

EXECUTIVE

Tuesday, 10th December, 2019
6.30 pm





EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 10th December, 2019 at 6.30 pm

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

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

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

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

AGENDA

1) Apologies

To receive any apologies for absence

2) Minutes

5 - 10

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

3) Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of 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) *Dog Fouling Working Group Recommendations* 11 - 18

To consider the recommendations of the Dog Fouling Working Group.

8) *Health & Safety Intervention Plan* 19 - 40

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.

9) *Food (Official Controls) Delivery Plan* 41 - 62

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) *Contributions SPD* 63 - 122

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

11) *Public Space Protection Order (Dog Control)* 123 - 134

To consider the results of public consultation, and seek approval for the proposed Public Space Protection Order (Dog Control).

12) *Fees & Charges Report* 135 - 186

To inform of the Council's proposed fees and charges from 1 January 2020.

13) *Treasury Management Mid-Year Review* 187 - 196

To report treasury management activity for the first half year of 2019/20 covering the period 1 April to 30 September 2019.

14) *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

15) *Towneley Ice Cream Concession*

197 - 198

To seek approval to accept a licence fee tender for the concession to sell ice cream in Towneley Park.

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

MEMBERSHIP OF COMMITTEE

Councillor Charlie Briggs
Councillor Margaret Lishman
Councillor Gordon Birtwistle

Councillor Ivor Emo
Councillor Cosima Towneley

PUBLISHED

Monday, 2 December 2019



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 29th October, 2019 at 6.30 pm

PRESENT

MEMBERS

Councillors C Briggs, M Lishman, G Birtwistle and I Emo

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
Eric Dickinson	– Democracy Officer

ALSO IN ATTENDANCE – Councillors A Fewings, A Newhouse, and M Townsend

44. Apologies

Apologies for absence were received from Councillor Cosima Towneley.

45. Minutes

The Minutes of the last meeting held on the 17th September 2019 were approved as a correct record and signed by the Chair.

46. Minute of Individual Decision

The Minute of an Individual Executive Decision made as follows was noted;
Minute 3-Finance Manager (16th October 2019)

47. Minute of Urgent Decision by Chief Executive Officer - Business Rates Retention 2020 to 2021 and Onwards : Lancashire Pool

Decision

That the Minute of the Urgent Decision by the Chief Executive Officer regarding Business Rates Retention 2020 to 2021 and Onwards : Lancashire Pool be noted.

48. Business Improvement District

Purpose

To appraise Members on the development of a Business Improvement District in Burnley Town Centre and to seek Executive's authority to vote and agree the budget as set out in the report

Reason For Decision

As the owner of several properties in the BID boundary the Council will be invited to vote in the BID ballot. A plan showing the BID boundary is provided in Appendix 1.

To ensure the seamless delivery of the BID with the Town Centre Management function, delivering value for money and for both the BID and the Council.

Decision

- (1) That authority be delegated to the Chief Executive to vote on behalf of the Council in the upcoming ballot (November);
- (2) That the Chief Executive be authorized to vote in favour of the Business Improvement District; and
- (3) That the budget set out in paragraph 20 of this report be approved and that authority be delegated to the Strategic Head of Economy and Growth to agree the terms of a Service Level Agreement with the BID Executive Board for the future delivery of the Council's Town Centre Management function

49. Revenue Monitoring Quarter 2 - 2019-20

Purpose

To report the forecast outturn position for the year as at 31 March 20120 based upon actual spending and income to 30 September 2019.

The report shows the current forecast year end outturn position based upon the forecast savings identified as at the end of the current reporting period. As in previous years, it is expected that as the year progresses, further in-year savings will be identified and reported at each quarter, reducing the forecast overspend provision. A proactive approach is being taken by Service Units to identify further in-year savings. However, as overall budgets reduce, it is inevitable that it is becoming increasingly difficult to achieve and identify further savings.

Reason For Decision

To give consideration to the level of revenue spending and income in 2019/20 as part of the effective governance of the Council and to ensure that appropriate management action is taken to ensure a balanced financial position.

