

EXECUTIVE

Wednesday, 21st September, 2022
6.30 pm





EXECUTIVE

ROOMS 2 & 3, BURNLEY TOWN HALL

Wednesday, 21st September, 2022 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. 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

To approve as a correct record the Minutes of the last meeting.

5 - 8

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 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) Town Centre Public Space Protection Order

9 - 20

To consider a report seeking approval to extend the Public Spaces Protection Order (PSPO) for the Town Centre in accordance with the current legislation (s60 Anti-Social Behaviour, Crime and Policing Act 2014).

8) Statement of Licensing Policy 2022-27

21 - 90

To consider the Draft Statement of Licensing Policy 2022-27.

9) Q1 Revenue Budget Monitoring

91 - 104

To consider the Q1 Revenue Budget Monitoring Report.

10) Q1 Capital Budget Monitoring

105 - 116

To consider the Q2 Capital Budget Monitoring Report.

11) Revenue Budget 2023-26 - Latest Position and Savings Proposals

117 - 132

To consider a report setting out the latest position and savings proposals for the 2023/24 Revenue Budget.

MEMBERSHIP OF COMMITTEE

Councillor Afrasiab Anwar (Chair)
Councillor Sue Graham (Vice-Chair)
Councillor John Harbour

Councillor Shah Hussain
Councillor Margaret Lishman
Councillor Mark Townsend

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EXECUTIVE

BURNLEY TOWN HALL

Wednesday, 17th August, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors S Graham (Chair), J Harbour, S Hussain and M Townsend

OFFICERS

Lukman Patel – Chief Operating Officer
Carol Eddleston – Democracy Officer

30. Apologies

Apologies for absence were submitted on behalf of Councillors Anwar and M Lishman.

31. Minutes

The minutes of the last meeting, held on 28th July 2022, were approved as a correct record and signed by the Chair.

32. Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

33. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on the following item 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 part 3 of Schedule 12A of the Local Government Act 1972.

34. Youth Investment Fund Application

PURPOSE

To consider supporting OnSide's Youth Investment Fund (YIF) bid for a proposed Open Access Youth Zone in Burnley for young people.

REASON FOR DECISION

The Open Access OnSide Youth Zone model is a nationally recognised model that establishes a localised four-way partnership between the private-sector, the local authority, young people and the voluntary/community sector to deliver improved outcomes for young people.

The OnSide Youth Zone model creates opportunities for young people to build positive relationships with supportive adults, enhancing skills such as teamwork, collaboration, communication and leadership.

Exposure to and participation in a range of positive activities that a young person in the borough may not normally have had the opportunity to experience, enhances awareness of options and possibilities, and leads to more informed decision making.

Open access to development pathways and support has the potential to allow young people to become more responsible for their choices, leading to greater independence and reducing demand on existing services.

The development of an Open Access Youth Zone complements several strategic priorities, including:

- PE1- We will work with partners to make the borough a place of aspiration, including supporting efforts to increase education attainment and skills development.
- PR3- We will deliver the Town Centre and Canalside Masterplan, and strategic projects in Padiham Town Centre.

A Youth Zone been identified as a strategic intervention in the Town Centre and Canalside Masterplan. A building specifically for young people would diversify the existing town centre offer, further adding vibrancy to the momentum generated by the implementation of the Town Centre and Canalside Masterplan. The YIF application by OnSide (if successful) presents a unique opportunity to deliver the aspirations contained in the Town Centre and Canalside Masterplan to deliver a Youth Zone for young people.

An Open Access Youth Zone complements the priorities outlined in the Council's Covid-19 Community Recovery Plan.

If the YIF bid is successful, the newly formed local charity that is established will create up to 26.9 full time equivalent roles. This could be a split of 16 full times roles and 25 part time employment opportunities of which some would be sessional work. There would also be the possibility of regular volunteering opportunities.

DECISION


- (1) That the outcome of the viability study prepared by OnSide be noted and that the benefits of an Open Access OnSide Youth Zone in Burnley be recognised;
- (2) That the support for an OnSide Youth Zone in Burnley be noted following consultation with wider partners, voluntary organisations and young people;
- (3) That the application by OnSide to the YIF for an Open Access Youth Zone in Burnley be endorsed and supported;

- (4) That the business case be endorsed and the revenue and capital grants (including (without limitation) the Better Care Capital Grant) to OnSide set out in this report be approved;
- (5) That the initial at-risk revenue grant to OnSide for the feasibility work to maintain the momentum of the project and to strengthen the deliverability of OnSide's YIF application be approved;
- (6) That the direct appointment of Geldards via the North West Legal Consortium Framework to provide the legal support for this project be approved;
- (7) That authority be delegated to the Chief Operating Officer (in consultation with the Executive Member of Resources and Head of Finance and Property) to negotiate and agree terms with OnSide (including (without limitation) the grant agreement and the disposal of land (subject to planning and successful YIF bid) to OnSide); and
- (8) That authority be delegated to the Head of Legal and Democratic Services to execute all documents necessary to give effect to this decision.

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Burnley Town Centre Public Space Protection Order

REPORT TO EXECUTIVE

	<p>DATE 21/09/2022</p> <p>PORTFOLIO Community & Environmental Services</p> <p>REPORT AUTHOR Richard Brown</p> <p>TEL NO Ext 3375</p> <p>EMAIL rbrown@burnley.gov.uk</p>	
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PURPOSE:

1. To seek approval to extend the Public Spaces Protection Order (PSPO) for the Town Centre in accordance with the current legislation (s60 Anti-Social Behaviour, Crime and Policing Act 2014).

RECOMMENDATION:

2. That authority is granted;
 - (1) To renew the Public Space Protection Order (PSPO) for Burnley Town Centre (as outlined in Appendix 1 Map of PSPO area.
 - (2) To implement the Order attached at Appendix 2.
 - (3) In agreement with the Public Space Protection Order powers to enable Officers to undertake any required enforcement in accordance with legislative powers.

REASONS FOR RECOMMENDATION:

- 3.1 The existing Order has been in place since the 9th November 2019 and as outlined in the Act has a duration of 3 years, at which point it must be reviewed.
- 3.2 Key Stakeholder consultation has been undertaken during August 2022 with residents, town centre business and community partners. The Consultation has determined that there is support for the continuation of the Order and, to maintain the prohibitions as ascribed in the original Order. These Conditions have been deemed relevant by key stakeholders to be retained for the town centre.
- 3.3 It has also been established, through this process of review and consultation, that there was opportunity and need to extend the range of the current order to

address issues relating to the night-time economy. This will provide officers with increased tools to deal with alcohol and substance fuelled anti-social behaviour in the town centre.

SUMMARY OF KEY POINTS

4 Background:

The Police, Crime and Anti-Social Behaviour Act 2014 provided Local Authorities with the power to tackle anti-social behaviour using Public Space Protection Orders. On 9th November 2019, following consultation with residents and businesses, Burnley Council established a Public Space Protection Order to tackle problems affecting the town centre. Under the conditions of this Order the issues addressed were:

- Town Centre begging
- Unsolicited charity collection and face to face sales.
- Misuse of bicycles and skateboards
- Urinating and defecating in a public space
- Unaccompanied under 16's in the town centre after 11pm

Under the terms of the legislation the term of an order is 3 years, after which point it must be renewed to stay in effect.

5 Use and Enforcement

Since the renewal of the order in November 2019, its impact has been affected by the nature of the Covid 19 lockdown. As life has returned to normal in the town centre the challenges addressed by the PSPO have too.

In early 2022 the Order was used in conjunction with serious ASB in the town centre with the use of prohibitions relating to the misuse of bicycles and unaccompanied young people in the town centre.

The order has, in conjunction with intensive work from outreach agencies, also formed part of a push to reduce begging in the town centre. Individuals were identified and engaged with by outreach officers and offered assistance and access to services. Of over 15 individuals spoken to over a 3 month period all bar 2 engaged with services or stopped begging. 2 prosecutions are being processed where engagement has failed and activity has persisted.

The prohibition that deals with the management of face to face sales and charity collections has been effectively used to deal bogus charity collectors.

With the renewal and expansion of the PSPO Council Officers are working with Police to improve understanding of the powers available and the protocols in place. Work will be undertaken to ensure those powers that will benefit officers working in the night-time economy are fully utilised.

6 Existing Prohibitions:

Town Centre Begging remains a priority for town centre partners and is dealt with through an established multi-service Town Centre Offender Panel that looks at individuals from both an engagement and enforcement perspective. The Public Space Protection Order provides a valuable enforcement route / tool in managing these individuals when engagement options are unsuccessful. The power has been successfully used to disrupt the activity of town centre beggars as well as providing background to Criminal Behaviour Orders for the most persistent offenders.

Unsolicited charity collections and persistent face to face sales are an issue that results in regular complaints to the Council. This power can be used to manage both charities and companies there with permission, and those without. The Council has developed a town centre user code of conduct for charity collectors and face to face sales. This prohibition will form the enforcement tool to ensure the code of conduct is adhered to.

A common feature of anti-social behaviour committed in the town centre is the use of bicycles in an anti-social way. The power has been used by police to seize bicycles used in this way and work with parents to address this behaviour. The issue remains a concern to residents and one that affects the way people feel in the shared space of the pedestrianised zone.

People defecating or urinating in public is an issue that affects both the night-time economy and in areas associated with rough sleeping. Complaints are received from businesses that are affected by this activity taking place near their premises.

Unaccompanied under-16s in the town centre after 11pm. Burnley has a busy night-time economy that has a range of pressures for the police to deal with. In a time when safeguarding concerns surround such issues as child sexual exploitation and alcohol related problems this condition aims to reduce the vulnerability of young people in this environment.

7 New Prohibitions

In 2020 the borough-wide Designated Public Place Order, which provided designated officers the powers to deal with alcohol, expired. By including the prohibition managing the consumption of alcohol on the street these powers will be reintroduced within the confines of the town centre where the vast majority of alcohol related disorder occurs.

As with alcohol, a feature of ASB related to the town centre's night-time economy is often its connection to the misuse of other intoxicating substances. The use of nitrous oxide has been identified as of particular concern to night-time economies across the country.

The council receives complaints, both as part of the daytime and night-time economies about the use of amplifiers in the town centre. This can be either using portable amplification systems, or from cars.

Street trading, especially that under a pedlars licence can be difficult to manage and generates complaints to the Council. As with the charity collections, such activities will be subject to the Council's Town Centre Code of Conduct.

There has been a small increase to the area covered by the prohibition, to include areas on Trafalgar Street, Manchester Road Train Station, and the current cinema site.

8 Consultation

As part of the process to extend the Public Space Protection Order, Burnley Council has consulted with a wide range of stakeholders. Agencies, retailers and residents have been consulted on their support for the Order, and for their views on the appropriateness of potential conditions within the Order.

9 Future Use

Through the local community safety networks and the MATAC meeting there is strong coordination between agencies and businesses. The Order will continue to provide a structure for enforcing against recognised town centre nuisances with its increased effectiveness based on improved communication. The establishment of the BID (Business Improvement District) has further improved the existing structures in place such as the Town Centre Offender Panel, an improved Town Centre Code of Conduct, and a dedicated multi-agency officer working group dedicated to the night-time economy. Monitoring of the Order will be undertaken by the MATAC to ensure effectiveness.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION:

10 Both the Council and the Police can enforce these powers within existing resources. The existing signage will be replaced to reflect updated order.

POLICY IMPLICATIONS

11 N/A

DETAILS OF CONSULTATION:

12 Details of consultees:

- Residents via the Council Website
- Burnley Improvement District
- Burnley Community Safety Partners

BACKGROUND PAPERS

13 N/A

FURTHER INFORMATION

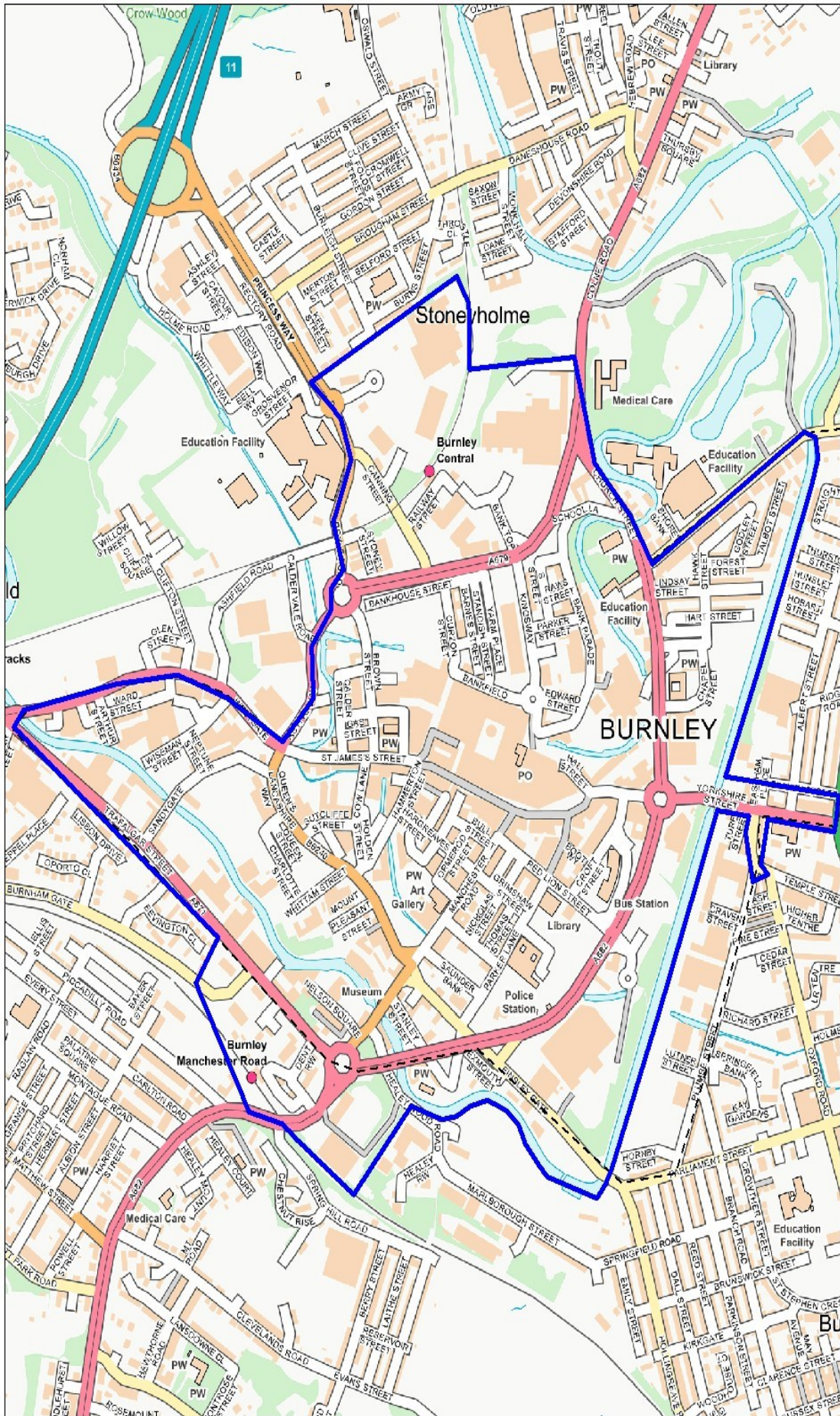
PLEASE CONTACT:

Jonathan Jackson ext 3413

ALSO:

Joanne Swift ext 7301

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PSPO - BURNLEY BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4, SECTION 59
PUBLIC SPACES PROTECTION ORDER

1) Purpose

Burnley Borough Council in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

Burnley Borough Council (referred to hereafter as “the Council”) hereby make the following Public Spaces Protection Order (referred to hereafter as the “PSPO”) that applies to any place to which the public have access within the area shown and edged red on the plan annexed to this order (the Prohibition Area) unless otherwise specified.

2) Prohibited Activities

a) Begging on the Street.

No person shall, whilst with in the Prohibition Area, place themselves in a position that implies that they are begging for money or attempting to solicit.

b) Those under 16 in the area 11pm - 5am

Any person in the Prohibition Area between the hours of 11pm and 5am, being unable to provide evidence that they are over the age of 16, must be accompanied by a responsible adult. If unaccompanied that person must leave the Prohibition Area immediately after being required to do so by an Authorised Officer unless their place of residence is within the Prohibition Area, in which case they must return there.

c) Those under 14 in the area 9pm - 5am

Any person in the Prohibition Area between the hours of 9pm and 5am, being unable to provide evidence that they are over the age of 14, must be accompanied by a responsible adult. If unaccompanied that person must leave the Prohibition Area immediately after being required to do so by an Authorised Officer unless their place of residence is within the Prohibition Area, in which case they must return there

d) Misuse of skateboards, bicycles and scooters.

No person shall, at any time, use a skateboard, bicycle, scooter or similar wheeled conveyance in a manner that they know, or ought to know, will cause alarm, harassment or distress to others nearby.

e) People urinating or defecating in a public place.

No person shall urinate or defecate in a public place (other than public toilets).

f) Unsolicited charity collection and face to face sales.

No person shall engage in or knowingly cause or permit the collection of or soliciting of money (whether by way of immediate payment, seeking a direct debit authority or standing order, or the selling of goods for charitable purpose) whilst within the Prohibition Area unless they have complied with the Burnley Council Collections and face to face Sales Code of conduct

g) Street trading

No person shall engage in peddling or trading goods whilst within the Prohibition Area unless they comply with the Burnley Council Collections and Face to Face Sales Code of Conduct.

h) Consumption of alcohol on the street

No person shall, whilst within the Prohibition Area, consume alcohol or have an open alcohol container after having been requested by an authorised person to cease consumption or hand over the container, unless the consumption of alcohol is on premises or in public spaces licensed under the Licensing Act 2003, or where the consumption of alcohol is authorised pursuant to section 115E Highways Act 1980.

i) Intoxicating Substances

No person shall, whilst within the Prohibition Area, ingest, inhale, inject, smoke or otherwise use intoxicating substances. An exemption will apply in cases where the Intoxicating Substance is being used for valid and demonstrable medical use, given to an animal as a medical remedy, are legitimate tobacco products or vaporisers or are food stuffs regulated by food health and safety legislation.

j) Use of Amplifiers

No person shall continue to use a loudspeaker or amplification by electronic means on the public highway within the Prohibition Area after having been requested by an Authorised Officer to cease from doing so.

3) Definitions

- a) “Authorised Officer” means a Police Constable, a Police Community Support Officer or an officer of Burnley Borough Council in possession of an authority to enforce this order.
- b) “Scooter” means a conveyance consisting of a footboard mounted on wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground or by electric motor, or any other variation of the same designed or adapted for a similar purpose, whether having a handle or otherwise.
- c) “Alcohol” has the meaning given by section 191 Licensing Act 2003

- d) “Intoxicating substances” means any substance with the ability to stimulate or depress the central nervous system
- e) “Responsible adult” means a parent, a step-parent, a guardian, a social worker or an adult who has parental rights, duties and responsibilities over the child.
- f) “Plan” means the plan annexed to this order.

4) What happens if you fail to comply with this order?

a) Pursuant to section 67 of the Act any person who, without reasonable excuse, fails to comply with the requirements of this PSPO commits an offence and shall be liable, on summary conviction, to a fine currently not exceeding level 3 on the standard scale or to a Fixed Penalty Notice for an amount determined by the Council (currently £75)

b) Pursuant to section 63 of the Act a person found in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an Authorised Person is liable on summary conviction to a fine currently not exceeding level 2 on the standard scale or to a Fixed Penalty Notice for an amount determined by the council (currently £75)

The Authorised Officer may decide that a Fixed Penalty Notice is an appropriate way of dealing with any breach. If issued an appropriate payment would discharge any liability to prosecution for the offence. However, if payment is not made Court proceedings may be initiated for the offence of failing to comply with the Order.

c) If an Authorised Officer proposes to give a person a notice under this Public Space Protection Order, the Officer may require the person to give them their name and address.

A person commits an offence if—

- (a) they fail to give their name and address when required to do so, or
- (b) they give a false or inaccurate name or address in response to a requirement under that subsection.

A person guilty of an offence under subsection (4c) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5) Period for which the order has effect

This Order shall come into force on ...20th November 2022... and remain in place for a period of three years.

THE COMMON SEAL of the COUNCIL
OF THE BOROUGH OF BURNLEY was
hereunto affixed this day of
2022 in the presence of:

Authorised signatory

Authorised signatory

REPORT TO COUNCIL



DATE	28 th September 2022
PORTFOLIO	Community & Environment
REPORT AUTHOR	Karen Davies
TEL NO	01282 425011
EMAIL	kdavies@burnley.gov.uk

Statement of Licensing Policy

PURPOSE

1. To consider responses to the statutory consultation of the draft Statement of Licensing Policy and make a recommendation to Full Council

RECOMMENDATION

2.
 - That Licensing Committee recommend Full Council approve the draft Statement of Licensing Policy at Appendix E for implementation on 1st October 2022.
 - That Scrutiny Committee recommend Full Council approve the draft Statement of Licensing Policy at Appendix E for implementation on 1st October 2022.
 - **That Executive recommend Full Council approve the draft Statement of Licensing Policy at Appendix E for implementation on 1st October 2022.**
 - That Full Council approve the draft Statement of Licensing Policy at Appendix E for implementation from 1st October 2022.

REASONS FOR RECOMMENDATION

3. The Statement of Licensing Policy (SoLP) is part of the Council's policy framework and it must be approved at Full Council.

SUMMARY OF KEY POINTS

4. The current SoLP was approved in 2020 for the period from Jan 2021 to Dec 2026. (Appendix A) In view of the ongoing opportunities arising from the Padiham Town Centre improvements, the Pioneer Place redevelopment, St James St Heritage Action Zone, the Council's acquisition of Charter Walk Shopping Centre and the Council's ambition to work towards Purple Flag status for Burnley Town Centre the SoLP is being reviewed early.
5. The Council wants to help and support responsible licensed premises to thrive. To do so the licensed activities must be carried on so that they complement other business uses and do not unduly interfere with people and residents who share the use of the neighbourhood. Recent problems associated with anti-social behaviour in and around the town centre, some of which has stemmed from licenced activities, damages the reputation of our Borough and discourages people from living in, working in or visiting the

town.

6. The SoLP seeks to set the right tone in terms of working collaboratively with the licenced trade and regulatory partners to ensure that the licensing objectives are promoted and upheld within licenced premises. The licensing objectives are:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
7. Burnley`s first SoLP was agreed in 2004 as a collaborative document with neighbouring authorities. That same document has been reviewed over time. The new draft SoLP focusses very clearly on the Borough of Burnley, outlining a policy framework that fits the issues experienced locally. It has been overhauled to take on board the findings of a Purple Flag baseline assessment carried out last year with a view to support a diverse, vibrant and safe evening and night-time economy for residents and visitors to enjoy. The two principal towns within the Borough are undergoing significant transformation, and the Council`s ambitions for the Borough are reflected in the draft document.
8. Prior to approval by Full Council statutory consultation is required. Licensing Committee approved a draft for consultation in June, see Appendix B, and an 8 week consultation has taken place. Statutory consultees, local licensees and the public have been engaged in that process via direct mail, press release, social media posts and the Council`s website. The consultation ended on 2nd September 2022.
9. Responses received through the consultation are provided at Appendix D together with a note of suggested clarifications of the consultation draft. There have been 8 responses in total. The day-time/night-time conflict has been included within 6 responses, and as a result paragraph 5.2.1 of the policy has been reinforced as a period when the licensing objectives are at particular risk of being compromised. Issues relating to new land uses being introduced within business or residential communities are picked up in paragraph 5.10
10. The final draft for approval, incorporating clarifications arising out of the consultation is provided at Appendix E. The amendments are highlighted yellow.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

11. None

POLICY IMPLICATIONS

12. Once agreed the Statement of Licensing Policy will become part of the Council`s policy framework. It will explain to the public how the Council will carry out it`s functions, assist applicants with applications, and guide responsible authorities, officers and Members when exercising delegated licensing powers. It is one of a suite of policy documents relevant to the Council`s Strategic Objectives, particularly within the Town centres.

