

EXECUTIVE

Tuesday, 11th December, 2018
6.30 pm





EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 11th December, 2018 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 Monitoring Officer 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.

AGENDA

1) Apologies

To receive any apologies for absence

2) Minutes

5 - 10

To approve as a correct record the Minutes of the meeting held on 28th November 2018

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

7) *Burnley Physical Activity and Sports Strategy* 11 - 42

To seek approval of Executive to adopt the Burnley Physical Activity and Sport Strategy 2018 – 2023.

8) *Shopfront and Advertisement Design Supplementary Planning Document (SPD)* 43 - 102

The purpose of this report is to seek approval to undertake formal public consultation on a draft Shopfront and Advertisement Design Supplementary Planning Document (SPD).

9) *Food (Official Controls) Delivery Plan (Reviewed 2019-20)* 103 - 124

In order to meet statutory requirements the Council's Environmental Health and Licensing Team is responsible for Food Safety enforcement and the Council must have in place approved plans.

10) *Health and Safety Intervention Plan (Reviewed 2018-19)* 125 - 144

The regulatory team responsible for Health & Safety at Work enforcement and the Council must have in place an intervention plan to meet the requirements of statutory guidance.

11) *Statement of Principles Gambling Act 2005 Policy for 2019-21* 145 - 186

To consider the Council's Gambling Act 2005 Policy for 2019-21 as part of the Council's formal consultation process.

12) *Exclusion of the Public*

To determine during which items, if any, the public are to be excluded from the meeting and to consider the exclusion of the public from the meeting before discussion takes place on the following items of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972.

PRIVATE ITEMS

Details of any representations received by the Executive about why any of the following reports should be considered in public – None received.

Statement in response to any representations – Not required
13) *Sale of Plot 1, Balderstone Lane* 187 - 190

To seek approval for the sale of 4.75 acres of land at Balderstone Lane, Heasandford Industrial Estate, Burnley, shown for identification edged red on the plan contained in Appendix 1.

Information relating to the financial or business affairs of any particular

person (including the authority holding that information)

14) *Financing of Fitness Equipment for Burnley Leisure* 191 - 194

To seek approval for funding to replace the fitness equipment and refurbish the fitness and associated areas at St Peters Leisure Centre

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

15) *Banking Contract* 195 - 196

To update Members on progress made towards the agreement of a new banking contract and to secure banking services for the next 3 years in line with value for money requirements.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

16) *Workforce Planning* 197 - 202

To inform and seek agreement from the Executive to implement proposed workforce reductions, previously outlined at the Executive meeting on 18th September 2018, as part of the budget savings for 2019/20.

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.

MEMBERSHIP OF COMMITTEE

Councillor Mark Townsend (Chair)
Councillor John Harbour (Vice-Chair)
Councillor Sue Graham

Councillor Lian Pate
Councillor Asif Raja

PUBLISHED

Monday, 3 December 2018



EXECUTIVE

BURNLEY TOWN HALL

Wednesday, 28th November, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors M Townsend (Chair), J Harbour (Vice-Chair), S Graham, L Pate and A Raja

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Asad Mushtaq	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Imelda Grady	– Democracy Officer

58. Minutes

To approve the Minutes of the last meeting held on the 7th November 2018

59. Town Centre Masterplan

Purpose

To seek member approval to adopt the Town Centre and Canalside masterplan.

Reason for Decision

The Town Centre and Canalside Masterplan provides a vision for future development and the strategic context to give funders, landowners and private investors' confidence to invest. As a non-statutory masterplan it will have limited weight in determining planning applications.

Decision

- (1) That the adoption of the Town Centre and Canalside Masterplan linked as follows be approved-https://issuu.com/burnleygraphics/docs/r_pp_town_centre_masterplan_v2-1536 ; and

- (2) That the Strategic Head of Economy and Growth be authorised to make any necessary minor amendments to the Town Centre and Canalside Masterplan prior to publication.

60. Commercial Strategy 2019-20 (Fees and Charges)

Purpose

To inform Members of the Council's proposed fees and charges from 1 January 2019.

Reason for Decision

To set the Council's fees and charges from 1 January 2019 and assist in finalising the 2019/20 budget process.

Decision

That it be recommended to Full Council that;

- (1) The proposed tariff of fees & charges from 1 January 2019 be approved with an increase of 3% as outlined in Appendix A attached;
- (2) That the Head of Finance and Property be authorised, in consultation with the relevant Head of Service, to determine any new charges or changes to existing charges relating to the preparation and approval of the 2019/20 revenue budget;
- (3) That the Executive Portfolio Members be authorised to amend fees & charges periodically in their own area on the basis that overall income in their portfolio area remains the same as a minimum;
- (4) That the Strategic Head of Economy and Growth be authorised, in consultation with the Executive Member for Resources and Performance Management and the Head of Finance and Property, to adjust fees and charges in relation to the Markets service from time to time to reflect current trading conditions and the overall position of the market;and
- (5) That the Head of Housing and Development Control be authorised, in consultation with the Executive Member for Resources and Performance Management and the Head of Finance and Property, to adjust fees and charges in relation to statutory planning fees should Parliamentary confirmation be received.

61. Treasury Management 2018-19 Mid Year

Purpose

To report treasury management activity for the first half year of 2018/19 covering the period 1 April to 30 September 2018

Reason for Decision

To inform members of the treasury management activity in the first half of 2018/19 and to fulfil statutory and regulatory requirements.

Decision

- (1) That the treasury management activities undertaken during the period 1 April to 30 September 2018, be noted; and
- (2) That Full Council be recommended to endorse the mid-year update on Treasury Management Strategy for 2018/19 in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.

62. Thanks to the Finance Manager

Councillor Mark Townsend on behalf of the Executive expressed thanks to the Finance Manager, Howard Hamilton-Smith, for the help and due diligence he had provided during his time at the Council.

63. Exclusion of the Public

Purpose

To consider when it may be relevant to exclude the public from the meeting and clarify the order of the agenda.

Reason for Decision

Minute numbers 63 and 64 contain information relating to the financial or business affairs of any particular person (including the authority holding that information).

Decision

That the public be excluded from the meeting before discussion takes place on the items relating to Minutes 64 and 65 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 VA of the Local Government Act 1972.

64. On the Banks Development-Sandygate

Purpose

To seek approval to proceed with phase 4 of the "On the Banks" scheme with the development of a 139 bed student accommodation scheme.

For clarification the consultation with the Scrutiny Committee on this item would be at its meeting on 10th December 2018.

An all member briefing on this item and Pioneer Place would take place on 19th December 2018 prior to the Council meeting..

The report was also reformatted to correct the paragraph numbering as follows
paragraphs 38 – 42 become bullet points
paragraphs 43 – 70 be renumbered 38 – 64

Reason for Decision

The development of the On the Banks scheme is a key council priority and is identified in the Town Centre and Canalside Masterplan as a key project. The project will support the Council's Objectives on Place and Prosperity bringing back to use a redundant brownfield site and ensuring that the infrastructure is in place to enable UCLan to achieve its aims of growing the number of full time equivalent (FTE) students in Burnley to 4,000 by 2025 bringing considerable economic and social benefits to the borough. The options considered were to (1) do nothing, (2) UCLan to build student accommodation by itself, (3) Council to undertake the development by itself and (4) a joint arrangement between the Council and UCLan. Option 4 is considered the preferred option because it delivers the full socio-economic benefits associated with the growth of the UCLan campus, makes best use of UCLan's expertise in developing and managing student accommodation and the Council's risk exposure is reduced working with UCLan.

Decision

- (1) That the proposal and financial business case as set out in this report be approved;
- (2) That Full Council be recommended to approve the funding of the development as detailed in this report;
- (3) That Full Council be recommended that the project is included in the capital programme, as set out in Appendix 7;
- (4) That Full Council be recommended to approve the use of funds from reserves to cover projected budget deficits in years 1, 2 and 3 as set out in paragraph 43 of the report (as reformatted);
- (5) That the Strategic Head of Economy & Growth and the Head of Finance & Property be authorised to negotiate and agree terms for the relevant agreements;
- (6) That the Head of Legal and Democratic Services be delegated authority in consultation with the Strategic Head of Economy and Growth to negotiate and enter into the Design and Build Contract and collateral warranties as appropriate with Barnfield Construction Ltd. for the delivery of the capital works;
- (7) That the direct appointment of MACE be approved pursuant to the Crown Property Services Framework to deliver specialist cost consultancy, contract administration and surveying services;
- (8) That the direct appointment of DAC Beachcroft be approved pursuant to the North West Legal Consortium Framework to provide specialist legal services for the project;
- (9) That the Chief Operating Officer be given delegated authority to conclude negotiations and enter into a Services Agreement with UCLan as set out in para 26;
- (10) That the Strategic Head of Economy and Growth be given delegated authority in consultation with Head of Finance and Property to negotiate and agree the terms of occupational leases for units 1-3;and

(11) That the Head of Legal and Democratic Services be authorised to execute all legal agreements necessary to give effect to this decision.

(12) It was noted that the Scrutiny Committee would be consulted on this report at its meeting on 10th December 2018; and

(13) That an all member briefing on “On the Banks” scheme and Pioneer Place would be held on 19th December 2018 prior to the Council meeting.

65. Pioneer Place

Purpose

To seek approval for the development proposals at Curzon Street (Pioneer Place) and Manchester Road.

For clarification the consultation with the Scrutiny Committee on this item would be at its meeting on 10th December 2018.

An all member briefing on this item and “On the Banks” scheme would take place on 19th December 2018 prior to the Council meeting.

Reason for Decision

Approving this recommendation will enable the Council to deliver a major new town centre regeneration scheme, which is a key project in the draft Burnley’s Town Centre & Canalside Masterplan and in the Town Centre Strategy 2016.

The opportunity for a major leisure-led mixed use development in the Town Centre will bring new visitors into the town centre during both the day and night time. It is also key to the future development and growth of UCLAN, who see this development as essential in terms of providing a competitive student experience.

The scheme will produce the following economic benefits:-

- 300 Full Time Equivalent Jobs, plus temporary construction jobs
- £13m Gross Value Added per annum
- £400,000 additional business rates per annum, of which the Council would potentially receive around 20% of this as growth.

This is a major strategic project for the Council, helping to transform the town centre and Burnley as a place of choice for residents, visitors and investors.

Decision

- (1) That the proposal and financial business case as set out in this report be approved;
- (2) That Full Council be recommended to approve the funding of the development, including the acceptance of grant funding from Lancashire County Council, as detailed in the Financial Implications Section of the report;
- (3) That Full Council be recommended that the project is included in the

capital programme, as set out in the Financial Implications Section of the report;

(4) That it be noted that before construction will commence the scheme requires:

- i. a pre-let to be completed for the new supermarket on Manchester Road;
- ii. a pre-let to be completed for the new cinema on Pioneer Place; and
- iii. pre-lets to be completed for 75% of the remaining units on Pioneer Place including Unit 2 adjacent the cinema, with the said pre-lets achieving a minimum of 75% of the estimated full rent payable;

(5) That the Strategic Head of Economy & Growth and the Head of Finance & Property be authorized to negotiate and agree terms for the relevant agreements (including ancillary property documentation to the relevant occupiers);

(6) That the Head of Finance & Property be authorised to complete all financial documents necessary to give effect to this decision; and

(7) That the Head of Legal & Democratic Services be authorised to complete all legal documents necessary to give effect to this decision (including appropriation of any land under Section 122 of the Local Government Act 1972, to enable disposal pursuant to section 233 of the Town and Country Planning Act 1990).

(8) It was noted that the Scrutiny Committee would be consulted on this report at its meeting on 10th December 2018; and

(9) That an all member briefing on Pioneer Place and On the Banks would be held on 19th December 2018 prior to the Council meeting.

REPORT TO EXECUTIVE



DATE	11th December 2018
PORTFOLIO	Housing and Leisure
REPORT AUTHOR	Simon Goff
TEL NO	01282 477223
EMAIL	sgoff@burnly.gov.uk

Together an Active Burnley; the Burnley Physical Activity and Sport Strategy

PURPOSE

1. To seek approval of Executive to adopt the Burnley Physical Activity and Sport Strategy 2018 – 2023.

RECOMMENDATION

2. That the Executive is recommended to adopt the Burnley Physical Activity and Sport Strategy 2018 – 2023.

REASONS FOR RECOMMENDATION

3. Adoption of the Strategy will coordinate the work of partners to achieve the vision of improving lives and will help to secure external funding to deliver the vision.

SUMMARY OF KEY POINTS

4. Together an Active Burnley sets out a 5-year vision for sport and physical activity in Burnley and development of the Strategy has been overseen by the Burnley Activity and Well Being Partnership. A copy of the Strategy is attached as Appendix 1.
5. The Strategy identifies that physical inactivity is a major cause of early death and that Burnley has high levels of inactivity with more than 40% of adults not being sufficiently active. This contributes to 68% of adults being classified as overweight or obese. The lack of activity also affects children and young people, with 23.4% of children in year 6 (age 11) classified as obese across Pennine Lancashire.
6. The Strategy also identifies that a lack of physical inactivity poses a serious and growing danger to society; it damages health, economy and the environment and limits the educational attainment and future lives of children.
7. The good news is that 58% of adults do want to do more sport and physical activity

and that increasing physical activity will help us to live longer and improve our mental wellbeing and will reduce risks of many long-term conditions such as heart disease, diabetes, cancer and dementia.

8. The challenge is to help people to become more active and the Strategy sets out the following vision:

Improving lives through physical activity and sport:

Burnley will be a place where the choice to be active is easy, attractive and enjoyable

9. The Strategy sets out actions under three key priorities:

1. People

A people driven approach across the lifecourse to making the choice to move more easy, accessible and enjoyable

2. Place

Improving communities with the best places and environments to be active

3. Prosperity

Maximise the contribution of physical activity and sport to contributing to inclusive growth where everyone in Burnley is able to benefit from economic growth.

The Strategy also identifies actions under four key enablers

4. Policy

Lead policy and system change to support everyone in Burnley in leading a more active lifestyle

5. Workforce

A collaborative, customer focussed workforce who start with the customer in mind and work backwards

6. Insight and evaluation

Continuing to build our understanding of people and place, capturing and learning about what works and why, to support people to be more active

7. Communications

Ensure we get the right message from the right person to support in changing attitudes and behaviours towards physical activity and sport.

10. Implementing the Strategy

The Strategy's actions will be further developed by individual organisations and SMART measures of success will be identified. The overall action plan will be owned and developed by the by the Burnley Activity and Wellbeing Partnership, which has formally adopted the strategy.

The Burnley Activity and Wellbeing Partnership will also align its membership and terms of reference to provide appropriate oversight against priorities identified.

The Partnership will also consider the wider governance and reporting arrangements so that it effectively influences policy, infrastructure and organisational practices that constrain physical activity but which may be outside its direct control.

Under the heading of Together an Active Burnley, it is intended that partners will adopt the message and participate in a collaborative campaign as part of the Sport England Local Development Pilot for Pennine Lancashire – Together an Active Future, using Together an Active Burnley on all marketing and communications.

The Burnley Health & Wellbeing Partnership will launch Together an Active Burnley early in 2019.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

11. None arising directly from this report. However, the adoption of the Strategy will support funding applications that are made by partner organisations.

POLICY IMPLICATIONS

12. As identified in the report

DETAILS OF CONSULTATION

13. Extensive consultation with partner organisations as outlined in section 1.6 page 3 of the Strategy

BACKGROUND PAPERS

14. None.

FURTHER INFORMATION

PLEASE CONTACT:

Simon Goff: Extension 7223

ALSO:

Paul Foster
Head of Leisure Development
Burnley Leisure: Extension 7246

Together an Active Burnley: The physical activity and sport strategy for Burnley 2018-2023

Final

2018

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I. Introduction

- I.1. Together an Active Burnley sets a long-term vision for physical activity and sport in Burnley and how it can contribute to our priorities for improving life in the borough for all. This encompasses everything from creating the right environment so that the choice for the least active residents to build activity into their everyday lives in an easy and enjoyable one, through to creating the conditions for local residents to thrive, develop key life skills, and reach their potential through and in sport.
- I.2. We have some great assets to build from. These include the traditional ‘hotbed’ of community sports clubs and voluntary led activity such as parkrun; the strengths of our school sport and physical activity offer; the leisure facilities infrastructure we have in place; the natural environment providing a great place to be active; through to Burnley FC as a successful Premier League club with its roots firmly in the communities of the borough.
- I.3. However, there are some significant challenges. As a population Burnley is simply not active enough. Too many people aren’t building physical activity into their everyday lives, and we know there are huge inequalities that exist based on social background, economic disadvantage, age, gender, and ethnicity. As a result, too many residents are not living a healthy life to the full and are dying too young.
- I.4. People have a choice to be active and we need to work with communities to make physical activity an easy, attractive, and enjoyable choice. This is a challenge as over time society has become time poor and made it much easier to be inactive through reliance on cars, automation and digital technology. There is no quick fix that will solve the inactivity challenge and it requires a long-term vision and commitment to bring about a positive change across the range of policy, infrastructure, organisational, and social influences on physical activity levels in Burnley. This strategy sets out the first 5 years of that journey.
- I.5. We know that achieving the vision for physical activity and sport cannot be achieved alone. This is a strategy for Burnley, not for any single organisation. It provides a framework for action by partners working across the borough and follows the principles at the core of Burnley’s Future, the Community Strategy for Burnley. Everyone has a role to play. This includes public sector bodies, the health sector, sports clubs (professional to voluntary), national governing bodies of sport (NGBs), the education, voluntary and private sectors, communities across the borough, through to the personal responsibility that each and every one of us takes for our lifestyle choices.
- I.6. The development of this strategy has been overseen by the Burnley Activity and Wellbeing Partnership, with representation from Burnley Leisure Trust, Burnley Pendle and Rossendale Council for Voluntary Services (CVS), Lancashire Sport, Calico Group, Burnley schools, Burnley College, School Sports Partnership, Burnley FC in the Community, the Community Safety Partnership (Burnley Council), the NHS (East Lancashire CCG), Young Peoples Services (Lancashire County Council), and Up & Active (East Lancashire consortium for Healthy Lives and Healthy Weight).

- 1.7. We know that physical activity and sport plays an important role in people's lives across the borough, and there is the potential to achieve more and help improve lives in the borough. Together we can achieve an exciting vision for the role that we want physical activity and sport to play in Burnley's future and in all of our lives.

2. A Vision for Sport and Physical Activity in Burnley

Improving lives through physical activity and sport
Burnley will be a place where the choice to be active is
easy, attractive and enjoyable

What success will look like

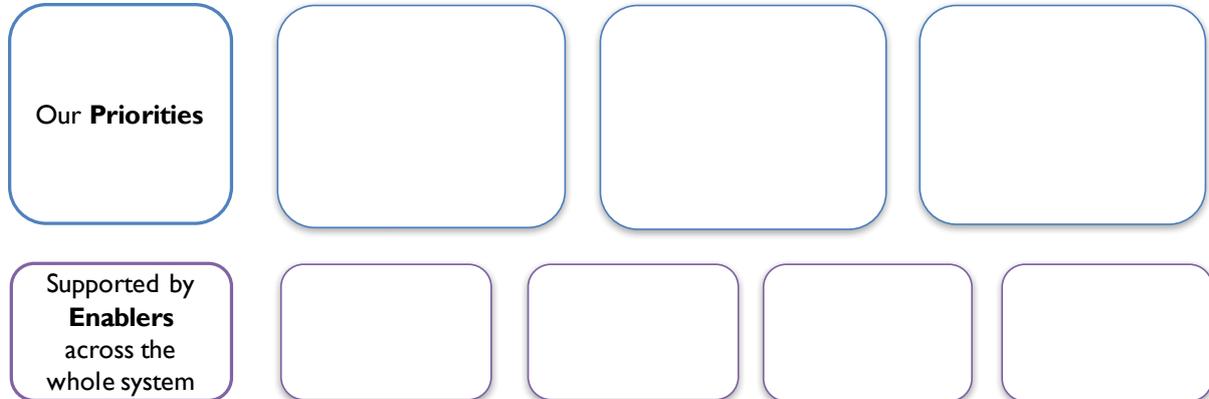
2.1. **Burnley will be a place where the choice to be active is easy, attractive and enjoyable.**

This means that there will be:

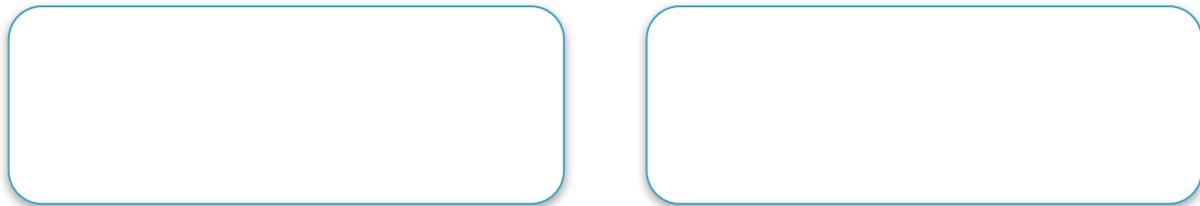
1. People of all ages, backgrounds and abilities moving more with:
 - a. Targeted help for those who need it
 - b. A trend of increasing levels of physical activity
 - c. A trend of reduced inequalities in participation.
2. Accessible opportunities and places to be active, including indoor provision and the natural environment.
3. A vibrant physical activity and sport sector with a mixed economy of provision between public, private, and the community / voluntary sector, which helps to address the barriers towards people leading a more active lifestyle.
4. Clear progression routes to advance talent and skills.
5. Borough wide strategic support for physical activity and sport where organisations buy into this collective vision for Burnley and there is a proven and recognised contribution of physical activity and sport to Burnley's priorities.
6. A workforce and general public who understand and proactively champion moving more.
7. A borough that is easier to move around, including active travel choices.
8. The continued celebration of sport, in all its forms, with the positive values and life skills that it provides.
9. A vibrant programme of events with strong community participation and engagement, that is facilitated by a clear and accessible marketing offer.

Our priorities, enablers and specific areas of focus

2.2. We have identified three areas of priority for delivering this ambition – grouped under People, Place and Prosperity. These are supported by four enablers which cut across the work that we will do to help us deliver against our priorities.



2.3. Developing the strategy has particularly challenged us to be really clear about the things that are most important to Burnley in delivering our priorities. Stakeholders have told us that the two areas of focus that cut across everything we do are:



Outcomes

2.4. The ultimate outcome, as highlighted within our vision and in line with Burnley’s Future, is to help improve lives for local people. This will be aligned to the five Government outcomes for sport as highlighted below.

Government Outcome	Together an Active Burnley Outcome
Physical wellbeing	Reduced inactivity, reduced inequalities, increased activity levels - contributing to identified health and wellbeing indicators
Mental wellbeing	Healthy Minds
Individual development	Fulfilling Potential
Social and community development	Safer, more cohesive communities

Government Outcome	Together an Active Burnley Outcome
Economic development	Inclusive growth where all in Burnley can benefit from economic growth

How we will make this happen

- 2.5. We are clear that in order to achieve this type of transformation, where the choice to be active is easy, attractive and enjoyable, we are going to have to change how we work. *How* we drive change is as important as *what* we try to do.
- 2.6. This needs organisations to come together around this common vision for Burnley independent of organisational boundaries to collaborate and co-produce. This isn't always easy and needs the system leadership to create an environment of trust recognising that together we can help improve lives of residents in Burnley.
- 2.7. This means putting the right governance in place behind the strategy but also focusing on system building and embedding the principles of asset based community development in the way we work. We will 'work with' residents to develop the solutions and not 'do to.'
- 2.8. It means recognising that this goes beyond the sport and physical activity sector and involves influencing policy and practice in education, health, transport, planning, parks and open spaces, media, the voluntary sector, and business, so multiple sectors of society need to be involved in the solutions.
- 2.9. The strategy framework is shown in section 4 along with a more detailed account of the framework, and actions that flow from this (section 5).

3. Shaping the future of sport and physical activity in Burnley

Shaping the challenge

The evidence base for sport and physical activity

*'Physical inactivity poses a serious and growing danger to society; it damages health, economy and the environment and limits the educational attainment and future lives of children.'*¹

- 3.1. Physical activity and sport isn't just a nice to do. The challenges associated with physical inactivity are stark and impact on people's lives in a number of ways. The following summarises some of those challenges where evidence shows physical activity and sport has a role to play:

Many people in Burnley have diseases and health conditions that are preventable

- Physical Inactivity is one of the top ten causes of early mortality in England.
- Burnley has a high-level inactivity (over 40% of adults not meeting Chief Medical Officer guidelines) with an estimated cost to health services of over £1.5m per year² related to diseases (Heart disease, Diabetes, CVD, Cancer) that could be prevented by exercise. Under 75 mortality rates for cancer and CHD are in the bottom quartile nationally.
- The health of people in Burnley is generally worse than the England average. Burnley is one of the 20% most deprived districts/unitary authorities in England and about 28% (more than 5,000) of children live in low income families. Life expectancy for both men and women is lower than the England average.³
- There are significant health inequalities within Burnley. For instance, life expectancy is 8.1 years lower for men and 9.9 years lower for women in the most deprived areas of Burnley than in the least deprived areas.⁴
- 8% of households in Burnley are at risk of social isolation.⁵ This can be a cause of poor health and wellbeing, and reduced life expectancy and has a potential cost to health and social care of up to hundreds of millions of pounds annually across Lancashire.

Children and young people in Pennine Lancashire are not getting the best start in life

- Childhood obesity as a specific example where the link with physical inactivity is well established 23.4% of children in year 6 classified as obese, which is in the bottom quartile across England.⁶ When looking at the broader measure of excess weight (including obesity) this shows that 25.6% of 4 to 5-year-olds are overweight increasing to 34.4% of 10-11-year-olds.⁷ Allied to the low levels of young people meeting recommended

¹ Tackling Physical Inactivity – A coordinated approach, All Party Commission on Physical Activity, 2014

² Sport England commissioned data from British Heart Foundation Health Promotion Research Group for PCTs, reworked into estimates for LAs by TBR. Measure: Health costs of physical inactivity, split by disease type. Time period(s): 2009/10

³ Public Health England - Burnley Public Health Profile. July 2017

⁴ Public Health England - Burnley Public Health Profile. July 2017.

⁵ Hidden from View: Tackling Social Isolation and Loneliness in Lancashire. A Public Health Report, October 2016.

⁶ Public Health England - Burnley Public Health Profile. July 2017.

⁷ NHS Digital, National Child Measurement Programme, 2016/17.

guidelines for physical activity (21% of boys and 16% of girls nationally), a trend that has been going in the wrong direction, this paints a worrying picture both now and also for the borough in the future unless it can be addressed.

- The trend continues into adulthood with 67.7% of adults in Burnley overweight or obese.⁸
- Educational attainment and skills development is the number one priority identified in Burnley's Future. In Burnley 50.6% of pupils achieve 5 GCSEs at grades A-C, the Lancashire average is 59%.

Mental illness is more common in Pennine Lancashire than in other areas of the country

- Mental illness is more common than other areas of the country with an estimated 7,600 children and young people aged between 5 and 16 in Pennine Lancashire experiencing a mental illness.⁹ 48,000 people in Pennine Lancashire are likely to have a long-term condition and a mental health problem.¹⁰
- Estimates of life satisfaction show West Lancashire, Burnley and Preston are among the worst in the country. 26% of people have been told they have depression, anxiety or other mental health condition (at any time).¹¹

The benefits of an active lifestyle

'If a medication existed which had a similar effect to physical activity, it would be regarded as a 'wonder drug' or a 'miracle cure'¹²

3.2. There is a wealth of evidence to highlight that the benefits of an active lifestyle are far reaching and impact positively on people's lives. From a health perspective *'there is strong and consistent evidence that increasing physical activity will help us live longer and improve our mental wellbeing. It has also been shown to reduce the risk of many long-term conditions, including heart disease and stroke, diabetes, cancer and dementia.'*¹³ It's medically proven that people who do regular physical activity have:

- up to a 35% lower risk of coronary heart disease and stroke
- up to a 50% lower risk of type 2 diabetes
- up to a 50% lower risk of colon cancer
- up to a 20% lower risk of breast cancer
- up to an 83% lower risk of osteoarthritis
- up to a 68% lower risk of hip fracture
- a 30% lower risk of falls (among older adults)
- up to a 30% lower risk of depression

⁸ Public Health England (based on Active Lives survey, Sport England) 2015/16.

⁹ Draft Pennine Plan: Our Proposals for Improving Health, Care and Wellbeing in Pennine Lancashire. Winter 2017.

¹⁰ Pennine Lancashire Transformation Programme Case for Change. Final version December 2016

¹¹ Burnley local summary - part of the joint strategic needs assessment for health behaviours in Lancashire.