Decision

- (1) That the projected revenue budget forecast position of an overspend of £172k be noted, as summarized in Table 1 and detailed in Appendix 1. Also the position be noted as at the end of the quarter on the achievement of salary and non-salary savings targets and the balances yet to be found, as can be seen in Table 2;
- (2) That Full Council be recommended to approve then latest revised net budget of £15.815m as shown in Table 1; and

- (3) That Full Council be recommended to approve the net transfers to earmarked reserves of £0.852m as shown in Appendix 2.

50. Capital Monitoring Quarter 2 - 2019-20

Purpose

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

Reason For Decision

To effectively manage the 2019/20 capital programme

Decision

- (1) That Full Council be recommended to approve the net budget changes totaling a decrease of £2,809,717, giving a revised capital budget for 2019/20 totalling £17,481,484 as detailed in Appendix 1;
- (2) That Full Council be recommended to approve the proposed financing of the revised capital budget totaling £17,481,484 as shown in Appendix 2;
- (3) That the latest estimated year end position on capital receipts and contributions showing an assumed balance of £1,741,843 at 31 March 2020 as shown in Appendix 3; and
- (4) That Full Council be recommended to approve a new Capital Scheme highlighted in Appendix 1

51. Updated Strategic Risk Register

Purpose

To present the Executive with an updated Strategic Risk Register

Reason For Decision

The Executive are required to approve the updated Strategic Risk Register (Appendix 1) pursuant to the Risk Management Strategy.

Decision

That the updated Strategic Risk Register be approved.

52. Public Space Protection Order-Town Centre

Purpose

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

Reason For Decision

The existing Order has been in place since the 9th November 2016 and expires on the 8th November 2019 (see Appendix 3).

Key stakeholder consultation has been undertaken during August and September 2019 with residents, town centre businesses and community partners. The consultation has determined that there is support for the continuation of the Order to cover the prohibitions outlined in Appendix One.

All consultees were given the option to change/amend the prohibitions. The responses confirmed support to retain the original prohibitions without amendment for the town centre, as this were deemed to remain applicable.

Decision

- (1) That the Public Spaces Protection Order (PSPO) for Burnley Town Centre (as outlined in Appendix 1-Proposed Prohibitions and Appendix 2-Map of PSPO area) be renewed;
- (2) (2) That the Order be implemented from (and including) the 9th November 29019 for the defined 3-year period;
- (3) That authority be delegated to the Head of Streetscene to undertake any required enforcement in accordance with the Public Space Protection Order legislative powers; and
- (4) That the Head of Streetscene be authorized to execute all documentation necessary to implement the above decision.

53. Exclusion of the Public

Purpose

To consider when it may be relevant to exclude the public from the meeting.

Reason for Decision

Minute numbers 54 to 56 contains exempt 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 54 to 56 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 Paragraph 12A of the Local Government Act 1972.

The three members of the Council in attendance remained to observe the items subject to the business transacted remaining confidential.

54. Sale of Land and Building at Nicholas Street

Purpose

To seek approval for the sale of Nicholas Street offices, Burnley, shown edged red on the plan contained in Appendix 1

Reason For Decision

To obtain a capital receipt on the disposal of a surplus asset and to bring a vacant town centre property back into economic use, aligned to the Council's strategic objectives.

Decision

- (1) That the sale of Nicholas Street Offices be authorized;
- (2) That the Chief Operating Officer be authorized to negotiate and agree the final terms of sale; and
- (3) That the Head of Legal and Democratic Services be authorized to complete the legal documentation necessary to give effect to the decision.

55. Market Investment Proposal - Burnley Market Hall

Purpose

To request the Executive to approve proposals set out below for investment in the new facilities and essential repairs to Burnley Market Hall.

Members noted the debate and the recommendation from the 28th October 2019 Scrutiny Committee.