DETAILS OF CONSULTATION

13. There is an extensive list of statutory and additional consultees. For clarity the full list is provided as Appendix C.

Councillor Afrasiab Anwar, Leader of Council

Councillor Shah Hussain, Executive Member for Community & Environmental Services

Councillor Jeff Sumner, Chair of Licensing Committee

Councillor Arif Khan, Vice Chair of Licensing Committee

Councillor Howard Baker, Chair of Scrutiny Committee

Councillor Ann Royle, Vice Chair of Scrutiny Committee

BACKGROUND PAPERS

14. None

FURTHER INFORMATION

PLEASE CONTACT:

Karen Davies

ALSO:

Jo Swift



LICENSING ACT 2003

**STATEMENT OF LICENSING POLICY
OF BURNLEY BOROUGH COUNCIL
MADE UNDER SECTION 5 LICENSING ACT 2003**

5th November 2020 TO 4th November 2025

THE LICENSING OBJECTIVES

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

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1. INTRODUCTION

1.1 The Licensing Act 2003 (the Act) and statutory guidance provide the legal framework under which licensing will be regulated in England and Wales. This document is produced to explain the criteria under which Burnley Borough Council, a Licensing Authority within the meaning of the Act, will discharge our functions under the law.

1.2 In executing our functions, we will consider the Licensing Act against a backcloth of other legislation, which may impact on the promotion of the licensing objectives. This will include the,

- Crime and Disorder Act 1998 as amended by the Police Reform Act 2002
- Human Rights Act 1998
- Health & Safety at Work Act 1974
- Environmental Protection Act 1990
- Anti-Social Behaviour Act 2003
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Criminal Justice & Police Act 2001
- The Regulatory Reform (Fire Safety) Order 2005
- Policing & Crime Act 2009
- The Equality Act 2010
- The Police Reform and Social Responsibility Act 2011
- Live Music Act 2012
- Anti-Social Behaviour Crime and Policing Act 2014
- Deregulation Act 2015
- Data Protection Act 2018
- Coronavirus Act 2020

1.3 We desire to create an environment where local people and visitors to our areas will have better opportunities to enjoy their leisure time in safety without fear of violence, intimidation or disorder whilst on or in the vicinity of licensed premises.

1.4 We recognise that the leisure industry is a significant contributor to:

- the economy
- cultural development
- jobs
- tourism

within the licensing authority area. We seek to create a licensing policy, which does not drive a wedge between the industry and enforcement authorities. We intend that co-operation and partnership remain the best method of promoting the licensing objectives.

1.5 Subject to the promotion of the licensing objectives, we will encourage facilities to allow people to lawfully enjoy their leisure time in the manner and at the time they wish to. We wish to encourage licensees to provide a wide range of entertainment activities, promote live music, dance, theatrical activity etc.

1.6 The Licensing Authority will actively encourage and promote a broad range of entertainment, recognising the wider cultural benefits for local communities.

- 1.7 This Council holds premises licences for public spaces in the community, such as parks, town centre areas, community halls and other appropriate public spaces.
- 1.8 Entertainers wishing to perform in any of the areas licensed by the Council may seek permission from the relevant Council Department, details of which can be obtained from the Licensing Unit.
Such persons may then be given consent to use such places by the relevant department of the Council, as opposed to obtaining individual premises licenses or temporary event notices in respect of events they may wish to hold.
- 1.9 The Guidance requires that a Licensing Authority considers such applications from a neutral standpoint. We will however balance the potential for limited disturbance in neighbourhoods against the wider benefits to the community and cultural development of the area.
- 1.10 We will endeavor to carry out our licensing functions in a way that:
- ensures public safety
 - supports well managed premises where licence holders who seek to actively promote the licensing objectives and display sensitivity to the potential impact of licensable activities on local residents and other businesses
 - protects residents' quality of life.
- 1.11 The Equality Act 2010 also includes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations, between people with different protected characteristics.
- 1.11 We will have regard to how littering and fouling, noise, street crime and the capacity of the Council's infrastructure, resources police resources and healthcare resources impact on the licensing objectives.
- 1.12 We will discharge our functions with integrity and objectivity. We will work in partnership with the leisure industry, police, fire and rescue services, health, residents and local businesses to promote the licensing objectives.
- 1.13 We will take account of the statement of policy of neighboring licensing authorities where common boundaries exist.
- 1.14 We will seek to give protection to local residents, whose lives can be blighted by disturbance and antisocial activity associated with the behaviour of some people visiting places of entertainment.
- 1.15 We desire to strike a balance between allowing people to enjoy their leisure, at the times and in the manner they wish to, and ensuring the licensing objectives are met.
- 1.16 Licensing is about regulating licensable activities on licensed premises, in qualifying clubs and at temporary events within the definitions of the Act, and the conditions attached to the various authorisations will be focused on matters which are in the control of applicants and licence holders. Licensing law is not the primary mechanism for the

general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Licensing law will however be a key aspect of a holistic approach to the management of the evening and night-time economy in town centres.

- 1.17 We will therefore focus upon the direct impact of the activities taking place at or in the vicinity of licensed premises on members of the public living, working or engaged in normal activities in the vicinity of those places.

2. LICENSABLE ACTIVITY

- 2.1 This policy relates to licensable activities. They are:

- The sale of alcohol
- The supply of alcohol by or on behalf of a club to members of the club
- The provision of regulated entertainment
- The provision of late-night refreshment

- 2.2 The provision of hot food or hot drink may take place at any time, but we will only be able to regulate such activity between 11pm and 5am. The provision outside these times is not licensable activity under the Act.

- 2.3 Advice on whether a licence is required for premises or an event can be obtained from the Licensing Unit, Burnley Borough Council.

3. PROMOTION OF THE LICENSING OBJECTIVES

- 3.1 We will promote the 4 licensing objectives, namely

- the prevention of **crime and disorder**
- **public safety**
- the prevention of **public nuisance**; and
- the **protection of children** from harm, and all our decisions will reflect these objectives.

- 3.2 We consider each licensing objective to be of equal importance. They will be considered in relation to matters centered on the premises or within the control of the licensee. We will objectively consider the direct effect that the carrying on of the licensable activities has in the vicinity of the premises. Licensing law is not a mechanism for the general control of anti-social behavior by individuals once they are beyond the direct control of the licensee or vicinity of licensed premises.

- 3.3 We will not deter an individual making an application and having that application judged on its individual merits. It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence

- 3.4 Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the

licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.

- 3.5 We will not deter any person from making representations in respect of any application or seeking a review of a license. Where a representation is received which is not from a responsible authority the licensing authority will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.

Relevant representations are representations:

- about the likely effect of the premises licence on the promotion of the licensing objectives;
- which have not been withdrawn and are not, in the opinion of the council, frivolous or vexatious.

- 3.6 This authority recommends early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, many responsible authorities would be prepared to discuss matters on site with an applicant with a view to reaching agreement on measures to be proposed.

Crime and Disorder

- 3.7 Under the Crime and Disorder Act 1998, the authority must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder. Where its discretion is engaged, the authority will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the Lancashire County Council Community Safety Action Plan and any local community safety priorities or emerging threats identified Burnley Community Safety Delivery Group (MATAC) or any similarly constituted group.
- 3.8 If relevant representations are made in relation to a premises licence or club premises certificate, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.
- 3.9 Conditions will be targeted on deterrence and the prevention of crime and disorder. The authority may consider:
- The need for and location of CCTV cameras
 - The need for door supervision
 - The need for a text or radio pager system allowing communication between premises and with the Police
 - If during any specific local event further conditions need to be in place, e.g. Burnley FC home games.

- Membership of a recognised pub watch or similar scheme

Public Safety

- 3.10 The public safety objective is concerned with the physical state of people using the premises. Public safety includes safety of performers appearing at any premises and any staff.
- 3.11 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. This authority will not seek to impose fire safety conditions as conditions on licences where the Order applies.
- 3.12 Applicants are advised to consult with the Environmental Health, Health and Safety Team, who can offer advice as to appropriate measures to be included in risk assessments, and potentially in operating schedules. On receipt of relevant representations, the council will have regard to the views of the Health and Safety Team. The team can also offer advice in relation to workplace health and safety matters, including compliance with the Health Act 2006 (smoke free).
- 3.13 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals, and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.
- 3.14 Special considerations will apply to night clubs and similar venues. Applicants are encouraged to consider the Safer Clubbing Guide published by the Home Office and DCMS, which gives advice on these issues and any other relevant guides

Public Nuisance

- 3.15 If relevant representations are made, the authority will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 3.16 The authority will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 3.17 Where applicants are completing operating schedules the authority encourages them to have regard to the location of the proposed or actual premises, and in particular whether

proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship. Applicants are recommended to consult Environmental Health Services for advice on measures that may need to be incorporated into an operating schedule.

- 3.18 When considering such matters, the authority will have regard to representations made by Environmental Health Services, and by local residents.
- 3.19 The council may consider the following matters:
- Whether doors and windows will or can be kept closed after a particular time.
 - Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
 - The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
 - Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the rights of residents.
 - The size and location of smoking areas and any facilities provided which may encourage patrons to use the external areas more extensively than for just smoking and returning to the inside of the premises
 - Provision of litter bins in the vicinity of premises serving hot food after 11pm.
 - Display of contact details or a direct telephone link to a private hire/taxi firm.

Protection of children from harm

- 3.20 This authority recognises the Lancashire Safeguarding Children Board as the responsible authority for the protection of children from harm.
- 3.21 The protection of children from harm includes protection from physical and psychological harm.
- 3.22 This authority notes that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed unless there is good reason to restrict entry or exclude children completely.
- 3.23 Issues about access of children to premises may give rise to concern:
- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
 - where there have been convictions of the current management for serving alcohol to minors;
 - where the premises have a reputation for allowing under-age drinking;
 - where the premises opens into the early hours;
 - where premises have a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises; and
 - where the supply of alcohol consumption on the premises is the exclusive or primary purpose of the services provided.
- 3.24 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition, licensees may identify that the access of

children to particular parts of the premises poses more risk than others, and seek only to exclude children from areas of highest risk or after certain late hours.

- 3.25 On receipt of relevant representations, the authority will consider whether conditions are necessary. If conditions are necessary these may include:
- limitations on the hours when children will be present
 - limitation upon the presence of children of certain ages when specified activities are taking place
 - limits on the parts of the premises to which children may have access
 - age limitations
 - limitations or exclusions only when certain activities are taking place
 - requirements for an accompanying adult
 - full exclusion of people under the age of 18 when any licensable activities are taking place
- 3.26 In such cases, representations by the Safeguarding Children Board, Trading Standards and the Police will be given considerable weight where they address issues regarding the admission of children.
- 3.27 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. However, this authority favours the Challenge 25/Check 25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the authority determines the licence application.
- 3.28 This Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the Lancashire Trading Standards Service, the Licensing Team and Police. Where underage sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, responsible retail training, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.
- 3.29 In keeping with the Secretary of State's Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.
- 3.40 No condition will be imposed by the council requiring the admission of children to any licensed premises except in the case of exhibition of film where a mandatory condition is applied to all licences with this activity. In the case of a film that has not been subject to classification under Video Recordings Act 2010, we will require the film to be submitted to the Licensing Officers at least 14 days before the proposed exhibition. A certificate will then be given to the film by the Authority and any age restriction imposed must be adhered to.

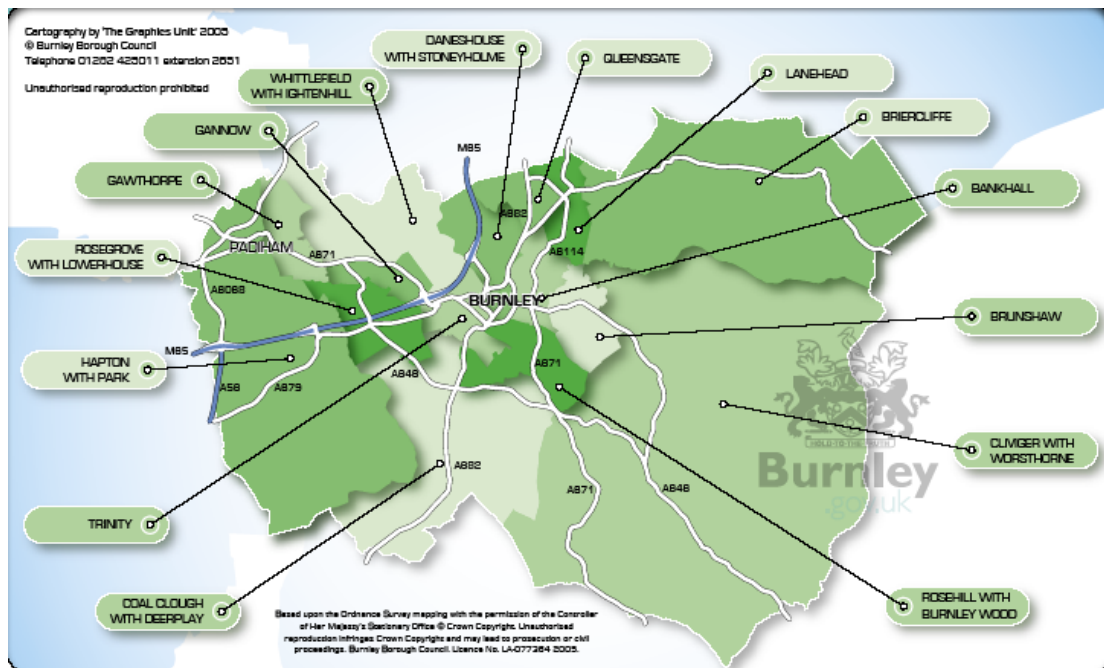
4. LICENSING AUTHORITY PROFILE

- 4.1 Burnley Borough Council is a Licensing Authority under the Act. Authority is delegated to full committee, sub-committees and officers.

4.2 The Policy takes into account the guidance issued under section 182 of the Act. The latest guidance was published by the Home Office in March 2015.

The Borough of Burnley

4.2 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)
 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 diversification away from textiles to engineering and the newer, technological industries. Much of the Borough is rural in character, and there are 7 parish councils.



4.4 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%

4.7 The current licensed trade on 1st August 2020 consists of the following premises:

Premises Licences with alcohol	275
Premises licences no alcohol	56
Club Premises with alcohol	15

Total	336
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4.8 Between 24th November 2005 and 1st August 2020, a total of 1142 Personal Licenses have been issued.

5. CUMULATIVE IMPACT

5.1 We will not seek to limit the number of licensed premises simply because any interested party or responsible authority consider that there are enough licensed premises to satisfy demand. Need is a commercial decision for the applicant.

5.2 We will take note of representations from a responsible authority or interested party on the cumulative impact of a saturation of premises in a particular area undermining one or more of the licensing objectives by creating an area of exceptional problems of disorder or nuisance.

5.3 If such representations are made, we will consider adopting a special saturation policy after consultation. We do not at this time envisage a special saturation policy being imposed.

5.4 We will not otherwise impose quotas of licensed premises or artificially restrict trading hours in particular areas.

5.5 The onus will always be on the individual or organisation making the representation to provide sufficient evidence for the assertion that the addition of the premises in question would produce the cumulative impact on the licensing objectives. Once a special saturation policy is in existence, statutory guidance creates a rebuttable presumption against the grant of a licence or a variation of a licence in that area.

5.6 We recognise that a potential cumulative effect of a proliferation of late-night entertainment premises (including night cafes) may result in an increase in numbers of people either walking through or congregating in streets during the night and this in turn may have a number of undesirable consequences, namely:

- An increase in crime against both property and persons in particular in takeaway premises and taxi queues in the vicinity of licensed premises.
- An increase in noise causing disturbance to residents
- Traffic congestion and / or parking difficulties
- Littering and fouling

5.7 We recognise that only a minority of consumers will behave badly and that not all the anti-social conduct will be in the vicinity of premises or within direct control of the licensee. Licensing Policy is only one means of addressing these problems. Other mechanisms include:

- Planning controls
- CCTV
- Provision of transport facilities including taxi ranks
- Designated Public Places Orders
- Police powers

- Closure powers
- Positive measures to create safer, cleaner and greener spaces.
- Voluntary or best practice schemes such as Street Wardens, Street Pastors or Taxi Marshals

5.8 We will take into account:

- The character of the surrounding areas
- The impact of the licence on the surrounding area, both individually and cumulatively with existing licences; and
- The nature and character of the proposed operation
- The size of the premises subject to consideration

6. PLANNING, DEVELOPMENT CONTROL, RESPONSIBLE AUTHORITIES, TOURISM, PUBLIC TRANSPORT, CULTURE, CRIME PREVENTION AND EMPLOYMENT

6.1 The council is mindful of the duplication, inefficiency and potential for conflict of interests between the Planning, Environmental Health and Licensing activities and will ensure that the operational functions remain distinct. We will not allow licensing applications to be a re-run of planning applications.

6.2 Each relevant committee will provide situation reports relative to licensed premises, to each other, thereby achieving integration between licensing, planning and building control functions, measuring the effect of Licensing Act 2003 policy.

6.3 We will not restrict objective consideration of licensing hours applications as a consequence of any hours of premises use restrictions placed upon premises under planning legislation.

6.4 Where such planning restrictions exist an objection or application for licence review can be made specifying the appropriate licensing objective(s), which may be undermined by the licensable activities.

6.5 In general we will expect that prior to the submission of a licensing application, the appropriate planning permission will have been granted for the use of the premises. We acknowledge the ability of an applicant for a premises licence to seek a provisional statement defined in Section 5.83 – 5.91 of the Section 182 Guidance. Reference is made to Section 11 of this policy.

6.7 We will secure proper integration of our licensing policy by openly receiving reports from those organisations and Council departments responsible for crime prevention, tourism, transport, race equality schemes, cultural strategy, town centre management and night time economy. We will reflect upon such submissions and amend this policy where appropriate to do so.

6.8 We will monitor the impact of our policy on entertainment, in particular theatrical activity, live music and dancing.

6.9 We will, where necessary receive reports from and provide reports to, Lancashire County Council addressing the need to disperse people from town centres swiftly and safely to avoid concentrations which produce disorder and disturbance.

6.10 We will, when required, review the location of Hackney Carriage stands within the Borough to achieve the balance between licensing principles and the principles outlined in Section 6.9 above.

7. LICENSING HOURS

- 7.1 We will consider each application upon its individual merits and the basis of any application will be the draft-operating schedule. We welcome risk assessment documents being submitted in which the licence applicant will specify how they will support the four licensing objectives.
- 7.2 Flexible licensing hours will be important to ensure that the concentration of customers leaving premises simultaneously are avoided, minimising the possible sources of friction at fast food outlets and taxi ranks, thereby reducing the potential for violence and disorder and fear of such.
- 7.3 We will avoid fixed or artificial early closing times, which produce peaks of disorder and disturbance by customers merging into the streets simultaneously. We will balance this with stricter conditions being expected in relation to noise control in areas of dense residential accommodation, particularly later at night or into the early hours.
- 7.4 However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 7.5 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.
- 7.6 The hours requested by the applicant will normally be approved where the applicant can show in their risk assessment and operating schedule that the proposal would not adversely affect the environmental quality, residential amenity and character of any particular area or undermine one or more of the licensing objectives.
- 7.7 Where there is evidence that one or more licensing objectives would be undermined, a responsible authority, authorised person or interested party (Since the introduction of the Policing and Crime Act 2009 the definition of “interested Parties” has been extended to include – “a member of the relevant Licensing Authority”) has the ability to object to the issue or variation of a licence or request a review of an existing licence.
- 7.8 The onus to provide the evidence will always be on the person or organisation making the objection or review application. This burden of proof will not however apply should there be a special saturation policy in being in relation to the area where the premises are situated.

- 7.9 Where individual premises are a focus for disorder and disturbance then, subject to representations, limitations may be appropriate. Where late hours are requested, particularly involving entertainment, the imposition of further conditions would be appropriate.
- 7.10 We will not impose any obligation under the 2003 Act requiring the holder of a premises licence or club premises certificate to remain open for the entire period permitted by his licence or certificate. If, for example, a public house has no trade on a particular evening, the licence holder is entitled to close the premises.
- 7.11 We will however encourage applicants to be realistic in the potential opening hours that they apply for.
- 7.12 We acknowledge that the times when an applicant wishes the premises to be open to the public may not be identical to the hours during which licensable activities may take place.
- 7.13 We ask applicants to note that in the case of the sale by retail of alcohol (or supply of alcohol by or on behalf of a club to, or to the order of, a member of a club) for consumption on the premises, 'consumption' of alcohol is not a licensable activity.
- 7.14 Therefore, the authorised period specified in the premises licence, club premises certificate or temporary event notice relates to the period during which alcohol may be sold or supplied.
- 7.15 It is therefore permissible for premises to allow the consumption of previously purchased alcohol, within the period between the end of the licensable activity of sale or supply of alcohol and the end of time when the premises will be open.

8. EARLY MORNING ALCOHOL RESTRICTION ORDERS (EMROS)

- 8.1 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 8.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the Local Community Safety Partnership as well as evidence the Licensing Authority has gathered to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. The Licensing Authority will consider the problems that have been identified. A range of evidence may be considered, including local crime and disorder statistics, statistics on anti-social behaviour offences, health related statistics (e.g. alcohol related emergency attendances and hospital admissions, environmental health complaints, complaints recorded by the Council, residents' questionnaires, evidence from local councillors and evidence obtained through local consultation).

8.3 It is acknowledged by the Licensing Authority that an EMRO is restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified in particular other measures might include:

- Development of a Cumulative Impact Policy
- Reviewing the licenses of specific problem premises
- Encouraging the creation of business-led practice schemes
- Use of powers of the Council to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)
- The confiscation of alcohol in designated areas
- Police enforcement of the general law concerning disorder and anti-social behaviour
- Prosecution for the offence of selling (or allowing such a sale) alcohol to a person who is drunk

8.4 In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations.

LATE NIGHT LEVIES

8.5 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late-Night Levy, following a consultation process, outlined by the Home Office. It allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after 12 midnight and up to 06:00 in order to cover the additional costs associated with late night alcohol trading. Legislation allows this to start from midnight but it is up to the Council to decide when they wish to apply it.

8.6 Any income raised by the Levy must be split with the local Police force; the Police would receive a minimum of 70% of funds raised and the Council's 30% must be used to fund services which make the late-night economy a more welcoming place.

The Council will consider implementing a Late Night Levy if appropriate.

9. CONDITIONS

9.1 The authority may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.

9.2 The council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.

9.3 Where conditions are imposed, they will be tailored to the individual style and

characteristics of the premises and events concerned.

- 9.4 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the council.

Dispersal Policies

- 9.5 We will take note of any voluntary dispersal policy at premises and reserve the right to impose dispersal policy conditions upon a licence following relevant representations.
- 9.6 This policy will set out the steps that are to be implemented to disperse customers over an extended period of time specified in the operating schedule. It is intended that customers leave the premises in an orderly fashion without bottles or glasses etc, thereby reducing the potential for conflict within or in the vicinity of the premises.