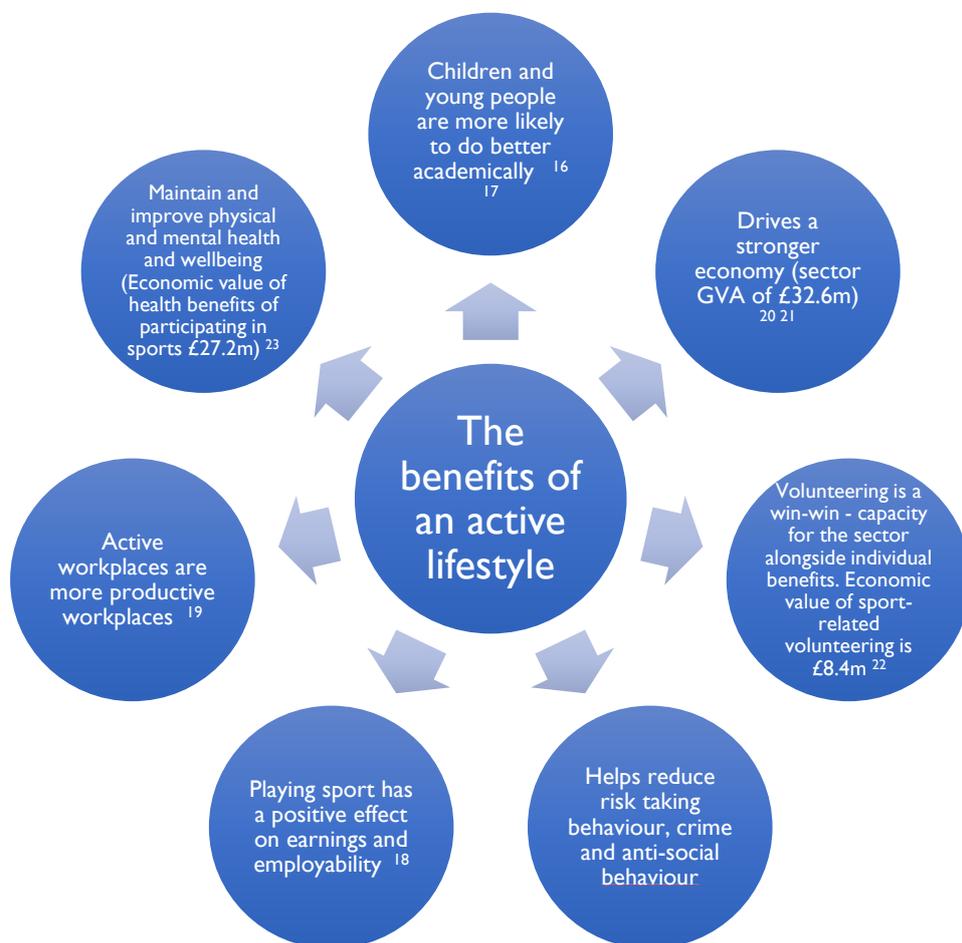
¹² Sir Liam Donaldson, the former Chief Medical Officer of England

¹³ Draft Pennine Plan: Our Proposals for Improving Health, Care and Wellbeing in Pennine Lancashire. Winter 2017

- a 30% lower risk of early death
- up to a 30% lower risk of dementia.¹⁴

- 3.3. Those who play sport and are active are healthier, happier and more likely to be successful in academic and professional life.¹⁵
- 3.4. Sport has been shown to be an effective tool to help raise aspirations and ambitions for young people. It helps to build confidence, self-esteem, and resilience, and a number of 'soft' skills which are seen as crucial to employability.
- 3.5. The sector is also an important employer within the local economy, whilst there is a strong evidence base as to how a more active workforce can reduce absenteeism and improve productivity.

Figure 1 – the benefits of an active lifestyle



¹⁴ <https://www.nhs.uk/Livewell/fitness/Pages/whybeactive.aspx>

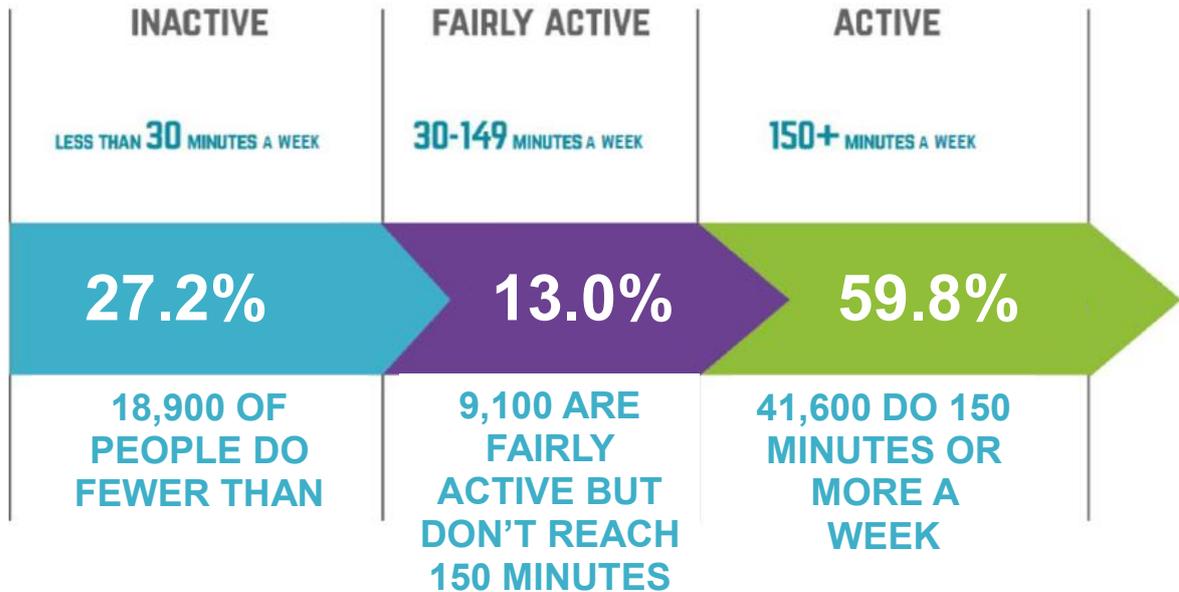
¹⁵ CASE: The Culture and Sport Evidence Programme, 2015. 'A review of the Social Impacts of Culture and Sport by Peter Taylor, Larissa Davies, Peter Wells, Jan Gilbertson and William Tayleur'

(Footnotes - 16 17 18 19 20 21 22 23)

Current levels of physical activity

3.6. Over 40% of adults don't meet the Chief Medical Officers guidelines for physical activity whilst over 1 in 4 (27.2%) are classed as inactive. This equates to 18,900 adults in Burnley doing less than 30 minutes of physical activity a week.

Figure 2 – current levels of activity and inactivity²⁴



3.7. We know on the basis of national data that significant inequalities exist by way of class, age, gender, ethnicity and disability.

3.8. There are differences with the picture in Burnley compared to national data with higher levels of inactivity for males, lower levels of activity amongst 16-34 year olds, and lower levels of activity amongst over 55s.

Overcoming the intention-action gap

¹⁶ Department of Health, 2014, Moving More, Living More: Olympic and Paralympic Games Legacy, [See report here.](#)
¹⁷ The link between pupil health and wellbeing and attainment: A briefing for head teachers, governors and staff in education settings.2014 London. Public Health England [See report here.](#)
¹⁸ The Impact of Engagement in Sport on Graduate Employability, Sport Industry Research Centre, 2013.
¹⁹ Physical activity programmes in the workplace have resulted in reductions of absenteeism between 30% and 50%. (Davis, Adrian, Jones, Marcus (2007) Physical activity, absenteeism and productivity: An Evidence Review [See report here.](#))
²⁰ UK Active estimates that just a 1% reduction in the rates of inactivity each year for five years would save the UK around £1.2 billion (UK Active, (2014), Turning the tide of inactivity, http://ukactive.com/downloads/managed/Turning_the_tide_of_inactivity.pdf)
²¹ Sport England Economic Value of Sport – local model. 2013
²² Sport England Economic Value of Sport – local model. 2013
²³ Sport England Economic Value of Sport – local model. Measure: Economic value to the area of improved quality and length of life plus health care costs avoided due to participation in sports. Time period(s): 2013
²⁴ Active Lives, November 2016/17

- 3.9. People in Burnley want to be more active. 57.7% of adults want to do more sport than at present.²⁵
- 3.10. However, saying that you want to do more and actually being more active are two very different things. This strategy will drive us to better understand the barriers to a more active lifestyle to help people to overcome the intention-action gap, whether this be about resources (time and money), the environment (facilities, workplace, physical environment), provision of information, or about personal confidence.

²⁵ Active People Survey. Measure: Number and proportion of adults wanting to do more sport - overall and by current level of activity (active or inactive). Time period(s): 2015/16

The Strategic and Policy context

- 3.11. Physical activity and sport contributes to a range of important policy outcomes for Burnley, including a significant contribution to growth, health and wellbeing and the development of stronger communities.
- 3.12. **Burnley's Future, The Community Strategy for Burnley** sets out the key strategic priorities for the borough with a focus on improving life in the borough for all. Local delivery partners are expected to align their plans around the priorities set out in the document, themed around prosperity, people and place. That has been the approach in the development of this strategy.
- 3.13. Underpinning the whole approach is the recognition that **educational attainment and skills development**, in support of the current and future labour market, is Burnley's **number one priority**.
- 3.14. The evidence base highlights that physical activity and sport does and can continue to make a strong contribution to this agenda. This includes supporting emotional wellbeing; building self-esteem and confidence; relieving stress; improving concentration and learning; teaching valuable soft skills in demand from employers such as team work, self-discipline resilience; providing opportunities for volunteering and leadership development through sport; opportunities for Apprenticeships related to physical activity and sport; or the inspirational effect that role models have in being able to build aspirations in young people.
- 3.15. This is why reaching our potential is one of the obsessions we have developed for this strategy.
- 3.16. The second obsession we have developed – reducing inequalities – is a significant issue for the borough and is a key driver behind both inclusive growth and health and social care transformation.

Health and Social Care transformation

- 3.17. We know that Burnley faces a number of challenges that contribute to increasing demands for service provision and means that local people are more likely to experience ill health than people living in other areas of the country.
- 3.18. The **Draft Pennine Plan** sets out Health and Wellbeing Improvement Priorities where Pennine Lancashire is performing poorly compared to other similar areas for these issues, either in terms of population outcomes, quality of care, or spend on services.
- 3.19. A Prevention Framework has been agreed which will embed prevention right across every aspect of future plans and a New Model of Care which aims to improve the health and wellbeing of all who live and work in Pennine Lancashire. This puts people, their families and communities at the heart of everything, aiming to put them in control of their own health and wellbeing, so they can remain as healthy as possible for as long as possible.

3.20. Physical activity and sport is positioned as a great prevention tool to help support this new approach.

The sporting context

3.21. Sport England's vision is that everyone in England, regardless of age, background or level of ability, feels able to engage in sport and physical activity. Some will be young, fit and talented, but most will not. We need a sport sector that welcomes everyone - meets their needs, treats them as individuals and values them as customers. (Towards An Active Nation 2016 – 2021).

3.22. To achieve this ambition Sport England will:

- Focus on sport and physical activity's contribution to five broader outcomes identified in the Government Strategy for Sport: physical wellbeing, mental wellbeing, individual development, social and community development and economic development
- Ensure its approach to sport and physical activity is built around behaviour change and the principles of behavioural science, insight and customer focus. This is a new and radically different approach, and it is essential that these principles are applied before any interventions are developed.
- Place the highest priority on tackling inactivity and prioritise demographic groups who are currently under-represented in engagement with sport and physical activity. There is a clear message that the greatest return on public investment will come from targeting the inactive.
- Help those who currently have a resilient sport or physical activity habit to stay that way, and to encourage the sector to work with them do this more efficiently and at lower public subsidy.
- Work with a wider range of partners based on the principle of *'it's what you can do that counts, not who you are'*.

3.23. There is now also a much broader view of the relationship between physical activity and sport with false distinctions between the two removed.^{26 27} We know that people's physical activity biography is made up of a variety of forms of physical activity, of which sport has a critical role. If the strategy is true to taking a people-driven approach, making distinctions between different forms of physical activity would be a barrier to adopting a collaborative whole systems approach.

The evidence base of what works

3.24. Reversing downward trends in physical activity will require places to commit to a combination of strategies aimed at the individual, social-cultural, environmental and policy determinants of inactivity. Physical activity is influenced by policies and practices in education, transportation, parks and recreation, media, and business, so multiple sectors of society need to be involved in

²⁶ The measurement that Active Lives uses includes the activities of walking, cycling, dance, fitness and sporting activities.

²⁷ See - Sporting Future: A New Strategy for an Active Nation (page 27)

the solutions. There is the clear need to inform, motivate and support individuals and communities to be active in ways that are safe, accessible and enjoyable. There is no one single solution to increasing physical activity, an effective comprehensive approach will require multiple concurrent strategies to be implemented.

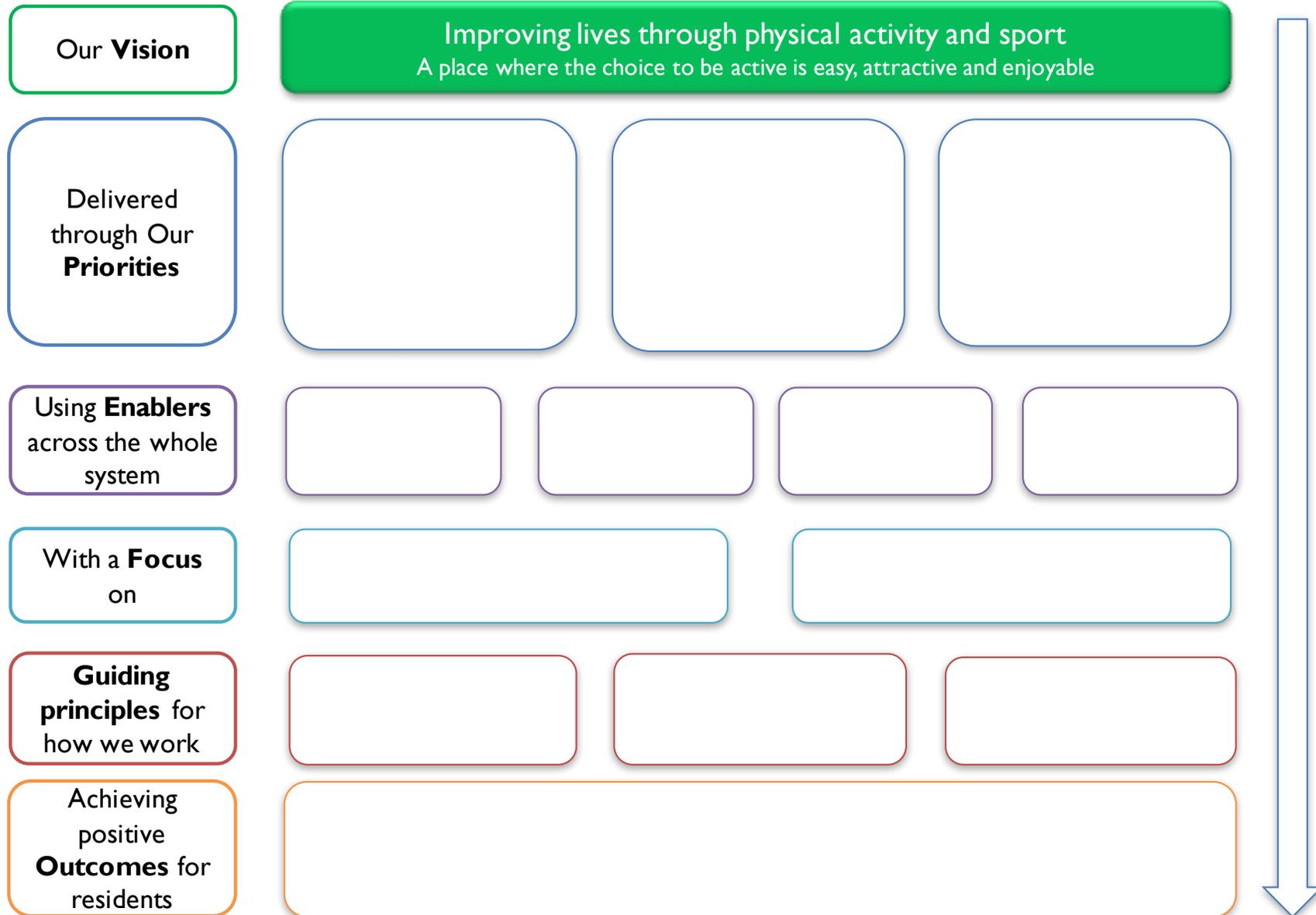
3.25. The following have been identified as the seven “best investments” for physical activity, which are supported by good evidence of effectiveness, and have helped to inform the priorities for this strategy.²⁸

Figure 3:

The best investments for physical activity based on evidence
Whole school approaches (including early years)
Transport policies and systems that prioritise walking and cycling
Urban design regulations and infrastructure that provide for safe access to recreational physical activity and recreational and transport related walking and cycling across the life course.
Physical activity and non-communicable disease (NCD) prevention integrated into primary care systems
Public education including mass media to raise awareness and change social norms on physical activity.
Community wide programmes involving multiple settings and sectors and that mobilise and integrate community engagement and resources.
Sport systems and programmes that encourage ‘sport for all’ and encourage sport participation across the life course.

²⁸ Global Advocacy for Physical Activity (GAPA) the Advocacy Council of the International Society for Physical Activity and Health (ISPAH). NCD Prevention: Investments that Work for Physical Activity. February 2011. Available from: www.globalpa.org.uk/investments-that-work

4. Strategy Framework – why, what and how



- 4.1. This Framework isn't intended to set out everything that will happen over the next few years. Developments will continue in response to the changing needs and wants of our communities. Neither will it set out additional funding streams that can be channelled into physical activity and sport. What it does do, is set out our ambitions and priorities to provide a reference point for current and future investment.
- 4.2. In doing so the Framework:
 - Sets out a vision for physical activity and sport in Burnley
 - Provides a framework within which physical activity and sport can flourish for the benefit of all sectors of the Burnley community
 - Provides an advocacy document which will influence policy and decision makers in the allocation of resources
 - Encourages more collaboration as partners and agencies work together towards the same ends
 - Identifies the broad priority actions that will form the starting point for a systematic way in which opportunities are provided across the area.

Guiding principles for how we work

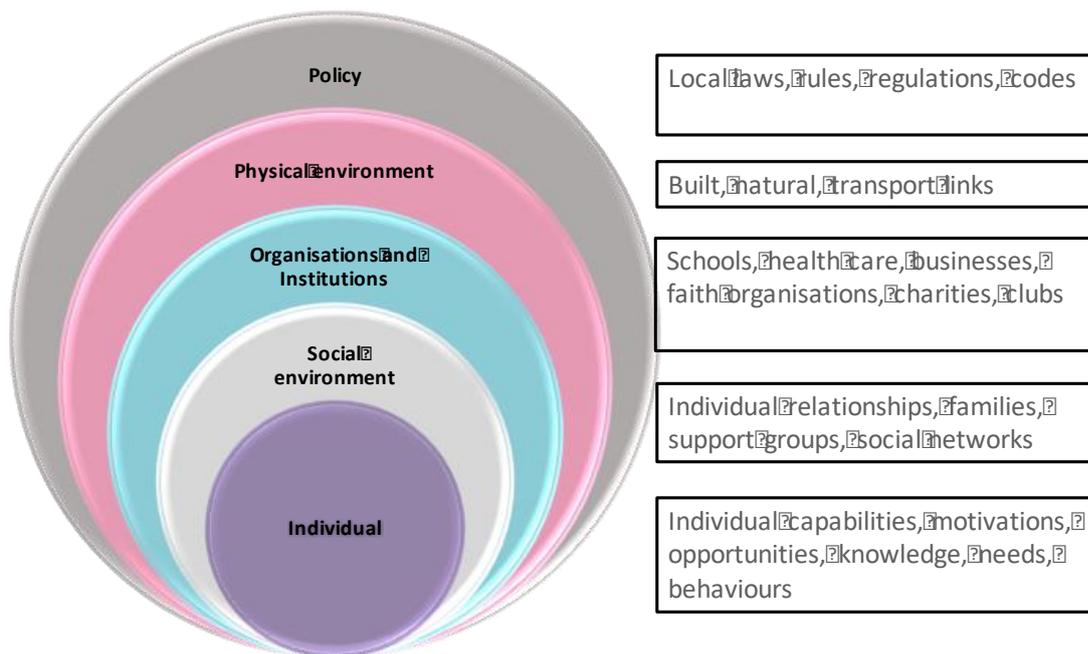
- 4.3. How we work will be as important as what we do.
- 4.4. We know that inactivity is a complex problem and that inactivity is part of the solution to a number of other complex social problems.
- 4.5. We know that addressing complex problems requires the contribution of many different actors, and no one service, organisation or person can address the root causes of need on their own. We are working towards physical activity becoming embedded with other service provision in a more integrated way so that physical activity becomes the norm.
- 4.6. This starts with securing borough wide strategic support and collective buy in to this shared vision for physical activity and sport, underpinned with an understanding that the principles of 'stronger together' are the foundation for how organisations work.
- 4.7. Moving more is at the forefront of the minds of decision makers – at all levels. This cannot just be a top down, supply side based strategy. We need to mobilise the collective power of the whole system, to make more of the sum of the parts, and to work with communities to help empower individuals in their life choices.
- 4.8. We need shared accountability for outcomes between organisations and working on the principles of shared resources and collective commissioning.
- 4.9. There are three guiding principles that encapsulates how we will work all centred around placing the individual at the heart of what we do.

i. Whole Systems Approach

- 4.10. We know that healthy communities are created when:

- Every individual, community group, neighbourhood and locality agree to work together to promote good health;
- Every organisation (voluntary, private and public), management group, governance system, decision making body and scrutiny organization, and every public policy are mobilised to support good health for all.

4.11. We know that achieving this won't be easy. We will adopt a 'whole systems approach', recognising that there is no one solution to population level behaviour change regarding active lives. We will seek to influence policy, the physical environment, organisations and institutions, the social environment, as well as the barriers, motivations, knowledge and behaviours of individuals.



ii. Behaviour change (people and organisations)

4.12. Behaviour change is a strong theme running through national policy for physical activity and sport. Behaviour change in the context of this strategy starts with organisations, and challenging traditional ways of working that may not always bring the best results. It is about fostering the buy-in towards a collective vision for Burnley and placing people at the heart of the strategy.

4.13. It will be important that the workforce is supported in developing their understanding of behaviour change and ensuring the people's needs are central to informing action.

iii. Collaboration

4.14. As a strategy for the whole borough it is clear that these ambitions will only be achieved through the combined efforts of many partners.

- 4.15. The network of agencies with a role/potential role in sport and physical activity in Burnley is vast and often confusing even to those who work in the sector. Whilst there are undoubtedly positive relationships in place, there are currently some missed opportunities to join up agendas and in doing so the best use of available resources is not always being made.
- 4.16. There is however a real appetite for collaboration and it will be important to ensure the mechanisms are in place to foster this. This includes establishing a set of principles for how organisations will work together in the borough, and also principles for how resources will be invested in delivery. These principles will be developed by key strategy partners and becomes a means of checking and challenging the way organisations work together.

Priorities

1. People

Active across the lifecourse

A people driven approach across the lifecourse to making the choice to move more easy, accessible and enjoyable

1.1 Start and Develop Active

Young people active helping to raise aspirations and improve life chances

1.2 Live Active

Active adults where moving more is an easy, accessible and enjoyable choice

1.3 Age Active

Active aging supporting people to live independently for longer

2. Place

Improving Communities

Improving communities with the best places and environments to be active

3. Prosperity

Driving Inclusive Growth

Maximise the contribution of physical activity and sport contributing to inclusive growth where everyone in Burnley is able to benefit from economic growth

Enablers

4. Policy

Lead policy and system change to support everyone in Burnley in leading a more active lifestyle

5. Workforce

A collaborative, customer focussed workforce who start with the customer (person) in mind and work backwards

6. Insight and Evaluation

Continuing to build our understanding of people and place, capturing and learning about what works and why, to support people to be more active

7. Communications

Ensure that we have clear and accessible marketing and communications so the right message reaches the right person in changing attitudes and behaviours towards physical activity and sport

Our Focus

4.17. Developing our strategy means making choices about where we prioritise our resources. We have identified two areas of focus that will help to influence the alignment of resources.

i. People reaching their potential

4.18. Education and skills development is the number one priority for the borough. In the context of physical activity and sport reaching our potential plays through in many different conations from the role of physical activity and sport supporting the holistic development of young people, through to creating the environment to allow those with aspirations to fulfil their potential through sport.

ii. Reducing inequalities

4.19. The aspiration is for everyone in the borough to have the same opportunities, life chances and potential to lead safe, healthy, happy and fulfilled lives, no matter where they are born or live.

4.20. Inclusivity has to be a golden thread. In the context of hard to reach communities and the less able such as those with mental health challenges, learning difficulties, the homeless, the disabled, carers, and asylum seekers, joining up the system will be key to make sure these groups are represented and opportunities are accessible.

4.21. In aiming to reduce inequalities the intention is for actions to be universal, but with a scale and intensity that is proportionate to the level of disadvantage – so they will inevitably target the most vulnerable and disadvantaged.

Making a difference

4.22. We have developed an initial range of measures that will help us to understand and demonstrate the difference we are making. These will be finalised with baselines established as part of the initial phase of implementation, with most of these below aligned to existing metrics.

Draft Performance measures

- People of all ages and backgrounds moving more

<ul style="list-style-type: none">• Reduced levels of physical inactivity
<ul style="list-style-type: none">• Reducing inequalities in participation
<ul style="list-style-type: none">• Increased awareness of the benefits of an active lifestyle
<ul style="list-style-type: none">• Increased GVA from sport and physical activity
<ul style="list-style-type: none">• Improved quality and accessibility of green spaces
<ul style="list-style-type: none">• Increased modal share for cycling and walking
<ul style="list-style-type: none">• Increased levels of volunteering
<ul style="list-style-type: none">• Identifying and removing barriers to physical activity

5. Our Actions

5.1. This section presents our detailed actions that accompany each of the priorities and enablers and outline our areas of focus that have been shaped in consultation with the partners involved in this strategy. They are the things that partners have said are important in helping us to achieve each respective priority or enabler.

People – Active Across the Lifecourse

5.2. Priorities under the umbrella of ‘active lives across the lifecourse’ are presented together acknowledging that many of the actions may relate to more than one of those priorities. We know that people’s physical activity and sporting biographies change over the course of their lives and that we need a diverse supply of opportunities to cater for differing needs and motivations. At the heart of this will be an understanding of people and places and of the work we need to do to influence people’s attitudes and behaviours towards physical activity and sport.

Priority Actions – We will...	1.1: Start & Develop Active	1.2: Live Active	1.3: Age Active
Embed physical literacy into young people’s lives (0-5s) through parental education, through Early Years settings, and through raising awareness and education for the Early Years workforce.	✓		
Embed physical activity and sport with the strategy aimed at increasing life chances amongst 0-19 year olds , with an emphasis on supporting parenting.	✓		
<p>Help all children in Burnley enjoy an hour of physical activity every day including:</p> <ul style="list-style-type: none"> • Championing Whole School Approaches • Supporting primary schools to make effective use of the Primary PE and Sport Premium, and evidence its impact • Managing transitions between settings – early years to school, to FE, to HE and to community • The development of a high quality coordinated CPD offer for staff and deliverers • Positioning physical activity as a key part of the solution to tackle childhood obesity 	✓		

Priority Actions – We will...	I.1: Start & Develop Active	I.2: Live Active	I.3: Age Active
<ul style="list-style-type: none"> Influencing and championing the role of sport and physical activity in contributing to holistic wellbeing and emotional resilience. Embedding physical activity and sport as part of the solution in delivering step change in educational attainment in Burnley. Capitalising on the development of the Children’s University in the borough. 			
Champion more family focussed opportunities that engage the whole family	✓	✓	✓
Champion the role of sport and physical activity as a positive engagement and diversionary tool for young people to help address crime and anti-social behaviour. This includes maximising developments such as the new Youth Zone.	✓		
Harness the power of brands and athlete role models to contribute to our aspirations for participation and engagement through physical activity and sport	✓	✓	✓
Embed physical activity and sport as a key part of the prevention agenda for health and social care in Burnley (aligned to the delivery of the Lancashire Sustainability and Transformation Plan).	✓	✓	✓
Embedding physical activity as part of social prescribing approaches, for example community connector roles and Prescription for Wellbeing project		✓	✓
Prioritise a focus on Mental health and resilience through physical activity (aligned to the Sport England Local Delivery Pilot work)	✓	✓	✓
Help address obesity through approaches such as Active Lives Healthy Weight services	✓	✓	✓
Ensure that the borough is well served with a network of high quality, inclusive and sustainable clubs	✓	✓	✓

Priority Actions – We will...	I.1: Start & Develop Active	I.2: Live Active	I.3: Age Active
covering a diverse range of sports and activities to meet the needs of residents			
For key providers across the borough (e.g. Burnley Leisure, Burnley FC in the Community, Burnley College and others) to adopt a collaborative approach in ensuring their offer is diverse, inclusive and is tailored towards an understanding of customer motivations and barriers	✓	✓	✓
Support programmes and activities with mass appeal (e.g. Burnley 10k), work with open data, embrace technology , and different partners who can open new opportunities , in order to help sport and physical activity become part of everyday life.	✓	✓	✓
Embed physical activity as a key strand of work with older people in Burnley.			✓

2. Place
Improving communities with the best places and environments to be active
Priority Actions – We will...
<ul style="list-style-type: none"> Develop integrated place based approaches based on the principles of Asset Based Community Development. This is based around the Transforming Lives work and new Neighbourhood Hub model. Ensure that our work goes beyond infrastructure in the way we work with communities, alongside a range of public, voluntary services, and faith groups, to help influence demand, and raise awareness of the environments and how people can use them to be more active. Make Burnley an easy place to move around supporting walking and cycling including active travel and ensuring connectivity to neighbourhoods Champion the principles of Active Design across all development Ensuring quality, accessible and well used indoor provision, playing pitches, and green spaces across Burnley.

- Use physical activity and sport to provide positive experiences for young people and help **develop community safety**
- Grow **'hyper' local provision** for physical activity, e.g. GP surgeries, community and faith centres.

3. Prosperity

Maximise the contribution of physical activity and sport contributing to inclusive growth where everyone in Burnley is able to benefit from economic growth

Priority Actions – We will...

- Utilise physical activity and sport as a vehicle to **develop employability skills, and create pathways to employment, including apprenticeships**
- As a network of strategy partners, take a lead in increasing the physical activity levels of their own workforces, and champion a borough wide focus on **active workplaces**. We will champion this with the private sector through the Burnley Bond Holders.
- Deliver **sporting events** that help to promote Burnley and deliver local benefits.
- Leverage **external investment** to support our aspirations for physical activity and sport

4. Policy

Lead policy and system change to support everyone in Burnley in leading a more active lifestyle

Priority Actions – We will...

- Embed the contribution that physical activity and sport can make to borough priorities across policy and strategy.
- Ensure there are effective governance arrangements in place to support the delivery of this strategy.

5. Workforce

A collaborative, customer focussed workforce who start with the customer (person) in mind and work backwards

Priority Actions – We will...

- Develop our understanding of the skills and requirements of the current workforce to help deliver the ambitions of this strategy
- Influence the broader (non-sector) workforce to **make every contact count**, including the influencing role of people of trust such as GPs
- Develop **volunteering and work experience opportunities** to provide **employability skills** to local FE and HE students whilst supporting the ambitions of this strategy

6. Insight and Evaluation

Continuing to build our understanding of people and place, capturing and learning about what works and why, to support people to be more active

Priority Actions – We will...

