Site Licence	159.95	2.00	163.15	-	163.15	zero	1-Apr-22	
New Scrap Metal Collectors Licence (3 years)	211.40	2.00	215.65	-	215.65	zero	1-Apr-22	
Renewal of Scrap Metal Collectors Licence (3years)	211.40	2.00	215.65	-	215.65	zero	1-Apr-22	

	2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Variation of Scrap Metal Collectors Licence	159.95	2.00	163.15	-	163.15	zero	1-Apr-22	
<u>Street Trading Consents</u>								
12 Months	834.55	2.00	851.25	-	851.25	zero	1-Apr-22	
6 Months	441.70	2.00	450.55	-	450.55	zero	1-Apr-22	
3 Months	257.75	2.00	262.90	-	262.90	zero	1-Apr-22	
1 Month	134.90	2.00	137.60	-	137.60	zero	1-Apr-22	
Special Event Consents (permitting up to 6 days trading per calendar month)								
12 Months	231.05	2.00	235.65	-	235.65	zero	1-Apr-22	
6 Months	152.60	2.00	155.65	-	155.65	zero	1-Apr-22	
3 Months	112.90	2.00	115.15	-	115.15	zero	1-Apr-22	
1 Month	86.75	2.00	88.50	-	88.50	zero	1-Apr-22	
<u>Taxi Licensing (Note: Test fee income is collected by testing station & is therefore not included in the tariff)</u>								
Fees for 2022 are to be considered by Licensing Committee at their meeting in November 2021								
Private Hire Vehicle Licence	70.00	-	Set by Licensing Committee			exempt		
Hackney Carriage Licence	117.00	-	Set by Licensing Committee			exempt		
Annual Private Hire Driver Licence	71.00	-	Set by Licensing Committee			exempt		
3 Year Private Hire Driver Licence	146.00	-	Set by Licensing Committee			exempt		
Annual Hackney Carriage Driver Licence	144.00	-	Set by Licensing Committee			exempt		
1 Year Hackney Carriage Driver Licence	366.00	-	Set by Licensing Committee			exempt		
Qual Driver Licence Discount	45.00	-	Set by Licensing Committee			exempt		
New Driver - Additional Fee Knowledge Test	42.00	-	Set by Licensing Committee			exempt		
Annual PH Operator - single vehicle at private address	213.00	-	Set by Licensing Committee			exempt		
5 Year PH Operator - single vehicle at private address	1,010.00	-	Set by Licensing Committee			exempt		
Annual PH Operator	447.00	-	Set by Licensing Committee			exempt		
5 Year PH Operator	2,156.00	-	Set by Licensing Committee			exempt		
Replacement vehicle plate	21.75	2.00	22.20	-	22.20	exempt	1-Apr-22	
Replacement Plate Platform	6.45	2.00	6.60	-	6.60	exempt	1-Apr-22	
Window stickers	8.15	2.00	8.30	-	8.30	exempt	1-Apr-22	
Hackney roundel/Private Hire Door Signs	9.25	2.00	9.45	-	9.45	exempt	1-Apr-22	
Lanyard	4.60	2.00	4.70	-	4.70	exempt	1-Apr-22	
Badge holder	3.35	2.00	3.40	-	3.40	exempt	1-Apr-22	
Replacement badge	13.05	2.00	13.30	-	13.30	exempt	1-Apr-22	
Plate buttons	2.30	2.00	2.35	-	2.35	exempt	1-Apr-22	
Operator booking Registers	2.20	2.00	2.25	-	2.25	exempt	1-Apr-22	
CRB admin fee	5.75	2.00	5.85	-	5.85	exempt	1-Apr-22	
Insurance or 3rd party letters	25.65	2.00	26.15	-	26.15	exempt	1-Apr-22	
Insurance Correspondence	76.90	2.00	78.45	-	78.45	exempt	1-Apr-22	

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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THE LICENSING ACT 2003 - FEES & CHARGES

Grant of Personal Licence	37.00	Statutory	37.00	-	37.00	exempt	
Replacement of lost/stolen licence	10.50	Statutory	10.50	-	10.50	exempt	
Minor Variations	89.00	Statutory	89.00	-	89.00	exempt	

Premises Licences - Up to a Capacity of 5,000 persons**Grant/Variation****Rateable Value**

Band A - No Rateable Value	100.00	Statutory	100.00	-	100.00	exempt	
Band A - less than £4,300	100.00	Statutory	100.00	-	100.00	exempt	
Band B - £4,300 to £33,000	190.00	Statutory	190.00	-	190.00	exempt	
Band C - £33,001 to £87,000	315.00	Statutory	315.00	-	315.00	exempt	
Band D - £87,001 to £125,000	450.00	Statutory	450.00	-	450.00	exempt	
Band E - Over £125,000	635.00	Statutory	635.00	-	635.00	exempt	

Annual Fee**Rateable Value**

Band A - No Rateable Value	70.00	Statutory	70.00	-	70.00	exempt	
Band A - less than £4,300	70.00	Statutory	70.00	-	70.00	exempt	
Band B - £4,300 to £33,000	180.00	Statutory	180.00	-	180.00	exempt	
Band C - £33,001 to £87,000	295.00	Statutory	295.00	-	295.00	exempt	
Band D - £87,001 to £125,000	320.00	Statutory	320.00	-	320.00	exempt	
Band E - Over £125,000	350.00	Statutory	350.00	-	350.00	exempt	

Premises Licences - Additional Fees where Capacity exceeds**5,000 persons****Initial Fee****Occupancy:**