Excessive consumption of alcohol & Irresponsible drinks promotions

- 9.7 The council is acutely aware of the link between the supply of alcohol that is subject to certain promotions and the possibility of resultant incidents of alcohol related crime and disorder and implications for public safety, public nuisance and the risk of harm to children.
- 9.8 In April 2010 new mandatory conditions came into effect which:
- Ban irresponsible promotions;
 - Ban the dispensing of alcohol directly into the mouth; and
 - Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- 9.9 The legislation makes it clear that an irresponsible promotion is one that is “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children”.
- 9.10 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises.
- 9.11 As a consequence any on-trade premises which fails to comply with these mandatory conditions will be breaching licence conditions and will be dealt with in accordance with this authority’s enforcement policy and protocols and may be subject to a review of their licence.

10. ENFORCEMENT

- 10.1 Enforcement action will be undertaken by properly trained officers of the Licensing Authority outlined in Section 13(2)(a) of the Act and authorised persons defined by Section 13(2) (b to f) of the Act. In carrying out enforcement action we will adhere to the terms of the joint enforcement policy that exists between the Council and Lancashire Constabulary. The authority has adopted the principles of the Hampton Report in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained
- 10.2 We expect that Designated Premises Supervisors and Personal Licence Holders will ensure that all their staff, including door supervision staff, will be fully trained in the law relating to the rights of entry of authorised persons. We will view obstruction of authorised persons by staff or employed agents of the licensee as a serious matter.
- 10.4 The Licensing Authority has power to institute criminal proceedings in respect of any offence under the Act. We will delegate the authority to institute proceedings in accordance with the Council's Constitution - scheme of delegation. The sufficiency of evidence and public interest criteria will be applied to any decision on prosecution in accordance with the Prosecution of Offences Act. Elected members will be precluded from this decision-making process to enable them to retain independence, should conviction result in a subsequent licence review.

11. VARIATIONS (Minor & Full) & PROVISIONAL STATEMENTS

- 11.1 Both Premises Licences and Club Premises Certificates may be varied under the Licensing Act 2003.
- 11.2 A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. There is a requirement to advertise the application by displaying a notice on the premises. Decisions on a minor variation are delegated to officers and there is no right to a hearing. The Licensing Authority may consult with any relevant responsible authority on an application for a minor variation and take their views into account.
- 11.3 Minor variations are those which cannot adversely impact on the licensing objectives and generally fall into four categories which are:-
- Minor changes to the structural layout which does not;
 - Increase the capacity for drinking (increasing floor area for patrons drinking etc.)
 - Affecting access or egress (blocking fire exits or escape routes)
 - Impede or remove noise reduction measures at the premises (removing acoustic lobbies etc.)
 - Small adjustments to licensing hours
 - Removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
 - Addition of a licensable activity where similar activities already exist.

- 11.4 Full variations follow the same procedure as that for a new Premises Licence with the need for advertisement on the premises and in the newspaper in addition to the statutory consultation.
- 11.5 The areas in which a premises licence may be varied include;
- Varying the hours during which a licensable activity is permitted
 - Adding or removing licensable activities
 - Amending, adding or removing conditions within a licence
 - Altering any aspect of the layout of the premises which is shown on the plan.
- 11.6 Where the changes proposed are substantial or involve completely changing the nature of the business, (for example if there is more than a 50% increase in the licensable area) it will be more appropriate to apply for a new premises licence.
- 11.7 In the context of variations, which may involve structural alteration to or change of use of the building, it should be noted that the decision of the licensing authority will not exempt an applicant from the need to apply for planning permission where appropriate.
- 11.8 Where existing premises are being extended or otherwise altered, we will require the licence holder to notify the Licensing Authority, and to apply for a provisional statement, new licence application or variation as appropriate.

Provisional Statements

- 11.3 We recognise that in certain situations businesses and developers need to have security that a premises licence is likely to be granted following construction or alteration of premises. We will issue provisional statements in accordance with Sections 29-32 the Act and Section 182 Guidance.
- 11.5 We will not be responsible for any costs or consequential losses incurred by an applicant who constructs or alters premises without taking advantage of seeking a provisional statement.
- 11.6 When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and interested parties will be excluded in certain circumstances.
- 11.7 These are where:
- the application for a licence is in the same form as the licence described in the provisional statement; and
 - the work in the schedule of works has been satisfactorily completed;
 - given the information provided in the application for a provisional statement, the responsible authority or interested party could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
 - there has been no material change in the circumstances relating either to the premises or to the area in the vicinity of those premises since the provisional statement was made.

11.8 In the context of variations, which may involve structural alteration to or change of use of the building, it should be noted that the decision of the licensing authority will not exempt an applicant from the need to apply for planning permission where appropriate.

12. SPECIAL OCCASIONS

12.1 We will not seek to restrict any National orders made by the Secretary of State as regards any special occasion.

13. DESIGNATED PREMISES SUPERVISORS AND PERSONAL LICENCE HOLDERS.

13.1 A person fulfilling the qualifying conditions who is ordinarily resident within the Council's geographic area will be entitled to apply for a personal licence. The Act prohibits us from accepting applications from persons who ordinarily live outside the area. From the 1st April 2015 existing licence holders and new licences granted are valid indefinitely, this had previously been 10years.

13.2 The Chief Officer of Police has the right to object to a personal licence application where the applicant has been convicted of a relevant offence before or during the application period. During the validity of the licence the Chief officer of Police may not object to a personal licence already granted, but may ask for a review of any relevant premises licence.

13.3 Where, during a period of validity, we receive notice that a personal licence holder has been convicted of a relevant offence, we will notify the Chief Constable thereby allowing that officer to consider an objection to the subject being a designated premises supervisor.

13.4 The holder of a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a personal licence. The Act does not require the presence of the DPS at all material times. The expectation is however that the DPS is available to be at the premises, if required, within a reasonable time.

13.5 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.

13.6 The law requires a responsible person as defined in Section 153 of the Act to be on duty to specifically approve the sale or supply of alcohol by a person under the age of 18 years.

13.7 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc) Order 2009 amends the Licensing Act 2003 to allow management committees of community premises to make an application for a premises licence or to vary an existing premises licence which includes an application to remove the requirement of a designated premises supervisor and the authorisation of the sale of alcohol by a personal licence holder.

- 13.8 The Order defines “community premises” as a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building. It applies also to premises that form part of such buildings.
- 13.9 In most cases it should be clear whether premises meet the “community premises” definition under this part of the Act. However, if there is any doubt, the Licensing Authority will consider each case on its merits, with primary consideration being given as to how the premises are predominantly used.

14. PREMISES LICENCE REVIEWS

- 14.1 Where an application for a review of a premises licence is made, we will inform the public of the application for review in accordance with the regulations made under the Act thereby allowing any other responsible authority, authorised person or interested party to also make application at that time.
- 14.2 We are obliged by law to disregard any complaints made by any person other than a responsible authority, which are vexatious, frivolous, or substantially the same as a previous application made within 1 year.
- 14.3 Following an application for review of a premises licence or objection, we will encourage the parties to a review to mediate via the Licensing Officers in order that appropriate conditions on a licence may be volunteered in a revised operating schedule prior to a hearing by the Licensing Committee or subcommittee wherever possible. Representations can be withdrawn in accordance with the Regulations.
- 14.4 The Violent Crime Reduction Act 2006 has amended parts of the Licensing Act 2003 and now expands police and council powers to deal with problem premises in a more expedient manner.
- 14.5 A new power to carry out summary reviews in serious cases of crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

15. CLUB PREMISES CERTIFICATES

- 15.1 The law requires us to be satisfied that a club applying for a club premises certificate are a bone-fide members club. The law requires a number of conditions to be met. These are:
- That, under the rules of the club, persons may not be admitted to membership, or be admitted as candidates for membership, or to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
 - That, under the rules of the club, those becoming members without prior nomination or application may not be admitted to the privileges of membership

without an interval of at least two days between their becoming members and their admission;

- That the club is established and conducted in good faith as a club;
- That the club has at least 25 members;
- That alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

15.2 To qualify as a club authorised to supply alcohol to its members and guests, the law requires additional conditions to be met. These are:

- The purchase and supply of alcohol by and for the club is managed by a committee made up of elected members of the club all aged over 18 years;
- No arrangements may be made for any person to receive any commission, percentage or similar payment at the expense of the club with reference to purchases of alcohol by the club;
- No arrangements may be made for any person to derive directly or indirectly any monetary benefit from the supply of alcohol to members or guests apart from to benefit the club as a whole or any indirect benefit a person derives by reason of the supply contributing to a general gain for the club as a whole.

15.3 In determining whether a club is established and conducted in good faith, the Licensing Authority, subject to the Council's scheme of delegation, will consider the following matters:

- Any arrangements restricting the freedom of the club to purchase alcohol;
- Any arrangements where the money or property of the club or any gain arising from the running of the club can be used for purposes otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- The arrangements for giving members information about the finances of the club;
- The books of account or any other records kept to ensure accuracy of that information;
- The nature of the premises occupied by the club.

15.4 We wish to see local culture flourish, and in cases where genuine members clubs wish to allow the public to use the premises, we will objectively consider applications for the same premises to hold both a premises licence and club premises certificate for different parts of the same premises or the same part of the same premises at different times.

16. PUBLIC INFORMATION

16.1 The Licensing Register will be available for inspection at the Licensing Office during normal office opening hours.

16.2 The Licensing Register and all current applications will be available on the website of the Council. All minutes of Committee and Sub-Committee will be similarly available together with agendas of future meetings.

16.3 We will require the owner of any premises licence to prominently display in the premises a copy of the licence and schedules in order that the public will be made aware that the

premises are licensed, the licensable activities allowed and the name of the designated premises supervisor.

17. TEMPORARY EVENTS

- 17.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or TEN).
- 17.2 Temporary event notices are subject to various limitations. These are concerned with:
- the number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
 - the number of times a TEN may be given for any particular premises (15 times in a calendar year that is 1st Jan to 31st Dec);
 - the maximum duration of an event authorised by a TEN is 168 hours (seven days);
 - the maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
 - the maximum number of people attending at any one time (fewer than 500 including staff); and
 - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).
- 17.3 The most important aspect of the system of temporary event notices is that no permission is required for these events from the council. Only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event.
- 17.4 The police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The police or Environmental Health must issue an objection notice within three working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled and licensable activities are not authorised.
- 17.5 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds, at which licensable activities will take place. The council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.
- 17.6 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before

the event to which it relates; a late TEN is given not before nine and not later than five working days before the event.

17.7 The authority encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through the council's Event Safety Advisory Group.

17.8 The council will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

18. PROHIBITION OF SALE OF ALCOHOL AT GARAGES OR SERVICE AREAS

18.1 In considering whether premises are prohibited from being granted a premises licence under Section 76 of the Act, we will objectively consider the Guidance issued under Section 182 of the Act, and judge each case on the individual circumstances of the application. We reserve the right to require information from the applicant to prove the primary use of the premises.

19. GAMING MACHINES

19.1 The issue of gaming machine permits in respect of club premises and alcohol licensed premises is dealt with by the Gambling Act 2005 and any policies and/or guidance issued in relation to that Act.

19.2 Compliance with the Gambling Commission's Codes of Practice relating to gaming machines on licensed premises is mandatory.

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APPENDIX B



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2022 - 2027

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1. INTRODUCTION

1.1 The Licensing Act 2003 (The Act) provides the framework for alcohol and entertainment licensing. It requires Licensing Authorities to publish a Statement of Licensing Policy to set out how licensable activities will be regulated. Burnley Borough Council (The Council), as Licensing Authority will undertake its licensing functions in accordance with the provisions of The Act, Regulations and Guidance issued by the Secretary of State under section 182 of The Act.

1.2 The policy sets out how the Licensing Authority will carry out those functions and make licensing decisions. Departures from this policy may be appropriate in exceptional situations depending on the individual circumstances of the case. The aim of this policy is to outline how the Licensing Authority intends to apply the licensing regime to promote a vibrant entertainment and cultural industry that boosts the local economy, whilst securing the safety and amenity of residential and business communities and enhancing community wellbeing.

1.3 The policy applies to the following licensable activities:

- Retail sales of alcohol
- Supply of alcohol by or on behalf of a club
- Provision of regulated entertainment
- Provision of late night refreshment (hot food and drink anytime between 11pm and 5am for consumption on or off the premises).

1.4 The licensing function is carried out with a view to promoting the four licensing objectives which are:-

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

Each licensing objective has equal importance.

1.5 Licensing functions will be discharged with integrity and objectivity, and in accordance with the Equality Act 2010. As required, each application will be considered on its own individual merits. Unless representations are received an application must, and will, be granted in the terms sought, ie in accordance with the licensable activities applied for, the licensed hours applied for, the operating schedule and mandatory conditions.

1.6 The 2003 Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. It is recognised that the Act is not the primary mechanism for controlling nuisance of individuals once they are away from the premises, and beyond the control of the holder of a licence, club certificate or temporary event authorisation.

1.7 In accordance with section 5 of the 2003 Act the licensing authority has consulted with the following in respect of this policy:-

- The Chief Officer of Police
- Lancashire Fire & Rescue Service
- Lancashire County Council's Director of Public Health

- Representatives of holders of Club Premises Certificates
- Representatives of Premises Licence Holders
- Representatives of Personal Licence Holders
- Representatives of local businesses and residents

1.8 The Licensing Authority is committed to cooperative, partnership working with the trade, police, fire and rescue service, responsible authorities, Burnley Business Improvement District, local businesses, residents and others to promote the licensing objectives.

1.9 The policy takes effect on XXXXXXX and will remain in force for a period of not more than five years. During this time the policy may be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

2. THE BOROUGH OF BURNLEY

2.1 Burnley BC is located in East Lancashire, and shares boundaries with Ribble Valley, Hyndburn, Rossendale and Calderdale and Pendle councils. The Borough is a mix of rural and urban geography and has a resident population of circa 90,000. The population is predominantly centred in the main towns of Burnley and Padiham and smaller towns and villages of Hapton, Worsthorne, Briercliffe and Cliviger. It boasts a thriving manufacturing and aerospace sector and hosts a University Centre. There is an expanding retail sector and a vibrant night-time economy, which stakeholders recognise as an asset to the borough.

2.2 The licensed trade encompasses traditional wet-led pubs, food-led pubs, sports and social clubs, restaurants, off-licences, takeaways and an expanding wine bar/ale house sector. Nightclubs & late night vertical drinking premises are concentrated in one area of the town centre, attracting young people from across East Lancashire.

2.3 In Burnley work has recently started on the Pioneer Place project to create a new cinema and restaurant complex, and the Council has recently acquired the main Charter Walk Shopping Centre. An area of the town centre is also being regenerated as a Heritage Action Zone. Over-the-shop and commercial premises conversions are taking place to bring empty premises back into residential use to establish Burnley as a university town.

2.4 In Padiham substantial Public Realm works have been completed, and grant funding obtained for shop front restoration.

2.5 These developments alongside the Council's investment in CCTV and improvements to public spaces, together with current national 'levelling up' strategies, provide significant opportunities to enhance leisure activities in the Borough.

3. OUTLINE OF THE LICENSING PROCESS

3.1 Making an Application

3.1.1 The procedure and documentation requirements for making applications is prescribed by the 2003 Act, associated Regulations and statutory guidance. There are specific and detailed steps to follow, and it can be a complex framework to work within. This policy is not intended to interpret or explain the law in detail.

3.1.2 Applicants are encouraged to seek advice from the licensing authority via www.burnley.gov.uk and, where appropriate, the responsible authorities prior to submitting any formal application or notice. Comprehensive and detailed applications, submitted in a timely manner are encouraged and are less likely to be subject of representations, and so the use of a professional advisor is strongly advised for individuals who are not experienced in Licensing legislation.

3.1.3 Applications should be made on prescribed forms, and be submitted with all accompanying documentation, including confirmation that any advertisement requirements have been met, together with the appropriate fee. Incomplete applications will not be accepted. Where required copies should be served on Responsible Authorities.

3.1.4 Any revision of licensing activities, or people involved in the management of the business etc, are the responsibility of the holder of the licence/certificate, and it is expected that any such changes will be formally updated in a timely manner.

3.1.5 Operating schedules are an opportunity for the applicant to explain how the licensing objectives will be upheld at the premises. The operating schedule should be completed with careful consideration to the activities requested. The Licensing Authority recognises that licensed premises vary considerably in terms of what activities they provide, their size and location and therefore, there is no single set of measures that will be appropriate measures for inclusion on the operating schedule. Applicants should consider the particular sensitivities of people living or working in the vicinity. The application is less likely to be subject to representations where good advice has been sought and appropriate measures incorporated into the operating schedule.

3.1.6 Special considerations will apply to certain venues and industry guidance is available to specific sectors, and should be referenced for best practice.

3.1.7 Any substantial changes to the nature of a business operated from a premises, or any proposal to increase the licensable area by more than 50% should be sought via a new application rather than a variation.

3.2 Representations

3.2.1 There is a prescribed period during which the Licensing Authority can receive written representations in relation to an application. This time period varies depending on the type of application.

3.2.2 Representations can be received from a Responsible Authority or from any other person. Those received from Responsible Authorities will be afforded particular weight.

3.2.3 Responsible Authorities are defined at s13 of The Act. They are a prescribed list of public bodies with specific responsibility for crime & disorder, public safety, nuisance, public health and the protection of children from harm. Representations from any 'other person' must not be frivolous or vexatious.

3.2.4 The Licensing Authority can act as a Responsible Authority and make representations in respect of hearings, or apply for a review. When the Licensing Authority acts in this way there will be a clear division of responsibilities where officers and/or Members involved in procedural matters will be different from those officers/Members acting as the Responsible Authority. (Similar separation will occur where specific Council services are responsible authorities in their own right, eg Environmental Health & Planning services)

3.3 Decision Making Delegations

3.3.1 Licensing decisions are taken in accordance with the Council's scheme of delegation which is detailed at Appendix A.

3.3.2 The powers under the Act fall to the Licensing Committee comprising of 15 councillors. Powers are then delegated on to either the Licensing Sub-Committee (3 councillors) or to one or more officers. All Councillors serving on Licensing Committees receive comprehensive annual training.

3.4 Determination of Applications

3.4.1 If no relevant representations are received in respect of applications for club premises certificates, premises licences or variations then no further conditions can be attached. The licence will be granted as per the application with mandatory conditions and those consistent with the operating schedule. The Licensing Authority has no discretion to refuse the application or to alter the activities applied for.

3.4.2 Where relevant representations are made, objections raised, or an application to review the licence/certificate is submitted, the Licensing Authority must hold a hearing before the Licensing Sub-Committee who will take such action as is available to them under the Act. The steps available will depend on the nature of the application.

3.4.3 Conditions attached to the licence/certificate will avoid 'gold plating' existing legal requirements imposed via other acts of parliament or statutory instruments.

3.5 Reviews of Licences & Certificates

3.5.1 The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.

3.5.2 The Licensing Authority expects responsible authorities and other persons to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a review of any licence or certificate will be sought only if such notice has failed to resolve the matter or problem.

3.5.3 Where a licence or certificate is reviewed, and the licensing objectives are found to have been undermined, consideration will be given to the full range of actions available to the Sub-Committee when determining the outcome.

3.6 Enforcement

3.6.1 Police and Local Authority Licensing Officers have responsibility for enforcement under The Act. The Licensing Authority will take a risk based approach to enforcement and act in a proportionate manner in accordance with the Regulators' Code.

3.6.2 The Licensing Authority monitors compliance with The Act through a range of inspection and audit activities. Contact is made with those premises where breaches are identified.

3.6.3 Where enforcement action relates to a situation where one or more of the licensing objectives is undermined, the Licensing Authority expects the relevant responsible authority or appropriate regulatory body to consider making an application to review the premises licence. See Appendix B.

4. MANAGEMENT CONTROL OF PREMISES

4.1 Designated Premises Supervisor

4.1.1 The Licensing Authority expects the Designated Premises Supervisor (DPS) to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Licensing Authority expects that, in terms of a Premises which allows the supply of alcohol on the premises, this the DPS will be present for more than 50% of the opening hours in any 7- day week.

4.1.2 The premises licence holder is expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

4.1.3 The DPS is also expected to appropriately manage anyone employed in the carrying out of licensed activity including door staff and distributors of promotional materials.

4.2 Children and Licensed Premises

4.2.1 The Council determines Lancashire Safeguarding Children Board to be the responsible authority in relation to the protection of children from harm.

4.2.2 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the borough, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently, the risk of harm to children will be a paramount consideration when determining applications.

4.2.3 Applicants will be expected to include in their operating schedule a statement of the measures that they will take to protect children from harm (including employees under 18 years of age) which includes moral, psychological and physical harm as well as the protection of children from exposure to grooming, strong language, sexual expletives and gambling. This will include applications from late night food vendors. Once the applicant has undertaken assessments of any risk to children, they can volunteer appropriate conditions.

5. POLICIES SPECIFIC TO BURNLEY BC

5.1 Town Centre Diversification

5.1.1 The Licensing Authority recognises that regeneration work in Burnley and Padiham town centres, together with the acquisition of Charter Walk Shopping Centre present considerable opportunities to broaden the scope of licensed premises to encourage early evening dining and family friendly activities.

5.1.2 The Licensing authority wants to encourage responsible businesses to operate in the Borough. The Council is keen to encourage and support a more diverse mix of venues, events and visitor attractions which will be balanced against the potential for disturbance to town centre residents.

5.1.3 It is the Council's intention to work with relevant partners, including the Burnley Business Improvement District, to set out a shared vision for Burnley Town Centre.

5.2 Night-Time/Day-Time Conflict

5.2.1 The attention of the Licensing Authority has been drawn to problems which occur in the town centre in the window between the night-time economy closing and the day-time economy opening up. This can include issues with drunken and anti-social behaviour, criminal damage, littering, urinating and vomiting in the street, abuse of employees in the course of their work and disturbance to town centre residents. The Licensing Authority will work with partners and the trade to address these concerns. Where the activities of a licensed premises or club are subject to a review and found to be undermining licencing objectives at that time of day consideration will be given to reducing the hours of licensable activity, by way of an earlier closing time. Any new closing time will take account of the closing times of other premises in the vicinity so that staggered dispersal of customers is achieved.

5.3 Burnley Town Centre Highway Issues

5.3.1 The Licensing Authority is keen to ensure the safe use of vehicular and pedestrian routes particularly at night. Where venues are subject to a review and found to be undermining public safety by causing footpath obstructions that lead to pedestrians walking in the carriageway, consideration will be given to a suspension of the licence or certificate. Obstructions may arise from queuing, smoking areas or pavement cafes etc.

5.4 Temporary Event Notices (TENs)

5.4.1 The Act enables certain organised events to provide one or more licensable activities at unlicensed premises for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health via a TEN. Only the Police and Environmental Health can object.

5.4.2 The Licensing Authority recognises that one-off events provide valuable opportunities for communities to mix and celebrate together. Advice and assistance will be available to bona fide community events who do not have a commercial background or ready access to legal advice. This will include, those seeking TENs on behalf of charities, community and voluntary groups. The

Licensing Authority will ensure that local guidance about the temporary permitted activities is clear and understandable for such groups.

5.4.3 The use of multiple TENS for adjacent plots of land, or the artificial creation of a smaller TEN premises within the boundary of a larger event or festival for the purpose of utilising TENS for the sale of alcohol is considered outside of the scope and spirit of the Act. Premises Licences should be sought in these circumstances.

5.4.4 TENS for existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation. Applications of this kind will be subject to increased scrutiny because the TENS process does not transfer licence/certificate conditions over to the TEN for the additional hours, and in larger venues a TEN will impose a `cliff edge` reduction in capacity at the moment the activities move from the control of the licence/certificate to the TEN. Where extended licensing hours are desired, an application for variation of the premises licence is considered more appropriate than repeat TENS.