- Create a **data hub** for information on physical activity which includes insight about people and place within the borough. This will help us to further understand barriers and motivations relating to physical activity and tailor our work accordingly.
- Work with UCLan to explore and **align research and evaluation approaches** across the work that we do
- Put in place a **clear measurement framework** with relevant baselines identified to understand the impacts of our work
- **Support the workforce** to ensure that existing insight is being used to inform design and delivery

7. Communications

Ensure that we get the right message from the right person to support in changing attitudes and behaviours towards physical activity and sport

Priority Actions – We will...

- Develop insight led **campaigns** to help communicate the benefits and opportunities to Burnley residents and drive behaviour change. This includes aligning to existing sport, physical activity and public health, and public transport, for e.g. the national PHE ‘One You’ campaign or This Girl Can.

- | |
|---|
| <ul style="list-style-type: none">• Create and promote an online information centre to highlight the range of physical activity opportunities in the borough. |
| <ul style="list-style-type: none">• Develop a more coordinated approach across partners to maximize the efficiency and effectiveness of communications activity for physical activity and sport in the borough |
| <ul style="list-style-type: none">• Take a coordinated approach to celebrating successes across all priorities in the strategy including the annual Sports Awards. |

6. Implementation

- 6.1. The actions in section 5 have a strong alignment to the areas of focus of a number of different organisations. It is expected that individual organisations will (continue to) deliver in these respective areas but with the intention of partners coming together around this common vision independent of organisational boundaries to drive ongoing collaboration and co-production. This will maximise the return on investment and the impact of the available expertise and resources. Specific areas of action will also be centrally owned and driven by the Burnley Health and Wellbeing Partnership.
- 6.2. These actions will be accompanied by a detailed annual action plan that will identify some SMART measures of success.
- 6.3. This action plan will be developed and owned by the Burnley Health and Wellbeing Partnership and will be used to report progress to other partnership and strategic bodies within the borough.
- 6.4. As noted in section 1, the Partnership is ultimately responsible for the strategy, with membership and terms of reference aligned to provide appropriate oversight against the priorities identified. The Partnership is also responsible for considering the wider governance and reporting arrangements with the aim of helping to influence the policy, infrastructure and organisational practices that constrain or enable physical activity, but which may be out of its direct control.
- 6.5. Whilst the above highlights the more formal aspects to driving implementation we know that everyone has a role to play in delivering the transformation and this cannot be a top down strategy. We will focus on system building and embedding the principles of asset based community development in the way we work. It is vital that we 'work with' residents to empower them to develop and co-design the solutions that work for them.

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**SHOPFRONT AND ADVERTISEMENT DESIGN
SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

REPORT TO THE EXECUTIVE



DATE	11 th December 2018
PORTFOLIO	Economy and Growth
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PURPOSE

1. The purpose of this report is to seek approval to undertake formal public consultation on a draft Shopfront and Advertisement Design Supplementary Planning Document (SPD).
2. The draft SPD (attached at Appendix A) has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material consideration to be used in the determination of relevant applications for planning permission and listed building consent. It will also be relevant to the consideration of applications for advertisement consent.

RECOMMENDATION

3. (1) That Executive approve the draft Shopfront and Advertisement Design SPD for public consultation for a six week consultation period commencing in January 2019.

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

REASONS FOR RECOMMENDATION

4. Burnley's Local Plan and Local Development Scheme (LDS) commit the Council to preparing a number of SPDs, including a Shopfront and Advertisement Design SPD.
5. Prior to the start of the consultation period, officers may identify areas where the document could be improved in wording and/or layout without impacting on meaning. The recommendation will provide the Strategic Head of Economy and Growth with the ability to undertake any such changes.

SUMMARY OF KEY POINTS

The SPD

6. The SPD is intended to promote good practice and thoughtful design for new shopfronts, and for repairs and improvements to existing ones. Well-designed shopfronts have an important role in making town centres attractive places that people will want to visit and as such contribute to their economic vitality and strength. The Council is working with other stakeholders to deliver improvements to Burnley and Padiham town centres through the public realm and the restoration of historic shopfronts (Padiham TH). The draft SPD encourages developers and applicants to consider design matters at the earliest stage in their proposals to ensure that all works contribute to the attractiveness and vitality of the borough's town and district centres.
7. Burnley's Local Plan includes a number of policies that aim to ensure that the Council promotes and secures high quality design. Policies SP5, HE2 and HE3 set out how the Council expects new development to achieve high standards of design and contribute to enhancing and protecting Burnley's built and historic environment. Policy TC8 sets out specific requirements against which applications will be assessed in relation to the design of new or alterations to existing shopfronts and advertisements. The purpose of the draft SPD is to provide clear guidance on the implementation of these policies when considering proposals for new shopfronts and alterations to existing and to ensure owners and occupiers are well informed about what will be considered acceptable and how improvement can be achieved.
8. The draft SPD sets out general principles for the repair, reinstatement and replacement of shopfronts. It also covers a range of considerations, including how a shopfront fits with the building and the streetscene, and specific design guidance including doorway and window design, materials and colours, access, advertisements, lighting, blinds and awnings, and security measures. It is illustrated with good and bad examples.

Early Consultation

9. During the preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, specifically those whose work relates to the issues within the document; and also with Lancashire County Council Highways. The document was refined to take into account the comments/advice received.

Strategic Environmental Assessment

10. SPDs no longer require Sustainability Appraisal (SA) but can require Strategic Environmental Assessment under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment ('the SEA Directive') and through UK legislation through the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').
11. Councils must carry out a screening process to determine whether relevant plans or programmes are likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, it must prepare a statement setting out the reasons for this determination. Before coming to a conclusion on this matter, the Council is required to consult with three specific consultation bodies namely: Historic England, Natural England and the Environment Agency.
12. The Council prepared an initial assessment/preliminary determination on 22 October 2018 in

respect of the four SPDs currently proposed in the Council's LDS. It found that it is unlikely that significant effects on the environment will arise as a result of any of the SPDs and as such that that Strategic Environmental Assessment is not required. The three bodies have confirmed their agreement with the Council's conclusion.

Proposed Consultation

13. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this to period to six weeks to allow more time for interested parties to respond.
14. The consultation will include notification to all those required to be notified by legislation and all others on the Local Plan consultation database, together with advertisement on social media and the Council's website. The document will also be made available at the Contact Centre and main libraries.
15. A revised SPD will then be prepared taking into account results of the consultation and any SEA if required, and will be presented to Executive for formal adoption in Spring 2019.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

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

POLICY IMPLICATIONS

17. The Shopfront Design Guide SPD will be a material consideration when considering relevant applications for planning permission and listed building consent. It will also be relevant to applications for advertisement consent. Its production fulfils an existing commitment in Burnley's Local Plan and the Council's LDS.

DETAILS OF CONSULTATION

18. None

BACKGROUND PAPERS

19. None

FURTHER INFORMATION

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Shopfront &
Advertisement
Design
Supplementary
Planning Document

Consultation Draft January 2019
(Draft for Executive Approval - December 2018)

Burnley Borough Council

Version 2a: (Draft for Executive approval December 2018)

**Burnley Borough Council Policy and Environment
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1. Introduction

- 1.1. This Supplementary Planning Document (SPD) has been prepared by Burnley Council as part of its planning policy framework. It supplements the policies of the Burnley's Local Plan 2012-2032. The text of the relevant policies can be seen in Appendix A.
- 1.2. SPDs elaborate upon the policy and proposals in Local Plans but do not have their formal statutory 'Development Plan' status. They are however, material considerations in the consideration of relevant development proposals.
- 1.3. This SPD was adopted by the Council on *(to be added)*.

2. Purpose of the Guidance

- 2.1. The borough has a wealth and variety of shops and shopping streets most of which are located in the borough's two largest towns; the Victorian industrial town of Burnley and the market town of Padiham, parts of which are designated as Conservation Areas. Many of the main roads in the borough are lined with shops, and elsewhere there are many important concentrations/groups of shops and shopping parades.
- 2.2. It is recognised that towns with attractive, locally distinctive and well-maintained shopping centres have a better prospect of retaining, or even improving, their economic well-being. The quality of shopfronts has therefore a significant role to play in attracting inward investment to our towns and is a major contributor to an area's distinctive identity and character. Poorly designed and maintained shop frontages tend to create a run-down appearance of not just the individual buildings, but of whole streets and areas and this can have a negative effect on the visiting public's perception of an area's economic health. It is not difficult to understand why commercial activity performs poorly in such areas.
- 2.3. This SPD sets out detailed planning and design guidelines for the design of shopfronts and signage on commercial buildings, primarily retail outlets, though elements of the guidance will also be relevant to other businesses which occupy street level frontages such as restaurants, pubs, offices and financial services. Although applying principally to the town centres of Burnley and Padiham, there are a small number of shops in the Borough's villages and in District Centres and the guidance will also be applicable here.
- 2.4. It is intended to encourage good practice and thoughtful design for new shopfronts, and repairs and improvements to existing ones. It is intended that by encouraging positive design practices, it will be possible to achieve a manageable balance between the requirements of modern commercial properties and the sensitivities of the borough's town centres, Conservation Areas and wider townscape.
- 2.5. This guidance will support and aid development control officers and other council officers whose work relates to the issues within the document; shopkeepers; shop fitters and sign makers. The intention is to encourage high quality design which will be more likely to obtain consent. National policy recognises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development and supports the production of SPDs setting out design expectations.

3. Policy Context

3.1. National planning policy exists in the form of the National Planning Policy Framework (NPPF) and a small number of other policy documents and written ministerial statements; supported by online planning practice guidance. It also exists in the provisions of the relevant Act of Parliaments, key sections of which are also reproduced in Appendix A.

3.2. Local Plans must be written to be consistent with national policy. Burnley’s current Local Plan was adopted by the Council on 31st July 2018.

3.3. This SPD provides detailed guidance on the application of the local plan policies in respect of development proposals for shopfronts and associated commercial signage. A Shopfront Design Guide was prepared for Padiham in 2017 to support the Padiham Townscape Heritage Scheme and proposals seeking grant assistance under the scheme. This borough-wide guidance SPD will incorporate and replace that guidance.

3.4. A number of buildings within the borough’s town centres are ‘listed’ as buildings of special architectural or historic interest, and works of alteration are likely to require listed building consent in addition to any planning permission or advertisement consent required. Applications for listed building consent must also be judged against the provisions and duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

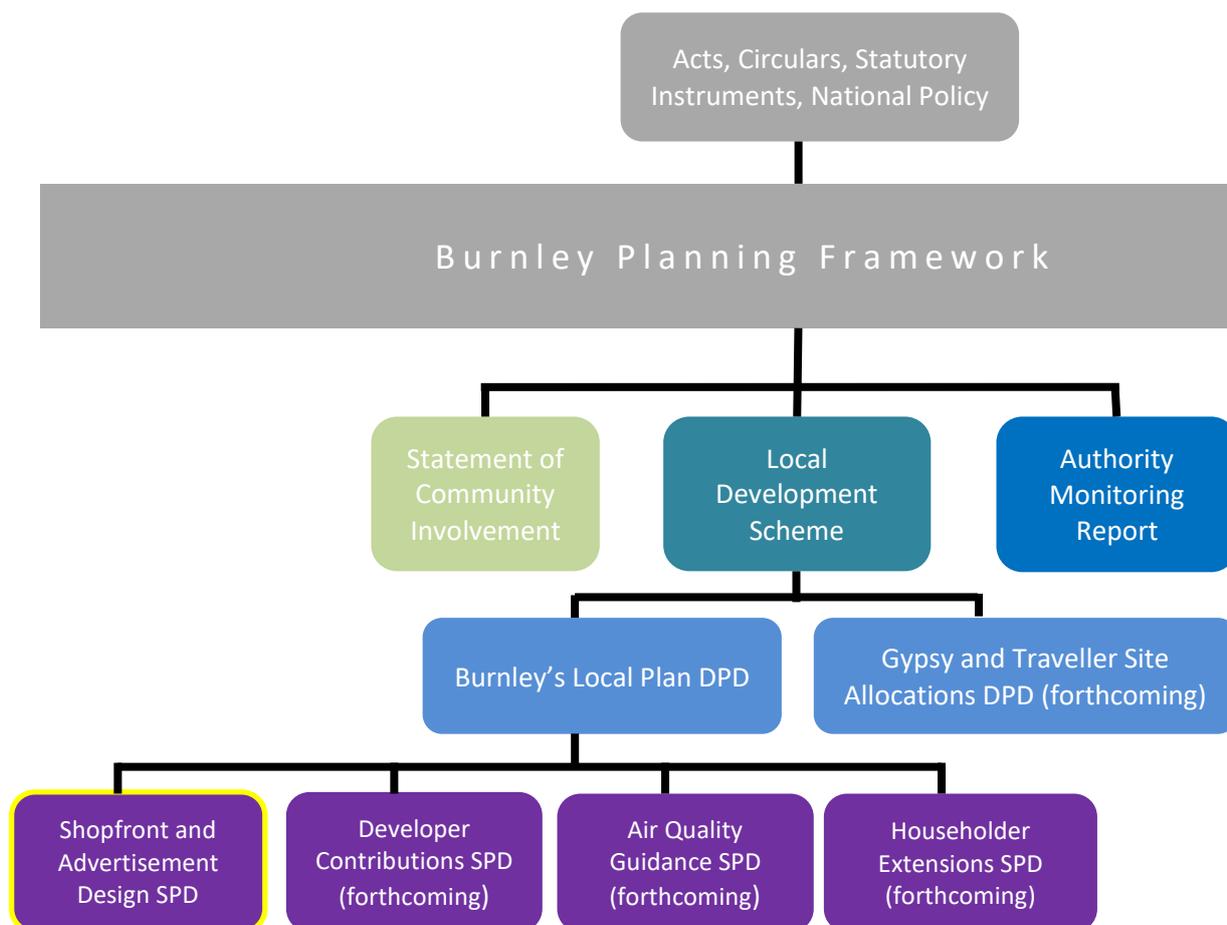


Figure 1: Burnley Planning Policy Framework

4. Works Requiring Consent

4.1. Works of alteration, even minor works, may require one or more forms of consent. Consent is not normally required for repainting, repair works or minor like-for-like replacements (in matching materials and details) but when proposing alterations to the fabric or the use of a shop premises it is always advisable to check, particularly in the case of Listed Buildings where unauthorised works constitute an offence. If you are in any doubt, please contact the Council's Development Control Team.

4.2. Shops that are not Listed Buildings can usually be redecorated and have non-illuminated signage changed without the need for **Planning Permission**. Planning Permission will however be required for new shopfronts including all premises within Use Classes A1- A5. Replacement shopfronts or alterations to existing shopfronts that involve a 'material'¹ change in the external appearance will also require planning permission.

4.3. Typical examples of works which will normally require **Planning Permission** include:

- Replacing the whole shopfront on a non-like for like basis
- New fascias or alterations to the size, depth or bulk of the fascia;
- The replacement or alteration of architectural features of the shopfront such as window frames and doors, decorative cornices, corbel brackets or other mouldings;
- Enlarging or reducing the size of a shop window or changing its shape or materials such as removing or adding mullions or glazing bars;
- Altering the frontage line (i.e. installing or removing a bay window, closing or creating a recessed entrance);
- Moving the position of the entrance;
- Replacing the shop door(s) with one of a different design or in different materials;
- Installing reflective or obscure glass;
- Applying stone, artificial stone, timber, plastic or tile cladding to pilasters, stallrisers etc;
- Installing external security shutters
- Installing a plain canopy, blind or awning (those with letters or graphics will be treated as an advertisement)

4.4. **Planning Permission** will also be required for external alterations to upper floors of commercial buildings, including shops, whether these upper floors are in commercial, storage or residential use. This includes e.g. materially¹ altering the design or construction materials of windows.

4.5. **Listed Building Consent** is not required for like for like repairs (in matching materials, methods and details) and general maintenance, but will be required for any works which affect a building's character or appearance. For example, in addition to the items requiring Planning Permission mentioned above, the following works are likely to also require Listed Building Consent:

- Any new signage (illuminated or not)
- The removal, addition or alteration of entrance floor tiles
- The installation of an extractor fan outlet
- Painting any previously unpainted areas of the shopfront (eg. stone, tiles or brick)
- In some circumstances, repainting in a markedly different colour/pattern
- In some circumstances, altering a shop interior

¹ 'Material' in this context relates to the visual significance of the change e.g. is it noticeable from the street?

4.6. **Advertisement Consent** may be needed for the new or replacement signs (dependent upon their size and type). Advertisement Consent will be required for most illuminated signs; flags, banners and pole signs; and canopies, awnings or blinds with signage. It will also be required for signs any part of which are above 4.6m from the ground. The law in relation to the display of advertisements is very complicated, The DCLG's booklet "Outdoor Advertisements and Signs - A Guide for Advertisers" provides guidance on advertisement control in England and is available from <http://www.communities.gov.uk/documents/planningandbuilding/pdf/326679.pdf>

4.7. **Building Regulations Approval** will most likely be required for new or replacement shopfronts and other structural alterations. For further information see the Pennine Lancashire Building Control website <https://blackburn.gov.uk/Pages/Building-control.aspx>

4.8. A **Section 177/178 licence** will be required from Lancashire Highways for any object, for example a projecting sign, canopy or external light, which projects over the public highway². Contact Lancashire County Council Highways for further information.

Applications for Consent

4.9. Separate applications will be required for Planning Permission, Listed Building Consent, Advertisement Consent and Building Regulation Approval, as appropriate. It is advisable to submit applications for planning permission, listed building consent and advertisement consent at the same time.

4.10. Submissions should be clear, accurate and contain sufficient information to allow a proper assessment of the proposals and should include existing and proposed shopfront and details of the materials and colours to be used.³

Enforcement

4.11. Where expedient, the Council will take enforcement action against works that have been carried out without necessary consent(s).

4.12. The Council has the power to serve an Enforcement Notice requiring that a building is restored to its condition before unauthorised work was carried out. If such a notice is not complied with or successfully appealed against, the failure to comply with the Notice becomes an offence which could be prosecuted in the courts.

4.13. Unauthorised works to a listed building and the unauthorised display of advertisements which are automatically criminal offences.

² The term 'public highway' includes roads, pavements and verges maintained by Lancashire County Council

³ Further guidance is available in the validation checklist

https://www.burnley.gov.uk/sites/default/files/2017%20Planning%20Application%20Validation%20Checklist%201st%20November%202017_0.pdf

5. Shopfronts and their Design

The Purpose of Shopfronts

5.1. The term 'shopfront' is used as a short-hand for the complete assembly of entrance display window(s), frame and signage that we are all familiar with. In this guide, a 'shopfront' is a general term that includes all street level premises with a fascia sign and/or display window and can include commercial uses other than shops.

5.2. Shopfronts are an integral part of the frontage of a building providing natural light into the shop, an area for display and a visual and physical support for upper storeys. Shopfronts serve a number of purposes - to provide an attractive welcome and a frame for the display of goods and services; to advertise the presence of the shop; and to project an image for the business inside.

5.3. Shopfronts are a highly visible part of an area's physical fabric and their outward appearance plays a key role in our perception of a street or wider area. A high standard of shopfront, whether traditional or modern, gives a favourable first impression of both the business behind the shopfront and the area the shop is located in. For the business, the shopfront and its signage give potential customers an indication of the quality of the goods and services on offer. If it is well-proportioned, well-designed and respectful to its surroundings, the shopfront and associated signage are more likely to make a positive first impression. This can also reflect on street or shopping area as a whole making an area attractive to visitors which in turn leads to increased footfall and enhances the overall trading strength of the area.

5.4. Retailing is a dynamic activity with premises subject to frequent changes to respond to corporate concepts of branding and image with some premises often subject to regular refurbishment to accommodate changes of tenant.

5.5. Though commercial competition has always been a key part of trading, this pressure results in retailers often feeling the need to 'shout' to advertise their presence, often with little consideration given to the wider visual impact. Garish colours, attention seeking oversized or over-illuminated signage, excessive advertising or shops hidden behind solid shutters most of the time can result in unattractive and uninviting shops and streets, which do not encourage shoppers or other businesses to invest, and thus by their actions, businesses are inadvertently undoing what they are trying to achieve.

5.6. As district and town centre shops face competition from out-of-town shopping, and increasingly online shopping and home delivery, it has become even more important for shopping areas to be attractive and pleasant places.

Shopfronts in Burnley

5.7. Although many of the Borough's traditional shopfronts have been lost, there are still some good examples surviving both in Burnley and Padiham and a greater number partly surviving, buried beneath later additions or large modern signs or security shutters.

5.8. In some parts of the borough, the cumulative impact of poor quality shopfronts gives a strong impression that the wider town or neighbourhood is not a pleasant or successful place to live or trade. More generally, the widespread use of poor quality materials, the standardisation of shopfront design and ill-conceived alterations are continuing to erode the character and distinctiveness of the borough's historical shopping streets and conservation areas.



Figure 1: (Left) poor shopfront design. (Right) Attractive, well-proportioned traditional shopfront constructed from high quality materials with appropriate use of colours and restrained signage.

Understanding Shopfront Design

5.9. Whether modern or traditional, a shopfront with a poor design can be the consequence of cheap materials, poor workmanship and lack of thought but, more often than not poor design is due to a lack of understanding of the value and importance of the basic design elements that make the shopfronts a cohesive part of the building as a whole and the wider streetscape. When considering works to a shopfront, whether modern or traditional, a good starting point is to understand the history of shopfronts and the general design principles arising.

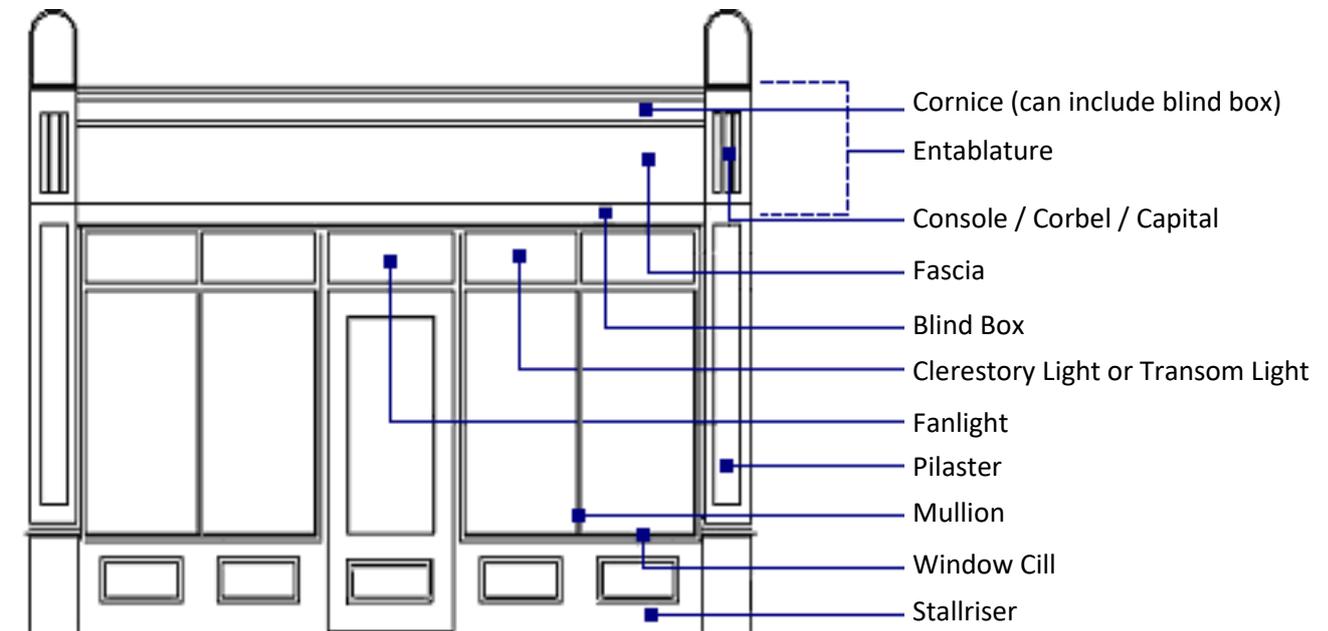


Figure 2: A typical arrangement of a traditional shopfront

The History of Shopfront Design

5.10. Historically, retail trade was dominated by town markets. The earliest shops within buildings were generally simple variations of the market stall and did not have shopfronts as we would recognize them today.

Georgian and Regency Shopfronts (1780-1840)

5.11. By the mid-eighteenth century, the purpose built shopfront as we know it today had emerged as shop windows began to appear on the ground floor of traders' houses, facilitated by the wider availability of glass. Early Georgian shop windows had numerous small panes of glass divided by glazing bars and some would have had bowed oriel windows, often seen in pairs either side of a doorway. None of these are known to survive unaltered in the Borough (these are a relatively rare survival nationally).

5.12. Late eighteenth century shopfronts were modelled on the classical (Greek) tradition of architectural order used to harmonise the appearance of the shopfront with the rest of the building. The base was formed by the stallriser; sides formed by pilasters; and a top formed by several horizontal elements (cornice and architrave) disguising the beam that supported the façade above. Together these elements gave a frame to the display window and balance to the building as a whole.

5.13. Common shopfront designs of the late Georgian period included full or oriel bays above stallrisers. Classical pilasters and scrolled corbel brackets were introduced to give visual support. The shop windows still often had small panes of glass with timber glazing bars.

5.14. It is believed that shopfronts were often painted in greys, creams and beige/fawn colours, as well as being painted to imitate expensive dark woods such as mahogany. No shopfronts of this period are known to survive intact in the Borough but the example at Kirby Lonsdale below has a typical late Georgian shopfront showing the transition from the early Georgian to later Regency and Victorian styles.



Figure 3: Left - A late Georgian shopfront with earlier styled bowed oriel windows, Kirby Lonsdale. Right: Ornate canted oriel window (oriel windows project from the plane of the building but don't touch the floor like full bay windows do).

Victorian Shopfronts (1840-1900)

5.15. Although largely still on classical, albeit less delicate lines, Victorian shopfronts showed greater variations. A greater degree of ornamentation was introduced to relieve the appearance of the larger shopfront openings facilitated by the introduction of plate glass in the 1820s. From the 1840s, taller window panes unbroken by horizontal glazing bars (transoms) began to appear in larger numbers. Shopfronts were increased in height thereby increasing the natural internal light. Victorian shopfronts often have thicker mullions, required to hold the larger and heavier sheets of glass, sometimes expressed as thin colonettes or terminating in arched heads (see Figure 17). Windows were divided into two, three or four lights and at the base of the window the timber frame included a deep cill with a low stallriser beneath. Unlike domestic windows, shop windows traditionally had the mouldings of the glazing bars to the external face and the putty fixing on the inside for greater security.

5.16. The display area was framed with pilasters (often decorative) and a prominent fascia displaying the shop's name, often tilted forwards to accommodate the blind box and give prominence to the name, with sizeable console brackets at the end. Shop doors were usually four panelled with a fanlight above with the upper two door panels glazed, or the whole of the upper portion was a single glazed panel. Panelling of the door and stall-riser was usually raised and fielded. Decoration was applied to many of the details and it became progressively more exuberant in later decades and a variety of materials introduced such as, brass and cast iron.

5.17. Shopfronts were generally painted in dark colours which were both cheap and practical.



Figure 4: Contrasts in early and late Victorian shopfronts

Left - An early Victorian shopfront in Padiham Conservation Area, constructed of stone with simple proportions relying on clean, classical lines rather than decoration. Note the simple pilasters topped with capitals that visually support the projecting cornice and fascia; the deep stallriser and the more ornate joinery details to the arch-headed windows. Right - Late Victorian former shopfront of c1890, 71 Manchester Road, Burnley (Figure courtesy of Lancashire Libraries). Note the timber construction, larger areas of glazing, deeper fascia, leaded transom lights, and greater amount of ornamentation.

5.18. Many of the borough's early and mid-Victorian shopfronts have also been lost, although some have simply been re-glazed without their original mullions or transoms. A small number of mid to late Victorian shopfront survive virtually intact in the Borough and a number have been restored with Victorian styled shopfronts under previous heritage grant schemes such as those in Figure 5.



Figure 5: Restored late Victorian styled shopfront at the former Burnley Co-operative Society Premises, Hammerton Street Burnley (left) and St James Street (Right).

5.19. In the late nineteenth century a major part in the development of shopfronts was played by developers and landowners who sought to impose a greater order by constructing parades and terraces with the design of the individual unit fitted into the architecture of the whole.



Figure 6: Example shown here is Virgil Andertons Shops, Nos 4-14 St James Street, built c.1876, Listed Grade II. Note the original shopfronts have been replaced by ones that are poorly designed and poorly related to the period, style and overall composition of the building facade in terms of their mixed framework, proportions, materials and detailing particularly fascias, signage and colours. Any replacement shopfronts should be designed to achieve a degree of uniformity in design and proportion.

Edwardian (1900-1920) and Early Twentieth Century Shopfronts

5.20. In the Edwardian period and up to the 1920's, taller shopfronts were common with lower stallrisers. Shopfronts remained sympathetic to the classical tradition though the proportions were less strictly observed and elements became more decorative than structural. These often featured thinner pilasters, curved glass, leaded transom lights and deeply recessed doorways with decorative tiling. Mullions tended to disappear and larger shop windows with a reduced vertical emphasis resulted. Many Edwardian shop doors were almost totally glazed, with only a small stall riser at the bottom. Examples of Edwardian shopfronts survive in the Borough.