5,000 - 9,999	1,000.00	Statutory	1,000.00	-	1,000.00	exempt	
10,000 - 14,999	2,000.00	Statutory	2,000.00	-	2,000.00	exempt	
15,000 - 19,999	4,000.00	Statutory	4,000.00	-	4,000.00	exempt	
20,000 - 29,999	8,000.00	Statutory	8,000.00	-	8,000.00	exempt	
30,000 - 39,999	16,000.00	Statutory	16,000.00	-	16,000.00	exempt	
40,000 - 49,999	24,000.00	Statutory	24,000.00	-	24,000.00	exempt	
50,000 - 59,999	32,000.00	Statutory	32,000.00	-	32,000.00	exempt	
60,000 - 69,999	40,000.00	Statutory	40,000.00	-	40,000.00	exempt	
70,000 - 79,999	48,000.00	Statutory	48,000.00	-	48,000.00	exempt	
80,000 - 89,999	56,000.00	Statutory	56,000.00	-	56,000.00	exempt	
Over 90,000	64,000.00	Statutory	64,000.00	-	64,000.00	exempt	

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Annual Fee

Occupancy:

5,000 - 9,999	500.00	Statutory	500.00	-	500.00	exempt
10,000 - 14,999	1,000.00	Statutory	1,000.00	-	1,000.00	exempt
15,000 - 19,999	2,000.00	Statutory	2,000.00	-	2,000.00	exempt
20,000 - 29,999	4,000.00	Statutory	4,000.00	-	4,000.00	exempt
30,000 - 39,999	8,000.00	Statutory	8,000.00	-	8,000.00	exempt
40,000 - 49,999	12,000.00	Statutory	12,000.00	-	12,000.00	exempt
50,000 - 59,999	16,000.00	Statutory	16,000.00	-	16,000.00	exempt
60,000 - 69,999	20,000.00	Statutory	20,000.00	-	20,000.00	exempt
70,000 - 79,999	24,000.00	Statutory	24,000.00	-	24,000.00	exempt
80,000 - 89,999	28,000.00	Statutory	28,000.00	-	28,000.00	exempt
Over 90,000	32,000.00	Statutory	32,000.00	-	32,000.00	exempt

Premises Licences - Exclusively / Primarily supplying Alcohol**Initial Fee****Rateable Value**

Band D - £87,001 to £125,000 : 2 x the Premises Licence	900.00	Statutory	900.00	-	900.00	exempt
Band E - over £125,000 : 3 x the Premises Licence	1,905.00	Statutory	1,905.00	-	1,905.00	exempt

Annual Fee - Exclusively/Primarily supplying Alcohol**Rateable Value**

Band D - £87,001 to £125,000 : 2 x the Premises Licence	640.00	Statutory	640.00	-	640.00	exempt
Band E - over £125,000 : 3 x the Premises Licence	1,050.00	Statutory	1,050.00	-	1,050.00	exempt

Annual Fee**Rateable Value**

Band A - No Rateable Value	100.00	Statutory	100.00	-	100.00	exempt
Band A - less than £4,300	100.00	Statutory	100.00	-	100.00	exempt
Band B - £4,300 to £33,000	190.00	Statutory	190.00	-	190.00	exempt
Band C - £33,001 to £87,000	315.00	Statutory	315.00	-	315.00	exempt
Band D - £87,001 to £125,000	450.00	Statutory	450.00	-	450.00	exempt
Band E - Over £125,000	635.00	Statutory	635.00	-	635.00	exempt

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Premises Licenses - Other**Annual Fee****Application**

S.25 - Theft, loss etc. of premises licence or summary	10.50	Statutory	10.50	-	10.50	exempt	
S.29 - Application for a provisional statement where premises being built	315.00	Statutory	315.00	-	315.00	exempt	
S.33 - Notification of change of name or address	10.50	Statutory	10.50	-	10.50	exempt	
S.37 - Application to vary licence to specify individual as premises supervisor	23.00	Statutory	23.00	-	23.00	exempt	
S.42 - Application for transfer of premises licence	23.00	Statutory	23.00	-	23.00	exempt	
S.47 - Interim authority notice following death etc. of licence holder	23.00	Statutory	23.00	-	23.00	exempt	
S.79 - Theft, loss etc. of certificate or summary	10.50	Statutory	10.50	-	10.50	exempt	
S.82 - Notification of change of name or alteration of rules of club	10.50	Statutory	10.50	-	10.50	exempt	
S.83(1) / (2) - Change of relevant registered address of club	10.50	Statutory	10.50	-	10.50	exempt	
S.100 - Temporary event notice	21.00	Statutory	21.00	-	21.00	exempt	
S.100 - Late Temporary event notice	21.00	Statutory	21.00	-	21.00	exempt	
S.110 - Theft, loss etc. of temporary event notice	10.50	Statutory	10.50	-	10.50	exempt	
S.117 - Application for a grant or renewal of personal licence (10 yrs)	37.00	Statutory	37.00	-	37.00	exempt	
S.126 - Theft, loss etc. of personal licence	10.50	Statutory	10.50	-	10.50	exempt	
S.127 - Duty to notify change of name or address	10.50	Statutory	10.50	-	10.50	exempt	
S.178 - Right of freeholder etc. to be notified of licensing matters	21.00	Statutory	21.00	-	21.00	exempt	

Rounded to nearest £1

Note: MAX denotes that the fee is currently at the statutory maximum

Sambling Premises**Pingo Premises**

New & Provisional Statement	2,705.00	2.00	2,759.00	-	2,759.00	exempt	1-Apr-22	
Annual Fee	1,000.00	MAX	1,000.00	-	1,000.00	exempt	n/a	MAX
Licence for Provisional Statement Holder	992.00	2.00	1,012.00	-	1,012.00	exempt	1-Apr-22	
Variation	1,325.00	2.00	1,352.00	-	1,352.00	exempt	1-Apr-22	
Transfer	992.00	2.00	1,012.00	-	1,012.00	exempt	1-Apr-22	
Re-instatement	1,200.00	MAX	1,200.00	-	1,200.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX

	2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Betting Premises								
New & Provisional Statement	2,815.00	2.00	2,871.00	-	2,871.00	exempt	1-Apr-22	
Annual Fee	600.00	MAX	600.00	-	600.00	exempt	n/a	MAX
Licence for Provisional Statement Holder	992.00	2.00	1,012.00	-	1,012.00	exempt	1-Apr-22	
Variation	1,325.00	2.00	1,352.00	-	1,352.00	exempt	1-Apr-22	
Transfer	992.00	2.00	1,012.00	-	1,012.00	exempt	1-Apr-22	
Re-instatement	1,200.00	MAX	1,200.00	-	1,200.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX
Betting Premises (Tracks)								
New & Provisional Statement	2,500.00	MAX	2,500.00	-	2,500.00	exempt	n/a	MAX
Annual Fee	1,000.00	MAX	1,000.00	-	1,000.00	exempt	1-Apr-22	MAX
Licence for Provisional Statement Holder	950.00	MAX	950.00	-	950.00	exempt	n/a	MAX
Variation	1,250.00	MAX	1,250.00	-	1,250.00	exempt	n/a	MAX
Transfer	950.00	MAX	950.00	-	950.00	exempt	1-Apr-22	MAX
Re-instatement	950.00	MAX	950.00	-	950.00	exempt	1-Apr-22	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX
Family Entertainment Centre								
New & Provisional Statement	2,000.00	MAX	2,000.00	-	2,000.00	exempt	n/a	MAX
Annual Fee	750.00	MAX	750.00	-	750.00	exempt	n/a	MAX
Licence for Provisional Statement Holder	950.00	MAX	950.00	-	950.00	exempt	n/a	MAX
Variation	1,000.00	MAX	1,000.00	-	1,000.00	exempt	n/a	MAX
Transfer	950.00	MAX	950.00	-	950.00	exempt	n/a	MAX
Re-instatement	950.00	MAX	950.00	-	950.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX

	2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Adult Gaming Centre								
New & Provisional Statement	2,000.00	MAX	2,000.00	-	2,000.00	exempt	n/a	MAX
Annual Fee	1,000.00	MAX	1,000.00	-	1,000.00	exempt	n/a	MAX
Licence for Provisional Statement Holder	992.00	2.00	1,012.00	-	1,012.00	exempt	1-Apr-22	
Variation	1,000.00	MAX	1,000.00	-	1,000.00	exempt	n/a	MAX
Transfer	992.00	2.00	1,012.00	-	1,012.00	exempt	1-Apr-22	
Re-instatement	1,200.00	MAX	1,200.00	-	1,200.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX
Lotteries								
Small Society Lottery Grant	40.00	Statutory	40.00	-	40.00	exempt		
Small Society Lottery Annual Fee	20.00	Statutory	20.00	-	20.00	exempt		
Gaming in Pubs and Clubs								
Licensed Premises Gaming Machine Notification	50.00	Statutory	50.00	-	50.00	exempt		
Licensed Premises Gaming Machine Permit (existing operator)	100.00	Statutory	100.00	-	100.00	exempt		
Licensed Premises Gaming Machine Permit (in all other cases)	150.00	Statutory	150.00	-	150.00	exempt		
Licensed Premises Gaming Machine Permit Variation	100.00	Statutory	100.00	-	100.00	exempt		
Licensed Premises Gaming Machine Permit Transfer	25.00	Statutory	25.00	-	25.00	exempt		
Licensed Premises Gaming Machine Permit Change of Name	25.00	Statutory	25.00	-	25.00	exempt		
Licensed Premises Gaming Machine Permit Copy of Permit	15.00	Statutory	15.00	-	15.00	exempt		
Club Gaming Machine Permit Grant	200.00	Statutory	200.00	-	200.00	exempt		
Club Gaming Machine Permit Grant (Existing Club Premises Cert. Holder)	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Machine Permit Grant (Club Prem. Cert. Holder with current Part 2 or 3 Licence)	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Machine Permit Existing Operator Grant	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Machine Permit Variation	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Machine Permit Renewal	200.00	Statutory	200.00	-	200.00	exempt		
Club Gaming Machine Permit Renewal (Club Premises Cert. Holder)	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Machine Permit Copy Permit	15.00	Statutory	15.00	-	15.00	exempt		
Club Gaming Permit Grant	200.00	Statutory	200.00	-	200.00	exempt		
Club Gaming Permit Grant (Club Prems. Cert. Holder with current Part 2 or 3 Licence)	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Permit Grant (Existing Operator)	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Permit Variation	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Permit Renewal	200.00	Statutory	200.00	-	200.00	exempt		
Club Gaming Permit Renewal (Club Premises Certificate Holder)	100.00	Statutory	100.00	-	100.00	exempt		
Club Gaming Permit Copy Certificate	15.00	Statutory	15.00	-	15.00	exempt		
Annual fee for all Gaming Machine Permits	50.00	Statutory	50.00	-	50.00	exempt		

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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LOCAL AIR POLLUTION PREVENTION & CONTROL (LAPPC)

Reduced fee activities are: Service Stations, Vehicle Refinishers, Dry Cleaners and Small Waste Oil Burners under 0.4 MW.

Application Fee

Standard Process	1,650.00	Statutory	1,650.00	-	1,650.00	zero
Additional fee for operating without a permit	1,188.00	Statutory	1,188.00	-	1,188.00	zero
PVRI, SWOBs and Dry Cleaners reduced fee activities	155.00	Statutory	155.00	-	155.00	zero
PVR I & II combined	257.00	Statutory	257.00	-	257.00	zero
Other reduced fee activities	362.00	Statutory	362.00	-	362.00	zero
Reduced fee activities: Additional fee for operating without a permit	71.00	Statutory	71.00	-	71.00	zero
Mobile screening & crushing plant for the 1st & 2nd applications	1,650.00	Statutory	1,650.00	-	1,650.00	zero
For the 3rd to 7th applications	985.00	Statutory	985.00	-	985.00	zero
For the 8th and subsequent applications	498.00	Statutory	498.00	-	498.00	zero

Note: where an application for any of the above is for a combined Part B and waste application, add an extra £297 to the above amounts