5.4.5 The previous history of an individual as a manager of licensable activities will be a relevant consideration in relation to objections and determination of TENS.

5.4.6 The Licensing Authority encourages early application for TENS well in advance of the event date. This is particularly relevant to events which are to take place in the open, or in/on temporary structures. This is so that if there are potential objections these can be subject of discussion, negotiation, and if possible mutual agreement. This allows for withdrawal and resubmission of a TEN in certain circumstances, thereby reducing the likelihood of the need for a Licensing Hearing or the issue of a Counter Notice. Assistance with the planning of events can be provided through the Council's Events Safety Advisory Group.

5.5 Events, including those held on Council land

5.5.1 The organiser of any large scale or high risk event, wherever it is held, will be expected to involve the Council's Event Safety Advisory Group (ESAG) at the earliest opportunity in the planning stage. All event organisers will need to demonstrate how they intend to safely deliver their event in line with the licensing objectives, relevant H&S guidance and Council policy. Such events will normally be carried out under a Premises Licence.

5.5.2 The Licensing Authority wishes to encourage cultural and community events in the borough. The Council holds premises licences for some of its areas of public land and town centres which are available to host such events with the prior agreement of the Council.

5.5.3 Persons or organisations wishing to host large commercial events on licensed public land should consult with the Council at an early stage in relation to the use of a Council Premises Licence. Large events will often be expected to obtain their own premises licence. The written permission of the Council is required, and all conditions attached to the agreements to use the premises must be complied with. The use of TENS to add alcohol sales will only be appropriate when the event will accommodate 499 people or less (including staff & performers etc).

5.6 Licensing Hours

5.6.1 Applicants are strongly encouraged only to apply for hours that they realistically intend to operate, as later hours are typically more likely to attract representations. Once granted a licence remains in force forever, unless surrendered, varied or reviewed, so responsible should give careful consideration to licensed hours at the application stage.

5.6.2 Where its discretion is engaged at a hearing, the licensing authority will give consideration to the appropriateness of hours applied for, having regard to any planning restrictions in relation to operating hours, the location of premises and their likely effect on the promotion of the four licensing objectives. While it is recognised that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the licensing authority will consider restricting hours to ensure the promotion of the licensing objectives. Any new closing time will take account of the closing times of other premises in the vicinity so that staggered dispersal of customers is achieved.

5.6.3 The Licensing Authority considers that later hours will typically be more sensitive and higher risk in causing noise from regulated entertainment, anti-social behaviour from patrons in the vicinity of the premises, and crime and disorder from inebriated patrons. This will include late night food vendors. It therefore follows that additional measures may be required, including noise mitigation controls and an increasing number of SIA registered door supervisors may need to be employed the later the premises remains open, and these requirements may be considered as licence conditions.

5.6.4 It may also be appropriate, where later hours are requested for alcohol, to have a last entry condition as a condition of the Premises Licence to prevent vulnerable or intoxicated customers moving to the last venue open.

5.7 Dispersal Policy

5.7.1 The Licensing Authority encourages premises to adopt a dispersal policy where appropriate.

5.7.2 Where the activities of a licensed premises or club, including late night food vendors, are subject to a review and found to be undermining licensing objectives as a result of inadequate dispersal arrangements then consideration will be given to reducing the hours of licensable activity, by way of an earlier closing time. Any new closing time will take account of the closing times of other premises in the vicinity so that staggered dispersal of customers is achieved.

5.8 Welfare Provision

5.8.1 It is expected that premises licensed to sell alcohol for consumption on the premises, especially those trading beyond midnight, implement appropriate welfare measures. This may include the employment of designated welfare staff and trained first aiders, as well as steps to identify vulnerable person(s) and respond to accidents, injuries and other immediate harms such as unconsciousness, alcohol poisoning, drug intoxication, and any reported 'Spiking' incidents. Safety measures could include encouraging customers to ensure their drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant. Overt CCTV is also a major deterrent for potential offenders.

5.8.2 Where spiking incidents occur inside premises or affect customers who either leave or are ejected, the necessary duty of care is exercised by the Premises Licence Holder / DPS and their staff, and that includes the immediate calling of appropriate medical aid and the notification of the police.

5.8.3 A zero-tolerance policy should be implemented regarding the use of illegal drugs and new psychoactive substances (NPS), (previously referred to as 'legal highs'), and nitrous oxide (NO) on the premises. Where there is a risk of illegal drug use on the premises, the authority expects a documented policy that sets out how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of.

Licensees should remain alert to emerging issues. The authority considers that nightclubs, in particular, address these risks, but it may also be appropriate for other licensed premises to do so. Relevant considerations could include: –

- The searching of customers and their bags etc on entry, this being a condition of entry
- A refusal/ejection policy for anyone found in possession of drugs, NPS, NO or similar intoxicants
- The use of toilet attendants / floor walkers and regular documented toilet checks –
- Searches of the premises – Training of staff in drug awareness to identify and prevent the supply and use of illegal drugs and new psychoactive substances
- Physical measures to deter drug use on the premises.
- Clear posters displayed and the overt use of CCTV, particularly in vulnerable areas.

5.9 Irresponsible Drinks Promotions

5.9.1 The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence at review that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include:

- restricting the sale of super strength beer, lager and cider, or
- the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.
- Ensuring 'all you can drink' promotions and 'happy hour' promotions do not compromise any licensing objective

5.9.2 Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at licensed premises to familiarise themselves with the mandatory condition relating to drinks promotions.

5.10 Planning Conditions Applicable to a Premises

5.10.1 The Licensing Authority is mindful that the licensing and planning regimes must be kept separate and determined in accordance with the respective legal and policy frameworks.

5.10.2 An application for a premises licence or club premises certificate, or a variation to either, will normally only be granted where the activity to be authorised by the application is a lawful planning use, as evidenced by a valid planning consent, and the hours sought do not exceed those authorised by that consent.

5.11 Public Spaces Protection Order (PSPO)

5.11.1 The Licensing Authority supports the use of PSPOs as a tool to prevent crime, disorder and anti-social behaviour. The Licensing Authority expects premises that operate in areas where PSPOs have been implemented to have measures in place to ensure their customers do not breach the PSPO requirements.

5.12 Cumulative Impact

5.12.1 Whilst open to representations from responsible authorities, the Licensing Authority believes that a town centre cumulative impact policy may work against its stated ambition to diversify the range of premises operating across the town centres. The delineation of a particular area, and imposition of restrictions in respect of new licences permitted within that area, may lead to premises instead setting up in more sensitive, residential areas, and deprive the town centre of new, alternative business models.

5.13 Early Morning Restriction Orders

5.13.1 EMROs are intended to address serious issues including high levels alcohol related crime and disorder, serious public nuisance and anti-social behaviour. They can apply to specific areas and impose a blanket restriction on the prohibition of the sale of alcohol within the area at specific times (between midnight and 6am). It is therefore a powerful tool that will severely impact businesses subjected to the restrictions, and should be considered as a last resort. The process involves gathering of evidence, advertisement and formal consultation followed by a hearing in relation to representations, prior to Full Council making an Order. The EMRO would be subject to regular review to ensure that that it can still be justified.

5.13.2 The Licensing Authority is open to representations from partners in relation to evidence. However levels of crime & disorder, public nuisance or anti-social behaviour are not known to be sufficiently serious in any particular area so as to warrant consideration of a blanket restriction on alcohol sales. As with cumulative impact policies there is a risk premises will relocate outside the area, and the further possibility that businesses may fail to the detriment of the broader night-time economy.

EXERCISE AND DELEGATION OF FUNCTIONS

The Authority will exercise and delegate functions in accordance with the following table.

Decision	Licensing Committee	Licensing Sub-Committee	Officer
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for Provisional Statement		If relevant representation made	If no relevant representation made
Application to vary Premises Licence/ Club Premises Certificate		If relevant representation made	If no relevant representation made
Application to vary Designated premises supervisor		If a police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of a premises licence		If a police objection	All other cases
Application for interim Authority		If a police objection	All other cases
Deciding an application for Premises licence review is irrelevant, repetitious, vexatious or frivolous			All cases
Application to Review Premises licence / club premises Certificate unless all parties agree unnecessary		All Cases	
Decision to object when a local authority is a consultee and not the relevant licensing authority		All cases	

Decision	Licensing Committee	Licensing Sub-Committee	Officer
Determination of a police objection to a Temporary Event Notice		All cases	
Determination of a Minor Variation			All cases
Determination of a s20 Film Classification		All cases	
Licensing Authority to act as Responsible Authority			All cases
Disapplication of the s19 requirements to have a DPS in community premises			All cases

LA03 LICENSED PREMISES COMPLIANCE PROTOCOL

In order to effectively deal with issues arising at or from licensed premises, partner organisations and services will take a pro-active role where non-compliance or community protection issues occur that undermine the licensing objectives, which are:

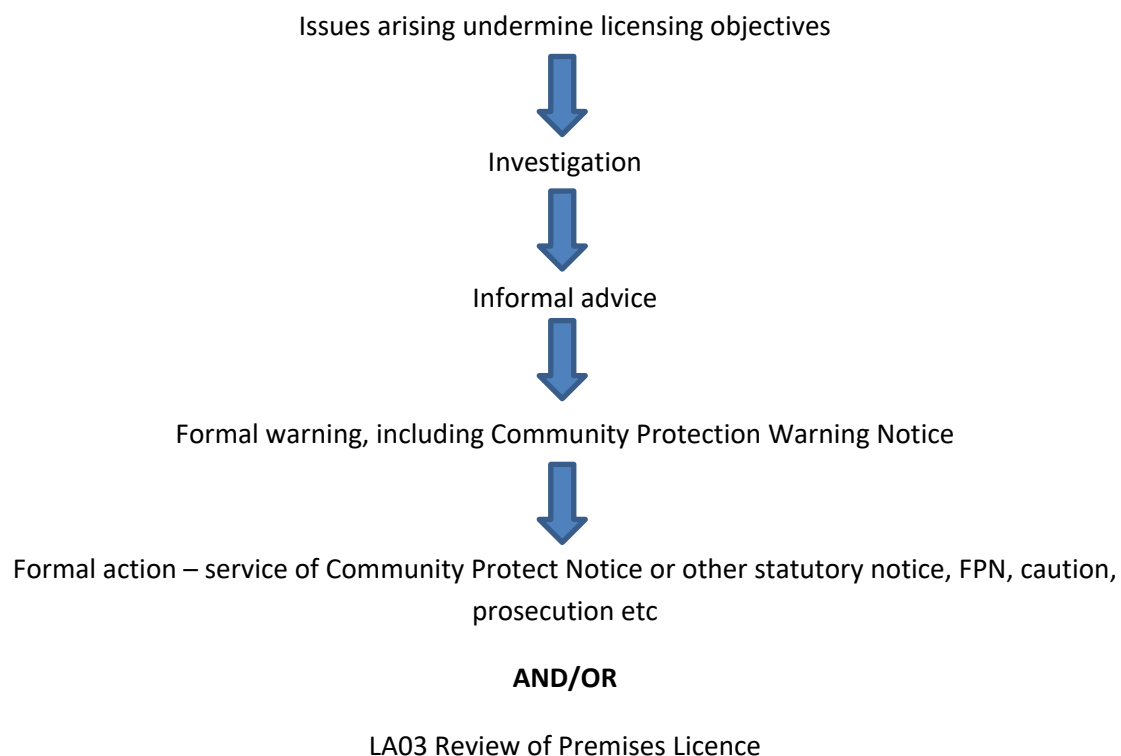
- The prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

A summary of public sector partners is as follows:

Organisation	Service	Examples of issues that might arise	Available Sanctions		
			Community Protection	Criminal	LA03 Review
Police		Crime & Disorder / Breaches of LA03 inc Licence Conditions	X	X	X
BBC	Lic Team	Breaches of LA03 inc Licence Conditions	X	X	X
	EH	Noise from Regulated Entertainment Breaches of HASAWA	X	X	X
	Planning	Unlawful use Operating in breach of planning conditions	X	X	X
	ASB	ASB	X	X	X
	Comm Safety	PSPO	X	X	X
	Env Team	Littering/Street cleaning	X	X	X
	Econ & Growth	Reputational/Brand Damage Concerns from business community	X		X
LCC	TSO	Building Safety	X	X	X
		Counterfeit goods Underage sales	X	X	X

	Children's Services	Safeguarding Employment of Young Persons	X	X	X
	Public Health	Health & Wellbeing issues – including alcohol harms, mental health, obesity, determinants of ill health	X		X
LFRS		Fire Safety Risk assessments		X	X
UK Border Force		Right to Work Issues		X	X
Gambling Comm		Regulated gambling activities		X	X

Where a partner organisation receives reports of activity that undermines the licensing objectives arising at or from licensed premises the following graduated enforcement response is available to them.



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APPENDIX C

Lancashire constabulary
Lancashire Fire Service
Lancashire Trading Standards
Lancashire Safeguarding Childrens Board
Environmental Health
Planning
Director of Public Health
Alcohol Licensing Team
Burnley BID
CAMRA East Lancashire
Padiham Town Council
Member of Parliament for Burnley
Burnley BAND
Police & Crime Commissioners Office
British Institute of Innkeeping
British Beer & Pub Association
Association of Multiple Retailers
Drugline Lancashire
Federation of Small Businesses
HSE executive
Social Services
Hyndburn BC
Ribble Valley BC
Pendle BC
Calderdale BC
Rossendale BC

All Burnley BC Premises Licence Holders

All Burnley BC Councillors
All Lancs CC Burnley Councillors
All Parish Councils

All Burnley BC Head's of Service

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Appendix D

Responder	Ref	Licensing Policy Consultation Responses	Action
Responsible Authority		no comments	
Responsible Authority	5.10.	Paragraph 187 of the Revised National Planning Policy Framework July 2021 refers to the `Agent of Change` Principle. In essence this means that the person or business (i.e. the agent) introducing a new land use is responsible for managing the impact of that change. Planning policies in relation to new development or change of use should ensure there can be effective integration with existing businesses, including licenced premises such as pubs and music venues. Under this principle the existing licensed premises should not have unreasonable restrictions placed on it by the local authority and should the operation of the existing business have significant adverse effects on the new development, or new use , for example noise disturbance, then the applicant or `agent of change` should provide suitable mitigation before the development is completed. In my opinion the agent of change principle should be highlighted in the policy as this could have bearing for example when considering the Protection of Public Nuisance Objective	Include reference to this at para 5.10.
	5.4.4	I endorse paragraph 5.4.4, A number of Town Centre premises have used TEN`s, sometimes multiple, to extend existing hours into the early hours of the morning which are more sensitive and add to problems where the the night-time/day-time economies clash. This has the potential to cause to noise disturbance to any sensitive premises in the vicinity and should be discouraged. It is more appropriate for premises to apply for a variation to their licence so that the application can be properly considered by responsible authorities and could be subject to a hearing	Add 'multiple'

Responder	Ref	Licensing Policy Consultation Responses	Action
	5.4.6	Any temporary event notification for outdoor events or those in temporary structures, which could have the potential to cause noise disturbance, should be given additional scrutiny, particularly those that propose amplified or live music after 11pm	Amend to add potential for noise nuisance particularly after 11pm
	various	All hearings, not just reviews, will lead to discretion. RA will normally take a lead.	Amend as required to clarify all hearings. Clarify roles at 3.2.4
Public	Various	<p>I am writing today to express my concerns in regards to the draft licensing policy relating to the nightlife in Burnley. As a town centre resident some of the anti-social behaviour and noise from the surrounding areas can be quite intimidating.</p> <p>For example, one morning I was greeted by over 20, drunken people outside waiting for taxis. The noise was unacceptable and the crude comments from some of the people were unexcusable. After my encounter, I refuse to leave my home any earlier than 8:30am, occasionally there are still stragglers outside however not as many, this I do not believe to be fair and this situation should not occur at such a time in the morning, especially outside of residential properties.</p> <p>On multiple occasions I have exited my home and come across sick, balloons, canisters, smashed glasses, rubbish and clothing .</p> <p>I understand the need to have clubs and bars however I don't understand the need for these places to be open until 6am and 8am. I also don't see the need for these clubs to be open on a week day as the majority of the residents work...Monday to Friday, 9 till 5 and being awoken by shouting and music in the early hours of the morning is not acceptable in any way, shape or form.</p> <p>I believe that the only way forward is to reduce the operating hours of ALL of the clubs to 3:30am.</p>	Define hours of conflict at 5.2.1 and add measures available to a hearing in those hours. EMROs are provided for in the policy, providing the evidence is available

Responder	Ref	Licensing Policy Consultation Responses	Action
		<p>I would like to express my concern re the late licencing of the nightclubs surrounding this property. Every week I have to clean up broken glass, drug bags, gas canisters, sick etc before I can show anyone the property.</p> <p>I get regular calls, messages, complaints from residents who have to deal with drunk and antisocial behaviour on their way to work from 6am. One resident says she goes to work as late as possible as she is scared to go to her car.</p> <p>There is an incident every week, either broken windows, someone dealing drugs right outside xxxxxx, trespassers on the balcony, attempted suicides on the balcony, sexual acts carried out in the bin store, I could go on.</p> <p>There can be no sensible reason why nightclubs are permitted to stay open until 6-7am. If they closed earlier it would mean the streets would be clear before residents wake up and start their day. It is totally unacceptable that Burnley citizens are afraid to go to their car at 7am in the morning because there are gangs outside their home and hanging around on the walkway between their front door and their car.</p> <p>There are also babies and children living here - what kind of example is this setting?</p> <p>Why was living accommodation permitted to being built in this area if there was no intentional to deal with the anti-social behaviour caused by the nightclubs?</p> <p>It seems only sensible that if the closing hours do not change then there should be a security presence around the building to protect people living here.</p> <p>I have spoken to business owners, taxi drivers, the media, members of the public and not one single person is in favour of such late opening hours. It is not good for business.</p>	

Responder	Ref	Licensing Policy Consultation Responses	Action
		<p>There are many videos taken from our CCTV cameras and I herewith attach a sample of them. We converted an existing building xxxxxxx into 26 apartments. However, due to Burnley's licencing laws there are drunk and drugged up people fighting in the streets until 7-8am in the morning. We have 3 doctors that live at our Building xxxxxxx and they work shifts at xxxxxxx. At the weekends they have to make their way through fighting in the streets most if not every weekend. It is not all drink related as we have evidence that drugs are openly being sold on the streets and mindless people out of control are causing damage to property and prevent normal people from living a normal life.</p> <p>The night clubs seem to promote the taking of drugs, xxxxxxxxxxxxxxxxxxxx. I have many videos to support this claim. My company wanted to regenerate more buildings in Burnley Town Centre, however, until Burnley can adopt sensible Licensing hours and properly Police people going home the area will add to the bad reputation it is developing and going forward, investors in both property and business will avoid Burnley. I would suggest 2.00 am latest, like many other good quality towns throughout the UK.</p>	
Licensed Trade	4.1.2	"Experience" needs more definition. If we only have experienced DPS candidates we will never have new DPS. Younger new DPS should be given equal chance with the right guidance from the premises licence holders.	Add supervision at para 4.1.2
	4.2.3	Agree to a certain degree. Its something I see more and more of in Burnley with the latest increasing minimum wage – especially street promoters of nightclubs. I think its brilliant to give these younger generation a taste of the Burnley's nightlife. It's also a 'foot in the door' for a lot of these youngsters into the hospitality sector. They are the bartenders / managers of the future. I'd hope these employers that are employing them have appropriate risk assessments in place. It's also a strong argument for more police presence on the streets.	NFA

Responder	Ref	Licensing Policy Consultation Responses	Action
	5.2	Staggered dispersals should not be more favourable for one business over another. Most licenses have 30 minutes drinking up time from the last sale of alcohol to the doors shutting which I believe is a fairer way to avoid staggered dispersals.	Amend para 5.2 - to include reference to period for sale of alcohol. Amend para 5.6.2 to clarify any hearing will look at existing/proposed hours if deemed to be contributing to undermining LO
	5.4.4	STRONGLY DISAGREE. TEN's have been used in Burnley for extending pubs opening times for special occasions and events for as long as I can remember, ever since I've been a licensee in town. What if there's a late night boxing match on at 5 in the morning? Do you expect the pubs to apply for permanent 5am/6am licenses? This is where 5.4.4 strongly contradicts 5.6.1. 5.4.4 will have licensed premises applying for later hours on their license that they won't regularly use (exactly what 5.6.1 is against). This would have a detrimental effect on the late-night times that you're trying to combat. Premises operators change but, as mentioned, licenses rarely do, they get transferred. I think TENs should be encouraged for extending opening times for special events and occasions to avoid everyone applying for later premises licenses.	Add 'Other than for special occasions' & 'multiple'. Refer to hours of conflict. Clarify at 5.6.2
	5.9.1	There are control methods that can be used that stop these promotions undermining the four licensing objectives. Happy hours can actually be used responsibly and even help promote licensing objectives, they can be used to encourage customers to come out at a more reasonable time (7pm/8pm).	NFA
	5.13.1	An EMRO would be the death of Burnley's vibrant nightlife – that many other towns are struggling to build. It would also ultimately lead to a huge loss of Business rates revenue. Sometimes you don't know what you have until its gone.	EMROs are provided for in the policy, providing the evidence is available

Responder	Ref	Licensing Policy Consultation Responses	Action
Licensed Trade	5.6	The council MUST seriously consider a curfew on when businesses can serve alcohol until. I work regularly and the late license laws create a far more dangerous drinking culture that the council MUST look into amending. Earlier curfews would make it easier to control and police, businesses would be busier earlier. If people want to purchase alcohol, become inebriated and likely cause problems, they must be willing to accept imposed restrictions for their behaviour.	Define hours of conflict at 5.2.1 and add measures available to a hearing in those hours. EMROs are provided for in the policy, providing the evidence is available

Responder	Ref	Licensing Policy Consultation Responses	Action
TC Business	5.2.1 5.6 5.13	<p>I would like to express my concern re the late licencing of the nightclubs surrounding this property. Every week I have to clean up broken glass, drug bags, gas canisters, sick etc . I get regular calls, messages, complaints from XXXXXXXXXX who have to deal with drunk and antisocial behaviour on their way to work from 6am. One person goes to work as late as possible as they are scared to go to there car. There is an incident every week, either broken windows, someone dealing drugs right outside, trespassers, attempted suicides, sexual acts carried out in the bin store, I could go on. There can be no sensible reason why nightclubs are permitted to stay open until 6-7am. If they closed earlier it would mean the streets would be clear before residents wake up and start their day. It is totally unacceptable that Burnley citizens are afraid to go to their car at 7am in the morning because there are gangs hanging around. There are also babies and children - what kind of example is this setting? Why was living accommodation permitted to being built in this area if there was no intentional to deal with the anti-social behaviour caused by the nightclubs? It seems only sensible that if the closing hours do not change then there should be a security presence. I have spoken to business owners, taxi drivers, the media, members of the public and not one single person is in favour of such late opening hours. It is not good for business. Since XXXXXXXXXX has been marketed I have had several calls from XXXXXXXXXXXXXXX and developers from all over the country who are looking to invest in Burnley. There is a real opportunity here to turn the dynamic of the town around and make it a nice place to be. For the sake of closing a few hours earlier, the reputation and future prosperity of this town could be altered for the better.</p>	Define hours of conflict at 5.2.1 and add measures available to a hearing in those hours. EMROs are provided for in the policy, providing the evidence is available

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LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2022 - 2027

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1. INTRODUCTION

1.1 The Licensing Act 2003 (The Act) provides the framework for alcohol and entertainment licensing. It requires Licensing Authorities to publish a Statement of Licensing Policy to set out how licensable activities will be regulated. Burnley Borough Council (The Council), as Licensing Authority will undertake its licensing functions in accordance with the provisions of The Act, Regulations and Guidance issued by the Secretary of State under section 182 of The Act.