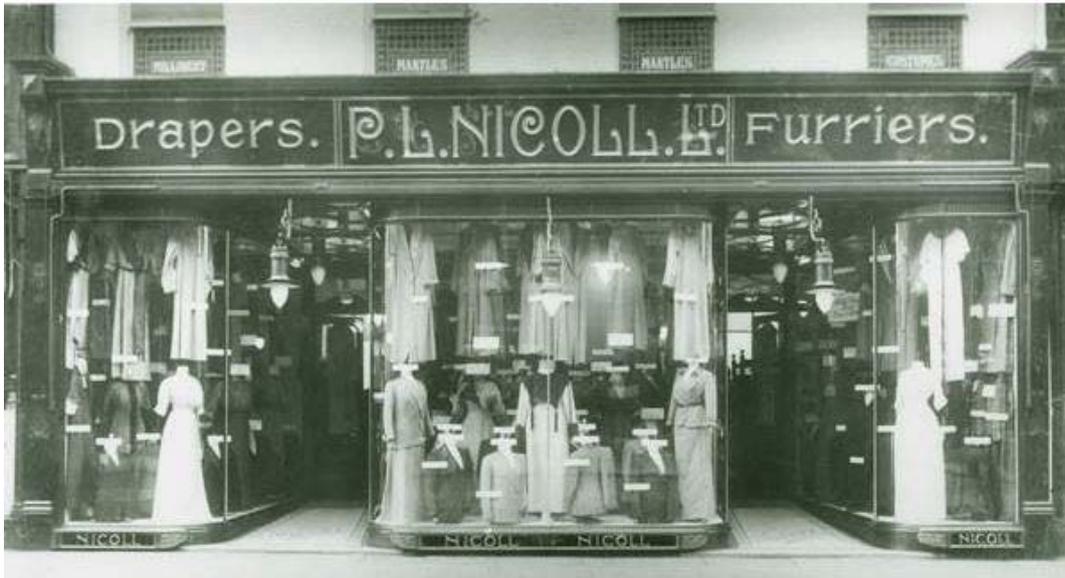


Figure 7 – Late Edwardian shopfront (now lost) 15-17 Manchester Road, of particular note are the deeply recessed doorways and tall undivided windows (Figure courtesy of Lancashire Libraries)



Figure 8: Well preserved surviving early Edwardian shopfront in Padiham. Note the slender mullions and transoms, leaded and stained glass detailing to the transom lights, curved glazing to recessed doorway with mosaic tile threshold.

5.21. The 1920s and 1930s saw a reduction in ornate detailing and embellishment. Nevertheless, a deliberate and thoughtful style emerged with the use of quality materials most notably polished and smooth materials such as bronze, vitrolite, marble and chrome. The desire for smoothness extended across the whole design, fascias, pilasters and consoles were often swept away in favour of flush surrounds.

Figure 9: Attractive 1930s recessed shopfront at the Empire Buildings, No. 127 St James Street. Note the deeply recessed and tiled lobbies, curved glass, etched fanlights, shallow stallriser, decorative vents and marble pilasters.



Late Twentieth Century Shopfronts

5.22. In the twentieth century the availability of large float glass sheets, frameless jointing techniques and air curtain technology made many of the structural elements which influenced early shopfront design unnecessary.

5.23. New materials such as anodised aluminium, ceramic tiles and sheet plastic were also introduced and in the latter part of the twentieth century, many traditional shopfronts and shop buildings were replaced with ones which can be said to have little quality or merit, and the pride in the outward appearance of shops seemed to diminish; with some notable exceptions. Plain, poorly proportioned shopfronts with clutters of cheap advertising, or poor quality imitation 'mock' traditional shopfronts became all too common, as, unfortunately, did security shutters and grilles.

5.24. The facades of other commercial buildings such as banks, solicitor's offices, pubs and hotels, generally survive much better (with a greater proportion being listed buildings) and are more immune to changes in fashion. These also show a greater variety of styles and detailing.

5.25. In the last decade or so, however, shopfront design in town centres across the Country has improved generally and quality is once again recognized as a trading asset. Shopping has become as much a leisure activity as an exercise in buying essentials, and the retail sector has expanded and competition is fierce. There has been a rising awareness of design issues nationally and the growth of the conservation movement of the last two decades of the twentieth century as reaction to the losses and poor quality development of the earlier two decades, particularly the designation of conservation areas and the associated grant schemes, has been fundamental in changing attitudes .

The Guidance

6. General Principles of Good Design

6.1. In the design of all shopfronts, whether traditional or modern, the first consideration must be the building as a whole and the wider streetscape:

6.2. **The Building as a whole** - A shopfront and building must be considered as a whole entity to ensure they are seen together rather than separate elements. Key considerations include:

- What is the style of the existing shopfront and its features, detailing and condition?
- What is the date or period of the building and its architectural style?
- What are the proportions and the main vertical divisions established in the elevation above?
- What materials and details, such as mouldings, patterns of glazing and colours, are used?
- How well does the existing shopfront fit with the rest of the building?

6.3. The aim is to achieve some continuum in the design from ground to roof in order to harmonise the shopfront with the whole building facade. It is also necessary to take into consideration the design of adjoining facades, especially where the shop property in question is part of a terrace or a group of identifiable character. The majority of shops and commercial premises in the borough's towns are in terraces of narrow fronted and tall (two storeys or more) properties that have a strong vertical emphasis. Shopfronts should continue the strong vertical proportions and the symmetry of upper storeys, for example by spacing vertical divisions (such as mullions) to correspond with strong vertical elements above (areas of structural masonry between windows), unless a strong horizontal emphasis exists to allow a different pattern.

6.4. **The Streetscene** - It is important to consider the effect of the design on the rest of the street (the streetscene). Key considerations include:

- What is the rhythm of the street elevation in which the shopfront will be located?
- Is there a consistent pattern to the shopfronts of adjoining buildings?
- What are the common materials and colours used in the local buildings?

6.5. Designs should respect consistent patterns of shopfronts to adjoining buildings such as the repeated arrangement of pilasters or windows, or the continuous line of cornices. Proportions, materials and details should not seek attention or dominate other shopfronts unnecessarily, for example through the excessive use of lighting, over-large signs or garish colours. In the case of uniform parades, shopfronts should be designed to achieve a similar degree of uniformity. Where streets have a variation in scale and proportion, there is often a "hierarchy" to the component buildings with key buildings having prominence in the street. This hierarchy should be respected. Where the existing streetscene is poor, new shopfronts should seek to enhance the character and appearance of the area.

6.6. The information and understanding obtained from a simple assessment of the building as a whole and its wider streetscape will be essential to the application of the following general principles of good design:

- **Shopfronts should complement the design of the building as a whole, adjoining buildings and the wider street taking into account the age; history; scale and proportion; symmetry and rhythm; architectural style; and materials.**
- **Good quality and relatively unaltered historic/traditional shopfronts or features should be repaired rather than replaced.**

- Shopfronts should be designed to incorporate the basic features of a shopfront - pilasters, fascia, stallriser, doorway and window. These key elements should be proportionately in relation to each other and provide a vertical or horizontal emphasis consistent with the building as a whole.
- Materials and detailing should be high quality; durable; and appropriate to the building and its context. Glossy surfaces, aluminium or uPVC are not normally appropriate for historic buildings, particularly within conservation areas.
- The colours of a shopfront should have a coherent and co-ordinated appearance. Overly strong contrasting colours should be avoided as should large areas of primary colours and garish shades.
- The number of elements introduced should be carefully considered – too many details, signs and features can be difficult to look at and detract from functional efficiency; or if well done can add interest and vitality. As a general rule, a restrained approach generally leads to a higher quality design.
- Make the best use of transparency: views of activity within shops stimulate business.
- Signs, blinds, lighting, and security measures should be designed as an integral part of any new or altered shopfront proposal.
- Standard corporate ‘house styles’ should be adapted and modified to complement the character of the building and the wider area as appropriate
- The design of the shopfront should consider access for all ideally through the main entrance by creating a clearly defined, unobstructed and level approach.



Figure 10: (Left) Example of a context assessment in Padiham Conservation Area. (Right) Corner shopfronts are visually important and can draw the attention of pedestrians on both streets.



Figure 11: (Left) This shop extends across three units, but the fascia sign is appropriately broken into sections rather than extending across the whole shopfront. (Right) A continuous shopfront which extends across more than one property with wide horizontal format shop windows and disrupts the sense of verticality along the street. The blocking up of first floor windows further detracts from the visual qualities of the host building and the traditional terrace.



Figure 12: This parade of shops in the Padiham Conservation Area were refurbished in a unified design, bringing a great improvement to the streetscene.

7. Design Approach - Whether to Repair or Replace?

7.1. The decision over whether to repair or replace the existing shopfront will depend on the building, and the age, quality and condition of the shopfront.

7.2. In the case of listed buildings; conservation areas; and buildings and streets that are predominantly traditional, the Council will generally encourage the:

- Retention and repair of existing historic/traditional shopfronts in their entirety where they are capable of practical repair. If this is not possible;
- Retention and repair of the traditional architectural frame (pilasters and fascia) of the shopfront where this is capable of practical repair and include a new insert. If this is not appropriate;
- Like-for-like replacement or where appropriate the introduction of a carefully proportioned, well resolved and high quality design that meets the relevant guidance in this SPD.

7.3. The different approaches for repair or the insertion of new and replacement shopfronts is described below. The flow chart in Appendix B sets out the early questions that should be asked in order to choose the most appropriate response to its context. In some cases more than one approach may be considered acceptable in principle. Once the approach has been selected, then detailed design issues can be addressed using the guidance as set out in the document.

Retention and Repair

7.4. If the existing shopfront is appropriate to the building or is of architectural or historic interest, then its retention and repair/refurbishment will be the preferred option, particularly for Listed Buildings; buildings in Conservation Areas; and buildings and streets that are predominantly traditional and with timber shopfronts.

7.5. Repair work may well be less expensive than replacement. Repairs should generally be undertaken on a like-for-like basis, matching the design and materials of the original features to be repaired. In cases where a whole shopfront is not considered to be worthy of retention or capable of repair; elements of it may be, typically where the traditional architectural framework (pilasters and fascia) survive with a modern window/door insert. In such circumstances the replacement shopfront should be designed appropriately to incorporate these retained features.

7.6. Unnecessary destruction of historic and irreplaceable fabric and decorative detailing is not acceptable or sustainable. Surviving historic shopfronts are a diminishing resource. Changing fashions can be expressed through window displays, paint colours and signage. Contemporary retail operations can happily coexist with traditional shopfronts.

7.7. As part of the overall design, it is the little details that can make traditional shopfronts individual and interesting and often provide an insight into the shop's historic uses. Many of these details, such as door handles, leaded lights, or traditional branding/advertising such as tiled thresholds and sign writing, may be original and an important part of the historic value and as such should be retained and incorporated into the proposed design.

Local Plan Policies SP5, TC8, HE2, HE3 (See Appendix A)

New and Replacement

7.8. If the existing shopfront is unattractive or inappropriate to the building or to the locality then a replacement with a more appropriate design will generally be supported. Planning Permission will normally be required to replace or remodel an existing shopfront and for listed buildings, Listed Building Consent will also be required (see section 4).

Like-for-Like Replacement

7.9. Replacing the shopfront on a like-for like basis will be the preferred option if the existing shopfront is appropriate to the building or is of architectural or historic interest, but is beyond repair. This will be essential for listed buildings. Like-for-like means accurate replicas of the original design in style, detail (e.g. glazing bar profiles) and materials, and re-using any historic fabric such as stained glass.

Local Plan Policies SP5, TC8, HE2, HE3 (See Appendix A)

Reinstatement/Reproduction of an original shopfront

7.10. Where the existing shopfront is unattractive or of lesser quality than the building in which it sits, the Council would encourage the reinstatement of the historic/traditional shopfront where evidence of the design of a former shopfront exists. This is a particularly suitable approach for Listed Buildings, locally listed buildings and Conservation Areas.

7.11. Parts of original shopfronts are sometimes found hidden beneath modern fascias, otherwise, historic photographs and plans can provide valuable evidence of previous frontages. When reproduction shopfronts are proposed, the design and detailing should have a high degree of authenticity and the work should be executed to a high standard of craftsmanship. The impressive results of this approach can be seen at Numbers 4-8 Burnley Road, Padiham (see Figure 12).

Local Plan Policies SP5, TC8, HE2, HE3 (See Appendix A)

Insertion of a traditionally styled shopfront

7.12. Where the existing shopfront is unattractive or of lesser quality than the building in which it sits, but a faithful reproduction of an original shopfront is not possible or required, the Council would encourage the insertion of a style of shopfront more appropriate to the age and character of the building or to match the other traditional shopfronts in the street, although care must be taken over inserting past details which never existed at a particular property.

7.13. This approach is appropriate for traditional buildings in Conservation Areas and in streets with a prevalence of traditional shopfronts. This approach may also be appropriate in areas where the street character has a mix of traditional and modern buildings and where the host building has a strong traditional character.

7.14. In many cases the appropriate approach to a new shopfront where the host building has a strong traditional character or for streets with a prevalence of traditional shopfronts, will be a traditional timber shopfront of a style that reflects the architecture of the building above and the particular character of the street.

7.15. Whenever new traditionally styled shopfronts are proposed, authentic design and detailing and a high standard of craftsmanship will be required. A traditionally designed shopfront will normally consist of pilasters, with architectural details such as capital and plinth, a corbel/console bracket, fascia

and cornice. The entrance is usually recessed and the shop window will typically include vertical mullions and transoms at door head level with opening windows above. It will usually be made of timber with a paint finish and joinery detailing should reflect patterns and profiles traditional to that area.



Figure 13: Traditional shopfront design incorporating elements such as transom windows, decorative pilasters and corbels. Features such as these give traditional shopfronts a strong sense of character as a result of these being more decorative and detailed than modern approaches. These are not an original shopfronts, but are attractive, and well-constructed traditionally-styled shopfronts appropriate to the style and character of the buildings.



Figure 14: How modern shopfronts on a traditional buildings might be improved using appropriate traditional and contemporary detailing

Local Plan Policies SP5, TC8, HE2, HE3 Local Plan (See Appendix A)

Modern interpretation of a traditional shopfront

7.16. In some instances the character of the host building or the street will provide opportunities to provide a more modern interpretation of the traditional shopfront using a design that has generally less ornamental detailing than traditional shopfronts but has similar characteristics and proportions that have a level of depth and detailing to add interest.

7.17. The incorporation of the main elements of a shopfront, as set out in Section 8, in a simpler more modern manner should provide the basis for shopfront designs that are both distinct and contemporary and that do not detract from the character or appearance of the building or the streetscape.

7.18. This approach is appropriate for traditional buildings in streets with a mixed character and modern buildings in a conservation area or a traditional street.



Figure 15: Left: A modern interpretation shopfront used effectively in a traditional building (Skipton). Right: the overall scale and proportions of this modern interpretation shopfront on a modern building in Burnley Town Centre Conservation Area responds positively to the building and the wider area.



Figure 16: Examples of attractive and well-presented modern interpretation of traditional shopfronts (Cumbria). Left: A more traditional and elaborate timber detailing to this modern shopfront. Right: A predominantly timber shopfront with modern frameless glazing but with profiling to the timberwork adding dimension, and sitting within the building's brick piers which provide framing, separation and solidity.

Local Plan Policies SP5, TC8, HE2, HE3 Local Plan (See Appendix A)

Modern shopfronts

7.19. The Council is keen to encourage good quality contemporary design in modern (post-1945) unlisted buildings and new build units in streets with a mixed or predominantly modern character. Successful modern shopfronts will employ careful proportioning and good quality materials, and will be designed to respect surrounding buildings and local character.

7.20. Whilst the basic principles of good design should be followed, there will be a greater range of appropriate solutions to provide a shopfront which breaks away from the traditional approach.

7.21. In a predominantly modern context, this could be achieved by altering the form of shopfront elements and providing cladding, different materials or bold painting schemes which break up the shopfront or whole building façade. The key to success here will be in the proportions, quality of construction, finish and in developing a coherent style that respects the streetscape, locality and building in which it sits.



Figure 17: (Left) Modern shopfront on a modern building in Burnley Town Centre. A traditionally styled shopfront would not necessary in this context. (Right) Modern frameless glazed shopfront in Cumbria

7.22. There may also be circumstances where a proposal is innovative or idiosyncratic but is of such integrity, quality and artistic merit that planning permission may be granted as an exceptional scheme. There has not yet been an instance where a shopfront or sign of this category has been installed within the borough but this does not preclude the possibility of one coming forward in the future.

Local Plan Policies SP5, TC8 (See Appendix A)

8. Detailed Design Guidance

The Main Elements of Traditional Shopfront Design

8.1. A traditional shopfront is composed of a number of distinctive, well established and functional elements. These elements are equally relevant to traditional and modern shopfront design and the different treatment of each and choice of materials offers scope for the great variety of shopfront design whether traditional or modern in style.

8.2. Regardless of age or style, the key to achieving a good shopfront design is proportion. If the basic features of a shopfront (described below) are out of proportion with each other or with the upper floors of the building, the overall composition will never be successful, even if care is given to the details and materials. The shopfront should make visibly clear that there are a means of support to the building above; it should make full use of the original ground floor height; and should have a vertical or horizontal emphasis consistent with the building as a whole. A vertical emphasis will normally be the appropriate approach where the building is Victorian or Edwardian.

8.3. Good proportion will be achieved by careful consideration of the inter-relationship between the main elements of a shopfront:

- **Pilasters** provide a frame and vertical separation between units and an opportunity for colour.
- **Fascia and cornice** to hide the structural support beams and provide advertising space.
- **Stallriser** to provide internal and external protection and a solid base at ground level.
- **Doorway** is often recessed to provide visual relief and to extend the display space.
- **Window** for the purposes of display and internal light and often vertically emphasised.

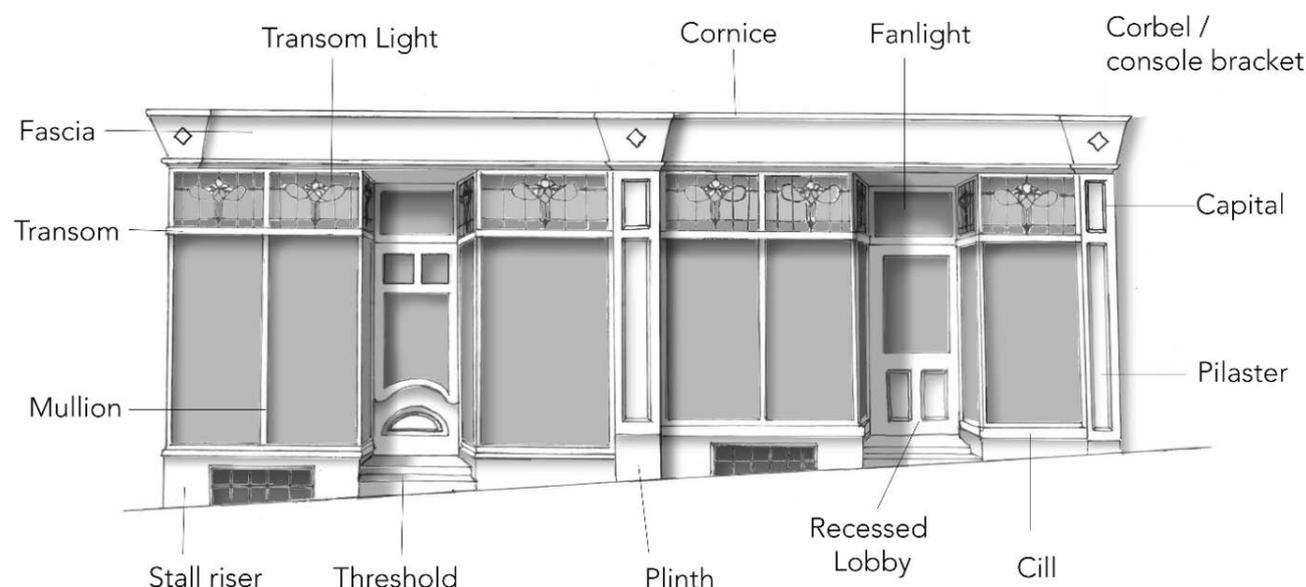


Figure 18: This illustration shows an early Edwardian shopfront with the basic shopfront elements alongside other functional and decorative elements of traditional design.

Shopfront Modelling - Depth and Shadow

8.4. A shopfront can look very bland and flat if the windows, door, stallriser, fascia, and pilasters are all flush with each other. A simple design will instantly look more interesting by recessing or projecting some of the main component parts. For example, traditional shopfronts have recessed doors and windows, projecting pilasters and window cills and cornices that provide 'depth' to the façade. This 'modelling' of the shopfront allows a play of light and shadow that enlivens the building and the street. Shopfronts with stuck-on glazing bars and with features that are flush or near flush can result in a flat, insubstantial appearance.

8.5. Slightly projecting pilasters and a projecting shop window cill have the additional benefit of protecting the doors and windows from knocks. Similarly a projecting cornice will provide weather protection to the fascia.



Figure 19: (Left) Flat shopfront insert and undivided glazing detracts from the existing traditional frame and the character and appearance of the host building. (Middle and Right) Recessed doorway and projecting cornice and corbels project light and shadow over shopfronts.

Access for All

8.6. Consideration of how the design fulfils the functional requirements of the shop or business premises must include the ease of access for all users.

8.7. In addition to Local Plan Policy SP5 5)b) and TC8 1)d) (see Appendix A), the Equality Act 2010 requires service providers to make 'reasonable adjustments' in relation to the physical features of their premises to better enable disabled people to access goods, facilities and services.

8.8. Guidance on the Equality Act is available from equality and human rights commission or Citizens Advice.⁴

⁴ www.equalityhumanrights.com/en/advice-and-guidance/equality-law-businesses-selling-products-such-shops-and-petrol-stations or <https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/duty-to-make-reasonable-adjustments-for-disabled-people/>

8.9. Volume 2 of Part M of The Building Regulations 2010 - Access to and Use of Buildings – Building other than dwellings, gives requirements when extensions and alterations are carried out to commercial and office buildings. The aim of Part M is to foster a more inclusive design to accommodate the needs of all people, and help to ensure that reasonable provision has been made.⁵

8.10. To achieve these requirements, wherever practicable, the design of the shopfront should ensure access for all through the main entrance by creating a clearly defined, well lit, unobstructed and level or appropriately graded approach. Where this is not possible, a secondary accessible entrance should be considered.

8.11. The interior design and the shop service is also important to consider, making the layout easy to navigate and providing assistance for people with hearing, visual physical or mental impairments.

Main Architectural Components

Pilasters

8.12. Pilasters are the vertical columns at each end of the shopfront forming physical separations between adjoining shopfronts, providing vertical definition and reflecting the pattern of buildings within the streetscape. They also provide visual support to the upper floors/building above. In some cases a third pilaster may be used to frame a separate entrance to accommodation above the shop and on larger shopfronts there may be a pair of pilasters framing the shop entrance. The width of pilasters vary between shopfronts, but are generally 250mm to 350mm wide, but on larger scale buildings they can be as much as 600mm wide.

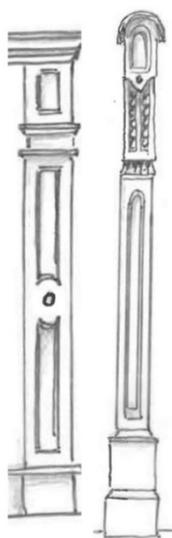


Figure 20: Examples of panelled, plain and fluted pilasters with decorative consoles/corbels

8.13. Traditional pilasters extend the full height to the cornice and can be divided into three parts: a plinth that projects slightly forward and is no taller than the stall riser; a 'shaft' that runs from the window cill to the head of the window often panelled, beaded or fluted; and a decorated capital that connects the pilaster to the corbel/console bracket at the top. In most cases traditional pilasters and capitals are timber with a paint finish or stone.

8.14. Pilasters should always be incorporated into the design of a traditional shopfront. Where traditional pilasters exist they should not be removed or clad, and damaged pilasters should be repaired or reinstated where missing.

8.15. Traditionally styled pilasters may not be appropriate to a modern style of shopfront, but the principle of providing a clear division between shopfronts and visual support for the upper facade through the provision of appropriately located solid uprights still applies. An appropriate means of achieving this would be to incorporate or retain flanking masonry piers and treat them as an aesthetic (as well as functional) part of the design.

⁵ Further details on part M of the building regulations is available from <https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

Corbel/Console Bracket

8.16. The corbel or console brackets sit on top of the pilasters and are shaped brackets that offer support to the cornice above and project well forward of the fascia. They line up with the pilasters along the left and right hand edges of the shopfront and are roughly the same width as the pilaster. Late Victorian brackets became very substantial features and were often decorated with scrolls or leaf carvings and capped by a small, often pitched, pediment.

8.17. Traditional corbels/console brackets should not be altered or removed. Where they are missing or partially missing they should be reinstated. The corbel brackets should project well forward of the fascia. Original corbels are varied in design and it is important to match typical local types. These are generally in painted timber or natural stone.

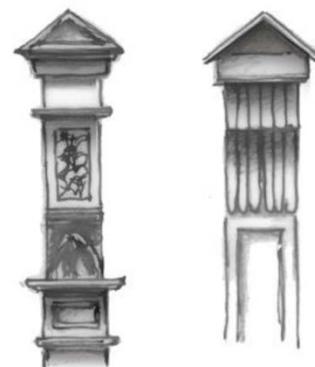


Figure 21: Traditional corbel/console brackets

Fascia

8.18. The fascia is the most noticeable element of a shopfront and is the element with perhaps the most potential for causing visual harm if overly dominant. For this reason special care should be taken over its treatment and it should be designed as an integral part of the shopfront. Buildings where traditional shopfronts have been replaced by modern interventions generally have fascias that are unsympathetic due to over scaling, use of unsatisfactory modern materials, and by concealing original shopfront features. In some cases the original fascia may still remain below later over-boarding and in such cases opportunity should be taken to restore the original fascia.

8.19. Whether designing a traditional or modern shopfront, the following points in relation to size and siting of the fascia should be observed:

- The depth of the fascia should be in proportion to the width of the pilasters. It should be contained within the width formed by the pilasters or corbel brackets and the depth formed by the cornice above, so that it is not too dominant. As a rule of thumb, the depth of the fascia should not exceed 20% of the overall height of the shopfront.
- An excessively deep fascia should not be used to conceal a suspended ceiling. If an internal false ceiling would appear below the window head it should either be angled upwards to meet the frame head or, alternatively, a transom rail should be inserted into the window with opaque glass to obscure the false ceiling.
- Where there is a single occupier of two or more adjacent shop units, the fascia should not span uninterrupted across the units. Each shopfront should have a separate fascia, divided by corbel brackets or similar device. The identity of multiple units can be retained through a unified approach to colour and signage.
- The fascia should not encroach upon the window cills of the floor above or upon any of the shop window below. Where insufficient space exists for the use of a fascia, individual lettering applied directly to the wall will usually be appropriate.
- The use of deeply projecting fascias or the addition of bulky box signs into existing fascias should be avoided as they are often unsympathetic to their surroundings in terms of bulk, size and materials.

Cornice

8.20. The cornice defines the top of the shopfront providing division between the shopfront and upper floors and completes the overall frame. It is therefore critical from a visual point of view. Cornices project further out than the wall above and provide weather protection to the fascia and the shopfront as a whole. Depending on the architecture of the building, the profile of a cornice can be square, simply moulded or richly moulded forming a highly decorative feature. Existing traditional cornices should be retained or reinstated where missing



Figure 22: A reproduction of a traditional style fascia and cornice

Stallriser

8.21. Stallrisers form a solid visual base for the building so that it does not appear to float, and also provides the shopfront with balanced proportions, protects the window from kicks and knocks and provide a raised area for window display. Traditional stallrisers are topped with a moulded projecting cill; and finished with stone or timber. Where a shop is located on a slope the stall riser height usually responds by stepping up or down.

8.22. Traditional stallrisers should be retained where possible and where they have been removed their replacement is encouraged. New or replacement shopfronts of traditional design should incorporate an appropriately proportioned stallriser. The style and height of the stallriser will be influenced by the overall shopfront design, particularly the depth of the fascia. Stallrisers should be constructed from substantial materials that are compatible with the shopfront and building. If a timber stallriser includes decorative panels they should be part of the joinery and should not be formed by tacked-on mouldings.

8.23. Whilst it is desirable for modern shopfronts to incorporate a form of stallriser, some contemporary designs deliberately omit the stall riser to maximise the impact of the display area and/or for simplicity of form. In some cases this can produce a very stylish effect, but its visual success is heavily dependent on a design that respects the shopfront frame and proportions of the building; and uses high quality external materials and detailing.

Doorway/Entrance

8.24. The doorway should be located with regard to the design and proportions of the building above, the layout of the shop itself, the need for easy access and the design of adjoining shop units. In most cases the entrance should either be located centrally within the shopfront or at one end. If there is a separate door to the upper floors it should be retained to allow independent and continued use. New doorways to upper floors should be in keeping with the materials and proportions of the shopfront. Doors should include glazing that is in proportion with the windows of the shopfront. Doors without glazing are rarely acceptable.

8.25. The entrance should ideally be recessed from the shop window; this not only gives visual relief to the frontage and breaks down its scale but extends the display space, allows easier access for all and invites customers in. Traditional doorways are characterised by a recess of around 800mm; fixed or

openable fanlight above to provide natural ventilation to the shop; and thresholds decorated with mosaics or tiles.

8.26. Recessed doorways and decorative thresholds should be retained where these exist or reinstated where appropriate. They should be adequately lit, and in some locations may need gates or grilles for safety and security reasons. A recessed doorway in a modern shopfront can also be attractive, adding interest to what might otherwise be a rather 'flat' and stark appearance.

8.27. Shopfronts which comprise a full width of folding doors, which enable the entire frontage to be open in fine weather, would not normally be supported in listed buildings and historic buildings within conservation areas. Their proportions can result in too much vertical sub-division and their heavy frames are also generally inappropriate in a historic context. Their use may be appropriate where the property is set back from the pavement with a substantial private forecourt. However, it may be acceptable instead to propose folding windows or horizontally sliding windows which sit upon a solid stallriser.



Figure 23: (Left) Traditional doors were glazed with a kick plate at the bottom typically at the same height as the adjoining stallriser, and with a window above the door frame called a fanlight (Middle) recessed doorway with flanking windows and tiled threshold (Right) Leaded fan-light

Display Windows

8.28. Traditional shop windows were often subdivided by slender vertical timber mullions or sometimes decorative cast iron colonettes. Tall display windows, particular on Edwardian shopfronts were sometimes subdivided with horizontal transoms, to create a row of shallow windows (transom or clerestory lights) in line with the top of the doorframe. These often incorporated decorative panes of leaded glass and sometimes bottom hinged inward opening hopper lights for ventilation.

8.29. Whilst the use of large expanses of undivided glazing can be successful in modern shopfronts, it would not normally be an acceptable approach for shopfronts on most traditional buildings.