Annual Subsistence Charge

Standard process Low (£ £99 if permit for combined Part B & waste installation)	772.00	Statutory	772.00	-	772.00	zero
Standard process Medium (£ £149 if permit for combined Part B & waste installation)	1,161.00	Statutory	1,161.00	-	1,161.00	zero
Standard process High (£ £198 if permit for combined Part B & waste installation)	1,747.00	Statutory	1,747.00	-	1,747.00	zero
Reduced Fee activities - Low	79.00	Statutory	79.00	-	79.00	zero
Reduced Fee activities - Medium	158.00	Statutory	158.00	-	158.00	zero
Reduced Fee activities - High	237.00	Statutory	237.00	-	237.00	zero
PVR I & II combined - Low	113.00	Statutory	113.00	-	113.00	zero
PVR I & II combined - Medium	226.00	Statutory	226.00	-	226.00	zero
PVR I & II combined - High	341.00	Statutory	341.00	-	341.00	zero
Other reduced fee activities - Low	228.00	Statutory	228.00	-	228.00	zero
Other reduced fee activities - Medium	365.00	Statutory	365.00	-	365.00	zero
Other reduced fee activities - High	548.00	Statutory	548.00	-	548.00	zero
Mobile screening & crushing plant for 1st & 2nd permits - Low	626.00	Statutory	626.00	-	626.00	zero
Mobile screening & crushing plant for 1st & 2nd permits - Medium	1,034.00	Statutory	1,034.00	-	1,034.00	zero
Mobile screening & crushing plant for 1st & 2nd permits - High	1,551.00	Statutory	1,551.00	-	1,551.00	zero
For the 3rd to 7th permits - Low	385.00	Statutory	385.00	-	385.00	zero
For the 3rd to 7th permits - Medium	617.00	Statutory	617.00	-	617.00	zero
For the 3rd to 7th permits - High	924.00	Statutory	924.00	-	924.00	zero
For the 8th and subsequent permits - Low	198.00	Statutory	198.00	-	198.00	zero
For the 8th and subsequent permits - Medium	314.00	Statutory	314.00	-	314.00	zero
For the 8th and subsequent permits - High	473.00	Statutory	473.00	-	473.00	zero
Late payment fee	52.00	Statutory	52.00	-	52.00	zero

Note: Where a Part B Installation is subject to reporting under the E-PRTR Regulation, add an extra £99 to the above amounts

Transfer and Surrender

Standard process transfer	162.00	Statutory	162.00	-	162.00	zero
Standard process partial transfer	476.00	Statutory	476.00	-	476.00	zero
New operator at low risk reduced fee activity	75.00	Statutory	75.00	-	75.00	zero
Surrender: all Part B activities	-	Statutory	-	-	-	zero
Reduced fee activities: transfer	-	Statutory	-	-	-	zero

	2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Reduced fee activities: partial transfer	45.00	Statutory	45.00	-	45.00	zero		
Temporary transfer for mobiles								
First transfer	51.00	Statutory	51.00	-	51.00	zero		
Repeat following enforcement or warning	51.00	Statutory	51.00	-	51.00	zero		
Substantial Change								
Standard process	1,005.00	Statutory	1,005.00	-	1,005.00	zero		
Standard process where the substantial change results in a new PPC activity	1,579.00	Statutory	1,579.00	-	1,579.00	zero		
Reduced fee activities	98.00	Statutory	98.00	-	98.00	zero		

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
LAPPC mobile plant charges							
Application Fee - 1 permit		1,650.00	Statutory	1,650.00	-	1,650.00	zero
Application Fee - 2 permits		1,650.00	Statutory	1,650.00	-	1,650.00	zero
Application Fee - 3 permits		985.00	Statutory	985.00	-	985.00	zero
Application Fee - 4 permits		985.00	Statutory	985.00	-	985.00	zero
Application Fee - 5 permits		985.00	Statutory	985.00	-	985.00	zero
Application Fee - 6 permits		985.00	Statutory	985.00	-	985.00	zero
Application Fee - 7 permits		985.00	Statutory	985.00	-	985.00	zero
Application Fee - 8 permits and over		498.00	Statutory	498.00	-	498.00	zero
Subsistence Fee - 1 permit - Low		626.00	Statutory	626.00	-	626.00	zero
Subsistence Fee - 2 permits - Low		626.00	Statutory	626.00	-	626.00	zero
Subsistence Fee - 3 permits - Low		385.00	Statutory	385.00	-	385.00	zero
Subsistence Fee - 4 permits - Low		385.00	Statutory	385.00	-	385.00	zero
Subsistence Fee - 5 permits - Low		385.00	Statutory	385.00	-	385.00	zero
Subsistence Fee - 6 permits - Low		385.00	Statutory	385.00	-	385.00	zero
Subsistence Fee - 7 permits - Low		385.00	Statutory	385.00	-	385.00	zero
Subsistence Fee - 8 permits and over - Low		198.00	Statutory	198.00	-	198.00	zero
Subsistence Fee - 1 permit - Med		1,034.00	Statutory	1,034.00	-	1,034.00	zero
Subsistence Fee - 2 permits - Med		1,034.00	Statutory	1,034.00	-	1,034.00	zero
Subsistence Fee - 3 permits - Med		617.00	Statutory	617.00	-	617.00	zero
Subsistence Fee - 4 permits - Med		617.00	Statutory	617.00	-	617.00	zero
Subsistence Fee - 5 permits - Med		617.00	Statutory	617.00	-	617.00	zero
Subsistence Fee - 6 permits - Med		617.00	Statutory	617.00	-	617.00	zero
Subsistence Fee - 7 permits - Med		617.00	Statutory	617.00	-	617.00	zero
Subsistence Fee - 8 permits and over - Med		314.00	Statutory	314.00	-	314.00	zero
Subsistence Fee - 1 permit - High		1,551.00	Statutory	1,551.00	-	1,551.00	zero
Subsistence Fee - 2 permits - High		1,551.00	Statutory	1,551.00	-	1,551.00	zero
Subsistence Fee - 3 permits - High		924.00	Statutory	924.00	-	924.00	zero
Subsistence Fee - 4 permits - High		924.00	Statutory	924.00	-	924.00	zero
Subsistence Fee - 5 permits - High		924.00	Statutory	924.00	-	924.00	zero
Subsistence Fee - 6 permits - High		924.00	Statutory	924.00	-	924.00	zero
Subsistence Fee - 7 permits - High		924.00	Statutory	924.00	-	924.00	zero
Subsistence Fee - 8 permits and over - High		473.00	Statutory	473.00	-	473.00	zero