1.2 The policy sets out how the Licensing Authority will carry out those functions and make licensing decisions. Departures from this policy may be appropriate in exceptional situations depending on the individual circumstances of the case. The aim of this policy is to outline how the Licensing Authority intends to apply the licensing regime to promote a vibrant entertainment and cultural industry that boosts the local economy, whilst securing the safety and amenity of residential and business communities and enhancing community wellbeing.

1.3 The policy applies to the following licensable activities:

- Retail sales of alcohol
- Supply of alcohol by or on behalf of a club
- Provision of regulated entertainment
- Provision of late night refreshment (hot food and drink anytime between 11pm and 5am for consumption on or off the premises).

1.4 The licensing function is carried out with a view to promoting the four licensing objectives which are:-

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

Each licensing objective has equal importance.

1.5 Licensing functions will be discharged with integrity and objectivity, and in accordance with the Equality Act 2010. As required, each application will be considered on its own individual merits. Unless representations are received an application must, and will, be granted in the terms sought, ie in accordance with the licensable activities applied for, the licensed hours applied for, the operating schedule and mandatory conditions.

1.6 The 2003 Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. It is recognised that the Act is not the primary mechanism for controlling nuisance by individuals once they are away from the premises, and beyond the control of the holder of a licence, club certificate or temporary event authorisation.

1.7 This policy has been subject to a wide public consultation, to include the following statutory consultees prescribed at section 5 of the 2003 Act:-

- The Chief Officer of Police

- Lancashire Fire & Rescue Service
- Lancashire County Council's Director of Public Health
- Representatives of holders of Club Premises Certificates
- Representatives of Premises Licence Holders
- Representatives of Personal Licence Holders
- Representatives of local businesses and residents

1.8 The Licensing Authority is committed to cooperative, partnership working with the trade, police, fire and rescue service, Responsible Authorities, Burnley Business Improvement District, local businesses, residents and others to promote the licensing objectives.

1.9 The policy takes effect on **1st October 2022** and will remain in force for a period of not more than five years. During this time the policy may be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

2. THE BOROUGH OF BURNLEY

2.1 Burnley BC is located in East Lancashire, and shares boundaries with Ribble Valley, Hyndburn, Rossendale, Calderdale and Pendle councils. The Borough is a mix of rural and urban geography and has a resident population of circa 90,000. The population is predominantly centred in the main towns of Burnley and Padiham and smaller towns and villages of Hapton, Worsthorne, Briercliffe and Cliviger. It boasts a thriving manufacturing and aerospace sector and hosts a University Centre. There is an expanding retail sector and a vibrant night-time economy, which stakeholders recognise as an asset to the borough.

2.2 The licensed trade encompasses traditional wet-led pubs, food-led pubs, sports and social clubs, restaurants, off-licences, takeaways and an expanding wine bar/ale house sector. Nightclubs & late night vertical drinking premises are concentrated in one area of the town centre, attracting young people from across East Lancashire.

2.3 In Burnley work has recently started on the Pioneer Place project to create a new cinema and restaurant complex, and the Council has recently acquired the main Charter Walk Shopping Centre. An area of the town centre is also being regenerated as a Heritage Action Zone. Over-the-shop and commercial premises conversions are taking place to bring empty premises back into residential use to establish Burnley as a university town.

2.4 In Padiham substantial Public Realm works have been completed, and grant funding obtained for shop front restoration.

2.5 These developments alongside the Council's investment in CCTV and improvements to public spaces, together with current national 'levelling up' strategies, provide significant opportunities to enhance leisure activities in the Borough.

3. OUTLINE OF THE LICENSING PROCESS

3.1 Making an Application

3.1.1 The procedure and documentation requirements for making applications is prescribed by the 2003 Act, associated Regulations and statutory guidance. There are specific and detailed steps to follow, and it can be a complex framework to work within. This policy is not intended to interpret or explain the law in detail.

3.1.2 Applicants are encouraged to seek advice from the licensing authority via www.burnley.gov.uk and, where appropriate, the Responsible Authorities prior to submitting any formal application or notice. Comprehensive and detailed applications, submitted in a timely manner are encouraged and are less likely to be subject of representations, and so the use of a professional advisor is strongly advised for individuals who are not experienced in Licensing legislation.

3.1.3 Applications should be made on prescribed forms, and be submitted with all accompanying documentation, including confirmation that any advertisement requirements have been met, together with the appropriate fee. Incomplete applications will not be accepted. Where required copies should be served on Responsible Authorities.

3.1.4 Any revision of licensing activities, or people involved in the management of the business etc, are the responsibility of the holder of the licence/certificate, and it is expected that any such changes will be formally updated in a timely manner.

3.1.5 Operating schedules are an opportunity for the applicant to explain how the licensing objectives will be upheld at the premises. The operating schedule should be completed with careful consideration to the activities requested. The Licensing Authority recognises that licensed premises vary considerably in terms of what activities they provide, their size and location and therefore, there is no single set of measures that will be appropriate measures for inclusion on the operating schedule. Applicants should consider the particular sensitivities of people living or working in the vicinity. The application is less likely to be subject to representations where good advice has been sought and appropriate measures are incorporated into the operating schedule.

3.1.6 Special considerations will apply to certain venues and industry guidance is available to specific sectors, and should be referenced for best practice.

3.1.7 Any substantial changes to the nature of a business operated from a premises or club, or any proposal to increase the licensable area by more than 50% should be sought via a new application rather than a variation.

3.2 Representations

3.2.1 There is a prescribed period during which the Licensing Authority can receive written representations in relation to an application. This time period varies depending on the type of application.

3.2.2 Representations can be received from a Responsible Authority or from any other person. Those received from Responsible Authorities will be afforded particular weight.

3.2.3 Responsible Authorities are defined at s13 of The Act. They are a prescribed list of public bodies with specific responsibility for crime & disorder, public safety, nuisance, public health and the protection of children from harm. Representations from any 'other person' must not be frivolous or vexatious.

3.2.4 The Licensing Authority can act as a Responsible Authority and make representations in respect of applications, or apply for a review. The Licensing Authority would not normally act in this way on behalf of residents or other Responsible Authorities. When the Licensing Authority does act in this way, there will be a clear division of responsibilities where officers and/or Members involved in procedural matters will be different from those officers/Members acting as the Responsible Authority. (Similar separation will occur where specific Council services are Responsible Authorities in their own right, eg Environmental Health & Planning services)

3.3 Decision Making Delegations

3.3.1 Licensing decisions are taken in accordance with the Council's Scheme of Delegation which is detailed at Appendix A.

3.3.2 The powers under the Act fall to the Licensing Committee comprising of 15 councillors. Powers are then delegated on to either the Licensing Sub-Committee (3 councillors) or to one or more officers. All Councillors serving on Licensing Committees receive comprehensive annual training.

3.4 Determination of Applications

3.4.1 If no relevant representations are received in respect of applications for club premises certificates, premises licences or variations then no further conditions can be attached. The licence will be granted as per the application with mandatory conditions and those consistent with the operating schedule. The Licensing Authority has no discretion to refuse the application or to alter the activities applied for, even if a Cumulative Impact Policy is in place.

3.4.2 Where relevant representations are made, objections raised, or an application to review the licence/certificate is submitted, the Licensing Authority must hold a hearing before the Licensing Sub-Committee who will take such action as is available to them under the Act. The steps available will depend on the nature of the application.

3.4.3 Conditions attached to the licence/certificate will avoid 'gold plating' existing legal requirements imposed via other acts of parliament or statutory instruments.

3.5 Reviews of Licences & Certificates

3.5.1 The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.

3.5.2 The Licensing Authority expects Responsible Authorities and other persons to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a review of any licence or certificate will be sought only if such notice has failed to resolve the matter or problem.

3.5.3 Where a licence or certificate is reviewed, and the licensing objectives are found to have been undermined, consideration will be given to the full range of actions available to the Sub-Committee when determining the outcome.

3.6 Enforcement

3.6.1 Police and Local Authority Licensing Officers have responsibility for enforcement under The Act. The Licensing Authority will take a risk based approach to enforcement and act in a proportionate manner in accordance with the Regulators' Code.

3.6.2 The Licensing Authority monitors compliance with The Act through a range of inspection and audit activities. Contact is made with those premises where breaches are identified.

3.6.3 Where enforcement action relates to a situation where one or more of the licensing objectives is undermined, the Licensing Authority expects the relevant Responsible Authority or appropriate regulatory body to consider making an application to review the premises licence. See Appendix B.

4. MANAGEMENT CONTROL OF PREMISES

4.1 Designated Premises Supervisor

4.1.1 The Licensing Authority expects the Designated Premises Supervisor (DPS) to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Licensing Authority expects that, in terms of a Premises which allows the supply of alcohol on the premises, this the DPS will be present for more than 50% of the opening hours in any 7- day week.

4.1.2 The premises licence holder is expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided, **or is appropriately supervised by someone with the necessary experience.**

4.1.3 The DPS is also expected to appropriately manage anyone employed in the carrying out of licensed activity including door staff and distributors of promotional materials.

4.2 Children and Licensed Premises

4.2.1 The Council determines Lancashire Safeguarding Children Board to be the Responsible Authority in relation to the protection of children from harm.

4.2.2 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the borough, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently, the risk of harm to children will be a paramount consideration when determining applications.

4.2.3 Applicants will be expected to include in their operating schedule a statement of the measures that they will take to protect children from harm (including employees under 18 years of age) which includes moral, psychological and physical harm as well as the protection of children from exposure to grooming, strong language, sexual expletives and gambling. This will include applications from

late night food vendors. Once the applicant has undertaken assessments of any risk to children, they can volunteer appropriate conditions.

5. POLICIES SPECIFIC TO BURNLEY BC

5.1 Town Centre Diversification

5.1.1 The Licensing Authority recognises that regeneration work in Burnley and Padiham town centres, together with the acquisition of Charter Walk Shopping Centre present considerable opportunities to broaden the scope of licensed premises to encourage early evening dining and family friendly activities.

5.1.2 The Licensing authority wants to encourage responsible businesses to operate in the Borough. The Council is keen to encourage and support a more diverse mix of venues, events and visitor attractions which will be balanced against the potential for disturbance to town centre residents and businesses.

5.1.3 It is the Council's intention to work with relevant partners, including the Burnley Business Improvement District, to set out a shared vision for Burnley Town Centre.

5.2 Night-Time/Day-Time Conflict

5.2.1 The attention of the Licensing Authority has been drawn to problems which occur in the town centre in the window between the night-time economy closing and the day-time economy opening up, **ie between 4.30am and 8am**. This can include issues with drunken and anti-social behaviour, criminal damage, littering, urinating and vomiting in the street, abuse of employees in the course of their work and disturbance to town centre residents. The Licensing Authority will work with partners and the trade to address these concerns. **Where the activities of a licensed premises or club are subject to a review and found to be undermining licensing objectives at that time of day, or where representations are made in relation to an application or TEN seeking hours that fall within the period of conflict, then at a hearing consideration will be given to the range of options available to uphold licensing objectives through the period . Any changes in licensed hours and/or closing time &/or last admission time will take account of the times of other premises in the vicinity so that earlier, staggered dispersal of customers is achieved.**

5.3 Burnley Town Centre Highway Issues

5.3.1 The Licensing Authority is keen to ensure the safe use of vehicular and pedestrian routes particularly at night. Where venues are subject to a review and found to be undermining public safety by causing footpath obstructions that lead to pedestrians walking in the carriageway, then at a hearing consideration will be given to a suspension of the licence or certificate. Obstructions may arise from queuing, smoking areas or pavement cafes etc.

5.4 Temporary Event Notices (TENs)

5.4.1 The Act enables certain organised events to provide one or more licensable activities at unlicensed premises for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health via a TEN. Only the Police and Environmental Health can object.

5.4.2 The Licensing Authority recognises that one-off events provide valuable opportunities for communities to mix and celebrate together. Advice and assistance will be available to bona fide community events who do not have a commercial background or ready access to legal advice. This will include, those seeking TENS on behalf of charities, community and voluntary groups. The Licensing Authority will ensure that local guidance about the temporary permitted activities is clear and understandable for such groups.

5.4.3 The use of multiple TENS for adjacent plots of land, or the artificial creation of a smaller TEN premises within the boundary of a larger event or festival for the purpose of utilising TENS for the sale of alcohol is considered outside of the scope and spirit of the Act. Premises Licences should be sought in these circumstances.

5.4.4 Other than for special occasions, multiple TENS for existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation, particularly into the sensitive hours of conflict between the night-time and day-time economies. Applications of this kind will be subject to increased scrutiny because the TENS process does not transfer licence/certificate conditions over to the TEN for the additional hours, and in larger venues a TEN will impose a `cliff edge` reduction in capacity at the moment the activities move from the control of the licence/certificate to the TEN. Where extended licensing hours are desired, an application for variation of the premises licence is considered more appropriate than repeat TENS.

5.4.5 The previous history of an individual as a manager of licensable activities will be a relevant consideration in relation to objections and determination of TENS.

5.4.6 The Licensing Authority encourages early application for TENS well in advance of the event date. This is particularly relevant to events which are to take place in the open, or in/on temporary structures and where amplified music is to be played, particularly after 11pm. This is so that if there are potential objections these can be subject of discussion, negotiation, and if possible mutual agreement. This allows for withdrawal and resubmission of a TEN in certain circumstances, thereby reducing the likelihood of the need for a Licensing Hearing or the issue of a Counter Notice. Assistance with the planning of events can be provided through the Council's Events Safety Advisory Group.

5.5 Events, including those held on Council land

5.5.1 The organiser of any large scale or high risk event, wherever it is held, will be expected to involve the Council's Event Safety Advisory Group (ESAG) at the earliest opportunity in the planning stage. All event organisers will need to demonstrate how they intend to safely deliver their event in line with the licensing objectives, relevant H&S guidance and Council policy. Such events will normally be carried out under a Premises Licence.

5.5.2 The Licensing Authority wishes to encourage cultural and community events in the borough. The Council holds premises licences for some of its areas of public land and town centres which are available to host such events with the prior agreement of the Council.

5.5.3 Persons or organisations wishing to host large commercial events on licensed public land should consult with the Council at an early stage in relation to the use of a Council Premises Licence. Large events will often be expected to obtain their own premises licence. The written permission of

the Council is required, and all conditions attached to the agreements to use the premises must be complied with. The use of TENS to add alcohol sales will only be appropriate when the event will accommodate 499 people or less (including staff & performers etc).

5.6 Licensing Hours

5.6.1 Applicants are strongly encouraged only to apply for hours that they realistically intend to operate, as later hours are typically more likely to attract representations. Once granted a licence remains in force forever, unless surrendered, varied or reviewed, so Responsible Authorities should give careful consideration to licensed hours at the application stage.

5.6.2 Where its discretion is engaged at a hearing, the licensing authority will give consideration to the appropriateness of hours applied for, or hours permitted by the existing licence, having regard to any planning restrictions in relation to operating hours, the location of premises and their likely effect on the promotion of the four licensing objectives. It is recognised that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. At a hearing the licensing authority will consider restricting hours to ensure the promotion of the licensing objectives. Any new closing time will take account of the closing times of other premises in the vicinity so that staggered dispersal of customers is achieved.

5.6.3 The Licensing Authority considers that later hours will typically be more sensitive and higher risk in causing noise from regulated entertainment, anti-social behaviour from patrons in the vicinity of the premises, and crime and disorder from inebriated patrons. This will include late night food vendors. It therefore follows that additional measures may be required, including noise mitigation controls and an increasing number of SIA registered door supervisors may need to be employed the later the premises remains open, and these requirements may be considered as licence conditions.

5.6.4 It may also be appropriate, where later hours are requested for alcohol, to have a last entry condition as a condition of the Premises Licence to prevent vulnerable or intoxicated customers moving to the last venue open.

5.7 Dispersal Policy

5.7.1 The Licensing Authority encourages premises to adopt a dispersal policy where appropriate.

5.7.2 Where the activities of an existing or proposed licensed premises or club, including late night food vendors, are subject to a hearing and licensing objectives are not upheld due to inadequate dispersal arrangements then consideration will be given to restricting the hours of licensable activity, by way of an earlier closing time. Any new closing time will take account of the closing times of other premises in the vicinity so that staggered dispersal of customers is achieved.

5.8 Welfare Provision

5.8.1 It is expected that premises licensed to sell alcohol for consumption on the premises, especially those trading beyond midnight, implement appropriate welfare measures. This may include the employment of designated welfare staff and trained first aiders, as well as steps to identify vulnerable person(s) and respond to accidents, injuries and other immediate harms such as

unconsciousness, alcohol poisoning, drug intoxication, and any reported `Spiking` incidents. Safety measures could include encouraging customers to ensure their drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant. Overt CCTV is also a major deterrent for potential offenders.

5.8.2 Where spiking incidents occur inside premises or affect customers who either leave or are ejected, the necessary duty of care is exercised by the Premises Licence Holder / DPS and their staff, and that includes the immediate calling of appropriate medical aid and the notification of the police.

5.8.3 A zero-tolerance policy should be implemented regarding the use of illegal drugs and new psychoactive substances (NPS), (previously referred to as `legal highs`), and nitrous oxide (NO) on the premises. Where there is a risk of illegal drug use on the premises, the authority expects a documented policy that sets out how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of.

Licensees should remain alert to emerging issues. The authority considers that nightclubs, in particular, should address these risks, but it may also be appropriate for other licensed premises to do so. Relevant considerations could include: –

- The searching of customers and their bags etc on entry, this being a condition of entry
- A refusal/ejection policy for anyone found in possession of drugs, NPS, NO or similar intoxicants
- The use of toilet attendants / floor walkers and regular documented toilet checks –
- Searches of the premises – Training of staff in drug awareness to identify and prevent the supply and use of illegal drugs and new psychoactive substances
- Physical measures to deter drug use on the premises.
- Clear posters displayed and the overt use of CCTV, particularly in vulnerable areas.

5.9 Irresponsible Drinks Promotions

5.9.1 The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence at a hearing that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include:

- restricting the sale of super strength beer, lager and cider, or
- the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.
- Ensuring `all you can drink` promotions and `happy hour` promotions do not compromise any licensing objective

5.9.2 Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at licensed premises to familiarise themselves with the mandatory condition relating to drinks promotions.

5.10 Planning Conditions Applicable to a Premises

5.10.1 The Licensing Authority is mindful that the licensing and planning regimes must be kept separate and determined in accordance with the respective legal and policy frameworks.

5.10.2 An application for a premises licence or club premises certificate, or a variation to either, will normally only be granted where the activity to be authorised by the application is a lawful planning use, as evidenced by a valid planning consent, and the hours sought do not exceed those authorised by that consent.

5.10.3 The 2018 NPPF 'Agent of Change' principle establishes that where a new land use is introduced into an area, the impact should be managed by the person/business that introduces the new use, eg introducing noisy premises into a quiet location or vice-versa. This will be relevant when considering measures necessary to uphold licensing objectives at hearings.

5.11 Public Spaces Protection Order (PSPO)

5.11.1 The Licensing Authority supports the use of PSPOs as a tool to prevent crime, disorder and anti-social behaviour. The Licensing Authority expects premises that operate in areas where PSPOs have been implemented to have measures in place to ensure their customers do not breach the PSPO requirements.

5.12 Cumulative Impact

5.12.1 Whilst open to representations from Responsible Authorities, the Licensing Authority believes that a town centre cumulative impact policy may work against its stated ambition to diversify the range of premises operating across the town centres. The delineation of a particular area, and imposition of restrictions in respect of new licences permitted within that area, may lead to premises instead setting up in more sensitive, residential areas, and deprive the town centre of new, alternative business models.

5.13 Early Morning Restriction Orders

5.13.1 EMROs are intended to address serious issues including high levels of alcohol related crime and disorder, serious public nuisance and anti-social behaviour. They can apply to specific areas and impose a blanket restriction on the prohibition of the sale of alcohol within the area at specific times (between midnight and 6am). It is therefore a powerful tool that will severely impact businesses subjected to the restrictions, and should be considered as a last resort. The process involves gathering of evidence, advertisement and formal consultation followed by a hearing in relation to representations, prior to Full Council making an Order. The EMRO would be subject to regular review to ensure that that it can still be justified.

5.13.2 The Licensing Authority is open to representations from partners in relation to evidence. However levels of crime & disorder, public nuisance or anti-social behaviour are not known to be sufficiently serious in any particular area so as to warrant consideration of a blanket restriction on alcohol sales. As with cumulative impact policies there is a risk premises will relocate outside the area, and the further possibility that businesses may fail, to the detriment of the broader night-time economy.

EXERCISE AND DELEGATION OF FUNCTIONS

The Authority will exercise and delegate functions in accordance with the following table.

Decision	Licensing Committee	Licensing Sub-Committee	Officer
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for Provisional Statement		If relevant representation made	If no relevant representation made
Application to vary Premises Licence/ Club Premises Certificate		If relevant representation made	If no relevant representation made
Application to vary Designated premises supervisor		If a police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of a premises licence		If a police objection	All other cases
Application for interim Authority		If a police objection	All other cases
Deciding an application for Premises licence review is irrelevant, repetitious, vexatious or frivolous			All cases
Application to Review Premises licence / club premises Certificate unless all parties agree unnecessary		All Cases	
Decision to object when a local authority is a consultee and not the relevant licensing authority		All cases	
Determination of a police objection to a Temporary Event Notice		All cases	
Determination of a Minor Variation			All cases
Determination of a s20 Film Classification		All cases	
Licensing Authority to act as Responsible Authority			All cases
Disapplication of the s19 requirements to have a DPS in community premises			All cases

LA03 LICENSED PREMISES COMPLIANCE PROTOCOL

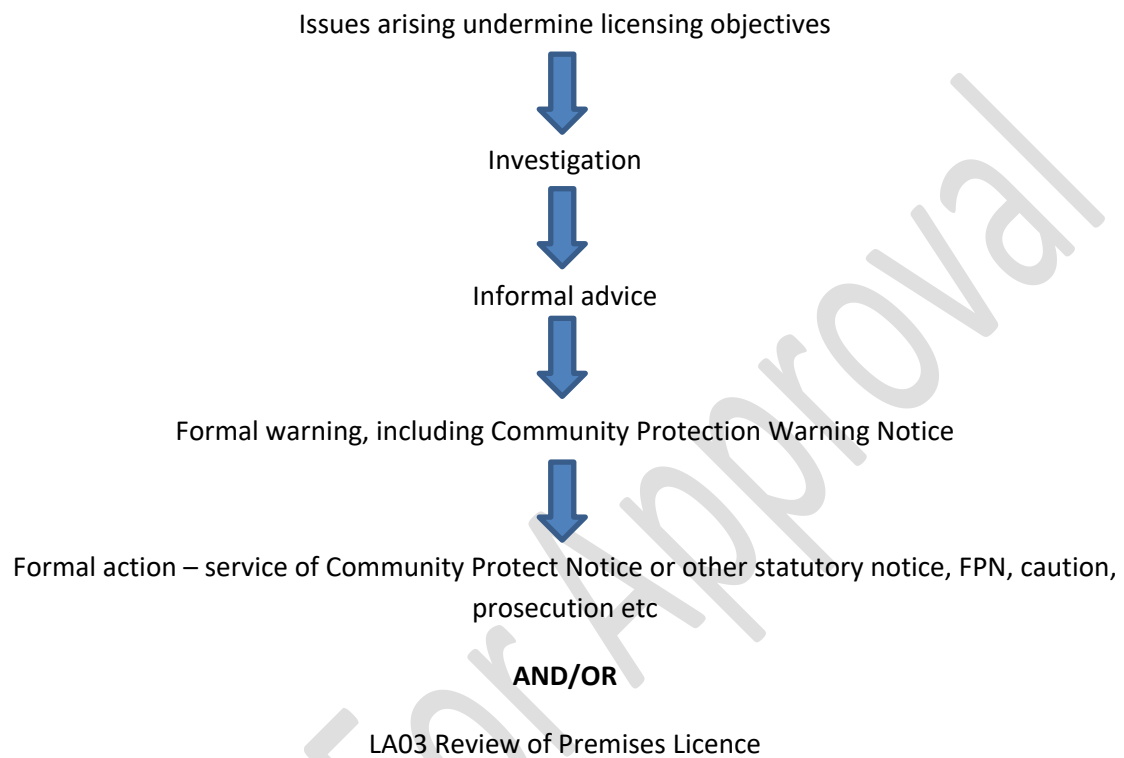
In order to effectively deal with issues arising at or from licensed premises, partner organisations and services will take a pro-active role where non-compliance or community protection issues occur that undermine the licensing objectives, which are:

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

A summary of public sector partners is as follows:

Organisation	Service	Examples of issues that might arise	Available Sanctions		
			Community Protection	Criminal	LA03 Review
Police		Crime & Disorder / Breaches of LA03 inc Licence Conditions	X	X	X
BBC	Lic Team	Breaches of LA03 inc Licence Conditions	X	X	X
	EH	Noise from Regulated Entertainment Breaches of HASAWA	X	X	X
	Planning	Unlawful use Operating in breach of planning conditions	X	X	X
	ASB	ASB	X	X	X
	Comm Safety	PSPO	X	X	X
	Env Team	Littering/Street cleaning	X	X	X
	Econ & Growth	Reputational/Brand Damage Concerns from business community	X		X
	Building Control	Building Safety	X	X	X
LCC	TSO	Counterfeit goods Underage sales	X	X	X
	Children's Services	Safeguarding Employment of Young Persons	X	X	X
	Public Health	Health & Wellbeing issues – including alcohol harms, mental health, obesity, determinants of ill health	X		X
LFRS		Fire Safety Risk assessments		X	X
UK Border Force		Right to Work Issues		X	X
Gambling Comm		Regulated gambling activities		X	X

Where a partner organisation receives reports of activity that undermines the licensing objectives arising at or from licensed premises the following graduated enforcement response is available to them.