8.30. Unless the architecture of the building or the overall design approach indicates otherwise, the window should be divided vertically with mullions to achieve the necessary vertical emphasis reflecting the 'bays' and proportions of the building above. This will provide rhythm to the frontage; visual support for the floors above; and a solid structural element below. A horizontal transom rail may also be appropriate, particularly on taller shop frontages. Thick, bulky mullions and transoms should be avoided except on some large scale frontages or where the style and ornateness dictates. They should instead be eye-catching features with careful attention paid to detail.

8.31. The window should normally have a substantial cill overhanging the stall riser below to provide good weathering protection as well as visual interest.

Embellishments/Decorative Details

8.32. A successfully designed shopfront depends not only on the assembly of the main architectural elements but the smaller embellishments and decorative details. Where these are high quality and part of a coherent approach, they can add interest and vitality.

8.33. Traditionally, design elements were normally structural rather than applied, for example raised and fielded panels of pilasters and stall risers, and were constructed with quality materials and to high standards of craftsmanship.

8.34. Though modern buildings have less need to rely on classical decoration, for traditional buildings, additional design elements and embellishments may be present. These bring identity and character to shopfronts and should not be removed, damaged or obscured. Where necessary, they should be repaired and retained as part of any proposed alteration. Even small historic details that survive are worth retaining and incorporating into a new shopfront

Materials and Colour

Materials

8.35. Once the appropriate style is chosen, the design should be considered in its entirety and in three dimensional terms and all such details, materials and finishes should be shown accordingly on any applications/plans. The materials and finishes used for individual shopfronts should be high quality and fit for purpose.

8.36. Timber is the most sustainable (subject to sourcing) timeless and versatile material, with an infinite ability to create and repair architectural detailing and redecoration. Poor quality, fast grown softwood will quickly soak up rain water, warp or crack, giving the shopfront an untidy appearance and requiring more maintenance or complete renewal. In most instances traditional shopfronts are made of timber (hardwood or slow grown softwood) and as such this should be a common starting point for all traditional (pre-1945) shopfronts. The use of MDF and chip-board is not encouraged as it can easily become saturated when used outdoors.

8.37. Other traditional materials of good quality, such as sandstone, coloured glass and metalwork can offer a wide variety of profiles, textures and finishes which maintain their appearance better than many man-made material and would be acceptable materials (as appropriate to the particular age and character of the building and its shopfront design). Glossy surfaces, acrylic or Perspex sheeting, uPVC shopfronts are generally not acceptable in traditional buildings, Conservation Areas or Listed Buildings.

8.38. UPVC rarely produces high quality design. UPVC frames cannot be made as thin as aluminium, steel or timber and therefore result in a less refined, more chunky, appearance. It is also difficult to manufacture uPVC into convincing and elegant mouldings/sections for glazing bars, cornices and panelling to doors, stallrisers etc. Additionally, uPVC and other plastics are prone to fading and discolouring and cannot be repaired and are more difficult and expensive to paint. Where uPVC may be allowed (e.g. on an appropriate modern buildings or to replace an existing poor quality shopfront) it will only normally be appropriate for the windows frames themselves. The fascia and the stallriser should not be in uPVC. UPVC 'mock' traditional doors should always be avoided.

8.39. Aluminium is a modern material that now comes in a variety of powder-coated finishes which may be acceptable as an alternative to steel or brass where a modern shopfront design is appropriate. Although aluminium was commonly from the 1960s in replacement shopfronts on many traditional buildings, because of its mass-produced nature it was often used in a manner that did not respect the host building and rarely gives a high quality or attractive appearance or finish as it is more difficult to mould than timber. Darker shades of suitably profiled powder coated aluminium may be acceptable for modern buildings and occasionally for traditional buildings depending on the overall quality of the design and existing shopfront.

8.40. There will be greater scope to use modern materials such as aluminium and steel on post-1945 buildings or modern retail parades where they are used as part of a well-considered design approach that meets the principles of good shopfront design as set on in this SPD.

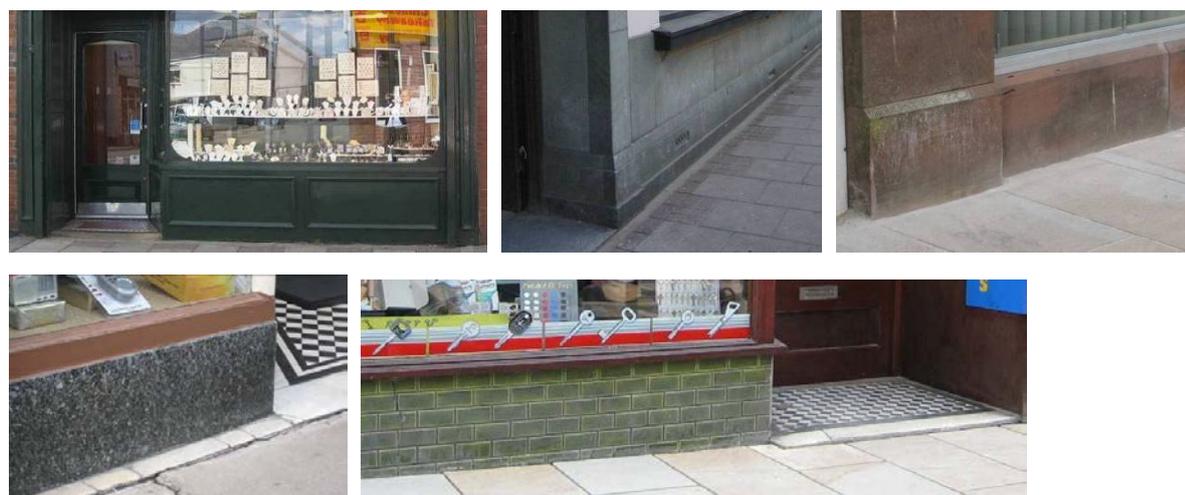


Figure 24: Traditional timber, ashlar stone, polished granite and glazed tile stallrisers have a more elegant and substantial appearance

Local Plan Policies SP5, TC8, HE2, HE3 (See Appendix A)

Colour

8.41. The colours of a shopfront should have a coherent, co-ordinated appearance. In most cases dark or muted colours are more traditional and appropriate (e.g. black, navy, dark red, maroon, and dark green). However, the use of dark colours can make the detailed design features disappear and streetscapes dull. Where dark colours are used, particularly black, consideration should be given to picking out key details in lighter colours. Dark staining has a similar effect and should normally be avoided. Brighter and warmer shades such as white, off white, cream, and muted tones will normally be acceptable as they can add vibrancy and warmth. Overly strong contrasting colours should be avoided as should large areas of primary colours and garish shades. In some cases varnish or artificial graining may be appropriate.

8.42. The choice of colours will depend on the design of the shopfront, its size, the amounts of each colour to be used and the construction materials of the building and its neighbours. Co-ordination with the colour scheme of upper storeys will normally be expected. The colours used on the signage should match or harmonise with those used on the shopfront.

8.43. Where a corporate identity is required and the standard corporate colour scheme is not considered appropriate, the colour scheme should be adjusted, or reversed, to reduce the amount of the garish colours e.g. restricting it to the signage/fascia only.

Local Plan Policies TC8, HE2, HE3 (See Appendix A)



Figure 25: Left: A high quality Victorian shopfront, but the traditional detailing is somewhat lost by the single dark colour used and the quality diluted by the acrylic fascia sign extending over what may have originally been transom lights. Right: The contemporary colour scheme, signage and styling of this shopfront in Cumbria shows how a modern business can successfully utilise a traditional shopfront

Summary

8.44. The Council recognises that financial considerations will dictate that it may not be possible at a particular time to restore a historic shopfront or replace with a new improved design in line with the recommended approach and design guidelines, particularly where the current shopfront is still in good condition.

8.45. Poor quality shopfronts tend to last a decade or so rather than a century or two, and when these inevitably reach the point of requiring replacement, the opportunity to improve the appearance and quality of shopfronts in line with the guidance in the SPD should be taken and will be supported. Where shopfronts are to be replaced, the guidance in the SPD will be expected to be followed in addition to adherence to the policies of Burnley's Local Plan.

8.46. The replacement of signage, lighting and security measures will present opportunities to enhance the overall appearance of a shopfront and these also need to be designed in line with the guidance in the following sections. Seizing these opportunities would help bring about a significant improvement in the environment and quality of the Borough's town centres which is essential in order to attract and retain customers and other high quality retailers to the area, increase footfall and enhance the overall trading strength of the area. An improvement in the overall quality and appearance of the town's shopfronts and signage is essential to complement the recently completed high quality public realm enhancement works in Burnley and those proposed for Padiham town centre.

9. Signs

Number, Positioning and Size

9.1. Signs and advertisements should be considered and designed as an integral part of the overall shopfront and have a co-ordinated appearance. Historically, sign writing and manufacture was a craft or art form and a creative approach to new signage will be encouraged.

9.2. Shopfront signage should be simple and restrained. It should respect the age and character of the shopfront and host building in its size, materials and detailing. This can allow for quality modern signage reflecting the image of the current retail operation. Signs should not look overly 'busy' due to the use of lots of colours, text, logos or graphics.

9.3. The number of signs should normally be kept to a minimum as a proliferation of shopfront signage can create a cluttered and confused appearance that detracts from the appearance of the building and is unlikely to be effective in attracting customers. It may also lead to an escalation in signage with competing traders demanding larger, brighter and more garish signs to make their shopfront more prominent.

9.4. Signs should be in proportion to and not visually overpower the building and shopfront they are to be attached to. In most cases signage should be limited to the fascia, and where acceptable to shop windows and hanging signs; and in most cases should not be located above fascia level or on the sides of buildings;

9.5. Surviving historic signage should normally be retained, even when no longer relevant to the current occupier of the building, unless it is within the fascia where it would interfere with the current retail operation. Where historic signs are encountered, advice should be sought on whether and how these should be retained; in situ, stored elsewhere on site, or altered to the requirements of the new occupier.

Fascia Signs and Lettering

9.6. Fascia signs can be flat boards or individual letters fixed within the existing fascia, or where there is no fascia, individual letters may be applied directly to the façade of the building or small flat sign boards fixed. The fascia sign should respond to the scale of the shopfront and fascia and nature of the host building, use a sympathetic colour palette and avoid excessive colour and texture contrasts.

9.7. Fascia signs should sit comfortably within the fascia and not overlap or conceal framing/architectural detail. Boldly projecting box-like fascia signs and pre-formed signage boards of uPVC or metal, such as aluminium fixed onto an existing fascia with studs are obvious and incongruous additions and should not be used in Conservation Areas and on Listed Buildings.

9.8. Glossy vinyl, acrylic plastic or aluminium signs would not normally be supported on Listed Buildings or in Conservation Areas. These fascia signs will usually only be acceptable on modern buildings, provided they can be appropriately integrated.

9.9. Fascia signs constructed from timber with hand-painted lettering are particularly appropriate for traditional shopfronts. The use of individually mounted letters attached to a fascia is also acceptable

9.10. Filling the fascia sign with large lettering and logos can create visual clutter and fascia signs should include only the name and/or trade of the premises and street number.

9.11. The style of lettering is likely to be dictated by the nature of the business and/or character of the building and shopfront. Lettering should be clear, appropriate in scale to the size of the fascia and leave a comfortable blank 'breathing space' within the perimeter of the fascia. Serif and non-cursive fonts such as Garamond, Bookman Old Style and Times New Roman, convey a traditional image whilst fonts without serifs, such as Century Gothic, Gadugi and Tahoma project a more modern image.

9.12. In sensitive locations, especially Conservation Areas and Listed Buildings, standard corporate 'house styles' should be adapted and modified to complement the character of the building and the wider area as appropriate



Figure 26: A well-constructed modern interpretation of a traditional shopfront, but the quality of the shopfront and the street is somewhat degraded by the 'house style' colour scheme and advertisements.

Hanging and Projecting Signs

9.13. A well designed hanging sign carefully placed to avoid obscuring architectural details and matching the colour and typography of the fascia signage will normally be acceptable in addition to, or in place of a fascia sign.

9.14. Any object projecting over the public highway will require a licence from Lancashire County Council and need a minimum height of 2.6 metres from the pavement to the underside and 1 metre minimum in width from the outer side to the kerb line.⁶

9.15. Hanging signs should generally be positioned between the fascia and the bottom of the window cill of the first floor or level with the fascia where space allows and there should not normally be more than one hanging sign per shopfront.

9.16. Signs should be of modest size and well-designed proportions and should not compete with or obscure neighbouring projecting signs in respect of scale or location. As a general guide they should project no more than 450mm from the shopfront elevation and should not exceed 500mm in any dimension with each sign considered on its merits. Timber hand-painted signs are particularly

⁶ Paragraph 6.3.24 Manual for Streets, DCLG, March 2007

appropriate but sometimes metal can be acceptable. Hanging symbols depicting the nature of the trade can add interest and variety to the streetscene.

9.17. Simple wrought iron brackets can look attractive, but depending upon location, decorative or carefully crafted contemporary brackets could add interest to the streetscene. Existing hanging sign brackets should be reused if they are of complementary design and in a suitable location. If this is not the case, they should be removed and the fixing points made good.

9.18. Projecting box signs, whether illuminated or not, are bulky and unattractive and would not normally be supported on Listed Buildings or in Conservation Areas. If a contemporary box sign is to be used on a modern building, it should be designed to have a minimum impact on the overall shopfront. The size; depth and appropriate lighting technology should relate to the character and context of the building.

9.19. There is a developing pressure for banner signs to be fixed to buildings as an alternative to traditional hanging signs. These can be very dominant and overbearing and should be avoided, particularly in Conservation Areas and on Listed Buildings.



Figure 27: Raised lettering adds depth to the fascia signage and can be used in different ways to suit the style of the shop; traditional shopfronts can be enhanced through the use of hand painted signs; and hanging signs add interest and variety.

Window Signs and Stickers

9.20. Where a shopfront lacks a fascia or little opportunity for the attachment of external signs, or for businesses operating solely on upper floors the glass of the shop windows or doors can provide space for signage. The restrained use of painted or etched lettering and associated graphics onto the internal

surface of the glazing can be effective and stylish. Etching historic glass with signs will not normally be acceptable. The use of carefully designed frosted window stickers with signage incorporated, vinyl letters and graphics can be a suitable alternative.

9.21. The majority of the glass should be kept clear to preserve the inter-visibility between the inside of the shop and the street as such the use of large panels of signage which cover the whole or the majority of a shop window should be avoided, as should the cluttering of windows with posters and graphics.



Figure 28: (Left) The use of carefully designed etched window stickers sensitively applied to the window can improve the appearance of a shopfront whilst also maintaining views inside. (Right) The shopfront window is completely obscured by signage creating an oppressive and unwelcoming shopfront.



Figure 29: Examples of the visual clutter caused by an overbearing fascia, poorly designed and poorly located signage, posters and window graphics.

Illumination of Signs

9.22. Appropriate lighting can contribute colour, interest and vitality and make an area more welcoming in the evening. There are three ways of illuminating shopfronts. Internal illumination of the fascia and other signs; externally by means of spotlighting or strip-lighting; and through internal shop window lighting. Generally, the most effective lighting is achieved through lighting of the display window or giving subtle lighting to fascia lettering.

9.23. Illumination of fascias and hanging signs is not essential for all shops, especially for those that do not trade at night. In order to protect visual amenity, vehicular and pedestrian safety and to reduce and minimize light pollution and energy consumption, the unnecessary illumination of signs will not normally be supported.

9.24. Where illumination is considered to be acceptable it should be discreet and minimal. Static external illumination is normally preferred by means of halo lighting, carefully designed trough lighting concealed within the fascia's cornice, or carefully positioned and correctly spaced small LED lighting.

9.25. Large, prominent externally mounted spotlights or swan necks/cowls/fluorescent tubes are generally not acceptable as they are visually intrusive, can create excessive lighting and can obscure the sign itself and clutter the elevation.

9.26. Internally illuminated box fascias and signs; and individually lit letters will not normally be acceptable. Full internal illumination of fascia and projecting signs is particularly inappropriate on traditional shopfronts and historic buildings because it is out of character.



Figure 30: Left: Highly reflective acrylic fascia sign and letters using a garish colour scheme. Right: Halo lighting with simple clear matt finished stand-off lettering.

Policies SP5, TC8, HE2, HE3 Local Plan (See Appendix A)

Shop Window Displays

9.27. A shop window that has an attractive and eye-catching display is the easiest and most obvious way to attract the attention of potential customers. Shop window displays are good for businesses and good for the image and vitality of a street. A well-lit display on a dark evening can look extremely dramatic and has far more impact on passers-by than any illuminated sign.



Figure 31: Subtle internal display window lighting promotes vitality in the street and aid security, especially at night time. Note the shop occupies two traditional units but has retained the original doorway to each which maintains balance across the façade and allows the units to be returned to individual shops with minimal intervention.

10. Blinds (Canopies and Awnings)

10.1. The purpose of blinds should be to afford weather protection, not to act as a permanent and prominent substitute for a fascia or projecting sign. If designed with care and consideration, blinds and canopies can add interest and vitality to a shopping street. However, their scale, design, material and/or fixings can be inappropriate to the building or area.

10.2. Blinds should be positioned neatly between the pilasters and housing boxes should be integrated within the shopfront. They should not normally be installed over doors alone or upper storey windows.

10.3. Blinds that project over the public highway may require a highway licence (contact Lancashire County Council Highways for further information) and should conform to Lancashire County Council recommendations for clearance heights. Blinds should not be erected in such a way that would cause obstruction, annoyance or danger to passers-by and should not interfere with visibility of traffic signs or signals.

Fixed Blinds/Canopies

10.4. Fixed blinds are those where the material covers a frame, usually quadrant, semi-circular or triangular in profile and covered with either canvas or vinyl. Although they appear retractable, these blinds not designed to be retracted conveniently on a daily basis. Common examples include Dutch Blinds and Balloon Canopies. These canopies introduce a prominent shape which is out of character with traditional buildings and streetscape and, unlike the traditional retractable awning, are not fully hidden when not in use.

10.5. Fixed blinds are difficult to incorporate into a well-designed shopfront and will not normally be appropriate on Listed Buildings or traditional shopfronts in Conservation Areas.



Figure 32: (Left) An example of a fixed Dutch style canopy blind and (Right) Modern folding 'fan' blinds are difficult to recess in an acceptable manner

Retractable Blinds

10.6. Retractable blinds are ones that are capable of being retracted easily on a daily basis, either manually or electrically, into a recessed area at the head or the base of the fascia. Roller blinds (also known as 'apron' blinds) are flat canvas awnings that retract into a timber 'blind box' which sits flush with the fascia and were traditionally widely used. This will normally be the most appropriate solution for Listed Buildings and Conservation Areas, particularly on traditional shop fronts.

10.7. It is essential that the 'blind box' into which the blind retracts is incorporated into the shopfront design and not simply applied. The traditional solution was either to incorporate it within the projecting fascia cornice or architrave between the fascia and the display window. Where blind boxes still exist it is usually possible to restore the blind to working use by renovating the mechanism and installing a new blind cloth and motor operation if desired.

10.8. Modern folding 'fan' blinds are difficult to recess in an acceptable manner are rarely appropriate in Listed buildings and on traditional shop fronts in Conservation Areas.



Figure 33: Left: A traditional retractable canvas blind, metal arms extend out and storm chains prevent excessive movement. Centre: An attractive & well-maintained traditional shopfront with fully-retractable canvas blind with the blind box located below within the cornice. Right: Cantilevered glass canopy to a modern shopfront in Burnley Town Centre.

Glass Canopies

Glass canopies are an attractive approach to modern shopfronts and parades. They do not necessarily obscure architectural detailing and allow the existing character of the building to dominate, while offering protection to shoppers from the elements.

Material and Colour

10.9. Glossy plastic materials are inappropriate, particularly in Conservation Areas and on Listed Buildings and should be avoided. Canvas or similar non-reflective material is preferred and colours should match or tone with the fascia and shopfront colour. Garish colour schemes should be avoided. Any lettering or logos should be kept to a minimum and should not dominate the canopy. The style of lettering should co-ordinate with the shopfront, especially the fascia sign.

The Need for Permission

10.10. Retractable and fixed blinds and glass canopies will require Planning Permission. If the shop is part of a Listed Building then Listed Building Consent will also be required. Blinds with lettering on them may require Advertisement Consent in some cases.

Policies SP5, TC8, HE2, HE3 Local Plan (See Appendix A)

11. Shopfront Security

11.1. The Council is aware that the need to protect shop premises from vandalism and theft is of utmost importance to businesses within the borough and is keen to ensure that the most appropriate solution is sought which balances the need to address the security needs of businesses and the impact of security measures on the character and appearance of existing shopfronts and townscape quality, particularly the night-time character of town and district centres.

11.2. Security measures should always be carefully considered at the design stage of a new shopfront. Where an existing shop front requires additional security this should be limited to the minimum measures necessary; should as far as possible be integral to the shopfront; and whilst addressing security considerations, should be chosen on the basis of aesthetics, the need to retain a visible display, long-term durability and the ease of maintenance.

External solid or almost solid (i.e. perforated) roller shutters

11.3. Solid roller shutters are manufactured in steel or aluminium and consist of narrow horizontal laths, solid or perforated with pin holes, which roll up into a coil protected by a box. Together with their very bulky housing boxes and guide rails they can often disfigure or obscure otherwise attractive shopfronts and harm the vitality of shopping streets. Solid security shutters can create an unattractive and hostile ambience when lowered, particularly where there is a concentration of properties with similar shutters, and are often a target for graffiti and fly posting which magnifies the problem. They also reduce natural surveillance and increase the fear of crime, particularly in the evenings when most shutters are down, and ultimately reduce trade. It is for all these reasons that the Council will not normally support proposals for installing external solid roller shutters.



Figure 34: Solid shutters prevent visibility into the shop outside operating hours together with their associated guide-rails and boxes can spoil the appearance of a building and adversely affect the appearance of an area under threat, thus inviting further damage.

External open lattice/open grille roller shutters

11.4. This type of shutter includes those that have a high (at least 50%) proportion of 'open' lattice to solid shutter and those consisting of a series of interlocking rods that form a brick-bond pattern. These shutters are generally manufactured in steel and aluminium and also roll into a coil protected by a box. The open lattice design does however allow the shopfront and window display to remain visible when closed.

11.5. External shutters require Planning Permission and may require Listed Building Consent if the shop forms part of a Listed Building. External shutters will not normally be acceptable in Conservation Areas or on Listed Buildings.

11.6. External open grille shutters will be allowed in some circumstances, for example where there is a demonstrable high security risk specific to the building, business or area, and no other preferred solution would be practicable; or where there is no need to retain a visible shopfront outside opening hours. Open lattice shutter will always be preferred to solid shutters.

11.7. Open lattice roller shutters or grilles do have bulky box housings which should be concealed behind the fascia or if this is not possible, set back beneath it and painted to match. The guide channels should be discretely hidden in the design of the shopfront and the shutters and all associated components should be colour finished to match the colour of the shopfront. Existing architectural features of the shopfront should not be obscured or interrupted by the box housing or guide channels and when down, shutters and grilles must not cover pilasters. Avoiding single shutters across the shopfront (i.e. having separate ones for recessed doors) can help reduce the adverse effects.

11.8. Businesses that open in the evenings are encouraged to open their external shutters between the hours of 9am and 5pm in order to enhance visual amenity and encourage more active streets.



Figure 35: Separate external doorway shutter predominantly of the punched grille type but a slimmer profile giving greater transparency



Figure 36: Highly transparent and attractive external decorative lattice-type shutter

11.9. There are a number of alternative ways of making shops secure that can also make streets feel safer and look more attractive. These alternative security measures can be considered either independently or combined as follows:

Security glass

11.10. A number of different types of strengthened glass are available, with laminated glass having the most security potential. It is much harder to penetrate than conventional glass as on impact the glass breaks, but pieces remain adhered to a plastic membrane. Laminated glass also has the advantage of absorbing a high proportion of ultra-violet rays, which can damage goods on display. Other options are toughened glass or architectural perspex. Whilst planning permission is not normally required to replace glass, if the building retains its historic glass it is desirable to keep this and the removal of historic glass in a Listed Building may require consent.

Internally fitted shutters and grilles

11.11. Internally fitted shutters and grilles have less impact on the exterior of the shop and can provide a high level of security to the interior of the shop with the added advantage that the space between the shutter and the shop window can contain an illuminated display that adds life to the street even when the shop is closed, making the street feel safer. Where positioned directly inside the window the grille or

shutter should be highly perforated or an open link type so that there is a clear view into the shop from the street. Where shutters require a housing box, this should always be concealed behind the fascia above the window level, so nothing is visible when the grille is retracted.

11.12. The use of internally fitted shutters and grilles does not require planning permission, and where they are carefully designed and positioned, are generally one of the most favoured security measures. Listed Building Consent may however be required if the shop forms part of a Listed Building.



Figure 37: Left: This internal shutter coupled with good internal lighting allows for a window display to be maintained, adds life to the street and allows window shopping outside of opening hours. Right: Retractable internal lattice gate type shutters also allows view into the (lit) shop

Removable external shutters and grilles

11.13. These shutters generally consist of steel mesh construction in a square grid or lattice pattern, set in a steel frame, which allow the shop front and display to remain visible when in place. As no bulky box housings are required, removable grilles are generally an acceptable alternative to roller shutters provided that the fittings are concealed and do not damage architectural features or moulding. Grilles should be colour finished to match the shop front and must be placed out of sight when not in use. Bespoke or artist designed grilles are a welcome alternative to standard products.

Reinforced Shopfront

11.14. Using elements of a traditional shopfront design, it is relatively easy to introduce concealed strengthening. Stallrisers can be fixed in front of a concrete block, whilst steel can be introduced behind transoms and mullions and within pilasters to provide additional strengthening. In addition to protection, this approach also reduces the likely area of glass to be replaced in the event of an attack.

Alarms

11.15. Burglar and fire alarms whilst visible should be sited as unobtrusively as possible. Suitable locations will depend upon the individual buildings, however just below eaves level is often the easiest and least prominent position. They should never be located on architectural features such as brackets or pilasters

Illuminated display windows and doorways

11.16. Improved lighting to display windows and doorways can complement other security measures to deter theft and vandalism and can be achieved with little initial and running costs. Moreover, illuminating a display can attract window shoppers and so increase trade and natural surveillance.

Gated doorways

11.17. Where shops have a recessed doorway, additional protection can be provided by providing gates that fold out of the way when the shop is open. The gates can be timber or metal and can be attractively designed as well as being robust.

Figure 38: Metal gated door recess on a traditional shopfront



Policies SP5, TC8, HE2, HE3 Local Plan (See Appendix A)

Appendices

Appendix A: National, Regional & Local Policies

Acts

Planning (Listed Buildings and Conservation Areas) Act 1990:

S16(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

66(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Advertisement Regulations

The Council's level of control for over adverts is limited to their effect on amenity and public safety and not all adverts need consent advertisement controls are set out in The Town and Country Planning (Control of Advertisements) (England) Regulations, 2007

National Planning Guidance

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

<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Policy

Burnley's Local Plan 2018

Policy TC8: Shopfront & Advertisement Design

- 1) The design of new or alterations to existing shopfronts and advertisements should satisfy the following criteria:
 - a) The design is appropriate to the character of the existing building and streetscene in terms of its size, detailing and use of materials;
 - b) Traditional materials such as timber or cast metal will be favoured. uPVC or other plastics will not be permitted on listed buildings or traditional building within conservation areas in accordance with Policy HE2;
 - c) Blinds and canopies, where acceptable in principle, must be appropriate to the character of the shopfront and its setting. Only fully retractable canvas or wooden blinds will be supported on listed buildings and traditional building within conservation areas in accordance with Policy HE2;
 - d) Wherever practicable, shopfronts must be designed to ensure equal access for all users;
 - e) Inset entrances should be glazed and well-lit to contribute to the attractiveness, safety and vitality of

- the area and avoid blank frontages to the street;
- f) Security matters should be considered from the earliest design stages. Security shutters and grilles should be internal where possible and external solid security shutters will not normally be permitted;
 - g) The size, design, positioning, materials and degree of illumination of advertisements does not have an unacceptable adverse impact on the amenity of the areas in which they are displayed and there is no adverse effect on public safety; in particular:
 - i) Fascias should not cut across or obscure first floor windows and advertisements and on shopfronts should normally be positioned within the fascia. Additional or alternative wall-mounted or hanging signs at or above fascia level are only acceptable if they are of high quality, are not overbearing and can be satisfactorily accommodated without obscuring key architectural features. Imaginative and craft signwork will be supported and encouraged; and
 - ii) Any illumination of shopfront or advertisements where agreed to be acceptable must be sited and designed so as not to cause excessive light pollution or visual intrusion into adjoining or nearby residential properties. Flashing internal or external signs will not be permitted.

Policy SP5: Development Quality and Sustainability

- 1) The Council will seek high standards of design, construction and sustainability in all types of development. Proposals will be expected to address the following minimum requirements, as appropriate to their nature and scale:
 - 1) **Energy Efficiency**
 - a) Incorporate measures to minimise energy and water consumption;
 - b) A BREEAM Assessment must be carried out for all non-residential development with a floor space above 1,000 m2 and a rating of 'Very Good' or better will be expected;
 - c) Seek opportunities for on-site energy supply from renewable and low carbon energy sources; and
 - d) Seek opportunities to contribute to local and community-led renewable and low carbon energy initiatives;
 - 2) **Design and Layout**
 - a) Respect existing, or locally characteristic street layouts, scale and massing;
 - b) Contribute positively to the public realm and avoiding unnecessary street clutter;
 - c) Maximise the benefits of any waterfront locations;
 - d) Provide for new open space and landscaping which enhances and/or provides mitigation against loss of biodiversity and assists with the physical and visual integration of new development;
 - e) Have respect for their townscape setting and where appropriate, landscape setting;
 - f) Be orientated to make good use of daylight and solar gain;
 - g) Ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking;
 - h) Not result in unacceptable conditions for future users and occupiers of the development; and
 - i) Provide adequate and carefully designed storage for bins and recycling containers. These should be located or designed in a way which is both convenient and safe for occupants and supports the quality of the street scene.
 - 3) **Key Gateways**
 - a) Where development is at or highly visible from a Key Gateway identified on the Policies Map, it should address in its design, orientation and layout, the Key Gateway and its particular nature/location and include where appropriate:
 - i) a landmark building;
 - ii) landmark tree planting;
 - iii) public art (can be incorporated into the public realm); or

- iv) a carefully designed gentle transition from countryside to town.
- 4) **Materials**
 - a) Use a palette of high quality materials which are appropriate to the local context in all respects including: type, colour, texture, element size and laying pattern and avoid unnecessary and excessive patterning;
 - b) Where contemporary materials are appropriate, use these in manner which respects the established character of the locality; and
 - c) Wherever practical, use low embodied energy materials, including materials that are sourced locally or involve the appropriate reuse of existing resources through the conversion of existing buildings or reuse of demolished structures.
- 5) **Accessibility**
 - a) Seek to incorporate and promote sustainable methods of transport, including cycle routes, walking routes and good links to public transport;
 - b) Be inclusive and accessible to all and promote permeability by creating places that connect with each other and with existing services and are easy to move through; and
- 6) **Security**
 - a) Be designed with the safety and security of occupants and passers-by in mind, helping to reduce crime and the fear of crime including through increasing the opportunity for natural surveillance.