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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LOCAL AUTHORITY - INTEGRATED POLLUTION PREVENTION AND CONTROL LA-IPPC

Note: Every subsistence charge in the fees below includes the additional £99 charge to cover LA extra costs in dealing with reporting under the E-PRTR Regulation

Application	3,363.00	Statutory	3,363.00	-	3,363.00	zero	
Additional fee for operating without a permit	1,188.00	Statutory	1,188.00	-	1,188.00	zero	
Annual Subsistence - Low	1,343.00	Statutory	1,343.00	-	1,343.00	zero	
Annual Subsistence - Medium	1,507.00	Statutory	1,507.00	-	1,507.00	zero	
Annual Subsistence - High	2,230.00	Statutory	2,230.00	-	2,230.00	zero	
Late payment fee	52.00	Statutory	52.00	-	52.00	zero	
Substantial variation	1,368.00	Statutory	1,368.00	-	1,368.00	zero	
Transfer	235.00	Statutory	235.00	-	235.00	zero	
Partial Transfer	698.00	Statutory	698.00	-	698.00	zero	
Surrender	698.00	Statutory	698.00	-	698.00	zero	

Environment Agency Subsistence Fees for Discharge to Controlled Waters

Charge Band A - Where permit conditions contain numerical water discharge limits other than for the pollutants or parameters listed in bands B and C	2,270.00	Statutory	2,270.00	-	2,270.00	zero	
Charge Band B - Where permit conditions contain numerical water discharge limits for BOD, COD(3) or ammonia	760.00	Statutory	760.00	-	760.00	zero	
Charge Band C - Where permit conditions contain numerical limits for water flow, volume, suspended solids, pH, temperature, or oil or grease	222.00	Statutory	222.00	-	222.00	zero	
Charge Band D - Where conditions are included in a permit which do not fall within any of the descriptions in bands A-C (e.g. descriptive conditions)	66.00	Statutory	66.00	-	66.00	zero	

2022/23 Gross Fees £	% inc 2.0%	2022/23 Gross Fees £	Vat included in fee	2022/23 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Private Water Supply Sampling

Sampling Visit per hour (to max of £100)	32.00	2.00	33.00	-	33.00	zero	1-Apr-22
Risk Assessment Visit per hour (to max of £500)	32.00	2.00	33.00	-	33.00	zero	1-Apr-22
Investigation Visit per hour (to max of £100)	32.00	2.00	33.00	-	33.00	zero	1-Apr-22
Temporary Authorisation to Breach Standard (to max of £100)	32.00	2.00	33.00	-	33.00	zero	1-Apr-22
Domestic Supply Sample (to max of £25)	25.00	2.00	26.00	-	26.00	zero	1-Apr-22
Commercial Supply Monitoring Sample (to max of £100)	54.00	2.00	55.00	-	55.00	zero	1-Apr-22
Commercial Supply Audit Sample (to max of £500)	Range from £45 to £500 depending on parameters sampled						

Environmental Health

FHRS Re-rating Visit (on-line application)	113.10	2.00	115.35	-	115.35	zero	1-Apr-22
FHRS Re-rating Visit (posting application)	120.80	2.00	123.20	-	123.20	zero	1-Apr-22
Tattooist/Skin Piercing Rating Scheme Initial Visit & Training	109.85	2.00	112.05	-	112.05	zero	1-Apr-22
Tattooist/Skin Piercing Rating Scheme Revisit	54.95	2.00	56.05	-	56.05	zero	1-Apr-22
Tattooist/Skin Piercing Rating Scheme Annual Inspection	65.90	2.00	67.20	-	67.20	zero	1-Apr-22
Pre Licence/Registration/Permit Advisory Visit	69.20	2.00	70.60	-	70.60	zero	1-Apr-22
Data Protection Act Letters	19.80	2.00	20.20	-	20.20	zero	1-Apr-22
Hourly rate for business advice/guidance	28.55	2.00	29.10	-	29.10	zero	1-Apr-22

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REPORT TO EXECUTIVE



DATE	1st December 2021
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Howard Hamilton-Smith
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2021/22 Treasury Management Mid-Year Report

PURPOSE

1. To report treasury management activity for the first half year of 2021/22 covering the period 1 April to 30 September 2021.

RECOMMENDATION

2. The Executive is requested to;
 - Note the treasury management activities undertaken during the period 1 April to 30 September 2021, and;

Recommend that Full Council;

- Endorse the mid-year update on Treasury Management Strategy for 2021/22 in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.
- Approve the revised Operational Boundary and Authorised Limit for external debt as set out in Appendix 1 to this report.

REASONS FOR RECOMMENDATION

3.
 - To inform members of the treasury management activity in the first half of 2021/22 and to fulfil statutory and regulatory requirements.

SUMMARY OF KEY POINTS

4. Background

The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. The first main function of treasury management operations is to ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering maximising investment return.

The second main function of the treasury management service is to ensure the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending commitments. This management of longer term cash may involve arranging long or short term loans, or using cash flow surpluses, and, on occasions, any current debt may be restructured to meet Council risk or cost objectives.