Revenue Monitoring Report 2022/23 – Quarter 1 (to 30 June 2022)

REPORT TO EXECUTIVE



DATE	21 September 2022
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Adil Ahmed
TEL NO	01282 477172
EMAIL	adil.ahmed@burnley.gov.uk

PURPOSE

1. To report the forecast outturn position for the year as at 31 March 2023 based upon actual spending and income to 30 June 2022.
2. Members are asked to note the financial impact of the Coronavirus pandemic and the cost-of-living crisis 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 £149k, as summarised in table 1 and detailed in Appendix 1.

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

- b. The latest revised net budget of **£15.322m** as shown in Table 1, and
- c. The net transfers from earmarked reserves of **£3.175m** as shown in Appendix 2.

REASONS FOR RECOMMENDATION

4. To give consideration to the level of revenue spending and income in 2022/23 as part of the effective governance of the Council and to ensure that appropriate management action is taken to ensure a balanced financial position. The Council expects to close the budget gap by the end of the financial year as it has done in previous years.

SUMMARY OF KEY POINTS

5. Financial Impact of Covid -19 and the cost-of-living crisis

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 uncertainty around the ongoing impact of the Coronavirus pandemic and the current cost-of-living crisis, this year is a continuation of the 2021/22 financial year with the focus being on the forecast reductions in income and increases in expenditure together with an evaluation of progress against savings targets. It is therefore 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 £149k. The deficit is based upon forecast income and expenditure as at the end of Quarter 1, a time at which there are many future unknowns. The budget is being continually monitored.

Members will recall that £1.175m was set aside in a Covid-19 earmarked reserve over the past two years to help cover for any future shortfalls in income/increases in expenditure materialising as a result of the pandemic. Due to the uncertainty of the post pandemic costs, the Council is only able to focus on the short-term impact with the long-term impact still uncertain. There is the potential for increased costs and income losses over the longer term.

The current increases in inflation above the Bank of England's target of 2%, will have a future impact on the Council's budget position, both in respect of increased costs and potentially reduction in income as residents of the borough may have less available household spend. Of particular concern to the Council are increases to energy, fuel and external contract costs. To help mitigate the future impact the Council has set aside £197k at the end of 2021/22 in an earmarked reserve to help fund any future fluctuations in energy costs. The levels of inflation factored into future year's budgets will also be kept under regular review to ensure that they are reflective of the current economic climate.

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 2022/23. 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 2021/22 (Appendix 2).

Members are asked to approve the latest revised net budget of £15.322m 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 Q1 and the anticipated variance.

At the end of Q1 the net budget forecast is currently £149k deficit. 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, however due to the continuing uncertainty around the pandemic and cost of living crisis the focus is on the forecast reductions in income and increases in expenditure together with an evaluation of progress against savings targets. The net budget forecast of £149k 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 the current cost-of-living crisis 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 £0.139m were built in to the 2022/23 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
Savings from the flexible retirement of 1 post	14	Achieved by offsetting against vacant post.
Commercial Trade Waste Service - to deliver a £20k net saving based on income predictions on subscriptions to the service (net of operational costs)	20	Fully achieved. Target income achieved.

To reduce the existing waste contingency budget from £100k to £60k pa	40	Forecast to achieve. Budget to continue to be monitored.
Strategic Partnership - Efficiency saving following flexible retirement	15	Fully achieved.
Savings on insurance contract	50	Fully achieved.
TOTAL	139	

10. 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.

Table 1: Revenue Budget Forecast Position 2022/23

		Reconciliation of Approved Budget & Funding	Forecast position as at Quarter 1		
		Net Budget 2022/23 £000s	Revised Budget £000s	Forecast Q1 £000s	Variance Q1 £000s
a	Economy and Growth	734	734	734	0
b	Policy and Engagement	459	469	469	0
c	Management Team	373	373	373	0
d	Sport and Culture Leisure Client	805	805	805	0
e	Green Spaces and Amenities	1,251	1,251	1,262	11
f	Streetscene	3,159	3,159	3,235	77
g	Housing and Development Control	511	560	560	0
h	Strategic Partnership	4,033	4,033	4,033	0
i	Finance and Property	626	602	590	(12)
j	Revenues and Benefits Client	(1,329)	(1,329)	(1,329)	0
k	Legal and Democratic Services	1,079	1,113	1,116	3
l	People and Development	243	243	243	0
m	Central Budgets - Other <i>(includes corporate costs eg utilities, apprenticeship levy)</i>	685	672	672	0
	Central Budgets - Savings Targets <i>(see Table 2)</i>	(248)	(248)	(248)	0
	NET SERVICE BUDGET	12,381	12,437	12,516	79
	Pensions	784	784	784	0
	Provisions <i>(Balance to be determined at year end)</i>	0	0	0	0
	Impairments <i>(Provisions for Bad Debt)</i>	0	0	0	0
	Parish Precepts <i>(Disbursement to Parishes)</i>	169	169	169	0
	Treasury <i>(Investment Income & Expenditure)</i>	1,081	1,081	1,151	70
	Capital Financing	1,444	2,175	2,175	0
	Earmarked Reserves (to / (from))	(538)	(1,324)	(1,324)	0
	Strategic Reserves (to / (from))	0	0	0	0
	NET CORPORATE ITEMS	2,941	2,885	2,955	70
	Council Tax	(7,480)	(7,480)	(7,480)	0
	Parish Precepts <i>(Receipts from Council Tax Payers)</i>	(169)	(169)	(169)	0
	Business Rates: Retained Income	(4,513)	(4,513)	(4,513)	0
	Business Rates: S31 Grants <i>(For award of business rates relief)</i>	(1,655)	(1,655)	(1,655)	0
	Prior Year Collection Fund (Surplus)/Deficit	1,261	1,261	1,261	0
	Revenue Support Grant	(1,700)	(1,700)	(1,700)	0
	New Homes Bonus	(576)	(576)	(576)	0
	Other Government Grants	(489)	(489)	(489)	0
	FUNDING	(15,322)	(15,322)	(15,322)	0
	BUDGET BALANCE	0	0	149	149

11. 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 impact of Coronavirus pandemic and current economic conditions 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 £149k. A summary of the in-year targets and the projected budget forecasts categorised by salary and non-salary expenditure as at the end of Q1 can be seen in Table 2 below:

Savings	Revised Budget	Savings Forecast Q1	Balance of Savings yet to be Identified
	£000	£000	£000
Salary Savings	(169)	12	(157)
Non-Salary Savings	(79)	87	8
TOTAL SAVINGS YET TO BE IDENTIFIED	(248)	99	(149)

Salary Savings Target

The position at the end of Q1 is that £12k of salary savings have been secured to date as can be seen in Table 2 above, leaving a shortfall of £157k to identify throughout the remainder of the year.

Non-Salary Savings Target

The latest position is that the estimated surplus in income and reduced expenditure forecast at Q1 has exceeded the forecast target by £8k.

The combined balance of savings (salary and non-salary) yet to be identified totals a net budget deficit of £149k. The above estimates are based on forecasts at the end of Quarter 1, 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.

14. SERVICE REPORTS

14.1 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: £0k

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

b. Policy and Engagement

Forecast Variance: £0k

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

c. **Management Team**

Forecast Variance: £0

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

d. **Sport and Culture Leisure Client**

Forecast Variance: £0k net overspend

All facilities are operating at a surplus variance compared to the budget set for 2022/23. However, we are noticing pressures from suppliers across all sites within Burnley Leisure who are imposing substantial price increases due to the current economic climate. We have noticed an increase in the cost of materials, such as Pool Chemicals, Cleaning Materials, Sporting Equipment & Supplies, etc.

Hospitality is proving the most challenging area, with some products increasing by over 50%. The forecast is for these price increases to continue into 2022. Teams are working hard to renegotiate pricing, alter menus and increase customer pricing sensitively where possible.

e. **Green Spaces and Amenities**

Forecast Variance: £11k net overspend

A reduction in Towneley events and refreshments income (£12k) is forecast due to there being no further bookings being taken for next year because of uncertainties around the building works being carried out. This is partially offset by a forecast reduction in expenditure (£7k) due to Burnley Leisure running the bar service. An increase in expenditure on the laundry budget is forecast for this year (£1k)

Forecast increase in expenditure on fuel (£5k) as the council moves from red diesel to white.

f. **Streetscene**

Forecast Variance: £77k net overspend

Additional income (£11k) from the household garden waste and (£79k) from the trade waste contracts to reflect the current services offered

Reduction in car parking income (£166k), mainly due to reduced footfall in the town centre.

g. **Housing and Development Control**

Forecast Variance: £0

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

h. **Strategic Partnership**

Forecast Variance: £0

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

i. **Finance and Property**

Forecast Variance: £12k net underspend

Salary savings (£12k) in respect of 2 vacant posts in Internal Audit during Quarter 1.

j. **Revenues and Benefits Client**

Forecast Variance: £0

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

k. **Legal and Democratic Services**

Forecast Variance: £3k net overspend

Reduced income from the hire of rooms at the Town Hall post pandemic (£1k).

Additional expenditure required on nodes for Committee Rooms in order to run postal vote verification during elections, and on the Modern Government contract including the added functionality of electronic voting in council meetings (£2k)

l. People and Development

Forecast Variance: £0k net overspend

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

m. Central Budgets

Forecast Variance: £0k net underspend

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

n. Corporate Items

Forecast Variance: £70k net overspend

The increase in borrowing towards the end of 2021/22 has led to an increase in scheduled interest repayments for 2022/23 (£120k). This is offset in part by an increase in estimated interest income (£50k) due to rising interest rates impacting favourably on the council's investment deposits.

o. Funding

Forecast Variance: £0k net overspend

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

15. 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:

	Transformation Reserve	Growth Reserve	Other Earmarked Reserves	TOTAL
	£000	£000	£000	£000
Balance as at 01/04/22	(2,802)	(1,538)	(18,714)	(23,055)
Movement in Q1	442	485	2,249	3,175
Balance as at 30/06/22	(2,360)	(1,053)	(16,466)	(19,879)

Included within the reserve balance above is the £1.175m from Covid 19 recovery reserve that was set aside to help cover for any future shortfalls in income/increases in expenditure.

Any savings proposals for 2022/23 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.

16. CAPITAL FINANCING

16.1 Included in the revenue budget is a revenue contribution to capital outlay (RCCO) of £0.899m. This is where revenue funds are used to finance capital schemes. The contribution of £0.899m relates to vehicle and machinery replacement (£175k), refill fountains (£5k), Lower St James Street Historic Action Zone (£185k), Finsley Wharf & Canal Towpath Improvements (£34k), Burnley- Pendle Growth Programme (£300k), Building Infrastructure (£50k), Audio & Visual Upgrade to Facilitate On-line Meetings (£100k) and Charter Walk Property Maintenance (£50k).

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

17. As shown in the body of the report.

POLICY IMPLICATIONS

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

DETAILS OF CONSULTATION

19. None

BACKGROUND PAPERS

20. None

FURTHER INFORMATION

PLEASE CONTACT:

**Adil Ahmed
Principal Accountant**

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			Quarter 1			
			ORIGINAL BUDGET 2022/23 £000s	REVISED BUDGET 2022/23 £000s	Current Forecast £000s	Current Variance £000s
Economy and Growth	RAPP Holding Accounts	RAPP Holding Accounts	158	158	158	0
Economy and Growth	Markets	Burnley Markets	156	156	156	0
Economy and Growth	Markets	Markets Shared Areas	(29)	(29)	(29)	0
Economy and Growth	Planning Policy	Local Plan	14	14	14	0
Economy and Growth	Planning Policy	Planning Policy	205	205	205	0
Economy and Growth	Economic Development	Town Centre Management	76	76	76	0
Economy and Growth	Economic Development	Business Support	249	249	249	0
Economy and Growth	Economic Development	Burnley Branding	111	111	111	0
Economy and Growth	Economic Development	Burnley Bondholders	32	32	32	0
Economy and Growth	Economic Development	Sandygate Square Student Accommodation	(327)	(327)	(327)	0
Economy and Growth	Regeneration Development	Regeneration	84	84	84	0
Economy and Growth	Regeneration Development	Weavers Triangle	0	0	0	0
Economy and Growth	Regeneration Development	HAZ Heritage Action Zone	47	47	47	0
Economy and Growth	Regeneration Development	Padiham THI	(43)	(43)	(43)	0
sub-total			734	734	734	0
Policy and Engagement	Corp Engage & Policy Hold Acc	Corp Engage Holding Accounts	48	48	48	0
Policy and Engagement	Emergency Planning	Emergency Planning	2	2	2	0
Policy and Engagement	Communications	Communications	96	96	96	0
Policy and Engagement	Community Engagement	Community Engagement	223	233	233	0
Policy and Engagement	Performance And Policy	Performance and Policy	90	90	90	0
sub-total			459	469	469	0
Management Team	Management Team	Management Team	373	373	373	0
sub-total			373	373	373	0
Sport and Culture Leisure Client	Burnley Mechanics And Arts Devt	Burnley Mechanics And Arts Devt	58	58	58	0
Sport and Culture Leisure Client	Leisure Centres	St Peters Centre	247	247	247	0
Sport and Culture Leisure Client	Leisure Centres	Leisure Trust Client	358	358	358	0
Sport and Culture Leisure Client	Leisure Centres	Padiham Leisure Centre	83	83	83	0
Sport and Culture Leisure Client	Leisure Centres	Prairie Sports Village	59	59	59	0
sub-total			805	805	805	0
Green Spaces and Amenities	Bereavement Service	Cemeteries and Crematorium	(843)	(843)	(843)	0
Green Spaces and Amenities	Parks And Green Spaces	Community Parks and Open Space	1,444	1,460	1,465	5
Green Spaces and Amenities	Parks And Green Spaces	Recreation and Sport	284	262	262	0
Green Spaces and Amenities	Parks And Green Spaces	Allotments	(3)	(3)	(3)	0
Green Spaces and Amenities	Parks And Green Spaces	Parks Externally Funded Scheme	0	6	6	0
Green Spaces and Amenities	Art Gallery And Museums	Towneley Hall	293	293	299	6
Green Spaces and Amenities	Art Gallery And Museums	Towneley Hall Ext Fund Schemes	0	0	0	0
Green Spaces and Amenities	Transport	Grounds Maintenance	76	76	76	0
sub-total			1,251	1,251	1,262	11
Streetscene	Streetscene Holding Accounts	Streetscene Holding Accounts	908	908	908	0
Streetscene	Engineering Services	Bus Shelters	18	18	18	0
Streetscene	Engineering Services	Highways	13	13	13	0
Streetscene	Engineering Services	Street Lighting	83	83	83	0
Streetscene	Engineering Services	Drainage	4	4	4	0
Streetscene	Community Safety	Community Safety	209	209	209	0
Streetscene	Car Parking	Car Parking	(550)	(550)	(384)	166
Streetscene	Car Parking	Car Parking Enforcement	14	(6)	(6)	0
Streetscene	CCTV	CCTV	157	177	177	0
Streetscene	Environmental Services	Waste Cleaning Contract	73	68	68	0
Streetscene	Environmental Services	Street Cleansing	1,238	1,238	1,238	0
Streetscene	Environmental Services	Waste Collection	1,183	1,187	1,097	(90)
Streetscene	Environmental Services	Pest Control	21	21	21	0
Streetscene	Environmental Services	Dog Warden	56	56	56	0
Streetscene	Environmental Services	Default Works	(24)	(24)	(24)	0
Streetscene	Regulation	Environmental Health Client	(31)	(31)	(31)	0
Streetscene	Regulation	Taxi Licensing	(116)	(116)	(116)	0
Streetscene	Regulation	Other Licensing	(107)	(107)	(107)	0
Streetscene	Regulation	Public Funerals	10	10	10	0
sub-total			3,159	3,159	3,235	77
Housing and Development Control	Housing And Development Ctrl	Housing	361	410	410	0
Housing and Development Control	Development Control	Development Control	17	17	17	0
Housing and Development Control	Building Control	Building Control	79	79	79	0
Housing and Development Control	Selective Licensing	Selective Licensing	54	54	54	0
sub-total			511	560	560	0
Strategic Partnership	Strategic Partnership	Strategic Partnership	4,033	4,033	4,033	0
sub-total			4,033	4,033	4,033	0
Finance and Property	Finance Unit	Finance Unit	695	695	695	0
Finance and Property	External Audit	External Audit	56	56	56	0
Finance and Property	Internal Audit	Internal Audit	141	141	129	(12)
Finance and Property	Misc Income And Expenditure	Misc Income And Expenditure	18	18	18	0
Finance and Property	Property	Property	(285)	(309)	(308)	0
sub-total			626	602	590	(12)
Revenues and Benefits Client	Revenues And Benefits Client	Housing Benefits Services	(353)	(353)	(353)	0
Revenues and Benefits Client	Housing Benefits Payments And Subs	Housing Benefits Payments And Subs	(74)	(74)	(74)	0
Revenues and Benefits Client	Council Tax Support	Council Tax Support	(163)	(163)	(163)	0
Revenues and Benefits Client	Cost Of Collection Accounts	Cost Of Collection Accounts	(739)	(739)	(739)	0
sub-total			(1,329)	(1,329)	(1,329)	0
Legal and Democratic Services	Legal	Legal Services	349	359	359	0
Legal and Democratic Services	Legal	Local Land Charges	(44)	(44)	(44)	0
Legal and Democratic Services	Legal	FOI Requests	1	1	1	0
Legal and Democratic Services	Governance	Conducting Elections	80	80	80	0
Legal and Democratic Services	Governance	Register of Electors	83	83	83	0
Legal and Democratic Services	Governance	Charities Administration	0	0	0	0
Legal and Democratic Services	Governance	Parish Councils	2	2	2	0
Legal and Democratic Services	Governance	Democratic Services	313	313	316	3
Legal and Democratic Services	Governance	Civic Administration	18	11	11	0
Legal and Democratic Services	Governance	Mayoralty	34	65	65	0
Legal and Democratic Services	Governance	Members Expenses	243	243	243	0
sub-total			1,079	1,113	1,116	3
People and Development	People And Development	People and Development	243	243	243	0
sub-total			243	243	243	0
Central Budgets - Other	Central Budgets - Other	Central Budgets - Other	685	672	672	0
Central Budgets - Savings Targets	Central Budgets - Savings Targets	Salary Savings Target	(169)	(169)	(169)	0
Central Budgets - Savings Targets	Central Budgets - Savings Targets	Non-Salary Savings Target	(79)	(79)	(79)	0
sub-total			437	424	424	0
NET SERVICE BUDGET			12,381	12,437	12,516	79
Corporate Items	Pensions	Pensions	784	784	784	0
Corporate Items	Provisions	Provisions	0	0	0	0
Corporate Items	Impairments	Impairments	0	0	0	0
Corporate Items	Parish Precepts	Parish Precepts	169	169	169	0
Corporate Items	Treasury Investments & Borrowing	Treasury Investments & Borrowing	1,081	1,081	1,151	70
Corporate Items	Capital Financing	Capital Financing	1,444	2,175	2,175	0
Corporate Items	Earmarked Reserves	Earmarked Reserves	(538)	(1,324)	(1,324)	0
Corporate Items	Strategic Reserves	Strategic Reserves	0	0	0	0
NET CORPORATE ITEMS			2,941	2,885	2,955	70
Funding	Council Tax		(7,480)	(7,480)	(7,480)	0
Funding	Council Tax - Parish Precepts		(169)	(169)	(169)	0
Funding	Business Rates: Retained Income		(4,513)	(4,513)	(4,513)	0
Funding	Business Rates: S31 Grants		(1,655)	(1,655)	(1,655)	0
Funding	Prior Year Collection Fund (Surplus)/Deficit		1,261	1,261	1,261	0
Funding	Revenue support Grant		(1,700)	(1,700)	(1,700)	0
Funding	New Homes Bonus		(576)	(576)	(576)	0
Funding	Other Government Grants		(489)	(489)	(489)	0
FUNDING			(15,322)	(15,322)	(15,322)	0
BUDGET BALANCE			(0)	(0)	149	149

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Appendix 2

Quarter 1 Movements in Reserves

	Transformation Reserve	Growth Reserve	TOTAL Strategic Reserves	Other Earmarked Reserves
	£000	£000	£000	£000
Opening Balance	(2,802)	(1,538)	(4,341)	(18,714)
TOTAL	(2,802)	(1,538)	(4,341)	(18,714)
Change in cycle 1	442	485	927	2,249
Anticipated balance at 31 March 2023	(2,360)	(1,053)	(3,414)	(16,466)
Approved use of reserves future years	1,490	1,523	3,013	(1,464)
Movement between reserves	0	0	0	0
Balance after approvals	(871)	470	(401)	(17,930)

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To note the current estimated year end capital budget position and to make Capital Monitoring Report 2022/23 – Quarter 1 (to 30 June 2022)

REPORT TO EXECUTIVE



DATE	21 September 2022
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Adil Ahmed
TEL NO	01282 477172
EMAIL	adil.ahmed@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 £25,000 giving a revised capital budget for 2022/23 totalling £41,433,311 as detailed in Appendix 1.
 - b. Recommend to Full Council, approval of the proposed financing of the revised capital budget totalling £41,433,311 as shown in Appendix 2.
 - c. Note the latest estimated year end position on capital receipts and contributions showing an assumed balance of £1,783,763 at 31 March 2023 as shown in Appendix 3.