Policy HE2: Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens

- 1) Proposals affecting designated heritage assets and/or their settings will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation. All levels of harm should be avoided.
Less than Substantial Harm (i.e. Harm)
- 2) Where proposals would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefit of the proposal, including securing its optimum viable use.
- 3) In order to avoid harm to significance, proposals for works of alterations and extensions to a listed building or within a conservation area or historic park and garden will be expected to:
 - a) Conserve, and where appropriate repair or reinstate, those elements that contribute to the significance of the heritage asset including its design, character, architectural features of interest, appearance, structure and principal components;
 - b) Use traditional, local materials and respect local building techniques and details;
 - c) Respect existing hard and soft landscape features including open space, trees, boundary treatments (railings and gates) and surfacing;
 - d) Respect layout and historic patterns of development including street patterns, characteristics of grain,⁷ plot boundaries and frontage widths.
- 4) In order to avoid harm to significance, development affecting the setting of a designated heritage asset will be expected to:

⁷ The degree to which an area's pattern of blocks and plot subdivisions is respectively small and frequent (fine grain) or large and infrequent (coarse grain).

- a) Maintain the aspects of the setting which contribute to its significance, including views into and out of it and the general relationship between the asset and the character of the surrounding landscape or townscape; and
- b) Respect the character of existing architecture by having due regard to positioning and grouping of buildings, roofscapes and skylines, form, scale, enclosure, architectural styles, detailing, and use traditional or complimentary materials.

Substantial Harm or Loss

5) Consent will not be granted for proposals that lead to substantial harm to or the total loss of the significance of a designated heritage asset, unless robust evidence can demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset is preventing all reasonable uses of the site;
- b) No viable use of the heritage asset that can be found in the medium term through appropriate marketing that will enable its conservation;
- c) Conservation by grant funding or charitable or public ownership of the asset is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefits of bringing the site back into use.

Recording

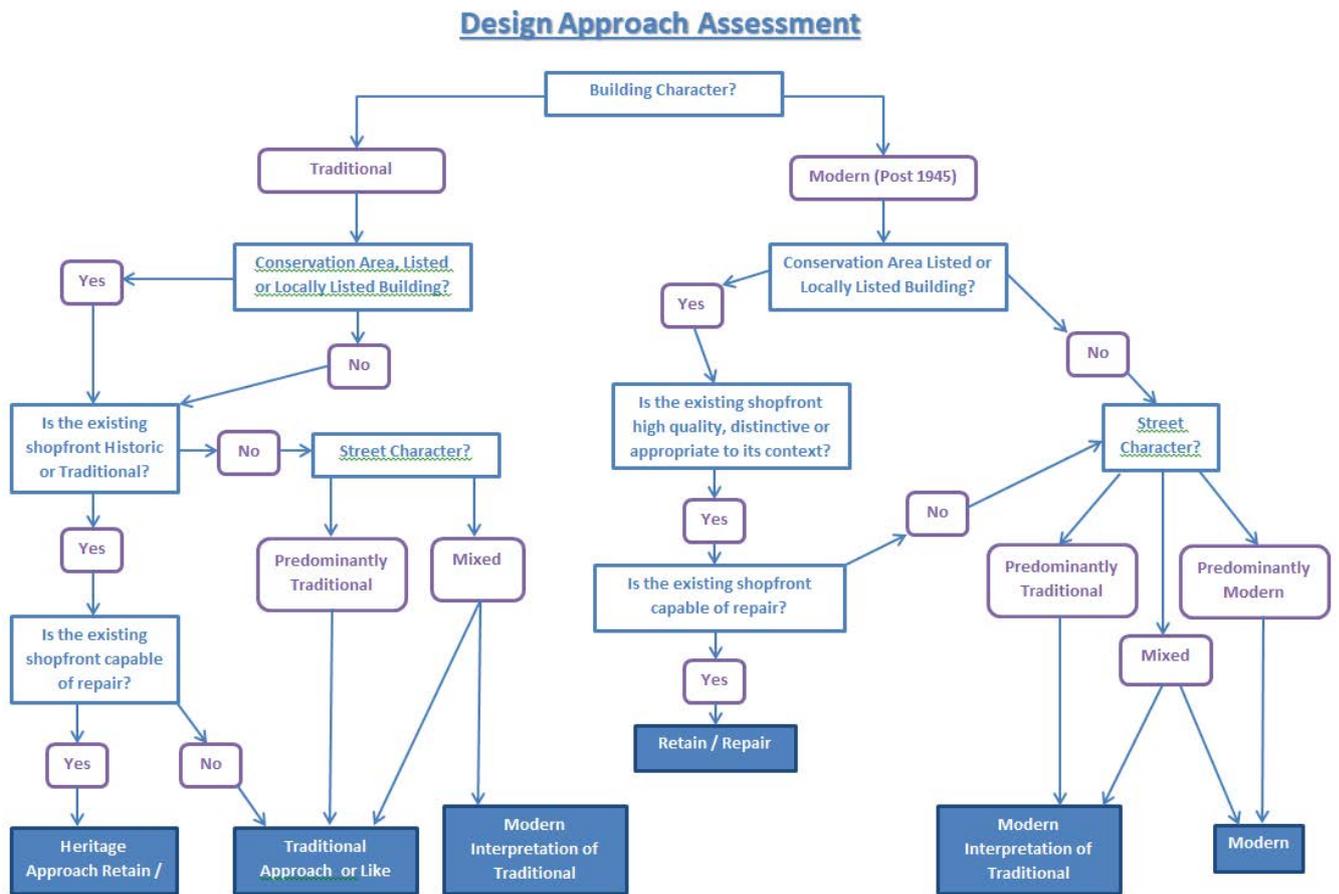
6) Where the loss of the whole or a significant part of a designated heritage asset, including a building or element that makes a positive contribution to the significance of a conservation area is determined to be acceptable, conditions or agreements will be put in place to ensure that :

- a) Assets are recorded, analysed and reported where appropriate; and
- b) No loss takes place without all reasonable steps being taken to ensure that any new development will proceed after the loss has occurred.

Policy HE3: Non-Designated Heritage Assets

- 1) The Council will maintain a local list and will seek to help ensure the retention, good maintenance and continued use of non-designated heritage assets.
- 2) Where a non-designated heritage asset or its setting, including where identified through the planning process, is affected by development proposals (directly or indirectly) there will be a presumption in favour of its retention.
- 3) Proposals affecting non-designated heritage assets should relate appropriately in terms of siting, style, scale, massing, height and materials.
- 4) Development proposals affecting the setting of a non-designated heritage asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible.
- 5) Where the loss of the whole or significant part of a non-designated heritage asset is determined to be acceptable, the applicant will be expected to secure recording to the appropriate level, the results of which should be deposited with the Council.

Appendix B: Design Approach Diagram



Appendix C: Do I need Permission? Frequently Asked Questions

Type of work	Planning Permission	Listed Building Consent (This applies only where the building is listed)	Advertisement Consent
I am carrying out minor repairs to a shopfront using the same materials, methods and details	Not required	Not required	Not required
I am restoring a shopfront and changing it back to how it used to look	Required	Required	Not required
I am installing a new shopfront.	Required	Required	Not required
I am altering an existing shopfront so it looks different to how it does now	Required	Required	Not required
I am adding a security shutter/grille to the outside of the shop	Required	Required	Not required
I am installing a security shutter/grille to the inside of the shop	Not normally required	May be required	Not required
I am re-painting a shop in a different colour(s)	Not required	May be required if the painting materially affects the character and appearance of the building as a listed building. Painting over stone, tiles or brick will need listed building consent.	Not required
I am adding a canopy/blind without letters or graphics	Required	Required	Not required
I am adding a canopy/blind with letters and/or graphics	Not required	Required	Required
I am replacing existing signs with new ones that are bigger	May be required	Required	May be required
I am replacing non-illuminated signs with new non-illuminated signs that are the same size as the existing signs or are smaller. The new signs are generally similar appearance to the existing.	Not required	May be required in cases where the existing signs are regarded as part of the listed building's historic fabric	Not required
I am putting up new signs where there aren't any now	May be required	Required	May be required
I am going to light up an existing sign or put up a new illuminated sign	May be required	Required	May be required
I am putting up a hanging sign	Not required	Required	May be required
I am putting a temporary advertising banner on my shopfront	Not required	May be required	Required

<p>I am replacing the windows in floors above my shopfront with ones of a different design and/or materials or method of opening</p>	<p>May be required highly likely to require planning permission</p>	<p>Required</p>	<p>Not Required</p>
<p>I am putting vinyl adverts (ie. with logo's and or lettering) inside my shop window. It will not be illuminated.</p>	<p>May be required</p>	<p>Required</p>	<p>Not Required</p>

Appendix D: Glossary & Abbreviations

Architectural Terms

Awnings	Awnings (or canopies or blinds) were designed to protect goods on display in shop windows from the sunlight, and to protect shoppers. Awnings are retractable into a blind box with a sprung roller which can be hidden by selective and sensitive placement either above or below the fascia.
Bay Window	A window extension which projects from the plane of the building façade, square, curved, or canted (at an angle)
Bow Window	A curved bay window
Capital	The top part of a column or pilaster, usually of a classical order – in shopfronts it is often same as a corbel or console
Cill	The cill forms the base of the shop window and is designed to throw water away from the stall riser which it sits atop.
Clerestory Light	In this context, small upper panes of a shop window (see also transom lights)
Colonette	A small column
Console	Curved ornamental bracket often supporting a cornice
Corbel	A projection which supports a beam or structure
Cornice	The uppermost part of an entablature – in this context the uppermost part of the fascia. The cornice is usually moulded, lead topped and provides a cap to the upper limit of the shopfront above the fascia and gives weather protection by throwing water clear of the shopfront and preventing rot.
Dutch Canopies	Dutch Canopies or blinds became popular in the mid-20th century, and there are current examples in the Padiham townscape. These are not traditional, and also not fully hidden when not in use, instead folding back against the shopfront. It is rare for a Dutch Canopy to be appropriate within the context of a historic shopfront.
Edwardian	Opulent style of architecture during the reign of Edward VII 1901-1910
Entablature	In this context the upper part of the shopfront comprising the cornice and fascia
Fanlight	Fixed window above a door – originally semi-circular in shape in Georgian architecture but now can be any shape
Fascia	Unadorned horizontal band in the entablature - in the case of shopfronts, usually used for advertising. The term can be used for the principal flat space, but also any detailing, including mouldings and cornices, where applicable.
Georgian	The style of classically inspired architecture prevalent in the period 1714-1830
Glazing Bars (astragals)	The timber, metal or plastic moulded pieces holding in the individual panes of glass in a window
Light	The space between the mullions of a window sometimes comprised of a number of panes
Mullion	Vertical element of timber, stone or metal which divided a window into separate lights. Traditional mullions were always profiled and not simply square or rectangular as often seen in modern shopfronts.
Oriel Window	A window which projects from the plane on the building's façade but does not touch the ground

Pilaster	A rectangular pier or column projecting from a wall. These form a frame and support for the shopfront structure. They come in timber and sometimes in stone
Regency	The style of classically inspired architecture which flourished during the regency and reign of George IV (1811–30) in the late Georgian period
Stallriser	Lower part of a shopfront below the window, either of masonry or timber
Transom	Horizontal element of timber, stone or metal which divided a window into separate lights. Traditional transoms were always profiled and not simply square or rectangular as often seen in modern shopfronts
Transom Lights	Transom lights became a feature of the late Victorian and Edwardian period when window displays were becoming internally lit, as opposed to the large hanging external gas lamps. The transom light, usually leaded with stained glass, conveniently hid the lights from view when looking into the shop.
Victorian	The architecture of the period during the reign of Queen Victoria 1837-1901

Appendix E: Contacts & Further Information

Planning and other Applications:		
For further advice on the need for consent or to obtain application forms, please contact:		
Development Control Section, Burnley Borough Council, Town Hall, Burnley , BB11 9SA		
e-mail: planningservices@burnley.gov.uk		
Tel : 01282 425011		
Planning Policy Documents:		
For advice on planning policy generally (non site-specific) or queries on this SPD or any other planning policy publication, please contact:		
Policy & Environment Section, Burnley Borough Council, Town Hall, Burnley , BB11 9SA		
e-mail: localplan@burnley.gov.uk		
Tel : 01282 425011		
Grant Assistance:		
For advice on the Padiham TH scheme, please contact: Suzanne Pickering 01282 425011 x3309		
Building Control, Access for All and Other Guidance		
Pennine Lancashire Building Control https://blackburn.gov.uk/Pages/Building-control.aspx		
Equality and Human Rights Commission www.equalityhumanrights.com/en/advice-and-guidance/equality-law-businesses-selling-products-such-shops-and-petrol-stations		
Citizens Advice https://www.citizensadvice.org.uk/law-and-courts/discrimination/what-are-the-different-types-of-discrimination/duty-to-make-reasonable-adjustments-for-disabled-people/		
Historic England: Easy Access to Historic Buildings https://historicengland.org.uk/images-books/publications/easy-access-to-historic-buildings/		
Department for Communities Local Government: Outdoor Advertisements and Signs, a Guide for Advertisers June 2007. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf		
Department for Transport: Manual for Streets 2007. Available at: http://www.dft.gov.uk/pgr/sustainable/manforstreets/pdfmanforstreets.pdf		
Other Useful Addresses		
Lancashire County Council https://www.lancashire.gov.uk/ email: enquiries@lancashire.gov.uk Tel: 0300 123 6701		Historic England (Manchester Office) https://historicengland.org.uk/advice/ Tel. 0161 242 1416
The following organisations publish guidance for historic properties:		
The Society for the Protection of Ancient Buildings 37 Spital Square, London, E1 6DY www.spab.org.uk	The Georgian Group 6 Fitzroy Square, London W1T 5DX www.georgiangroup.org.uk	The Victorian Society 1 Priory Gardens, Bedford Park, London, W4 1TT www.victoriansociety.org.uk

REPORT TO EXECUTIVE



DATE	11th December 2018
PORTFOLIO	Community and Environmental Services
REPORT AUTHOR	Jayne Enright
TEL NO	01143999059
EMAIL	jenright@burnley.gov.uk

Food (Official Controls) Delivery Plan (reviewed 2018/2019)
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PURPOSE

1. In order to meet statutory requirements the Council's Environmental Health and Licensing Team is responsible for Food Safety enforcement and must have in place approved plans. In line with the Constitution, approval of the Food (Official Controls) Delivery Plan will be sought from Full Council.

RECOMMENDATION

2. Executive recommends to Full Council to approve the Food (Official Controls) Delivery Plan (reviewed 2018/2019)

REASONS FOR RECOMMENDATION

3. To formally review past performance and agree a framework for the future delivery of effective, risk based, proportionate and consistent food safety services.

SUMMARY OF KEY POINTS

4. Food Safety Act 1990 Codes of Practice provides a framework within which the Food Safety Team must operate when carrying out its public protection duties in relation to food safety. The Food Standards Agency requires the Council to have plans in place to control these activities. The Food (Official Controls) Delivery Plan has been prepared to satisfy the statutory requirements and outline the services to be provided over the coming year.
5. **Burnley Food (Official Control) Delivery Plan**

This Plan is a requirement of the Food Standards Agency and has been drawn up in accordance with the Food Standards Agency's Framework Agreement (amendment 5, April 2010). This ensures a consistent approach across England and Wales, which enables the Food Standards Agency to address how the council is performing. It also allows the Food Standards Agency and Local Authorities to compare and contrast performance and service delivery.

It sets out:

- An outline of the key services and work activity delivered
- The Council's statement on food safety and the links with corporate priorities and objectives
- A profile of the Borough including the political and managerial arrangements
- The demands on the service
- Summary of service activity in relation to premises inspection, complaints investigation, advice, sampling, infectious diseases, food safety incidents, liaison arrangements and promotional activities
- The resources deployed to meet these demands
- Quality assessment procedures and performance indicators

6. Key services and work activity delivered by the Food Safety Team include:-

- Carrying out routine, programmed inspections of local food businesses
- Responding to Service requests including food complaints and hygiene of premises complaints
- Investigating notifications of infectious diseases and local outbreaks, which may be associated with food
- Promoting food safety and best practice by working closely with local businesses
- Working with the Food Standards Agency to run and maintain the Food Hygiene Rating Scheme

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. Food Safety regulation is a core statutory service delivered by the Environmental Health & Licensing Team. It remains provided in existing service budgets.

POLICY IMPLICATIONS

8. As national regulators, the Food Standards Agency set and monitor national standards. The framework for local plans is prescribed to ensure "official controls" are consistently delivered across the country. Through audit, and annual returns they monitor local authorities to ensure that local controls are effective, and they have intervention powers where delivery fails to meet the required standard.

DETAILS OF CONSULTATION

9. Scrutiny will be consulted prior to Full Council decision.

BACKGROUND PAPERS

10. None.

FURTHER INFORMATION

PLEASE CONTACT:

Jayne Enright

ALSO:

Karen Davies

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BURNLEY BOROUGH COUNCIL

Food (Official Controls)
Delivery Plan
(Reviewed 2018/ 2019)



Burnley
.gov.uk

Burnley Borough Council Food (Official Controls) Delivery Plan

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1. INTRODUCTION

1.1 Burnley Food (Official Controls) Delivery Plan

This document is the Burnley Food (Official Controls) Delivery Plan. This Plan is a requirement of the Food Standards Agency and has been drawn up in accordance with the Food Standards Agency's Framework Agreement (amendment 5, April 2010). This ensures a consistent approach across England and Wales, which enables the Food Standards Agency to address how we are doing and allows other local authorities to compare and contrast performance and service delivery

It sets out:

- An outline of the key services and work activity delivered
- The Council's statement on food safety and the links with corporate priorities and objectives
- A profile of the Borough including the political and managerial arrangements
- The demands on the service
- Summary of service activity in relation to premises inspection, complaints investigation, advice, sampling, infectious diseases, food safety incidents, liaison arrangements and promotional activities
- The resources deployed to meet these demands
- Quality assessment procedures and performance indicators

1.2 Profile of Burnley

Burnley has a population of around 87,000 and an area of 42.7 square miles. It is 21 miles north of Manchester and 20 miles east of Preston, at the confluence of the River Calder and River Brun, with the Leeds-Liverpool canal running through the Borough. Neighbouring local authorities are Lancashire's Hyndburn, Ribble Valley, Pendle, Rossendale; and Calderdale in West Yorkshire.

During the Industrial Revolution Burnley became one of Lancashire's most prominent mill towns; at its peak it was one of the world's largest producers of cotton cloth. Burnley has strong economic links with the cities of Manchester and Leeds, as well as neighbouring towns along the M65 corridor. This is helped by excellent road and rail links including the recent reopening of the direct train line to Manchester.

In 2013, in recognition of its success, Burnley received an Enterprising Britain award from the UK Government, for being the "Most Enterprising Area in the UK".

1.3 The Council Structure

Burnley Council is divided into 15 wards served by 45 councillors. The Council is based on a Cabinet structure with 5 Portfolios, a Leader and 4 Executive portfolio holders; there are 4 committees including 1 scrutiny committee. The Food Safety Team sits within the Resources Portfolio.

The Key Corporate objectives, governance arrangements, and decision making timetables are outlined in 4 key corporate documents:

- The Council's Constitution & Scheme of Delegation
- Strategic Plan 2017/18 to 2019/2020
- Forward Plan of key Decisions and Private Meetings
- Burnley's Community Strategy

1.4 The Management Structure

The Council management structure comprises the Chief Executive, a Chief Operating Officer and 8 Heads of Service.

The Food Safety Team sits within Streetscene. The Environmental Health and Licensing Manager have responsibility for environmental health and licensing functions. The team shares an office with the Environmental Protection and Safety Team which is beneficial to service delivery and joint working, particularly as the Food Safety Team also has responsibility for enforcing health and safety within food premises.

From 1st January 2016 the Council procured a strategic partner to deliver a range of services within a reduced cost base. The Environmental Health and Licensing functions form part of the suite of services that are now outsourced to the private sector.

The overall aim of the contract with respect to Environmental Health is:

“To provide a professional environmental health and licensing service that protects the public and assists businesses to meet their public health obligations”

Officers currently working for Burnley Borough Council delivering the food safety service are now seconded to the strategic partner, Liberata, and this arrangement will be reviewed on an annual basis. A detailed contract for delivery has been developed to ensure an effective contractual relationship, continuity of service delivery, risk management and the maintenance of high quality services.

1.5 Burnley Borough Council Statement on the Food Safety Service

The overarching purpose of the service is to:

- protect the health of the public through its statutory and non-statutory responsibilities in food safety and a variety of public health measures; and
- ensure quality food for healthier communities

2.0 SERVICE AIMS AND OBJECTIVES

2.1 Service Aims - Food Hygiene and Infection Control Service

- Safeguard public health through the regular inspection of food premises at a frequency appropriate to the risk
- Respond to complaints from the public and other agencies relating to food safety.
- Promote good practice in food hygiene through the provision of education, advice and training.
- Discharge the Council's statutory and other responsibilities in a positive and efficient manner, in line with relevant enforcement protocols.
- Ensure advice and assistance is readily accessible to the public and businesses alike
- Investigate the occurrence of food related infectious disease, prevent the spread and take action to prevent recurrence or enforcement action as appropriate
- Carry out programmed and reactive food sampling and microbiological swabbing to support local, national and regional programmes and investigations

2.2 Links to Council Objectives

Burnley Borough Council has a range of corporate objectives covering the four themes, "People", "Places", "Prosperity" and "Performance".

People:	Creating flourishing, healthy and confident communities
Places:	Making the Borough a place of choice
Prosperity:	Promoting transformational economic change for Burnley
Performance:	Ensuring a continuous focus on improvement in all aspects of the Council's performance.

Environmental Health and the Food Safety Service cuts across the four corporate themes by:

- Improved health standards – responding to broader public health initiatives to improve the health and wellbeing of citizens.
- Developing a diverse business base with an entrepreneurial culture and supporting business growth.
- Embedding the partnership with Liberata within the Council's budget, strategic vision and commercial strategy.
- Proactively supporting the borough's businesses to innovate and expand, and make the borough a natural choice for business relocation.

2.3 Service Objectives

The Environmental Health & Licensing Service act on the front line. They directly provide services that affect people's daily lives. We provide protection to users of taxis, customers of food businesses, employees in offices, shops and warehouses and help to those suffering the effects of noise nuisance. We police premises which pollute the atmosphere and monitor a whole range of activities that help to make the Borough healthier. Our role is not only to regulate and enforce, but also to help and advice, so that businesses can thrive and residents and visitors to the Borough have improved health choices."

Key Food Safety objectives include:-

- Establish and deliver a programme of targeted and risk based interventions and inspections in food premises, providing advice on legal obligations and taking an escalated approach to enforcement action.
- Improve the proportion of food businesses with Food Hygiene Ratings of 3, 4 or 5.
- Monitor, record and report on the programme of activities to relevant bodies to ensure the Council's obligations are being met, resources are targeted appropriately and steps are taken to make any necessary improvements.
- Investigate the occurrence of food related infectious disease and take the necessary action to prevent the spread or recurrence, working collaboratively with Public Health England and other key partners
- Deliver a programme of targeted proactive sampling of food products.
- Offer a comprehensive advice and support service to business regarding any relevant food legislation and compliance, offering specific support for those wishing to establish a food business within the Borough.
- Investigate complaints about food products or food establishments and take any action that is required on a coordinated local, sub-regional, regional or national basis.
- Work collaboratively across Lancashire with other Environmental Health and Trading Standards professionals to ensure consistency, improvement and the delivery of an effective high quality service
- Advise, provide support and enforce Health and Safety standards within food businesses
- Work in collaboration with partners in addressing key health inequalities in the Borough.
- Proactively obtain feedback from food businesses regarding the service to ensure continuous improvement in service deliver.
- Support the on-going professional development of officers to deliver high quality services that meet the needs of the public and the requirements of the Gold Standard Investors in People status of the Council.
- Implement the Council's appraisal system for training needs and performance based on the principles of Continuing Professional Development (CPD) and meeting the requirements of the relevant professional bodies including the Chartered Institute of Environmental Health

2.4 Links with other Plans:

Food safety activities support and link to the following key Council and inter-agency plans:

- PHE North West 2017 Outbreak Plan
- Care Home Revised Outbreak Plan 2015
- East Lancashire Equality and Inclusion Strategy 2014 to 2017
- Burnley Council Major Emergency Plan June 2017
- Burnley Multi-Agency Flood Plan 2018
- Lancashire Resilience Forum. (Outlines roles and responsibilities of organisations including District and Unitary Councils)
- Business Continuity Policy April 2016
- Principles and Practice Recommendations for the Public Health Management of Gastrointestinal Infections 2018

3 FOOD SERVICE

3.1 Food Safety Team

The Food Safety Team is overseen by the Environmental Health and Licensing Manager and the Principal Officer. Both are qualified Environmental Health Officers (EHO's) and experienced in food safety matters.

The Principal Officer heads a team of 3 (2.1 FTE) with 1 Environmental Health Compliance Officers (0.8 FTE) and 2 Work Place Compliance officers (1.3 FTE). The EHCO holds the EHORB Higher Certificate and Higher Certificate in Food Control. Activities are undertaken in line with the professional requirements as outlined in the Code of Practice.

The service is also supplemented through consultants who undertake a range of lower risk inspections (Categories C and D) but no enforcement activity. On occasions, further technical expertise is sought from external professionals to assist with more complex matters.

3.2 Food Standards

The Trading Standards functions within the Borough are carried out by Lancashire County Council. There is a good working relationship between the two services and a good track record of liaison via the Lancashire Food Officers' Group and joint working initiatives.

3.3 Scope of the Food Service

The Service is delivered by the Food Safety Team with additional support as outlined above. The team complies with the Food Standards Agency Codes of Practice and Local Government Regulation guidance for the purposes of food safety including the Regulators' Code. Enforcement action is undertaken in accordance with the Council's Enforcement Policy and follows a graduated approach.

Areas of core service delivery include:

- Developing and delivering a programme of planned food hygiene interventions meeting statutory obligations as set out in the Food Standards Agency Code of Practice. The programme will be focussed on those businesses that are not broadly compliant and with Food Hygiene Ratings of 0, 1 or 2 and those premises that are unrated.
- Implementing alternative approaches such as coaching and mentoring to deal with non-compliance
- Operating the Food Standards Agency Food Hygiene Rating Scheme in accordance with the Brand Standard for all relevant food businesses and taking the necessary steps to publicise the ratings.
- Approving and regulating any food activities and premises requiring approval and subject to Regulation EC No 853/2004
- Consideration of any requests from a business or making approaches to businesses for the purpose of entry into a Primary Authority relationship with them.
- Responding to complaints about food premises and the fitness and wholesomeness of food sold in the Borough
- Planning and implementing an annual food and environment sampling programme for microbiological quality and chemical purposes and participation in the Lancashire Food Officer Group programmes as resources permit.
- Acting on Food Standards Agency alerts and incidents in accordance with recommended action and relevant parts of the Code of Practice
- Preparation of contingency plans to be used in the event of an incident or when the Major Incident Plan is invoked
- Maintaining and recording food establishment registration applications and maintaining the register in accordance with the relevant statutory provisions and Code of Practice.
- Investigating and liaising with Public Health England to deliver infectious disease and outbreak investigation and control.

- Service promotion including press releases and articles, leaflets, talks and presentations to relevant parties, seminars, conferences, displays and exhibitions. This includes national initiatives such as National Food Safety Week.
- Preparation of evidential files and reports to the Council for use in legal action, court proceedings or formal Committee hearings.
- The management of any contractors engaged to undertake duties

3.4 Data Profiles

We are currently in the process of adopting a new specialist cloud based system, idox, for managing and reporting across Environmental Health. Through smart technology idox have evolved their front-line services in response to the changing needs of society and claim the system will deliver improved outcomes for the citizens within the borough of Burnley. We are part of a phase 2 project with planning and housing within the Council and aim to have a fully functioning system by May 2019. Our statutory returns will be completed using Flare, our current software system for 2018/2019.

The following Table provides a summary of the last 4 years of Food Businesses and their risk rating profiles. The ratings are defined in the FSA Food Law Code of Practice with A representing the highest risk premises and E the lowest which are subject to a self-assessment and reporting procedure.

Table1: Number of Food premises by Risk Rating Category

Risk Rating Category (Inspection Frequency)	No. food premises 2015/16	No. of Food premises 2016/2017	No. of Food premises 2017/2018	No. of Food Premises 2018/2019
A (At least every 6 months)	7	3	0	2
B (At least every 12 months)	31	30	30	27
C (At least every 18 months)	129	125	116	123
D (At least every 24 months)	321	345	367	352
E (Alternative strategy for inspection)	363	377	380	378
Unrated		25	20	24
Outside Programme		11	18	23
TOTAL	851	916	931	929

Table 2: Premises Approved Under EC Regulation 853/2004

The following table highlights those premises which require approval under EC Regulation No. 853/2004 due to the specific nature of their activities.

Approved premises	2015/16	2016/17	2017/2018	2018/2019
Approved Fish processing premises	1	2	2	2
Meat and meat products approved premises	2	2	2	2
Milk and milk products approved premises	1	1	1	1
The approved treated stomachs establishments	1	1	1	1
Stand - alone Cold Store		1	1	1

Table 3: Premises Profile

The following table provides the detail of the types of premises within the Borough.