Treasury management is defined as:

“The management of the Council's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

The monitoring requirements for treasury were set out in the report which included both the Treasury Management Strategy for 2021/22 and the Prudential and Treasury Indicators for 2021/22 – 2023/24, approved by Full Council on 24 February 2021.

5. Introduction

This report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2017).

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Strategy which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by Full Council of an annual Treasury Management Strategy - including the Annual Investment Strategy and Minimum Revenue Provision Policy for the year ahead, a **Mid-year Review Report** and an Annual Report (stewardship report) covering activities during the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.

5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is Scrutiny Committee.

This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:

- An economic update for the first six months of 2021/22;
- A review of the Treasury Management Strategy and Annual Investment Strategy;
- The Council's capital expenditure, as set out in the Capital Strategy, and prudential indicators;
- A review of the Council's investment portfolio for 2021/22;
- A review of the Council's borrowing strategy for 2021/22;
- A review of any debt rescheduling undertaken during 2021/22;
- A review of compliance with Treasury and Prudential Limits for 2021/22.

6. **Economic Update (Provided by Link Asset Services)**

MPC meeting 24.9.21

- The Monetary Policy Committee (MPC) voted unanimously to leave Bank Rate unchanged at 0.10% and made no changes to its programme of quantitative easing purchases due to finish by the end of this year at a total of £895bn.
- There was a major shift in the tone of the MPC's minutes at this meeting from the previous meeting in August which had majored on indicating that some tightening in monetary policy was now on the horizon, but also not wanting to stifle economic recovery by too early an increase in Bank Rate. In his press conference after the August MPC meeting, Governor Andrew Bailey said, "the challenge of avoiding a steep rise in unemployment has been replaced by that of ensuring a flow of labour into jobs" and that "the Committee will be monitoring closely the incoming evidence regarding developments in the labour market, and particularly unemployment, wider measures of slack, and underlying wage pressures." In other words, it was flagging up a potential danger that labour shortages could push up wage growth by more than it expects and that, as a result, CPI inflation would stay above the 2% target for longer. It also discounted sharp increases in monthly inflation figures in the pipeline in late 2021 which were largely propelled by events a year ago e.g., the cut in VAT in August 2020 for the hospitality industry, and by temporary shortages which would eventually work their way out of the system: in other words, the MPC had been prepared to look through a temporary spike in inflation.
- So, in August the country was just put on alert. However, this time the MPC's words indicated there had been a marked increase in concern that more recent increases in prices, particularly the increases in gas and electricity prices in October and due again next April, are, indeed, likely to lead to faster and higher inflation expectations and underlying wage growth, which would in turn increase the risk that price pressures would prove more persistent next year than previously expected. Indeed, to emphasise its concern about inflationary pressures, the MPC pointedly chose to reaffirm its commitment to the 2% inflation target in its statement; this suggested that it was now willing to look through the flagging economic recovery during the summer to prioritise bringing inflation down next year. This is a reversal of its priorities in August and a long way from words at earlier MPC meetings which indicated a willingness to look through inflation overshooting the target for limited periods to ensure that inflation was 'sustainably over 2%'. Indeed, whereas in

August the MPC's focus was on getting through a winter of temporarily high energy prices and supply shortages, believing that inflation would return to just under the 2% target after reaching a high around 4% in late 2021, now its primary concern is that underlying price pressures in the economy are likely to get embedded over the next year and elevate future inflation to stay significantly above its 2% target and for longer.

- Financial markets are now pricing in a first increase in Bank Rate from 0.10% to 0.25% in February 2022, but this looks ambitious as the MPC has stated that it wants to see what happens to the economy, and particularly to employment once furlough ends at the end of September.
- **COVID-19 vaccines.** These have been the game changer which have enormously boosted confidence that life in the UK could largely return to normal during the summer after a third wave of the virus threatened to overwhelm hospitals in the spring. With the household saving rate having been exceptionally high since the first lockdown in March 2020, there is plenty of pent-up demand and purchasing power stored up for services in hard hit sectors like restaurants, travel and hotels. The big question is whether mutations of the virus could develop which render current vaccines ineffective, as opposed to how quickly vaccines can be modified to deal with them and enhanced testing programmes be implemented to contain their spread.
- **EU.** The slow roll out of vaccines initially delayed economic recovery in early 2021 but the vaccination rate has picked up sharply since then. After a contraction in GDP of -0.3% in Q1, Q2 came in with strong growth of 2%, which is likely to continue into Q3, though some countries more dependent on tourism may struggle. Recent sharp increases in gas and electricity prices have increased overall inflationary pressures but the ECB is likely to see these as being only transitory after an initial burst through to around 4%, so is unlikely to be raising rates for a considerable time.
- German general election. With the CDU/CSU and SPD both having won around 24-26% of the vote in the September general election, the composition of Germany's next coalition government may not be agreed by the end of 2021. An SPD-led coalition would probably pursue a slightly less restrictive fiscal policy, but any change of direction from a CDU/CSU led coalition government is likely to be small. However, with Angela Merkel standing down as Chancellor as soon as a coalition is formed, there will be a hole in overall EU leadership which will be difficult to fill.
- **China.** After a concerted effort to get on top of the virus outbreak in Q1 2020, economic recovery was strong in the rest of the year; this enabled China to recover all the initial contraction. During 2020, policy makers both quashed the virus and implemented a programme of monetary and fiscal support that was particularly effective at stimulating short-term growth. At the same time, China's economy benefited from the shift towards online spending by consumers in developed markets. These factors helped to explain its comparative outperformance compared to western economies during 2020 and earlier in 2021. However, the pace of economic growth has now fallen back after this initial surge of recovery from the pandemic and China is now struggling to contain the spread of the Delta variant through sharp local lockdowns - which will also depress economic growth. There are also questions as to how effective Chinese vaccines are proving. In addition, recent regulatory actions motivated by a political agenda to channel activities into officially approved directions, are also likely to reduce the dynamism and long-term growth of the Chinese economy.