REASONS FOR RECOMMENDATION

3. To effectively manage the 2022/23 capital programme.

SUMMARY OF KEY POINTS

4. Monitoring Information

On 23 February 2022 Full Council approved the 2022/23 original capital budget, totalling £37,791,441.

The 2021/22 Outturn report, presented to Executive on 13 July 2022 seeks approval for slippage of £3,821,794, and reverse slippage of £204,924, revising the capital budget to £41,408,311.

This is the first of three in-year monitoring reports, and as such the appendices accompanying this report provide Members with the position as at 30 June 2022 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 June 2022. The expenditure to date is £2,385,593 which is 6% of the proposed revised budget.
- b. **Revised budget and financing elements – Appendix 2** shows the revised budget of £41,433,311, along with identifying the recommended financing elements on a scheme by scheme basis. This is an increase of £25,000.
- 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 2022/23 capital commitments, totals £2,687,473.

The resources are reducing each financial year, to an estimated balance on general capital receipts of £1.784m by March 2023. 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 2023, 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 main contract for the refurbishment of the Hall has been tendered and work is scheduled to start later this year.

Town Hall

Burnley Town Hall works had been halted temporarily due to a structural issue above the main entrance. A specialist conservation structural engineer was appointed and the works have now been completed. The final stonework repairs have commenced and are due to be completed in November.

An outbreak of dry rot has been identified in the Council Chamber. Due to detailed plasterwork in the vaulted ceiling a specialist has been commissioned to assess the work repair required. Structural issues within the roof space have been identified and we are awaiting a report from the structural engineer on the extent of any works required. Given the specialist nature of the works required it will take some time to undertake the necessary repairs. Any update on timelines and costs will be reported once they are known.

Nicholas Street

Outbreaks of dry rot have been stripped out and treated and the building continues to

be monitored.

6. Revenue Implications

a. Revenue Contributions / Reserves 2022/23

The Capital Programme includes Revenue Contributions / Reserves of £898,686 being:

Scheme	Funded	£
Vehicle & Machinery Replacement	Transport Reserve	160,186
Vehicle & Machinery Replacement	Revenue	15,000
Refill Fountains	Pension Reserve	5,000
Lower St James Street Historic Action Zone	Growth Reserve	185,000
Finsley Wharf & Canal Towpath Improvements	Revenue Support Reserve	34,000
Burnley/Pendle Growth Corridor	Growth Reserve	300,000
Building Infrastructure	Revenue Support Reserve	49,500
Audio & Visual Upgrade to Facilitate On-line Meetings	Covid-19 Recovery Reserve	100,000
Charter Walk Property Maintenance	Charter Walk Refurbishment Reserve	50,000
Total Revenue Contributions		898,686

b. Prudential Borrowing 2022/23

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 2022/23.

The original capital budget for 2022/23 of £37,791,441 included a planned borrowing requirement of £15,861,173.

The Outturn report dated 13 July 2022 seeks approval for slippage on borrowing of £688,904, revising the planned borrowing requirement to £16,550,077.

The revenue implications of borrowing £16,550,077 are a Minimum Revenue Provision (MRP) of £84k and an interest charge, assuming 3% on the borrowing, would equate to £497k for a full year.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. An increase in the 2022/23 capital programme of £25,000 to give a revised budget of £41,433,311.

POLICY IMPLICATIONS

8. None arising directly from this report.

DETAILS OF CONSULTATION

9. None.

BACKGROUND PAPERS

10. None.

FURTHER INFORMATION

PLEASE CONTACT:

Adil Ahmed – Principal Accountant

Scheme Name	Budget per Exec 13/07/22 £	Adjustments Per This Report		Changes to be approved in this report £	Revised Budget £	Total Spend as at 30/06/22 £	% Schemes Spend	Narrative provided by Project Officers/Heads of Service
		Budget Adjustments	Reprofiled into Future Years					
		A	B	A + B				

GREEN SPACES & AMENITIES

Play Area Improvement Scheme	152,001			-	152,001	14,287	9%	Stoneyholme Gardens and Harold Avenue schemes have been completed and work is due to start on Lane Bottom the first week in July with a scheduled completion date of 22nd July. The re-development of Vanguard has been pencilled in for October 2022 and the new multi-play unit at Lockyer Avenue will be installed in the Autumn too. We are going to be undertaking some consultation for the play areas due to be re-developed in 2022/23 (Healeywood, Briercliffe Road and Queens Park) during the summer months.
Vehicle and Machinery Replacement	175,186			-	175,186	79,301	45%	New Panel Van for Playgrounds Teams and various Grounds Maintenance equipment purchased and a further £23.7k Grounds Maintenance equipment on order. Plan to replace the Tree Team tipper during the year,
Playing Pitch Improvements	370,600			-	370,600	1,250	0%	We have commissioned an external consultant to provide us with a detailed design specification and help us with the tender and construction phases for Lockyer Avenue and Queens Park schemes. As part of this work, they are having to carry out an Infiltration Suds Geo Report at Lockyer Avenue. Once the detailed design specification work has been completed, we will use the plans to procure a tender documents and Bills of Quantities with a view to tendering the work in Autumn/Winter 2022. We aim to have the drainage works at both sites completed in May/June 2023. We are working with both clubs that will be affected on alternative sites for them during the 2023/24 season as they will not be able to play on either site for 9-12 months.
Extension of Burnley Cemetery	25,000			-	25,000	-	0%	No progress as yet. 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	22,787			-	22,787	(249)	-1%	Seeding of wildflower meadows has taken place at Bank Hall Park, with the remaining sites at Bank Hall and Lydgate to be seeded by contractors in 2022-23.
Worsthorne Recreation Ground Improvements	2,780			-	2,780	-	0%	Work on the additional car parking area still to be completed.
Thompson Park Restoration	24,918			-	24,918	5,936	24%	Signage and flood defence works complete, outstanding works including road surfacing and works to the paddling pool expected to be completed in this financial year.
Refill Mountains	5,000			-	5,000	-	0%	Bottle fillers have been ordered. Installation to be undertaken by engineers in town centre sites and parks.
Stoops Wheeled Sport	925			-	925	-	0%	To be spent on replacement safety signs, to be completed during 2022/23.
Changing Place	43,469			-	43,469	-	0%	This budget is to cover retention payment to main contractor and cost consultant. To be spent this financial year.
Crematorium Improvements	132,000			-	132,000	-	0%	No progress as yet. To increase car parking capacity at the crematorium, widen and resurface the drive and existing car park and provide a covered waiting area for mourners.
Scott Park HLF	25,000			-	25,000	-	0%	No progress as yet. The aim is to use some of this money to appoint a consultant to help us with a bid to the HLF.
Memorial Park Improvements	146,042			-	146,042	-	0%	The replacement of the Skate ramp with a new concrete skate park will be progressed in the next quarter with a view to getting a tender together and completed in Autumn 2022. We aim to have the skate park completed by March 2023. In the meantime, we will progress the MUGA improvement works during 2022. The repainting and relining of the tennis courts will be completed by the end of September 2022. The youth shelter work will be done last due to the land close to the shelter being potentially used as a base for contractors working on the bridge/greenway issues that Sustrans are leading on.
Towneley Hall Works	2,506,217			-	2,506,217	8,165	0%	The majority of expenditure in the current financial year will be around survey costs, The main contract for the refurbishment of the Hall has been tendered and is being reviewed. The majority of the costs will fall in subsequent financial years.
Prairie Artificial Turf Pitch	15,841			-	15,841	-	0%	This budget is to cover retention payment to main contractor and cost consultant. To be spent this financial year.
	3,647,765	-	-	-	3,647,765	108,690	3%	

STREETSCENE

Alleygating	26,872			-	26,872	-	0%	Selection process has begun to identify new schemes. Shortlisting has begun from the 86 applications received. There is funding to introduce 6 schemes
Towneley River Training Walls	84,698			-	84,698	-	0%	The remainder of this budget will be spent in the second and third quarter this financial year for works along the River Brun in Browhead Park/Thompson Park. The Environment Agency will only allow these works to be undertaken after 30th June 2022, outside of the fish spawning season.

2022/23 CAPITAL BUDGET CYCLE 1 MONITORING - UPDATE

APPENDIX 1

Scheme Name	Budget per Exec 13/07/22 £	Adjustments Per This Report		Changes to be approved in this report A + B £	Revised Budget £	Total Spend as at 30/06/22 £	% Schemes Spend £	Narrative provided by Project Officers/Heads of Service
		Budget Adjustments A £	Reprofiled into Future Years B £					
Safer Streets	22,457			-	22,457	3,145	14%	Late invoices due and underspend of £9k identified. This will be reprofiled into a reserve list of properties that have been late in applying. The spend profile will be completed within Q2.
Electric Vehicle Rapid Charge Points	50,000			-	50,000	-	0%	A funding bid has been prepared and submitted to the Energy Saving Trust who are managing grant applications on this funding stream. We expect feedback on the viability of the bid in Q2.
184,027		-	-	-	184,027	3,145	2%	

ECONOMY & GROWTH

Padiham Townscape Heritage Initiative	631,042			-	631,042	16,090	3%	Projects on site include 33-35 Burnley Rd - the shopfronts are currently being built-up on site, following this finishing off works to the retail units include flooring and decoration. Tiling and flooring to the apartments is to be completed, estimated 4 weeks for practical completion. Works are also nearing completion to the former National School building. Stonework to the front elevation is undergoing treatment to remove paintwork and the shopfront installation has commenced. With the projects on site and those in the pipeline, TH funding towards building conservation works is practically fully committed.
Pioneer Place	14,833,842			-	14,833,842	934,352	6%	Work on site is progressing to programme comprising car parking, groundwork, foundations, services and steelwork for the cinema
NW Burnley Growth Corridor - Phase 2	716,276			-	716,276	-	0%	Public Realm Works - Installation of street furniture (benches, planters, bins, bollards) is now complete. Contractors are currently on site to complete outstanding sections of paving and works to the public art area within the northern node continue. Flood Defence Works - the EA have submitted information to enable works to Bendwood bridge under permitted development rights. Further ground investigations to the former taxi site have complete. Construction of the flood defences is due to commence August 2022. LEP funding towards these schemes has been fully utilised.
Lower St James Street Historic Action Zone	1,017,291			-	1,017,291	8,298	1%	The scaffold at 143 St Lower James Street is due to come down within the next few weeks, following this the shop front and windows will be installed with a completion date of approximately 4 weeks. 139/141 Planning has now been approved and the works have gone out to tender. Other projects in the pipeline are, 126, 140-142, 153, 152 - 160 Lower Street James Street. Programme and budget are on track to spend its committed allocations. Cost profiles to be allocated to properties once tendered works have come in with exact costings.
Finsley Wharf & Canal Towpath Improvements	34,000			-	34,000	-	0%	Contribution to the Canal & Rivers Trust. Awaiting invoice.
Vision Park	24,506			-	24,506	-	0%	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%	Engineers will progress remediation works to the concrete parapet cladding to be completed later in the year
Town Centre & Weavers Triangle Project Work	623,370			-	623,370	-	0%	This expenditure is earmarked as matched funding for the Levelling Up Fund bid that has been successful, however the Council's funding is not required this year and will be rolled forward to future years. Spend profile of the budget will be carried out in Q2.
Sandygate Halls (Commercial Units & Car Parking)	190,588			-	190,588	9,051	5%	Defect works and fitting out of office unit to be completed, subject to tenant signing agreement for lease. Due to work on other capital schemes work will progress over the summer.
Burnley-Pendle Growth Programme	300,000			-	300,000	-	0%	All works completed. Awaiting invoice from LCC
Leveling Up Fund	13,014,613			-	13,014,613	320,514	2%	Design work on Manchester Road Station has been commissioned. Design work on the Town to Turf Project is almost complete and a start on site is expected early in 2023, the spend profile is being reviewed and will be updated in next quarter monitoring. Enabling works have commenced on Newtown Mill with the main contract due to commence in August, again the spend profile will be updated in 2023.
31,443,266		-	-	-	31,443,266	1,288,305	4%	

FINANCE & PROPERTY

Leisure Centre Improvements	149,297			-	149,297	18,036	12%	A programme of works has been identified with the Trust and will be completed in order of priority over this financial year. The works associated with the sauna at Padiham Leisure Centre was completed in March 2022.
Building Infrastructure	1,027,475	25,000		25,000	1,052,475	48,483	5%	Burnley Town Hall works have been halted temporarily due to a significant structural issue above the main entrance. A specialist conservation structural engineer has been appointed and is advising on a solution. Once this has been rectified the remaining scaffolding will be amended and the final stone-work repairs will be completed. As soon as the final cost have been identified and a timetable set this will be reported back on. A programme of works has been identified for the remainder of the budget and will be completed in order of priority over this financial year.

Scheme Name	Budget per Exec 13/07/22 £	Adjustments Per This Report		Changes to be	Revised Budget £	Total Spend as at 30/06/22 £	% Schemes Spend	Narrative provided by Project Officers/Heads of Service
		Budget	Reprofiled into	approved in				
		Adjustments	Future Years	this report				
A	B	A + B	£	£	£	£		
Charter Walk Refurbishment	1,179,871			-	1,179,871	8,367	1%	Contracts were exchanged 07/10/21 and the sale completed 20/10/21. The purchase price was £20.7m plus taxes and professional fees. The £1.2m is set aside for capital works that will be profiled into future years.
Charter Walk Property Maintenance	50,000			-	50,000	-	0%	Ongoing maintenance work to be undertaken arising from building condition surveys.
Carbon Reduction Measures	159,610			-	159,610	-	0%	This budget will provide funding to progress initiatives included within the Council's Climate Change Strategy
IT Upgrades	7,000			-	7,000	3,650	52%	To replace circa 65 tablets (iPads) used by members and officers to access electronically meeting agenda papers and reports. Currently iPads are being replaced in batches. Ten were recently purchased (approx. £3,600 CAPEX expenditure) and issued to new members and as upgrades/ replacements for other members.
Audio & Visual Upgrade to Facilitate On-line Meetings	100,000			-	100,000	-	0%	Replacement of the delegate public address and induction loop systems in the Council chamber and public gallery; plus, the installation of an electronic delegate voting system and display and fixed cameras to facilitate the live streaming of Council meetings. Currently the audio visual upgrade to the Council Chamber is on hold whilst the dry rot repairs are carried out. It is anticipated that this project will proceed in Q4 2022/23
	2,673,253	25,000	-	25,000	2,698,253	78,536	3%	

HOUSING & DEVELOPMENT CONTROL

Emergency Repairs	120,000			-	120,000	42,046	35%	Further grants are committed which should complete by the end of the financial year to meet the allocated budget.
Better Care Grant	2,000,000			-	2,000,000	529,650	26%	As the Home Improvement Agency develops more new grants including the handy person scheme, the whole scheme will be delivered to meet the £2 million budget.
Energy Efficiency	40,000			-	40,000	11,300	28%	We are predicting to complete 125 grants this year which would exceed the current budget. To date we have received 23 enquiries although this is likely to increase as we move into the autumn and winter months. We will review the budget further at the end of quarter 2.
Empty Homes Programme	1,300,000			-	1,300,000	323,921	25%	The programme is targeting another 20 acquisitions this year and bringing 90 properties back in to use. Renovation costs are still increasing due to cost increases with materials. We have had 9 loan applications this year so far which is a good start, further advertising for the updated loan scheme will be going out in the next selective licensing newsletter. We have recently sold several properties to Calico as part of their Phase 3 work in and around Burnley Wood and we are looking to sell one just acquired by CPO. Offers have been accepted on 2 properties with another almost ready for sale Renovations are underway at 2 properties with more being prepared and going out to tender in July. We are also looking at the possibilities for using renewable energy in the properties we renovate and now have assessments done on all properties to see if any renewables are recommended. An Executive report is due to be taken in July for more CPOs and aesthetic improvements.
	3,460,000	-	-	-	3,460,000	906,917	26%	
	41,408,311	25,000	-	25,000	41,433,311	2,385,593	6%	

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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 Scheme	152,001	-	-	-	88,636	-	63,365	152,001
Vehicle and Machinery Replacement	175,186	-	175,186	-	-	-	-	175,186
Changing Place	43,469	-	-	-	-	-	43,469	43,469
Crematorium Improvements	132,000	132,000	-	-	-	-	-	132,000
Extension of Burnley Cemetery	25,000	25,000	-	-	-	-	-	25,000
Scott Park HLF	25,000	-	-	-	25,000	-	-	25,000
Memorial Park Improvements	146,042	-	-	-	39,000	-	107,042	146,042
Playing Pitch Improvements	370,600	-	-	-	-	-	370,600	370,600
Towneley Hall Works	2,506,217	2,506,217	-	-	-	-	-	2,506,217
Brun Valley Forest Park	22,787	-	-	-	-	-	22,787	22,787
Worsthorne Recreation Ground Improvements	2,780	-	-	2,780	-	-	-	2,780
Thompson Park Restoration	24,918	-	-	24,918	-	-	-	24,918
Stoops Wheeled Sport	925	-	-	925	-	-	-	925
Refill Fountains	5,000	-	5,000	-	-	-	-	5,000
Prairie Artificial Turf Pitch	15,841	-	-	15,841	-	-	-	15,841
	3,647,765	2,663,217	180,186	44,463	152,636	-	607,263	3,647,765
Streetscene								
River Training Walls	84,698	-	-	-	84,698	-	-	84,698
Alleygate Programme	26,872	-	-	-	26,872	-	-	26,872
Electric Vehicle Charging Scheme (Council Match Funding)	50,000	-	-	-	50,000	-	-	50,000
Safer Streets	22,457	-	-	22,457	-	-	-	22,457
	184,027	-	-	22,457	161,570	-	-	184,027
Economy & Growth								
Padiham Townscape Heritage Initiative	631,042	-	-	486,988	5,905	-	138,149	631,042
Pioneer Place	14,833,842	11,017,596	-	3,816,246	-	-	-	14,833,842
NW Burnley Growth Corridor - Phase 2	716,276	-	-	716,276	-	-	-	716,276
Lower St James Street Historic Action Zone	1,017,291	238,455	185,000	379,263	-	-	214,573	1,017,291
Finsley Wharf & Canal Towpath Improvements	34,000	-	34,000	-	-	-	-	34,000
Vision Park	24,506	-	-	17,853	6,653	-	-	24,506
Town Centre & Weavers Triangle Project Work	623,370	625,574	-	-	(2,204)	-	-	623,370
Leveling Up Fund	13,014,613	-	-	13,014,613	-	-	-	13,014,613
Sandygate Halls (Commercial Units & Car Parking)	190,588	190,588	-	-	-	-	-	190,588
Burnley-Pendle Growth Programme	300,000	-	300,000	-	-	-	-	300,000
Former Open Market & Former Cinema Block	57,738	57,738	-	-	-	-	-	57,738
	31,443,266	12,129,951	519,000	18,431,239	10,354	-	352,722	31,443,266
Finance & Property								
Leisure Centre Improvements	149,297	100,000	-	-	49,297	-	-	149,297
Building Infrastructure	1,052,475	317,428	49,500	-	660,547	-	25,000	1,052,475
Carbon Reduction Measures	159,610	159,610	-	-	-	-	-	159,610
IT Upgrades	7,000	-	-	-	7,000	-	-	7,000
Audio & Visual Upgrade to Facilitate On-line Meetings	100,000	-	100,000	-	-	-	-	100,000
Charter Walk Refurbishment	1,179,871	1,179,871	-	-	-	-	-	1,179,871
Charter Walk Property Maintenance	50,000	-	50,000	-	-	-	-	50,000
	2,698,253	1,756,908	199,500	-	716,844	-	25,000	2,698,253
Housing & Development Control								
Emergency Repairs	120,000	-	-	120,000	-	-	-	120,000
Better Care Grant	2,000,000	-	-	2,000,000	-	-	-	2,000,000
Energy Efficiency	40,000	-	-	40,000	-	-	-	40,000
Empty Homes Programme	1,300,000	-	-	-	-	1,300,000	-	1,300,000
	3,460,000	-	-	2,160,000	-	1,300,000	-	3,460,000
TOTAL OF ALL SCHEMES	41,433,311	16,550,077	898,686	20,658,159	1,041,404	1,300,000	984,985	41,433,311

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CAPITAL RECEIPTS AND CONTRIBUTIONS ANALYSIS FOR 2021/22 + CIP 2022-27

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 2022	2,317,666	638,187	408,380	351,437	3,715,670
Add					
Resources Received as at 30 June 2022	-	175,866	(203,207)	(26,659)	(54,000)
Further Resources Estimated to be Received during 2022/23:	507,500	1,124,134	-	720,558	2,352,192
Potential Resources Available during 2022/23	2,825,166	1,938,187	205,173	1,045,336	6,013,862
Less					
Required to Finance Capital Programme	(1,041,404)	(1,300,000)	(71,500)	(913,485)	(3,326,389)
Earmarked for Revenue Expenditure	-	-	-	-	-
Earmarked for Delivery By Outside Bodies	-	-	-	-	-
Estimated Surplus / (Shortfall) of Resources as at 31st March 2023	1,783,763	638,187	133,673	131,851	2,687,473
Add Resources Estimated to be Received during 2023/24	100,000	1,290,000	-	425,141	1,815,141
Less 2023/24 Capital Budget	(1,112,660)	(1,300,000)	-	(425,141)	(2,837,801)
Estimated Surplus / (Shortfall) of Resources as at 31st March 2024	771,103	628,187	133,673	131,851	1,664,813
Add Resources Estimated to be Received during 2024/25	100,000	1,336,000	-	546,360	1,982,360
Less - 2024/25 Capital Budget	(245,472)	(1,300,000)	-	(546,360)	(2,091,832)
Estimated Surplus / (Shortfall) of Resources as at 31st March 2025	625,631	664,187	133,673	131,851	1,555,341
Add - Resources Estimated to be Received during 2025/26	100,000	1,360,000	-	15,000	1,475,000
Less - 2025/26 Capital Budget	(219,420)	(1,300,000)	-	(15,000)	(1,534,420)
Estimated Surplus / (Shortfall) of Resources as at 31st March 2026	506,212	724,187	133,673	131,851	1,495,922
Add - Resources Estimated to be Received during 2026/27	100,000	1,292,000	-	15,000	1,407,000
Less - 2026/27 Capital Budget	(221,350)	(1,300,000)	-	(15,000)	(1,536,350)
Estimated Surplus / (Shortfall) of Resources as at 31st March 2027	384,862	716,187	133,673	131,851	1,366,572

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REPORT TO THE EXECUTIVE



DATE	21 September 2022
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Amy Johnson
TEL NO	(01282) 425011 ext 3162
EMAIL	ajohnson@burnley.gov.uk

Revenue Budgets 2023/2026 – Latest Position and Savings Proposals

PURPOSE

1. To update The Executive on the latest position regarding balancing the Council's 2023/26 revenue budgets.
2. To outline proposed savings for recommendation to Full Council.