Description	No of premises 2015/16	No. of Premises 2016/17	No. of Premises 2017/18	No. of Premises 2018/2019
Primary producers	3	3	3	3
Manufacturers/processors	23	21	21	24
Distributors/transporters	12	5	9	14
Retailers	271	280	270	268
Restaurants and other caterers	542	605	624	615
Importers/Exporters		2	4	5
TOTAL	851	916	931	929

Table 4: Service Requests

The following is a summary of requests for service received by the Food Safety Team since

Request type (includes all requests for service relating to any food business)	2014/15	2015/16	2016/17	2017/2018
Infectious diseases	114	130	99	144
Food Business Water Disconnections	19	5	2	0
Advice requests	244	261	354	429
Complaints regarding Hygiene at premises	59	94	83	66
Advice on unfit/contaminated food	6	12	6	10
Complaints re unfit/contaminated food	55	44	59	54
Food Hygiene Re-rating advice/visits		28	30	9 (re-rating visits)
Total	499	574	633	712

Table 6: Levels of Compliance In Food Businesses

The following table indicates the number of broadly compliant premises across the Borough which is a key performance measure used within the service

Year	Total number premises	Total No broadly compliant	Target %	Actual %
2013/14	830	750	100	90
2014/15	867	794	100	92
2015/16	899	848	100	93
2016/17	893	872	100	98*
2017/18	929	860	100	98**

*This excludes the number of unrated businesses and premises outside the programme (38)

** This excludes the no. of unrated businesses and premises outside the programme (47)

3.5 Local Challenges

The service faces the following challenges:

- A high number of takeaways/restaurants and temporary food stall undertake their food preparation out of traditional office hours.
- A high turnover of businesses where the food business operator can change and a new business requires a new inspection and a new rating.
- Understanding the cultural issues and needs of the ethnic minorities who operate food businesses in the borough and whose first language may not be English
- Reducing staff resources and uncertainties regarding the future model for delivery and the potential impact on the service.
- Economic downturn and local economic deprivation is reflected in the reluctance of some smaller local food businesses to invest in repairs and refurbishment of their premises.

3.6 Access to the Service

The Service is delivered from the Council offices at Parker Lane, Burnley. The Public can access the service via telephone, e-mail or in person by visiting the Contact centre on Parker Lane in Burnley. Normal business hours are 9 am to 5pm Monday to Friday.

Out of hours work is also undertaken from time to time as the need arises.

In addition, a 365-day/24 hour telephone contact service is available for appropriate emergencies.

The authority has actively participated in Inter-Authority Auditing (IAA) through a programme of audit agreed through the Lancashire Food Safety Group.

3.7 Enforcement Policy

The Food Safety service operates in accordance with the Regulators Code, the Code for Crown Prosecutions and the Human Rights Act.

Copies of the Compliance and Enforcement Policy for the Food Safety Team are currently unavailable and are under review.

4. Service Delivery

The aim of the Food Safety Team is to ensure the protection and good health of consumers in the Borough by enforcing relevant statute, Regulations and by educating and promoting high standards

of quality and safety within the food manufacturing, catering and retail establishments of the Borough.

Delivery of the Food Hygiene Control Service is carried out in accordance with national procedures, Good Practice and guidance including:

- Food Law Code of Practice
- Food Law Practice Guidance
- Food Standards Agency Guidance
- The Brand Standard for FHRS
- Burnley BC Compliance and Enforcement Policy
- The Regulators' Code

4.1 Food Premises Interventions

The term "Intervention" refers to any reactive or planned visit to a food business in the course of delivering the Food Safety service. The Food Safety Team will undertake a programme of comprehensive and targeted interventions at food premises to ensure compliance with relevant legislation and the promotion of best practice. The frequency of inspections is determined by risk assessment for each type of food business and each Food business will be allocated a risk category ranging from A to E where "A" is considered to be highest risk.

4.2 Food Related Complaints

The Food Safety Team will consider, and where appropriate investigate food complaints or requests for service in accordance with internal procedures and relevant Codes of Practice.

Where necessary, samples will be submitted for analysis. Where appropriate intelligence will be gathered from complaint investigations and used to inform sampling programmes or project based work.

4.3 Primary Authority Scheme

There are currently no primary Authority Agreements with food businesses based in Burnley. The Primary Authority scheme is now regulated by the Regulatory Delivery Division of The Department for Business, Energy and Industrial Strategy (BEIS) The scheme covers trading standards, environmental health and licensing functions and for the first time businesses will be able to form a statutory partnership with a single local authority, which will provide robust and reliable advice that other councils must take into account when carrying out inspections or dealing with non-compliance.

The scheme builds on the foundation created by voluntary home and lead authority initiatives and looks to further develop consistent and proportionate enforcement across the country. It will affect how the Service carries out inspections and takes enforcement action at those businesses subject to a primary authority agreement.

4.4 Advice to Businesses

The Food Safety Team provides an advice service, which, encourages, advises and assists businesses to comply with food safety legislation.

If a business requires bespoke advice which can only be delivered at the premises there is a charge per hour for this advice.

4.5 Food Sampling and Inspection

The Food Safety Team carries out programmed, reactive and project based sampling of food, drink and the food environment in a manner specified by relevant legislation, Codes of Practice and other guidance sources. The sampling is carried out in liaison and co-ordination with other Lancashire Environmental Health Services and Public Health England in accordance with an agreed sampling programme.

A documented sampling programme for each year will be followed, as agreed with partner agencies and taking into account local needs and priorities, subject to available resources and using a risk based approach

Examples of food sampled/swabs examined as part of the programme included the following foods:-

- Milk
- Ready to eat cooked meats and meat products
- Pies
- Swabs of food contact surfaces

4.6 Control and Investigation of Outbreaks of Food Related Infectious Disease

This Food Safety Team is responsible for investigating the notification of infectious diseases or suspected infectious diseases. The objective is to minimise the risk of spread of the disease and where possible, identify the source. Notifications may arise as formal notifications from G.P.'s or through informal routes such as laboratory notifications, self -notifications etc. Investigations are carried out by either the Council or Public Health England depending on the nature of the specific disease notification. The Council has a Joint Major Outbreak Plan for Managing an Outbreak of Food Poisoning or Communicable Disease in the Community developed in conjunction with partner agencies. Managing the investigation into major outbreaks can be very resource intensive and include the issuing of sample pots, visiting affected premises, and interviewing patients.

4.7 Food Safety Alerts and Incidents

This Food Safety Team responds to food safety alerts and incidents in accordance with FSA Code of Practice and good practice to ensure that public health is safeguarded. Alerts are received directly from the FSA using their automated notification system and acted upon accordingly.

4.8 Liaison with Other Organisations

The Food Safety Team works with other enforcement agencies, partners and other stakeholders for the purpose of developing consistency of enforcement, openness and transparency. The following table details the regular, ongoing liaison with external partners:

Partner Organisation type	Brief description
Other Local Authorities/Scientific support	Lancashire Food Liaison Group – Enforcement issues, sampling, policies, best practice, training, inter-authority audits etc. Public Health England – Food Sampling and examination, Communicable Disease control. Public Analyst – Chemical analysis etc. Environmental Health Lancashire Lancs County Council Trading Standards –Food Standards/Allergens
Local professionals	East Lancs Primary care Trust – working together on health promotion, infectious disease control, health inequalities etc.
Professional bodies and Agencies	CIEH- professional practice, consultation, training. FSA – statutory plans, guidance, training, annual returns, consistency of enforcement, best practice, training.

Within Burnley Borough Council, the Food Safety Team currently links with all services. Liaison is particularly strong for food safety issues with:

- Development control – for planning and building control applications
- Legal and Corporate Services – for litigation purposes
- Licensing
- Environmental Protection & Safety Team
- Market Hall Management
- Street Scene
- Building Control

4.9 Consumer Education and Health Promotion.

Health promotion remains an important element to the on-going commitment to improving public health and tackling health inequalities.

Although this element of the service is non-statutory, Burnley remains committed to supporting local Health promotion activity where resources permit.

We will continue to support local initiatives and local campaigns, working closely with other local or National partners to maximise the Impact and resources.

5. RESOURCES

5.1 Staffing

The Food Safety Team has an establishment of:

	Officer	FTE - Management	FTE- Operational
Management	Environmental Health and Licensing Manager	0.15	0
Delivery	Team Manager	0.2	0.8
	Env Health Compliance Officers	0	0.8
	Workplace Compliance Officer	0	1.3
Support	Admin	0.25	0.7

NB This core is supplemented by the use of consultants to undertake some lower risk inspection work.

All Food enforcement staff involved in service delivery meet the Qualifications, Experience and Training and Competence criteria contained within the Food Law Code of Practice. Each Officer has been individually authorised in accordance with their qualification and experience as described in this Code.

5.2 Staff Development

The Council has successfully obtained Investors in People award and is committed to retaining this. As part of this process all staff undergo an annual Performance and Development review which includes training needs. These individually identified training and development needs are carried forward after consideration by Managers. The Food Safety Team operates a documented procedure for the recording of qualifications, training and competencies.

Officers in the Food Safety Team have undertaken Lead Auditor training to assist in the operation of Inter-Authority Auditing with other Lancashire Councils.

The Council supports personal development by offering opportunities to attend internal courses and supporting attendance at external courses. In addition, the Authority offers internal training courses on a range of subjects, primarily concerned with personal development issues.

Previous training courses have included:-

1. Best Practice Day
2. Legal training
3. Outbreak Training
4. Sampling training
5. Consistency Training/FHRS Consistency Exercise

5.3 Local Initiatives, Joint Working and External Grant Funding

The Food safety Team has an excellent track record of joint working on local initiatives and success in securing external grant funding. Examples include:-

- Food Safety mentoring for local Businesses
- Implementing the National Food Safety Rating Scheme
- Joint initiatives with Trading Standards
- Business Events targeting the lower rated premises to improve compliance and allergen management
- Joint initiative with Public Health England Re: Infectious Disease Studies
- Delivery of Allergen Training with Trading Standards

6. SERVICE QUALITY AND DEVELOPMENT

6.1 Quality Assessment

The quality of the Food Law Enforcement Service in Burnley is monitored in various ways and was audited by the Food Standards Agency in November 2009 as part of its national review of IAA's.

6.2 Regional Peer Group Auditing

The Service is audited annually by peers from other Lancashire councils as part of the Inter-Authority Audit (IAA) scheme.

6.3 National Auditing

- The Food Service makes returns to the FSA on an annual basis.

6.4 Commitment to Service Improvement

We regularly review existing policies and procedures to ensure our policies and procedures reflect local circumstances, good practice and National policy. Examples of National reports and papers influencing local procedures and priorities includes:-

- Findings from Inter-Authority Audits
- Findings from FSA audits/FSA Consistency exercises
- Review of the Service against the FSA Framework Agreement on Local Authority Food Law Enforcement
- The national Food Standard Agency guidance on the National Food Hygiene Rating Scheme The "Brand Standard"

Regulating our Future

The Food Standards Agency (FSA) want to improve the way we deliver regulatory controls for food and create a modern, risk-based, proportionate, robust and resilient system.

The existing 'one size fits all' approach to regulating food businesses is ill-suited to the incredibly diverse nature of the industry. In recent years, we have witnessed large numbers of new players enter the global food and food safety landscape; for example, online retailers, food delivery services, private auditors, independent food safety certification schemes.

For the UK to continue to be a strong, credible player in the global food economy, the regulatory regime needs to keep pace with rapid changes in that economy. Leaving the EU will change patterns of food production, trade and consumption, emphasising the need for a flexible and responsive regulatory system

FSA Principles

- FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses.
- The regulator should take into account all available sources of information.
- Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not.
- need to be. Businesses should meet the costs of regulation, which should be no more than they

The FSA intend to better recognise those businesses that can demonstrate sustained compliance, reducing the regulatory burden on them by ensuring that intervention is proportionate.

The Food Hygiene Rating Scheme

- Strengthening the robustness and resilience of the Food Hygiene Rating Scheme is a key goal, including ensuring that it is sustainable and that there is mandatory display legislation in England.
- The scheme helps you choose where to eat out or shop for food by giving you information about the hygiene standards in restaurants, pubs, cafés, takeaways, hotels and other places you eat, as well as supermarkets and other food shops.
- It's not easy to judge hygiene standards on appearance alone, so the rating gives you an idea of what's going on in the kitchen, or behind closed doors. You can check the ratings and use the information to switch to or choose a place with higher standards. It's also good to share this information with friends and family.
- The scheme also encourages businesses to improve hygiene standards.
- The food hygiene rating reflects the hygiene standards found at the time the business is inspected by a food safety officer. These officers are specially trained to assess food hygiene standards.
- A business can be given one of these ratings.



- The rating given shows how well the business is doing overall but also takes account of the element or elements most in need of improving and also the level of risk to people's health that these issues pose.

- This is because some businesses will do well in some areas and less well in others but each of the three elements checked is essential for making sure that food hygiene standards meet requirements and the food served or sold to you is safe to eat.
- To get the top rating of '5', businesses must do well in all three elements.
- Current % of rated food businesses with a FHRS of 3,4 or 5 in Burnley is **97%**
- Since April 2017 we have maintained a % of rated food businesses with a 3,4 or 5 at between 97% to 98%

FHRS Rating	Mar - 18	Apr - 18	May - 18	Jun - 18	Jul - 18	Aug - 18	Sep - 18	Oct - 18	Nov - 18
5 - Very good	476	483	486	494	496	493	500	503	502
4 - Good	198	195	196	198	197	195	196	190	192
3 - Generally satisfactory	66	61	59	60	58	56	54	56	57
2 - Improvement required	12	12	13	10	10	15	15	14	13
1 - Major improvement required	7	8	8	8	7	8	7	10	10
0 - Urgent improvement required	0	0	1	0	0	2	2	3	3
Total rated establishments	759	759	763	770	768	769	774	776	777
Establishments with rating of 3 or better	740	739	741	752	751	744	750	749	751
Awaiting inspection	31	24	22	24	28	30	27	27	22
Exempt	73	75	76	77	79	80	79	79	80
Sensitive	34	33	33	33	33	33	33	33	33
Excluded	40	42	42	39	39	39	41	41	40
Total establishments	937	933	936	943	947	951	954	956	952

FHRS Rating	Mar - 18	Apr - 18	May - 18	Jun - 18	Jul - 18	Aug - 18	Sep - 18	Oct - 18	Nov - 18
5 - Very good	62.7	63.6	63.7	64.2	64.6	64.1	64.6	64.8	64.6
4 - Good	26.1	25.7	25.7	25.7	25.7	25.4	25.3	24.5	24.7
3 - Generally satisfactory	8.7	8.0	7.7	7.8	7.6	7.3	7.0	7.2	7.3
2 - Improvement required	1.6	1.6	1.7	1.3	1.3	2.0	1.9	1.8	1.7
1 - Major improvement required	0.9	1.1	1.0	1.0	0.9	1.0	0.9	1.3	1.3
0 - Urgent improvement required	0.0	0.0	0.1	0.0	0.0	0.3	0.3	0.4	0.4
Total rated establishments	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Establishments with rating of 3 or better	97.5	97.4	97.1	97.7	97.8	96.7	96.9	96.5	96.7

Reports above taken from FHRS on 14/11/2018

Commercialisation/commercial opportunities – changing the way we operate

In line with many other local authorities the food safety service is looking to become more commercial in the way it operates.

Recent commercial developments which are of benefit to both our local businesses, members of the public and the council include:

- A service that allows businesses to request a re-rating visit under the Food Hygiene Rating scheme. The business pays for the visit, which is based on a cost recovery fee, which benefits the business in terms of improving compliance and enhancing their customer image to boost trade.
- Introduction of a bespoke advisory service, again based on cost recovery that allows businesses to request an advisory visit from us to discuss the operation of their business and go through the 3 areas that the FHRS is based on, hygiene, structure and management.
- Assisting other local authorities in improving compliance in their boroughs by implementing the 'Boost' project, pioneered within the borough to target lower rated businesses and mentor them through educating them at workshops and mentoring them in the management of their food business.

7. SERVICE REVIEW

7.1 Quality Review and Continuous Improvement

Service delivery will be regularly reviewed in line with this plan, and giving due consideration of National regulations, good practice and local priorities.

Health and Safety Intervention Plan (reviewed 2018/2019)

REPORT TO EXECUTIVE



DATE	11th December 2018
PORTFOLIO	Community & Environmental Services
REPORT AUTHOR	Jill Wolfendale
TEL NO	01143999065
EMAIL	jwolfendale@burnley.gov.uk

PURPOSE

1. The regulatory team responsible for Health & Safety at Work enforcement must have in place an intervention plan to meet the requirements of statutory guidance. This report formally consults the Committee on the plans prior to their approval at Full Council.

RECOMMENDATION

2. Executive recommends to Full Council to approve the Health and Safety Intervention Plan (reviewed 2018/2019), detailed at Appendix 1 to this report.

REASONS FOR RECOMMENDATION

3. Section 18 of the Health & Safety at Work Act 1974 and the subsequent National Local Authority Enforcement Code for Health and Safety (The Code) provide frameworks within which the Environmental Health & Licensing Team must operate when carrying out its public protection duties within workplaces. The frameworks require the Council to have plans in place to control these activities, and mechanisms for review. The intervention plan appended to this report has been prepared to satisfy the statutory requirements.

SUMMARY OF KEY POINTS

4. The Health & Safety Intervention Plan has been produced to outline the health and safety regulation duties undertaken by Burnley Borough Council's health and safety team. The regulation of health and safety is split between local authority (LA) regulators and the Health and Safety Executive (HSE), the businesses we regulate as the LA are mostly in the service sector and include offices, shops, restaurants, care homes, hotels, tyre and exhaust fitters and warehouses. The HSE regulate health & safety in factories, hospitals, council run premises, schools, colleges, construction and agricultural premises.
5. The approach to health and safety regulation changed significantly in 2013, following the recommendations in "Reclaiming health & safety for all: an independent review of health & safety legislation" by Professor Ragnar Löfstedt in 2011 and as an outcome of the Red Tape Challenge on health and safety. The changes resulted in the National Local Authority Enforcement Code for Health and Safety, which is designed to ensure that LA

health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the businesses who create the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. Health and Safety regulation is a core statutory service delivered by the Environmental Health & Licensing Team, under contract to Liberata UK Ltd.

POLICY IMPLICATIONS

7. As national regulators the Health & Safety Commission set and monitor national standards. The framework for local plans is prescribed to ensure “official controls” are consistently delivered across the country. Through audit, they monitor local authorities to ensure that local controls are effective, and they have intervention powers where delivery fails to meet the required standard.

DETAILS OF CONSULTATION

8. Scrutiny will be consulted prior to Full Council decision

BACKGROUND PAPERS

9. None

FURTHER INFORMATION

PLEASE CONTACT: Jill Wolfendale

ALSO: Karen Davies



Burnley
.gov.uk

Environmental Health & Licensing Section

Health and Safety Intervention Plan

Reviewed 2018/2019

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Introduction

The Health & Safety Intervention Plan has been produced to outline the health and safety regulation duties undertaken by Burnley Borough Council's health and safety team. Health and safety regulation is split between local authority (LA) regulators and the Health and Safety Executive (HSE), the businesses we regulate as the LA are mostly in the service sector and include offices, shops, restaurants, care homes, hotels, tyre and exhaust fitters and warehouses. The HSE regulate health & safety in factories, hospitals, council run premises, schools, colleges, construction and agricultural premises.

The approach to health and safety regulation changed significantly in 2013, following the recommendations in "Reclaiming health & safety for all: an independent review of health & safety legislation" by Professor Ragnar Löfstedt in 2011 and as an outcome of the Red Tape Challenge on health and safety. The changes resulted in the [National Local Authority Enforcement Code for Health and Safety Enforcement](#), which is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the businesses who create the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

This Code sets out what is meant by 'adequate arrangements for enforcement' and replaces the existing S18 Standard, it concentrates on the following four objectives:

- a) Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk;
- b) Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk;
- c) Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and
- d) Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements Of the Code.

Our commitment to Improving Health and Safety Outcomes

Burnley Council's 10 year vision for the Borough (*Burnley Council's Strategic Plan 2017/18-2019/20*)

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

Our values:

One Burnley –Leading the Way

One Council –Working Together

One Team –Ambitious for Burnley

Burnley Borough Council has a range of corporate objectives covering the four themes, "People", "Places", "Prosperity" and "Performance".

People: Creating flourishing, healthy and confident communities

Places: Making the Borough a place of choice

Prosperity: Promoting transformational economic change for Burnley

Performance: Ensuring a continuous focus on improvement in all aspects of the Council's performance.

Service Aims and Objectives

To this end Environment Health and Licensing Service's overall aim is to:

"Ensure that Burnley is a safe and healthy place of choice to live work and enjoy leisure time. We act on the front line directly providing services that affect people's daily lives. We provide protection to users of taxis, customers of food businesses, employees in offices, shops and warehouses and help to those suffering the effects of noise nuisance. We police premises which pollute the atmosphere and monitor a whole range of activities that make the Borough a healthier place to be"

This intervention plan details how the Health and Safety Team intend to meet these objectives.

The aim of the health and safety service is to *protect the health, safety and welfare of employees in the borough and to safeguard others, principally the public, who may be exposed to risks from work activity.*

Page 131
The Health and Safety service is a core Statutory function, within the Environmental Health & Licensing service, as such the aim is to set priorities within our health & safety intervention programme that contribute to the health, safety and welfare of those exposed to work activities, The intervention plan aims to meet all of the requirements of the mandatory guidance issued under Section 18 of the Health and safety At Work etc Act 1974 that requires each local authority to make adequate arrangements for the enforcement of health and safety legislation.

Officers working for Burnley Borough Council delivering the health and safety service were seconded to the strategic partner, Liberata from January 2016. The Council will work with Liberata to deliver the Council's health and safety service from January 2016. A detailed contract for delivery has been developed to ensure an effective contractual relationship, continuity of service delivery, risk management and the maintenance of high quality services

Progress on all key areas of service unit activity will be fed into a balanced scorecard and reported to Members throughout the year. The key performance indicator relating to environmental health compliance services for 2017/18 is;

EHLPI 1: % of Programmed EH&L compliance inspections and interventions delivered in line with statutory targets.

The specific Key Performance Indicators measured for health and safety regulation are;

- Number of inspections of higher risk activities due on workplan undertaken (identified within HSE national code)
- Due Cat A (as per s18 risk rating) rated Inspections undertaken
- Non-inspection 'face to face' intervention due on workplan undertaken
- Non-inspection 'other contact' intervention due on workplan undertaken (information distributed, including information sent with food S/A)

Delivery of Priorities

Our delivery priorities will be achieved by;

- A proactive intervention programme which prioritises high risk or poor performing businesses over low risk businesses
- Investigating workplace accidents in line with the service's accident investigation policy
- Responding to service requests in line with the service's expected standards
- Delivery of identified local priorities and HSE national priorities where appropriate
- Delivery and participation in interventions that aim to reduce health inequalities as they relate to delivery in the workplace
- Partnership working – work with other Council Departments, Environmental Health Lancashire, Environment Agency, Police, fire Officers, HMRC, joint work with Health and Safety Executive, and with Public Health England and other organisations to meet local and national targets or initiatives
- Ensure enforcement decisions are consistent with our Enforcement Policy, the HSC's Enforcement Policy Statement and the Enforcement Management Model. (ensures proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda)
- Train and develop our staff to ensure competence. (encourages staff retention/recruitment and ensures credibility with local business)

Profile of the Local Authority

Burnley has a population of around 87,000 and an area of 42.7 square miles. It is 21 miles north of Manchester and 20 miles east of Preston, at the confluence of the River Calder and River Brun, with the Leeds-Liverpool canal running through the Borough. Neighbouring local authorities are Lancashire's Hyndburn, Ribble Valley, Pendle, Rossendale; and Calderdale in West Yorkshire.

During the Industrial Revolution Burnley became one of Lancashire's most prominent mill towns; at its peak it was one of the world's largest producers of cotton cloth. Burnley has strong economic links with the cities of Manchester and Leeds, as well as neighbouring towns along the M65 corridor. This is helped by excellent road and rail links including the recent reopening of the direct train line to Manchester.

In 2013, in recognition of its success, Burnley received an Enterprising Britain award from the UK Government, for being the "Most Enterprising Area in the UK".

Burnley Council is divided into 15 wards served by 45 councillors. The Council is based on a Cabinet structure with 5 Portfolios, a Leader and 4 Executive Members; there are 4 committees including 1 scrutiny committee.

Organisational Structure

Health and Safety Law Enforcement responsibilities are mainly discharged by the health and safety team with a range of support functions provided by a small compliment of support staff, which also provides support for officers throughout the Environmental Health & Licensing service unit. The unit covers a number of functions which include; health and safety regulation, food safety regulation, licensing, and environmental protection. Officers in the Food Safety team also undertake some health and safety work, particularly in regard to 'Matters of Evident Concern' observed during food safety inspections. FTE refers to number of full time equivalents working on Health and Safety.

January 2017	Chief Operating Officer Head of Streetscene Environmental Health and Licensing Team Manager – (0.75 FTE)			
	FOOD SAFETY TEAM	LICENSING TEAM	SAFETY & ENVIRONMENT TEAM	SUPPORT
	Principal EHO (Food)	Principal Licensing Officer (0.6 FTE)	Principal EHO (Safety & Environment) 0.8 FTE	Support Supervisor
	EH(Compliance) Officer 0.8 FTE	Licensing & Compliance Officer (0.6 FTE)	EH (Compliance) Officer X2	Support Officer
	Workplace Compliance Officer (1 FTE)	Workplace Compliance Officer	Workplace Compliance Officer (1 FTE)	

Scope of the Health and Safety Service

The Health and Safety Team is responsible for providing the following services;

- The programmed and reactive inspection of business premises.
- Advice to new and existing business premises
- Other visits including advice and complaints investigation.
- The investigation of reported accidents
- Licensing of skin piercing premises
- Maintain a register of cooling towers
- Enforcement action in accordance with the Enforcement Policy.
- Workplace health promotional activities.
- Enforcement of Smokefree Legislation
- Advice in relation to events through Events Safety Group

Service Delivery

[LAC 67/2 \(Rev. 7\) – Targeting Local Authority Interventions.](#)

This Local Authority Circular which was revised in 2018, provides LAs with guidance and tools for setting their health and safety priorities and targeting their interventions to enable them to meet the requirements of the Code. The LAC states that;

'In delivering their priorities LAs should ensure their planned regulatory activity is focussed on outcomes. The Code provides flexibility for LAs to address local priorities alongside the national priorities set by HSE.

LAs should construct their work plan to deliver specific outcomes. The plan is likely to consist of work to deliver those national priorities set by HSE, work to deliver local priorities and be accompanied by an inspection programme that meets the requirements of the Code'

Annex A of the LAC Outlines a summary of national planning priorities 2018 - 2019

Page 137 Not all national priorities have a proactive inspection component NOTE: These priorities fit within the wider GB Health and Safety strategy, 'Helping Great Britain Work Well', first published on 29th February 2016.

This wider strategy sets out the six themes for the whole of the GB health and safety system. LA workplace health and safety regulators are a key part of that system, and are expected to play their role in:

- Encouraging and recognising improvements, being increasingly joined up to deliver improved outcomes and minimise unnecessary burdens on businesses;
- Continuing to promote the risk-based, goal-setting regulatory regime that has served health and safety in Great Britain so well;
- Working with partners in the system to make workplaces safer and healthier, providing a level playing field for responsible employers with regulators and coregulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Using proportionate, risk-based regulation to support better outcomes, innovation and the safe use of new technologies;
- Developing services and products that contribute to improved management and control of risks, sharing our knowledge, and;
- Continuing the dialogue and conversation with stakeholders to make the system better, always looking to provide simple, pragmatic advice and support

[List of activities/ sectors suitable for targeting proactive inspection](#)

Service delivery Interventions 2017/2018

Intervention Type	Number of interventions/ visits	
	Targeted Using National Intelligence	Targeted using Local intelligence
Proactive Inspection	3	1
Other Visits/face to face contacts	3	0
Other Contact/ Interventions	441	125
Visit to investigate health & safety related incidents	3	
Visits to investigate H&S complaints	10	
Visits following requests for H&S service from businesses	5	
Revisits following earlier intervention	2	

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Service Delivery

Enforcement

All enforcement action will be taken by authorised and competent officers and in accordance with the Health and Safety Enforcement Policy. The following actions may be taken following an inspection or investigation;

Enforcement Action	Description	Number issued 2017/18
Improvement Notice	Legal Notice requiring works to be completed within a minimum of 21 days	1
Prohibition Notice	Legal Notice prohibiting an activity being carried out where there is a serious risk of injury	1
Deferred Prohibition Notice	As above but with a time delay allowing certain actions to be taken before the Notice comes into force	0
Simple Caution	May be offered in certain circumstances instead of prosecution	0
Prosecution	Where the health and safety offences are dealt with at Court	0

Liaison with Other Organisations	<p>Formal and informal relationships exist with the following organisations;</p> <ul style="list-style-type: none"> • Health and Safety Executive (HSE) • Environmental Health Lancashire Health and Safety Officers Group • Environmental Health Lancashire Chief Environmental Health Officers • Public Health England • Ofsted • Lancashire County Council - Safeguarding • Lancashire Fire Service • Lancashire Police Service • Burnley Council Regeneration & Planning Policy • Better Regulation Delivery Office (BRDO) • United Utilities • HMRC • GENGA Partner organisations 				
Staff Allocation	<p>Staff resources devoted to health and safety enforcement work as at March 2017</p> <table border="1" data-bbox="577 882 1218 1074"> <tr> <td>No of HSWA Warranted Officers</td> </tr> <tr> <td>7</td> </tr> <tr> <td>Full Time Equivalent of warranted officers time spent on HSWA activity</td> </tr> <tr> <td>1.7</td> </tr> </table>	No of HSWA Warranted Officers	7	Full Time Equivalent of warranted officers time spent on HSWA activity	1.7
No of HSWA Warranted Officers					
7					
Full Time Equivalent of warranted officers time spent on HSWA activity					
1.7					

Staff Development and Competency	<p>The service is committed to the continuing development of individual members of the team. The Council operate under the Investors in People Standards. Staff competency and training needs are assessed as part of the Corporate Performance and Development Reviews which are annually – any training or development needs that are identified at the review are fed into an annual training plan which links to the budget planning process.</p> <p>In line with revised Section 18 Standard our procedures will be reviewed to include the use of the HSE’s Regulators Development Needs Assessment Tool (RDNA)</p>
The Regulators Code	<p>The Regulators’ Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators’ Compliance Code. It provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.</p> <p>Nearly all non-economic regulators, including local authorities and fire and rescue authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.</p> <p>We are currently reviewing all our policies to ensure they comply with the Regulators Code</p>

Table 1

Health and Safety Workplan What we did last year 2017/18

	Interventions	Outcomes
<p>Accident/Major Investigations</p>	<p>We carried out 2 significant investigations in 2017 and 2018 and several less serious accidents/ incidents. The more serious cases investigated were;</p> <p>Case one Asbestos. We were notified about some refurbishment work that was being undertaken above occupied offices whereby the employees had concerns about being exposed to asbestos fibres.</p> <p>Case two Officers had been working with a local business where health and safety concerns had been ongoing for a while. A multi-agency Inspection was then undertaken which identified serious issues with the management of the business in particular fire safety risks to residents. This resulted in fire officers prohibiting use of the building</p>	<p>A prohibition Notice was served on the owner of the building until evidence could be provided that any asbestos present in the building was being appropriately managed. The owner carried out appropriate asbestos surveys and employed appropriately qualified contactors to undertake removal work.</p> <p>A Notice was served in relation to safety of the passenger lift and we had worked with the hotel to resolve issues relating to asbestos & gas safety. The notice was complied with, however as a result of the risks identified by fire officers prohibition Notices were served by them and work is still ongoing in relation to standards being met that would allow the business to reopen.</p>

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LICENSING COMMITTEE

BURNLEY TOWN HALL

24/10/2018 at 6:30pm

12. Gambling Act 2005 Policy for 2019 - 2021

Members gave consideration to the Council's Gambling Act Policy for 2019-2021.