- **Japan.** 2021 has been a patchy year in combating Covid. However, after a slow start, nearly 50% of the population are now vaccinated and Covid case numbers are falling. After a weak Q3 there is likely to be a strong recovery in Q4. The Bank of Japan is continuing its very loose monetary policy but with little prospect of getting inflation back above 1% towards its target of 2%, any time soon: indeed, inflation was negative in July. New Prime Minister Kishida has promised a large fiscal stimulus package after the November general election – which his party is likely to win.
- **World growth.** World growth was in recession in 2020 but recovered during 2021 until starting to lose momentum more recently. Inflation has been rising due to increases in gas and electricity prices, shipping costs and supply shortages, although these should subside during 2022. It is likely that we are heading into a period where there will be a reversal of world globalisation and a decoupling of western countries from dependence on China to supply products, and vice versa. This is likely to reduce world growth rates from those in prior decades.
- **Supply shortages.** The pandemic and extreme weather events have been highly disruptive of extended worldwide supply chains. At the current time there are major queues of ships unable to unload their goods at ports in New York, California and China. Such issues have led to mis-distribution of shipping containers around the world and have contributed to a huge increase in the cost of shipping. Combined with a shortage of semi-conductors, these issues have had a disruptive impact on production in many countries. Many western countries are also hitting up against a difficulty in filling job vacancies. It is expected that these issues will be gradually sorted out, but they are currently contributing to a spike upwards in inflation and shortages of materials and goods on shelves.

7. Interest Rate Forecast (Provided by Link Asset Services)

The Council has appointed Link Group as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. The PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 bps) which has been accessible to most authorities since 1st November 2012.

The latest forecast on 29th September is compared below to the previous forecast on 10th May. A comparison of these forecasts shows that some PWLB rates have increased marginally and there are now three increases in Bank Rate, to end at 0.75%, instead of one to only 0.25%. However, many PWLB rates were significantly lower than forecast during the earlier part of quarter 2.

Link Group Interest Rate View		29.9.21								
		Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23
BANK RATE		0.10	0.10	0.25	0.25	0.25	0.25	0.50	0.50	0.50
3 month ave earnings		0.10	0.10	0.20	0.20	0.30	0.40	0.50	0.50	0.60
6 month ave earnings		0.20	0.20	0.30	0.30	0.40	0.50	0.60	0.60	0.70
12 month ave earnings		0.30	0.40	0.50	0.50	0.50	0.60	0.70	0.80	0.90
5 yr PWLB		1.40	1.40	1.50	1.50	1.60	1.60	1.60	1.70	1.70
10 yr PWLB		1.80	1.80	1.90	1.90	2.00	2.00	2.00	2.10	2.10
25 yr PWLB		2.20	2.20	2.30	2.30	2.40	2.40	2.40	2.50	2.50
50 yr PWLB		2.00	2.00	2.10	2.20	2.20	2.20	2.20	2.30	2.30

Link Group Interest Rate View		10.5.21											
		Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24
BANK RATE		0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.25	0.25	0.25
3 month ave earnings		0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.30	0.30	0.30
6 month ave earnings		0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.20	0.30	0.40	0.40	0.40
12 month ave earnings		0.20	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.40	0.50	0.50	0.50
5 yr PWLB		1.20	1.20	1.30	1.30	1.30	1.40	1.40	1.40	1.40	1.50	1.50	1.50
10 yr PWLB		1.70	1.70	1.70	1.80	1.80	1.90	1.90	1.90	2.00	2.00	2.00	2.00
25 yr PWLB		2.20	2.20	2.30	2.40	2.40	2.40	2.50	2.50	2.50	2.50	2.50	2.60
50 yr PWLB		2.00	2.00	2.10	2.20	2.20	2.20	2.30	2.30	2.30	2.30	2.30	2.40

The coronavirus outbreak has done huge economic damage to the UK and to economies around the world. After the Bank of England took emergency action in March 2020 to cut Bank Rate to 0.10%, it left Bank Rate unchanged at its subsequent meetings.

Forecasts for Bank Rate

Bank Rate is not expected to go up fast after the initial rate rise as the supply potential of the economy has not generally taken a major hit during the pandemic, so should be able to cope well with meeting demand without causing inflation to remain elevated in the medium-term, or to inhibit inflation from falling back towards the MPC's 2% target after the surge to around 4% towards the end of 2021. Three increases in Bank rate are forecast in the period to March 2024, ending at 0.75%. However, these forecasts may well need changing within a relatively short time frame for the following reasons: -

- There are increasing grounds for viewing the economic recovery as running out of steam during the summer and now into the autumn. This could lead into stagflation which would create a dilemma for the MPC as to which way to face.
- Will some current key supply shortages e.g., petrol and diesel, spill over into causing economic activity in some sectors to take a significant hit.
- Rising gas and electricity prices in October and next April and increases in other prices caused by supply shortages and increases in taxation next April, are already going to deflate consumer spending power without the MPC having to take any action on Bank Rate to cool inflation. Then we have the Government's upcoming budget in October, which could also end up in reducing consumer spending power.
- On the other hand, consumers are sitting on around £200bn of excess savings left over from the pandemic so when will they spend this sum, in part or in total?
- There are 1.6 million people coming off furlough at the end of September; how many of those will not have jobs on 1st October and will, therefore, be available to fill labour shortages in many sectors of the economy? So, supply shortages which have been driving up both wages and costs, could reduce significantly within the next six months or so and alleviate the MPC's current concerns.
- There is a risk that there could be further nasty surprises on the Covid front, on top of the flu season this winter, which could depress economic activity.

In summary, with the high level of uncertainty prevailing on several different fronts, it is likely that these forecasts will need to be revised again soon - in line with what the new news is.

It also needs to be borne in mind that Bank Rate being cut to 0.10% was an emergency measure to deal with the Covid crisis hitting the UK in March 2020. At any time, the MPC could decide to simply take away that final emergency cut from 0.25% to 0.10% on the grounds of it no longer being warranted and as a step forward in the return to normalisation. In addition, any Bank Rate under 1% is both highly unusual and highly supportive of economic growth.