RECOMMENDATION

3. The Executive are asked to note -
 - a) savings approved at previous Full Council meetings totalling £23k (see Section 7 below) to assist in balancing the 2024/25 revenue budget - see Appendix 1
 - b) further proposed savings totalling £198k to assist in balancing the 2023/26 revenue budgets - see Appendix 1

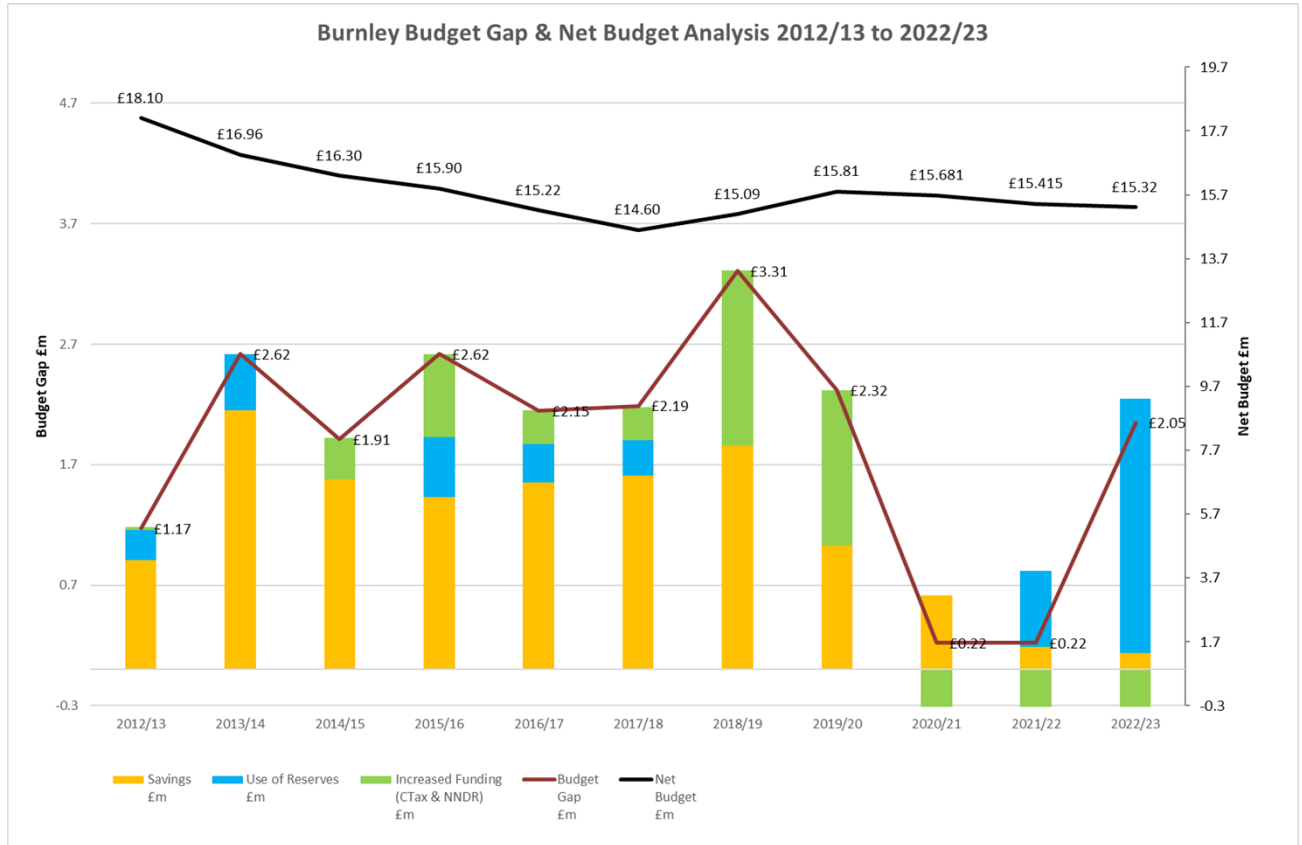
REASONS FOR RECOMMENDATION

4. To progress the preparation of the Council's 2023/24 revenue budgets.

SUMMARY OF KEY POINTS

5. **Background**
The Council's Medium-Term Financial Strategy (MTFS) is regularly assessed and updated to provide an indication of budget pressures over the next three financial years.

Since 2010 the Government has reduced settlement funding for Local Government, with the Council's settlement funding reducing 57% (£9.4m) from 2010 to 2023. During this period of austerity, to balance the budget the Council has delivered savings of £24.78m, as shown below:



6. MTFS Position as at February 2022

The 2023/26 strategy was approved at the meeting of Full Council on 23 February 2022 and indicated that the cumulative budget gap for 2023/24, 2024/25 and 2025/26 was estimated to be £2.5m, equivalent to 15.4% of the 2021/22 net revenue budget of £16.151m (£15.97m including parish precepts).

The Councils MTFS for 2023/26 reported in February 2022 was based upon the assumptions known at that date. The estimated budget gap at that point in time is shown in the table below:

Table 1: MTFS position before saving proposals as at February 2022

MTFS	2023/24 £m	2024/25 £m	2025/26 £m	Total £m
Continuation estimate	0.4	0.6	0.6	1.6
Funding	0.3	0.3	0.3	0.9
Budget Gap	0.7	0.9	0.9	2.5

The assumptions underpinning the figures above are as follows:

- i) Council tax will increase by 1.99% each year
- ii) No increase has been factored in for non-inflationary changes in Council Tax base; business rates or additional New Homes Bonus.
- iii) Average 2% reduction in core spending power
- iv) Transitional funding to replace the loss of Revenue Support Grant (RSG) and New Homes Bonus (NHB)
- v) Pay award assumed at 2.5% per annum and fees and charges income at 2% per annum

7. **Revised MTFS Position as at September 2022**

The MTFS is a fluid document which is regularly reviewed and assessed. The latest review has resulted in a reduction to the estimated budget gap of £0.2m, with the cumulative budget gap now estimated at £2.3m, equal to 15.2% of the 2022/23 revenue budget of £15.153m (£15.322m including parish precepts).

The current high levels of inflation and the proposed pay award for 2022/23 will result in additional spending pressures for the Council as well as potential reductions in fees and charges income as the cost-of-living crisis impacts on residents of the borough. It is however anticipated that additional Central Government funding will be provided to Local Authorities (rather than previous forecast average 2% reduction in core spending power) to help mitigate the impact of the current high levels of inflation and the proposed pay award for 2022/23.

A multi-year spending review was proposed for the 2021/22 – 2023/24 financial years, however in October 2020 the Government announced that this spending review was to be delayed a further year until 2022/23 and replaced with a shorter one-year spending review for 2021/22 only. The multi-year spending review has since been delayed further to 2023/24 and therefore the council received ‘one year’ settlements for the 2021/22 and 2022/23 financial years. The Government has indicated that the 2023/24 settlement will be a two-year settlement, for the 2023/24 - 2024/25 financial years.

Under the spending review the Government had proposed to revise the methodology for allocating funding to Councils, including changes to the current business rates system and a Fair Funding Review, however no further details or indicative allocations have been received.

The latest estimate of the budget gap for the period 2023/26 can be seen below:

Table 2: MTFS position before saving proposals as at September 2022

MTFS	2023/24 £m	2024/25 £m	2025/26 £m	Total £m
Continuation estimate	2.0	0.9	0.8	3.7
Funding	(0.7)	(0.4)	(0.3)	(1.4)
Budget Gap	1.3	0.5	0.5	2.3

The assumptions underpinning the figures in Table 2 are as follows:

- i) Council tax will increase by 1.99% each year;
- ii) An increase to the council tax base of 0.25%;
- iii) No changes have been assumed regarding changes in Council Tax Support numbers or to scheme contribution levels;
- iv) No increase has been factored in for inflationary changes in business rates or additional New Homes Bonus;
- v) An assumed average 4% increase in core spending power for 2023/24, decreasing to 2% in 2024/25 and 0% in 2025/26;
- vi) We are currently members of the Lancashire Business Rates Pool which is a 50% retention scheme. It has been assumed that we will continue to be members and benefit from the scheme as we retain an element of business rates growth. It is understood at this moment that all constituent members of the Pool have confirmed membership for 2023/24;
- vii) Pay award has been assumed at 5% per annum in 2023/24 and 3% in 2024/25 and 2025/26;
- viii) An increase to all fees and charges at 5% in 2023/24, dropping to 2% in 2024/25 and 2025/26;
- ix) Contractual and general inflationary increases of 10% in 2023/24, dropping to an average 6% in 2024/25 and 3% in 2025/26;

8. **Savings Proposals**

The Council's financial plan considers the national and regional context and the need to re-balance the economy. However, at the heart of the Council's financial planning is a savings plan aligned to strategic intent. In considering opportunities for future savings, the Council has ensured that they are aligned to each of the themes contained within its strategic intent.

Appendix 1 shows details of proposed total net savings of £198k for 2023/24. No savings involve a reduction in staffing.

In addition, £23k of savings were approved at previous Full Council meetings for the 2024/25 financial year.

Total savings identified for 2023/24 to 2025/26 will therefore be £221k.

The Council currently contributes £348k into the Pensions Reserve to help mitigate the potential impact of an increase in pension contributions following the triennial revaluation which will come into effect in 2023/24. Depending on the outcome of the revaluation, this reserve contribution may no longer be needed and could be used as a savings proposal. However, any increase in pension contributions would further increase the budget gap and no saving would be achieved. The Council should

receive an indication from the Actuary in the autumn and the budgetary position will be assessed at that point.

All the proposals have been assessed in relation to equalities legislation, and it has been established that there is no disproportionate impact on people with protected characteristics. See Appendix 2 for details.

9. **Latest 2020/23 Revenue Budget Position**

It can be seen in the table 2 at paragraph 7 above that there is an overall savings requirement of £2.3m over the period 2023/26.

The savings recommended for approval in Appendix 1 total £198k which, together with the £23k of savings already approved, leaves a balance of savings required over the period 2023/26 at this stage of £2.1m, as shown in table 3 below.

The budget gap of £2.1m is based on the assumption of an average 4% increase to Core Spending Power in 2023/24, reducing to a 2% increase in 2024/25 and a 0% increase in 2025/26. However table 3 also demonstrates how the budget gap could change should the Government agree to either a 6%, 2%, or 0% increase of Core Spending Power.

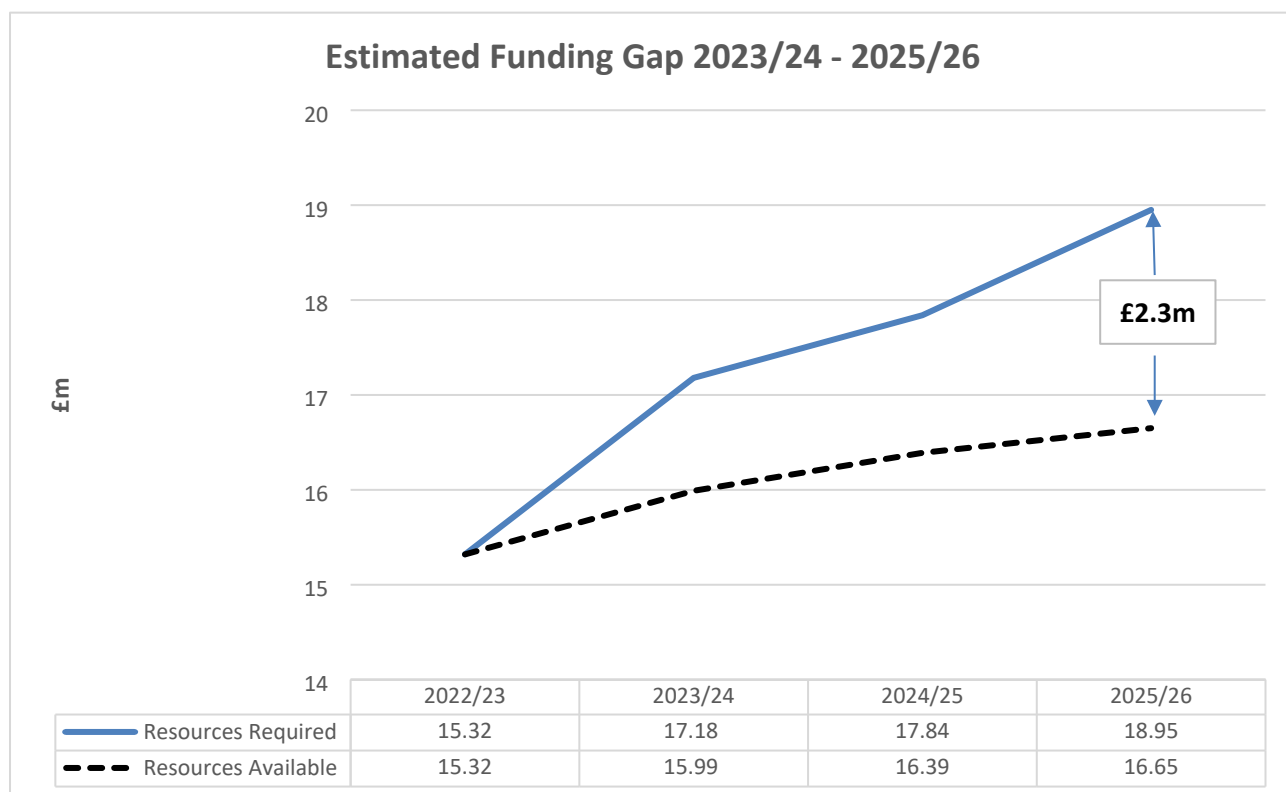
Table 3: MTFS position after savings proposals as at September 2022

MTFS	2023/24 £m	2024/25 £m	2025/26 £m	Total £m
Continuation estimate	2.0	0.9	0.8	3.7
Funding	(0.7)	(0.4)	(0.3)	(1.4)
Savings	(0.2)	(0.0)	(0.0)	(0.2)
Budget Gap	1.1	0.5	0.5	2.1
2023/26 Funding Scenarios				
Funding – 6% increase in core spending power	(0.9)	(0.7)	(0.7)	(2.3)
Budget Gap	0.9	0.2	0.1	1.2
Funding - 2% increase in core spending power	(0.5)	(0.4)	(0.4)	(1.3)
Budget Gap	1.3	0.5	0.4	2.2
Funding - 0% increase in core spending power	(0.4)	(0.3)	(0.4)	(1.1)
Budget Gap	1.4	0.6	0.4	2.4

Budget gaps of £1.1m for 2023/24, £0.5m for 2024/25 and £0.5m for 2025/26 remain.

Proposals to meet the 2023/24 balance of savings required will be taken to Full Council for approval in February 2023.

The chart below shows the estimated budget gap between the councils spend requirement and assumed funding over the period 2023/26:



Risks and Sensitivity

10. A sensitivity analysis of some of the assumptions made in Section 7 can be seen below:

Assumption	Sensitivity Analysis	2023/24 Financial Impact
Council tax will increase by 1.99% each year	+/- 1%	+/- £74k
An increase to the council tax base of 0.25%	+/- 0.25%	+/- £19k
Pay award has been assumed at 3% per annum (Burnley BC, Liberata, Burnley Leisure & Urbaser)	+ 1%	+ £159k
Contractual and general inflationary increases of 10%	+ 1%	+ £119k

a) Funding changes – It is uncertain at this stage how changes to Local Government funding will impact on the Council's funding in future years. The Government is in the process of revising the methodology for allocating funding to Councils from 2023/24 onwards, this includes changes to the current business rates system together with a Fair Funding Review. The Government has recently announced that the spending review will be delayed to 2023/24 and the 2023/24 settlement

will be for a two-year period. Details of this review are yet unknown and therefore funding levels as per 2022/23 have been assumed for 2023/24.

The funding settlement is usually based on September's CPI which is published in October each year. CPI is currently 10.1% (July 2022). Due to the uncertainty around the budget settlement, we have assumed an average 4% increase in core spending power as the budget settlement for Burnley is usually below the England average, as can be seen in the table below:

TABLE A SPENDING POWER REDUCTION / (INCREASE)		
Year	Burnley (%)	England Average (%)
2016/17	4.4	2.1
2017/18	3.9	(1.3)
2018/19	3.3	(1.8)
2019/20	1.5	(2.5)
2020/21	(3.5)	(6.0)
2021/22	(2.6)	(2.8)
2022/23	(5.9)	(6.9)

- b) Salary costs – the 2022/23 pay award is currently under negotiation with the employer's side offering a one year pay agreement of £1,925 across all pay points. This equates to an average 7.3% increase. It has been assumed for the purpose of the MTFS that this pay award will be agreed. An annual pay increase of 5% has been factored into the budget assumptions for 2023/24 reducing to 3% from 2024/25 onwards.
- c) Capital projects – any projects under consideration require funding. If there is a shortfall in capital finance for these projects, then pursuing them and using borrowing will significantly increase the revenue budget. The revenue implications will be considered as part of the monitoring of the Capital Programme.

Work is currently ongoing on the Pioneer Place development which represents significant long-term costs for the Council and will require a significant amount of borrowing over 50 years, with payback very dependent on the successful income levels of the scheme. This carries significant financial risk for the authority and is an important element of the financial horizon of this Council.

- d) Budget preparation – The preparation of the 2023/24 budget is currently being undertaken. Issues may arise from the exercise that could have an impact on the 2023/24 budget and future years.
- e) Public demand on commercial risks – An element of the savings proposals has arisen in response to the change in the Council's commercial risk appetite. Fees and charges are a significant element of the Council's funding and can be subject to fluctuations between years due to competition, weather and the performance of

the economy. This will be closely monitored during the year to ensure that targets are being achieved.

- f) Inflation – inflation is expected to peak at around 13% by the end of the calendar year. An increase of 10% has been factored into the Council’s current contract costs, however any increases in excess of those forecast will result in further spending pressures.
- g) Cost of living – the current cost of living crisis may have an impact on income collection, specifically around fees and charges and council tax & business rates collection. Income monitoring is currently ongoing in 2022/23 and any potential shortfalls will be factored in to the 2023/24 budget.
- h) Energy costs – the Council’s pre-buys it’s energy in October each year for use over the following 12 months as part of the Crown Commercial Services energy framework. Due to the increasing costs of energy, this will impact on the 2023/24 budget. The Council established an Energy Volatility Reserve in 2021/22 to help mitigate future fluctuations in energy costs, however it is likely that the increase in costs will exceed the reserve balance.
- i) Interest rates – interest rates have been at a historical low for the last few years, with the bank rate remaining at 0.25% from early 2020 until March 2022. However in an attempt to slow the increasing rates of inflation the Bank of England has increased the bank rate by 1.5% in 4 tranches over the period March 2022 to August 2022, from 0.25% to 1.75%. Any increases would have implications on the Council’s revenue budget in future years where there is a requirement to finance future capital schemes from borrowing.
- j) Covid-19 – Uncertainty around the long-term impact of Covid-19 on the UK economy. Especially around the collection of income and further spending pressures.
- k) Brexit – Uncertainty around the impact of Brexit and whether the UK invokes article 16 around the trading arrangements in Northern Ireland which has the potential to result in a no-deal Brexit.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

11. As shown in the body of the report and appendices.

POLICY IMPLICATIONS

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

DETAILS OF CONSULTATION

13. Scrutiny Committee.

BACKGROUND PAPERS

14. None

FURTHER INFORMATION

PLEASE CONTACT:

Howard Hamilton-Smith - Head of Finance & Property

ALSO:

Amy Johnson – Finance Manager

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	2023/24 £'000	2024/25 £'000	2025/26 £'000	TOTAL £'000
Budget Gap (a)	1,259	496	543	2,298
Savings Approved				
Income generation/savings approved at previous council meetings	-	23	-	23
	-	23	-	23
Proposed Savings (see below)				
Staffing Savings	-	-	-	-
Non-Staffing Savings	198	-	-	198
	198	-	-	198
Total Savings (b)	198	23	-	221
Remaining Budget Gap - Savings to be identified (a-b)	1,061	473	543	2,077
Proposed Savings (detail)				
Staffing Savings				
Nothing to report	-	-	-	-
	-	-	-	-
Non-Staffing Savings				
Reduced advertising and marketing budgets - Economy & Growth	20	-	-	20
Bereavement Services Cremation fee increase of £50 over the proposed corporate fees and charges increase to reflect increase in energy costs	80	-	-	80
Replace Greenspaces diesel vehicles due for renewal with electric vehicles	10	-	-	10
Additional lease income for Towneley Park concessions	29	-	-	29
Growth in the Commercial Waste service	30	-	-	30
Growth in the Garden Waste service	29	-	-	29
	198	-	-	198
Total Savings Proposals	198	-	-	198

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APPENDIX 2 - SUMMARY OF EQUALITY IMPACT ASSESSMENT

REVENUE BUDGET SAVINGS PROPOSALS 2023/24

1.	Title of EIA	Equality Impact Assessment – Revenue Budget Savings Proposals 2023/24
2.	Person responsible for the assessment	Rob Dobson
3.	Contact details	01282 475842 rdobson@burnley.gov.uk
4.	Date of assessment	06/09/2022

An equality impact assessment has been carried out in respect of the proposals presented to Full Council in September 2022. This document summarises the results of this work. A further equality impact assessment in relation to the impact of the detailed proposals on the workforce will be presented to a future meeting of the Executive, once these are drawn up, and before decision making on that issue.

The outcome of this equality impact assessment is that all proposals being currently considered for savings in 2023/24 – 2025/26 are neutral in terms of their impact on people with protected characteristics under equalities legislation.

OBJECTIVE

1.	What is the main purpose of the project?	To set a budget for the council in 2023/24 that: <ul style="list-style-type: none">• is in line with the agreed Medium Term Financial Strategy;• responds to the financial challenges facing the council;• enables the council to continue its focus on agreed priorities.
2.	Who are the main stakeholders?	Stakeholder analysis showed that the main stakeholders are Burnley Council's: <ul style="list-style-type: none">• service users• residents/Council tax payers• Councillors; and• Council employees.

3.	How are they expected to benefit?	Through the council ensuring a sustainable future for its services through good financial management and transparent decision making to determine priorities.
4.	How will the change be implemented?	The budget will be agreed through decision making structures and processes in line with the council constitution. The agreed budget in 2023/24.
6.	Is the responsibility for the proposed function shared with another department or authority or organisation?	The decisions on council budget rest with the council.

A. DATA COLLECTION

1.	Approach and background to EIA analysis, including data collection	Budget proposals drawn up by service managers.
2.	What monitoring data do you have on the number of people (from different equality groups) who are using and could be impacted upon by the change in function?	Various data sources are held, including: <ul style="list-style-type: none"> • Analysis of workforce profile • Analysis of services • Census data.

B. COMMUNICATION AND INVOLVEMENT

1.	What information has assisted in completing this EIA?	Guidance including information contained on the Equalities and Human Rights Commission website has been considered.
2.	What communications activities have assisted in completing this EIA?	There has been consultation on the principles underlying the council's Medium Term Financial Strategy, and comments from that consultation have been considered during the EIA work.

Group	Area/s of impact	Positive impact	Negative impact – specified as high, medium or low	Neutral impact	Reason
Age	All areas of impact ¹			X	All impacts in respect of people in this group were identified as neutral.
Disability	All areas of impact			X	All impacts in respect of people in this group were identified as neutral.
Gender reassignment	All areas of impact			X	All impacts in respect of people in this group were identified as neutral.
Marriage and civil partnership	All areas of impact			X	All impacts in respect of people in this group were identified as neutral.
Pregnancy / and maternity	All areas of impact			X	All impacts in respect of people in this group were identified as neutral.
Ethnicity	All areas of impact			X	All impacts in respect of people in this group were identified as neutral.
Religion and belief	All areas of impact			X	All impacts in respect of people in this group were identified as neutral.
Sex (gender)	All areas of impact			X	All impacts in respect of people in this group were identified as neutral.
Sexual orientation	All areas of impact			X	All impacts in respect of people in this group were identified as neutral.

¹ 'All areas of impact' refers to the detailed list of proposed revenue budget savings proposals 2023/24

Equality impact assessment action plan

No significant change to front line services. Therefore, it is not anticipated that there will be a negative impact on people with protected characteristics. No mitigating actions arising therefore.