The Gambling Act 2005 requires the Council to review and publish its licensing policy every 3 years.

The draft Statement of Principles attached at Appendix A had been the subject to widespread consultation between July and October 2018 and the responses had been considered in detail and where appropriate had been included in the draft Statement of Principles.

Members considered and accepted two minor wording changes to the policy.

Paragraph 7.2

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

Reason: The General Data Protection Regulation is not the only piece of legislation that covers data protection requirements and obligations.

Paragraph 8.7

Any such prosecution shall be commenced and conducted by the Head of Legal and Democratic Services in accordance with the powers delegated by the Council.

Reason: The Council's structure has changed resulting in the post of Head of Governance, Law and Regulation being replaced by the Head of Legal and Democratic Services.

RESOLVED

That the draft Statement of Principles for the Gambling Act 2005 Policy for the period 3rd January 2019 to 31st December 2021 be recommended to the Council for approval.

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LICENSING COMMITTEE



DATE	24th October 2018
PORTFOLIO	Community Services
REPORT AUTHOR	Joanne Swift
TEL NO	
EMAIL	licensing@burnley.gov.uk

Gambling Act 2005 Policy for 2019 - 2021**PURPOSE**

1. To Consider the Council's Gambling Act 2005 Policy for 2019 -2021

RECOMMENDATION

2. That the Licensing Committee recommends to Council approval of the Councils draft Statement of Principles (Appendix 'A') covering the period 3rd January 2019 to 31st December 2021

REASONS FOR RECOMMENDATION

3. Burnley Borough Council, in its role as a licensing authority, is required by the Gambling Act 2005 to review and publish its licensing policy every 3 years.

SUMMARY OF KEY POINTS

4. The draft Statement of Principles attached at Appendix 'A' has been the subject of widespread consultation, which took place between 30th July and 19th October this year.
5. Although only a small number of responses have been received to date they have been considered in detail and where appropriate have been included in the draft Statement of Principles.
6. Other changes have been made to the policy as a result of revised guidance having been issued under Section 25 of the Gambling Act 2005
7. Any changes to the existing policy are shown as 'track changes' in the draft Statement of Principles.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. Nil

POLICY IMPLICATIONS

9. The Statement of Principles will become the Council's policy with respect to the exercise of its licensing functions under the Gambling Act 2005.

DETAILS OF CONSULTATION

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

- All Elected Councillors, Burnley Borough Council
- The Head of Governance, Law and Regulation, Burnley Borough Council
- Senior Solicitor, Burnley Borough Council
- The Environmental Health and Licensing Manager, Burnley Borough Council
- The Gambling Commission Headquarters Policy Section
- The Gambling Commission Regional Inspector for Lancashire and Cumbria
- The Chief Constable, Lancashire Constabulary
- Lancashire Fire and Rescue Service Authority
- Lancashire Area Child Protection Committee, Lancashire County Council Social Services Section
- H.M. Revenue & Customs
- Blackburn with Darwen Council
- Hyndburn Borough Council
- Ribble Valley Borough Council
- Rossendale Borough Council
- Pendle Borough Council
- Calderdale Borough Council
- The British Casino Association
- Casino Operators' Association of the UK

- Business In Sport & Leisure
- Racecourse Association Limited
- British Amusement Catering Trade Association
- British Holiday & Home Parks Association
- Community Trade Union
- Association of British Bookmakers
- All persons who hold Betting Office and Bookmakers Permits in Burnley
- All persons who hold Bingo Licences or Bingo Certificates in Burnley
- Representatives of persons who hold Society Lottery Registrations in Burnley
- All persons who hold Amusement Arcade Permits in Burnley
- Clubs and Institute Union
- Gaming Machine Suppliers who regularly apply for Gaming Permits in Burnley
- Society of Independent Brewers
- Representatives of Premises Licence Holders in Burnley
- Representatives of Club Premises Certificate holders in Burnley
- Lancashire County Council Trading Standards
- GamCare
- Responsibility in Gambling Trust
- Gam – Anon
- Residents Associations and Tenant Groups.

BACKGROUND PAPERS

11. Gambling Act 2005 and Guidance issued under Section 25 to the Gambling Act 2005

FURTHER INFORMATION

PLEASE CONTACT:

Peter Henderson Ext 249061

ALSO:

John Yardley Ext 249067

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GAMBLING ACT 2005 BURNLEY BOROUGH COUNCIL LICENSING POLICY
REVIEW – CONSULTATION

Section five of the Gambling Act 2005 requires Licensing Authorities to produce a Statement of Licensing Policy every three years.

The draft policy that follows, which will come into force in January 2019, sets out the strategy under which Burnley Borough Council, as a Licensing Authority will discharge its functions under the Act

This is your opportunity to contribute to the consultation process on the Council's revised policy.

The revised policy is available on our website www.burnley.gov.uk.

Direct link to the policy is

www.burnley.gov.uk/sites/default/files/Draft%20GamblingPolicy%202019-%202021.pdf

Reference copies of the draft policy document are also available at the following location:

Council Offices at:

Contact Burnley, Parker Lane, Burnley BB11 2BY

You may request a hard copy of the draft policy by contacting the Licensing Unit at the address shown above, by telephone on 01282 425011 Ext. 249067 or 249064 or by e mail to licensing@burnley.gov.uk

NOTE

The consultation process ends on Friday 19th October 2018.

Please ensure that your comments reach us by that date, either in writing to:

John Yardley,
Licensing & Compliance Officer,
Burnley Borough Council,
1st Floor, Parker Lane Offices
Burnley Borough Council
BB11 2DT

Or by e mail to: licensing@burnley.gov.uk



Burnley.gov.uk

GAMBLING ACT 2005

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

Burnley Borough Council
Gambling Act 2005
Statement of Principles

THE LICENSING OBJECTIVES

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

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1. Introduction

- 1.1 This statement of principles has been published as a consequence of:
- It being a requirement for this Statement of Principles to be approved by the Executive and the Full Council of Burnley Borough Council
 - The requirement for it to be published and available by 3rd January 2019~~6~~.
- 1.2 All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in September 201~~6~~~~5~~. A copy of the current guidance is available on the Gambling Commission website.
- 1.3 The Gambling Act 2005 (the Act) has appointed Burnley Borough Council as a Licensing Authority. We will regulate gambling with integrity in the public interest.
- 1.4 We are committed to avoiding duplication with other legislation and regulatory regimes as far as possible, and will not replicate issues in this statement of principles, which are already legal requirements under other legislation such as health and safety and fire precautions.
- 1.5 This statement of principles has been developed after having regard to the statutory guidance from the Gambling Commission and having given appropriate weight to the views of persons and organisations consulted.
- 1.6 The Council will delegate all functions under the Act to the Licensing Committee, except those functions, which by law must be dealt with by the Council as a whole such as fee levels and the approval of this policy statement.
- 1.7 Section 349 of the Act requires the Licensing Authority to publish a statement of principles that we will apply in exercising our functions under the Act. This statement fulfils that statutory requirement.
- 1.8 This statement of Principles will be applied during the 3-year period from 3rd January 201~~9~~~~6~~ until 31st December 20~~14~~~~9~~ and during that time will be kept under review and revised when and if appropriate.
- 1.9 This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. This statement is designed to be a strategic gambling policy, not an operational guide to the Act.
- 1.10 In exercising our functions under the Gambling Act 2005, Burnley Borough Council as a licensing authority will have regard to the statutory licensing objectives, which are;

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

1.11 We are aware that Section 153 of the Act requires us, in making decisions concerning premises licences and temporary use notices, to aim to permit the use of premises for gambling in so far as we think it is:-

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

1.12 Nothing in this policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in this policy will undermine the right of any person to make representations on an application, or seek a review of a licence where there is a legal power to do so.

1.13 Previous legislation required that the grant of certain gambling permissions should take account of whether there was an unfulfilled demand for gambling facilities. We acknowledge that under the Act, unmet demand is not a criterion for a Licensing Authority in considering an application.

1.14 We appreciate that gambling can be an emotive subject but acknowledge that, in accordance with Gambling Commission Guidance for Local Authorities, "considerations such as moral or ethical nuisance, objections to gambling are not a valid reason to reject applications for premises licences ". Except in respect of a Casino resolution under Section 166 of the Act, and also that unmet demand is not a criterion for a Licensing Authority.

1.15 We will therefore consider any application in accordance with the Act, on its individual merits without regard to demand or moral objections to gambling in general.

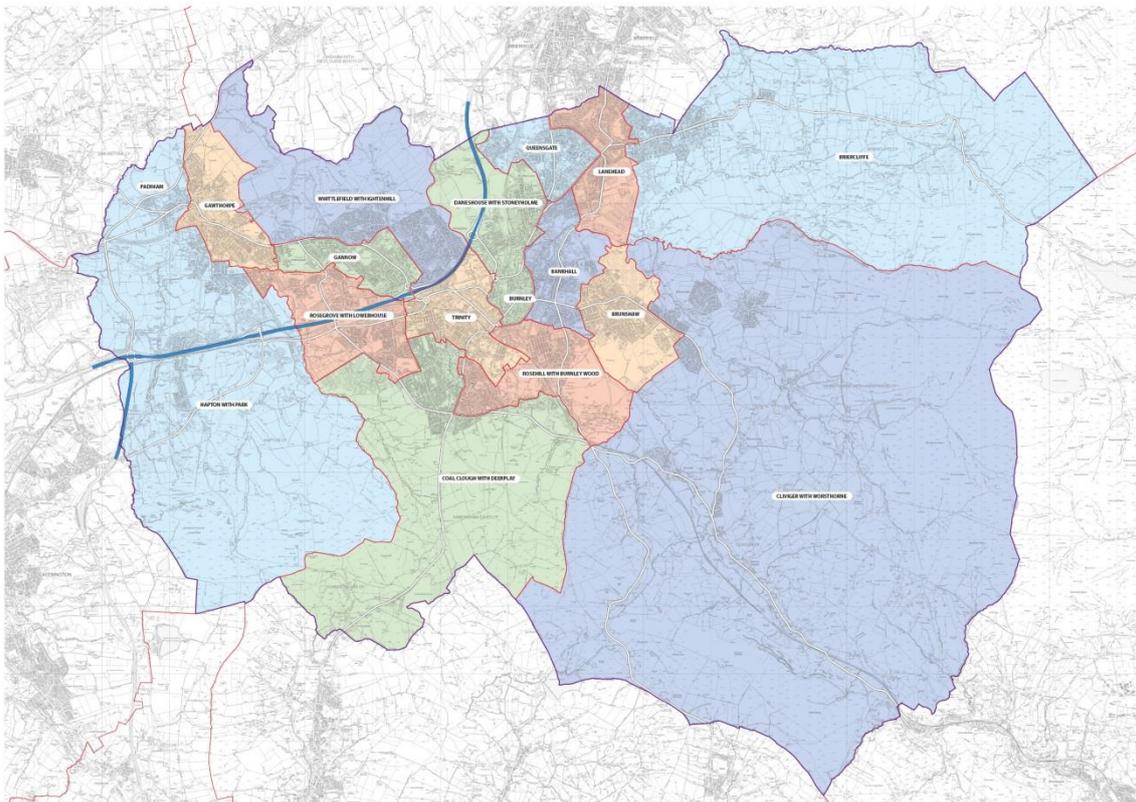
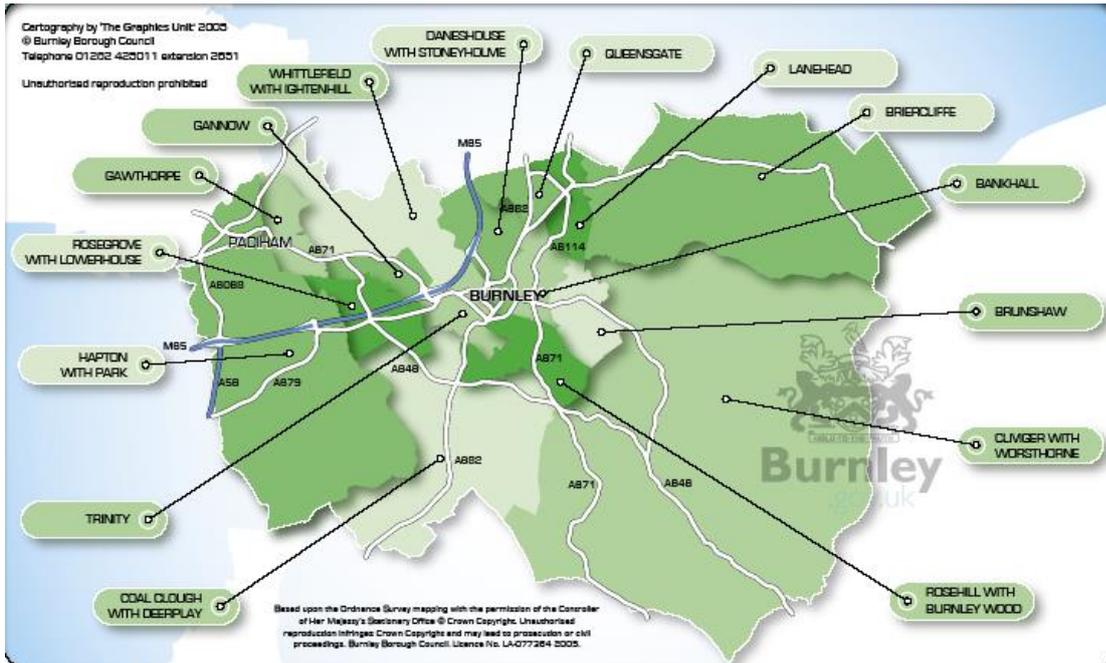
2. A Profile of Burnley

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

2.2 The population profile is illustrated below;

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

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

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

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

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

3. The Statement of Licensing Principles and Consultation

- 3.1 Burnley Borough Council is required by the Gambling Act 2005 to publish a statement of the principles, which we propose to apply when exercising our functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 3.2 This statement of principles has been published following extensive consultation. A list of the persons we have sent this document to is attached at **Appendix A**.
- 3.3 The Gambling Act requires that the following parties be consulted by Licensing Authorities:
- The Chief Officer of Police
 - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority’s area
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005
- 3.4 Our consultation took place between July and October 2018 and we have followed best practice as set out by the Department for Business, Innovation and Skills, available at:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf
- 3.5 The full schedule of comments and amendments consequential to these comments will be available by request to the Licensing Office, Burnley Borough Council.
- 3.6 This statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

4. Declaration

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

5. Responsible Authorities

- 5.1 Burnley Borough Council is required by regulations to state the principles that we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

- 5.2 The principles we will use are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

- 5.3 In accordance with the Gambling Commission's Guidance for Licensing Authorities, we intend to designate the Lancashire Safeguarding Children Board, Lancashire County Council for this purpose.

- 5.4 This body has countywide responsibility, is subject to democratic accountability and is currently the body that has become a responsible authority under the Licensing Act 2003.

- 5.5 The Responsible Authorities under the Gambling Act 2005 are:

- Burnley Borough Council Licensing Authority
- The Gambling Commission;
- The Chief Constable, Lancashire Constabulary
- Lancashire Fire and Rescue Service Authority
- Burnley Borough Council Planning and Environmental Services Unit
- Lancashire Safeguarding Children Board, Lancashire County Council
- H.M. Revenue & Customs

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

6. Interested Parties

- 6.1 S.158 of the Act defines interested parties. To accept a representation from an interested party, we must take the view that the person:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - has business interests that might be affected by the authorised activities
 - represents persons in either of these two groups.

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

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

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

People living close to the premises

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

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

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

The nature and scope of business interests that could be affected

- 6.4 It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be affected by the premises' under consideration. For example, an operator in a particular sector be it casino, bingo, betting etc, should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. Specifically, we recognise that the 'demand test' from previous gambling legislation does not apply under the Act
- 6.5 We should be satisfied that the relevant business is likely to be affected. Factors that are likely to be relevant include:

- the size of the premises
- the 'catchment' area of the premises, that is, how far people travel to visit the premises
- whether the person making the representation has business interests in that catchment area that might be affected.

People representing those in the above categories

- 6.6 Interested parties can be people who are democratically elected such as councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.
- 6.7 Save for democratically elected persons, We will satisfy ourselves on a case by case basis that a person does represent interested parties, and request written evidence where necessary. A letter from the interested person(s) they are representing would be sufficient.
- 6.8 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. Applicants should contact the Principal Licensing Officer, Burnley Borough Council in the first instance rather than approach their Councillor directly.

7. Exchange of Information

- 7.1 We are required to include the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between ourselves and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 7.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the [General Data Protection Regulation \(GDPR\) Data Protection Act 1998](#) will not be contravened.
- 7.3 We will also have regard to the Guidance issued by the Gambling Commission to Licensing Authorities, as well as any future relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 7.4 Should any protocol on information exchange be established in the future, such protocols will be publicly available.

8. Enforcement

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

section 346 of the Act to institute criminal proceedings in respect of the offences specified.

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

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

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

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

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

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

8.7 Any such prosecution will be commenced and conducted by the Head of Governance, Law and Regulation in accordance with the powers delegated to him by the Council.

9. Licensing Authority functions

9.1 Licensing Authorities are required under the Act to:

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

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

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

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

- Refer the decision whether to make a resolution not to issue casino licences within the Borough to Full Council.
- Refer approval of this three-year licensing policy to Full Council
- Refer any delegated power under forthcoming Regulations to set fees to Executive.
- Delegate all decisions relating to premises licences to the Licensing Committee where representations have been received and not withdrawn.
- Further delegate decision making to officers in accordance with the law and guidance, attached at Appendix C.

PART B

10 Premises Licences

General Principles

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

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

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

10.9 We also note that in relation to premises which are still to be constructed, under construction or alteration that following case law operators may apply for a premises licence, albeit they are not ready to be used for gambling. This authority will determine such applications on their own merits.

10.10 This licensing authority is aware that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can be considered.

Operators will be expected to demonstrate in their local risk assessment (LRA) the impact of the provision of gambling facilities in a particular area on the licensing objectives. From 6 April 2016 a new requirement was introduced requiring licensed operators of certain gambling establishments to undertake local risk assessments. This requirement was formalised in the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in April 2018.
<http://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf>

10.11 We will, in accordance with the Gambling Commission's Guidance for local authorities, pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

~~10.12 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon, this policy statement will be updated.~~

~~10.13 It should be noted that any such future policy will not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how any potential concerns can be overcome.~~

~~10.14~~ 10.12 This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the statutory planning regime.

~~40.15~~10.13 This Council acting as a licensing authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of an application for a Premises Licence.

~~40.16~~10.14 We will though, carefully consider any concerns about licensing conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

~~40.17~~10.15 The Planning Department are a responsible authority under this Act and have the opportunity to make representations should they desire, otherwise the two regimes will be properly separated.

~~40.18~~10.16 Premises licences granted must be reasonably consistent with the licensing objectives. Having regard to these objectives, we have considered the Gambling Commission's Guidance to local authorities and make the following observations:

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

~~40.19~~10.17 This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. Their guidance does however envisage that the licensing authority should pay attention to the proposed location of gambling premises in terms of this licensing objective.

~~40.20~~10.18 Therefore, where an area has known high levels of organised crime, we will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors. Responsible authorities would however have the right to make representations with regard to such premises.

~~40.21~~10.19 We are aware that there is not a clear line between nuisance and disorder and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. It should be noted that public nuisance is not a Gambling Act licensing objective and issues of nuisance are not relevant considerations under the Gambling Act 2005.

~~40.22~~10.20 In considering licence applications, the Council will particularly take into account the following:

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

- The operators local risk assessment (LRA) in relation to known problems in an area such as high levels of crime, drug activity and anti-social behaviour.

Ensuring that gambling is conducted in a fair and open way

10.25 This licensing authority is aware that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned frequently with ensuring that gambling is conducted in a fair and open way as this will be addressed by the operator and personal licensing system. Any information or suggestion of impropriety, criminal or fraudulent activity should be reported to the relevant authorities such as the Gambling Commission, the police or Action Fraud. It is acknowledged that there is a greater role for the Licensing Authority in track gambling which is explained in Section 16 below.

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

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

10.27 ~~We will therefore consider, as suggested by the Gambling Commission's Guidance, whether specific measures are required at individual premises to promote the licensing objectives.~~

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

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

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

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

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

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

~~10.28 Appropriate measures may include supervision of access points, segregation of areas etc.~~

~~We will also take account of the Codes of Practice regarding this objective in relation to specific types of premises.~~

10.30 This licensing authority is required to 'have regard' to the licensing objectives whilst applications granted must be 'reasonably consistent' with the licensing objectives. We will also take account of the Codes of Practice regarding this objective in relation to specific types of premises.

~~10.29 In reference to the term "vulnerable persons" we note that the Gambling Commission or statute law is not seeking to offer a definition but the Commission states that "it will for regulatory purposes assume that this group includes~~

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

~~10.30 This licensing authority will consider promotion of this licensing objective on a common sense, case by case basis.~~

Conditions on Premises Licences

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

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

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

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

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

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

10.35 Applicants may wish to refer to this council's Community Safety Partnership Strategic Assessment to obtain a local profile of the Borough along with highlighted and emerging threats to the Borough when preparing local risk assessments. ~~From April 2016 the Social Responsibility Code supplemented by the ordinary code (LCCP) requires that licensees share their risk assessment with licensing authorities when applying for a premises licence or varying an existing licence. The risk assessment should be kept on the individual premises and made available or otherwise~~ at the request of the Authority; for example when carrying out inspections.

10.36 We will, where considered necessary, consider specific measures for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling and non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises to promote the licensing objectives, in accordance with Gambling Commission Guidance.

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

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where these machines are located
- Access to the area where these machines are located is supervised
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder, and

- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years of age.

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

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

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

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

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

10.42 The Gambling Commission advises in its Guidance that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at authorised access (for example by children and young persons) then it may require that entrances to premises are controlled by a door supervisor, and is entitled to impose conditions to that effect. Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration as whether or not these supervisors need to be licensed by the Security Industry Authority will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per guidance)

11 Adult Gaming Centres

11.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. Gaming machines are a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC's to minimise the opportunities for

children to gain access. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the premises.

- 11.2 Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

12 (Licensed) Family Entertainment Centres

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

- 12.2 ~~We will expect applicants as part of their application to initially offer their own measures to promote the licensing objectives; however appropriate measures/ licence conditions may cover issues such as:~~

~~CCTV~~

~~Supervision of entrances / machine areas~~

~~Physical separation of areas~~

~~Location of entry~~

~~Notices / signage~~

~~Specific opening hours~~

~~Self Barring Schemes~~

~~Provision of information leaflets / helpline numbers for support organisations such as GamCare~~

~~Measures / training for staff on how to deal with suspected truant school children on the premises We will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. For example, such measures may include, but would not be limited to, the following:~~

- ~~• Proof of age schemes~~
- ~~• CCTV~~
- ~~• Supervision of entrances/machine areas~~
- ~~• Physical separation of areas~~
- ~~• Specific opening hours~~
- ~~• Self-barring schemes~~
- ~~• Notices/signage~~
- ~~• Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation (CSE)~~
- ~~• Clear policies that outline the steps to be taken to protect children from harm.~~
- ~~• Provision of information leaflets/helpline numbers for organisations such as Gam-Care.~~

- 12.3 We will, in accordance with the Gambling Commission's guidance, refer to the Commission, and be aware of any conditions that apply to operating licences covering the way in which the area containing the Category C or higher machines, should be delineated.
- 12.4 This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

13 Casinos

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

No casino resolution

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

Betting machines

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

- the size of the premises
- the number of counter positions available for person-to-person transactions, and,
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.”

14 Bingo Premises

14.1 This licensing authority notes that the Gambling Commission Guidance states;

“Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that ‘licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises’ in order to prevent underage gambling.

14.2 We note that under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.

14.3 We will consider restrictions that apply to such premises in the current Licence conditions and codes of practice published on the Gambling Commission’s website.

15 Betting Premises

15.1 We note that the Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing. This Section of our policy discusses off-course betting, that is betting that takes place other than at a track in what is currently known as a licensed betting office. Tracks are discussed in the following Section. It should be noted that there are also betting offices on tracks, that have a separate premises licence from the track licence.

15.2 It is noted that the Gambling Commission’s Guidance for local authorities states “Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). The holder of a betting premises licence may make available for use up to 4 gaming machines of categories B,C or D (Without restriction).”

15.3 It is noted that the Gambling Commission’s Guidance for local authorities states S.235(2)(c) provides that a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events. Some betting

premises may make available for use machines that accept bets on live events, such as a sporting event, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely replicate and automate the process that can be conducted in person, and therefore do not require regulation as gaming machines. S.181 of the Act contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). Part 19 of this Guidance provides further details.

- 15.4 This licensing authority will give sympathetic consideration to re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public

16 Tracks

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

17. Travelling Fairs

- 17.1 We note that we as the licensing authority are required to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

17.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

17.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with other departments of the Council and its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

18. Provisional Statements

18.1 Section 204 of the Act provides for a person to make an application to the Authority for a Provisional Statement in respect of premises that s/he:

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

18.2 Developers may wish to apply for Provisional Statements before they enter into a contract to buy or lease property or land to judge whether or not a development is worth taking forward in light of the need to obtain a Premises Licence. It is also possible for an application for a Provisional Statement to be made for premises that already have a Premises Licence (either for a different type of gambling or for the same type).

18.3 This authority has noted the Gambling Commission's Guidance that "A licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

19. Reviews

19.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review, which is essentially a request by a third party to the licensing authority to review a particular licence.

19.2 Section 200 of the Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full-scale review being conducted, but the review itself, if necessary will be heard by elected members.

19.3 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out.

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

- (a) are not relevant to the principles that must be applied by the licensing

authority in accordance with section 153.

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

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

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

PART C

20. Unlicensed Family Entertainment Centre gaming machine permits

- 20.1 Family entertainment centres (FECs) will perhaps be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons.
- 20.2 Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit. Permits cannot be issued to vessels or vehicles.
- 20.3 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use as required by Section 238.
- 20.4 The application for a permit can only be made by a person who occupies or plans to

occupy the premises to be used as an unlicensed FEC and, if the applicant is an individual, he must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.

- 20.5 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 20.6 The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities should include a statement of principles that they propose to apply when exercising their functions in considering applications for permits licensing authorities will want to give weight to child protection issues."
- 20.7 The Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities may also consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that employees are trained to have a full understanding of the maximum stakes and prizes. (24.7)
- 20.8 We note that a licensing authority can grant or refuse a licence but cannot attach conditions to this type of permit.
- 20.9 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 20.10 The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises

21. (Alcohol) Licensed premises gaming machine permits

- 21.1 There is provision in the Act for premises licensed under the Licensing Act 2003 for the sale of alcohol for consumption on the premises, that have a bar at which alcohol is served, without a requirement that alcohol is only served with food to automatically have 2 gaming machines, of categories C and/or D. Licence holders merely need to notify the licensing authority.
- 21.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 21.3 If a premises licence holder wishes to have more than 2 machines, then they need to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”
- 21.4 This licensing authority considers that “such matters” will be decided on a case by case individual basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult-only gaming machines.
- 21.5 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage on the machines or in the premises may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 21.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would normally need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.
- 21.7 It should be noted that we as the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to a permit.
- 21.8 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

22. Prize Gaming Permits

- 22.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

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

23 Club Gaming and Club Machines Permits

- 23.1 Bona Fide Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.
- 23.2 The Club Gaming Permit will enable the premises to provide 3 gaming machines of categories ~~B, C or DB3A~~ B4 to D, equal chance gaming and games of chance.
- 23.3 The Act states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to bridge and whist.
- 23.4 A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

- 23.5 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 23.6 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).
- 23.7 The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 23.8 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

24. Temporary Use Notices

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

- 24.3 In relation to premises we will apply the Gambling Commission Guidance which states:

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

25. Occasional Use Notices:

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

APPENDIX A

SCHEDULE OF CONSULTEES TO THIS DRAFT POLICY STATEMENT

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

- All persons who hold Bingo Licences or Bingo Certificates in Burnley
- Clubs and Institute Union
- Gaming Machine Suppliers who regularly apply for Gaming Permits in Burnley
- Representatives of Premises Licence Holders in Burnley
- Representatives of Club Premises Certificate holders in Burnley
- Lancashire County Council Trading Standards
- GamCare
- Responsibility in Gambling Trust
- Gam – Anon

DRAFT

**SCHEDULE OF RESPONSIBLE AUTHORITIES
GAMBLING ACT 2005**

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

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

Final approval of the licensing Authority statement of policy-Full Council

All other matters to_ licensing committee except these to officers:

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

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

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

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