8. **Treasury Management Strategy update**

The Treasury Management Strategy (TMS) for 2021/22, which includes the Annual Investment Strategy, was approved by this Council on 24 February 2021. The TMS requires revision in light of the increase to the capital programme during the year, and significantly the acquisition of Charter Walk. The changes to the Capital Financing Requirement (CFR) and both the Operational Boundary and Authorised Limits for external debt are set out in Appendix 1 to this report.

9. **The Council's Capital Position**

The table below shows the financing of the Original Capital Budget approved by Full Council on the 24 February 2021 and the latest Revised Capital Budget. The increase is due to a combination of in year budget monitoring adjustments, reprofiling of capital expenditure into future years and the acquisition of Charter Walk.

Capital	2021/22 Original Estimate £'000	2021/22 Revised Estimate £'000
Total Budget	18,792	39,481
Financed by:		
Capital receipts	1,834	2,080
Capital grants	7,792	5,923
Revenue	373	762
Total financing	9,999	8,765
Borrowing need	8,793	30,716

10. As shown by the interest rate forecasts in section 7, it is now impossible to earn the level of interest rates commonly seen in previous decades as all short-term money market investment rates have only risen weakly since Bank Rate was cut to 0.10% in March 2020. Given this environment, investment returns are expected to remain low.

The table below shows the maximum amount invested with any of the counterparties at any one time during the period April 2021 to 30 September 2021 against the maximum limits approved in the 2021/22 Treasury Management Strategy.

Counterparties	Maximum Limits £m	Highest level of Investment 2021/22 (£m)
HSBC	50.0	24.1
Moray Council	6.0	2.0
Santander	4.0	4.0
Goldman Sachs	4.0	2.0

11. **Property Funds**

The council made 2 investments totalling £2m in property funds in 2018/19 for the purpose of increasing and diversifying our risk in investment income receivable and to help alleviate future revenue budget pressures. Dividends received in the 3 month period April to June 2021 amounted to £16,707, earning an average yield of 3.3%, compared to £14,523 received for the same period in 2020/21.

12. **Borrowing**

The Council's capital financing requirement (CFR) for 2021/22 is £71.367m. The CFR denotes the Council's underlying need to borrow for capital purposes. Below is a summary of the Councils' external indebtedness, as at 1 April 2021, and as at 30 September 2021.

Borrowing	1 Apr 21 £'000	30 Sept 21 £'000	Change Apr – Sept £'000
Public Works Loan Board	35,663	35,663	-
Temporary Market Loans	25	26	1
Total	35,688	35,689	1

PWLB Loans – There was no loan repayments during the period 1 April to 30 September 2021.

Temporary Market Loans – There has been a net movement of £1k in temporary market loans during the period 1 April 2021 to 30 September 2021.

13. **Debt Rescheduling**

There have been no debt rescheduling opportunities in the current economic climate and consequent structure of interest rates. Therefore, no debt rescheduling was undertaken during the first six months of 2021/22.

14. **Compliance with Treasury & Prudential Limits**

It is a statutory duty for the Council to determine and keep under review its affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved Treasury Management Strategy.

During the financial year to date the Council's treasury management activities operated within the treasury limits and Prudential Indicators set out in the Council's Treasury Management Strategy in compliance with the Council's Treasury Management Practices.

An extract of the Prudential and Treasury Indicators are shown in Appendix 1.

15. **Interest Payable on External Borrowing / Interest Receivable**

Provision is made in the revenue budget to meet the net interest payable on external borrowing. The figure in the original budget for 2021/22 was set at £1,306,716.

This budget has been revised down to £1,134,523 due to the council maintaining internal borrowing for its capital programme during the last financial year.

The total interest receivable on temporary deposits for the period 1 April 2021 to 30 September 2021 amounted to £19,430. An additional £16,707 was received in dividends on Property Funds for the period 1 April 2021 to 30 June 2021. The budget for the year for interest and dividend receipts was set at £270k. This has been revised down to £124k due to the delay in making the Burnley College investment and reduction of the amount from £4m to £2m.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION
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16. None arising as a direct result of this report.

POLICY IMPLICATIONS

17. Compliance with the revised CIPFA Code of Practice on Treasury Management.

DETAILS OF CONSULTATION

18. Scrutiny Committee.

BACKGROUND PAPERS

19. None.

FURTHER INFORMATION

PLEASE CONTACT:

**Howard Hamilton-Smith – Head of Finance
and Property**

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Prudential & Treasury Indicators for the first half of 2021/22

Prudential Indicator	2021/22 Original £' 000	2021/22 Revised £' 000
Capital Expenditure	18,792	39,481
In year borrowing requirement	8,793	30,716
Authorised Limit for external debt	61,103	86,354
Operational Boundary for external debt	55,548	78,504
Investments (Actual as at 30th September)	-	31,195
Net Borrowing (Actual as at 30th September)	-	35,688
Capital Financing Requirement (CFR)	50,498	71,367
Ratio of financing costs to net revenue stream	15.6%	15.1%
Limit of fixed interest rates based on net debt	100%	100%
Limit of variable interest rates based on net debt	25%	25%
Principal invested > 365 days	-	-

Maturity Structure of fixed rate borrowing during 2021/22	1st Apr 2021 Actual Debt in £m	30th Sept 2021 Actual Debt in £m	30th Sept 2021 Actual Debt as a %	2021/22 Original Limits set as % ranges
Under 12 months	1.2	1.2	3%	0% - 20%
12 months to 2 years	1.1	1.1	3%	0% - 20%
2 years to 5 years	4.9	4.9	14%	0% - 25%
5 years to 10 years	1.2	1.2	3%	0% - 30%
10 years and above	27.3	27.3	76%	0% - 90%
Total	35.7	35.7	100%	

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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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