Reasons For Decision

The proposed works will enable the Council to improve and consolidate the existing Market Hall and create space for new users to increase footfall and utilization.

Decision

- (1) That the proposal be accepted and approved to reconfigure the interior of the market as set out in paragraphs 11 to 14 of this report together with an appropriate communications plan;
- (2) That Full Council be recommended to include a budget and prudential borrowing in the capital programme in 2019/20 and 2020/21 as set out in paragraphs 16 to 19 of this report relating to the reconfiguration of the interior of the market; and
- (3) That a decision relating to addressing the repair to the building and a tender for the roof works be deferred.

56. Report of Urgent CEO Decision-Business Rates Retention 2020 to 2021 and Onwards; Lancashire Pool

Decision

That the report relating to an Urgent decision made by the Chief Executive Officer regarding Business Rates Retention 2020 to 2021 and Onwards; Lancashire Pool be noted.

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REPORT TO THE EXECUTIVE



DATE	10th December 2019
PORTFOLIO	Community & Environmental Services
REPORT AUTHOR	Joanne Swift
TEL NO	01282 477301
EMAIL	jswift@burnley.gov.uk

Dog Fouling Working Group

PURPOSE

1. To consider the recommendations of the Dog Fouling Working Group.

RECOMMENDATION

2. To agree to implement the following recommendations of the Working Group as part of the Council's operational response to dog fouling;
 - Implement a resident hotline and promote to encourage reportage
 - Extend enforcement patrols
 - Ensure dog fouling functionality is reviewed for Member reporting
 - Provide quarterly ward performance updates to support resident groups, parish Councils and drop ins
 - Support ward / park initiatives E.G action days / weeks - a holistic approach of door knocking / community involvement and feedback
 - Implement the use of signage and targeted communications at selected locations where fines have been issued, to raise greater awareness of patrol activity with local residents and to serve as a deterrent
 - Increase the dog fouling FPN to the current maximum of £100
 - To develop a seasonal forward plan of Comms activities.
 - Profile and targeted communications to incorporate local resident groups and schools

REASONS FOR RECOMMENDATION

3. To ensure the Council continues to provide a proactive service that responds to the concerns of local residents.

SUMMARY OF KEY POINTS

4. In July 2019, The Executive as part of its cleaner and greener agenda established a cross-party working group of Members and Officers to look at how the Council could strengthen its approach to promote socially responsible dog ownership and reduce dog fouling across the borough. It was anticipated that the Working Group would report to the Executive with their recommendations within 6 months.

5. **Service Background**

Feedback from residents indicates that concerns about dog fouling remain high. Initial meetings discussed the governing legislative powers, existing service delivery and the key local issues. In summary, the Anti-Social Behaviour and the Crime and Policing Act 2014 provide the overarching legislative powers. Boroughwide enforcement patrols for dog fouling and pro-active work with residents are undertaken by LA Support (Formerly Kingdom Environmental Services) and the Council's Park Ranger service. Patrols and priority setting for dog fouling patrols have traditionally been set from community information, obtained from residents and Members.

6. **Working Group Priorities**

The initial meeting was held on the 29th August 2019 and was constructive in 'setting the scene' of existing operational delivery, the terms of reference of the Group and to enable the key priorities of the Group to be established. At this meeting the Group were also consulted on the proposed Public Space Protection Order for Dog Control. The recommendations of the Working Group have been considered and incorporated within the consultation outcomes and the report to the Executive, on this matter.

7. Appendix One – *Working Group Priorities* provides a summary of the activities that have been recommended by the Working Group, that would be undertaken within each of the proposed recommendations. The Group recommended the importance of stronger 'reporting in' mechanism for residents and Ward Members. A dedicated hotline for dog fouling, similar to the approach that is currently in place to report motor cycle nuisance was recognised and recommended. (The hotline would provide Members and residents the opportunity to report any incidents to a dedicated answerphone, that whilst would not be 'manned' 24/7 it would be periodically checked by Officers within working hours and the intelligence used to determine hotspot patrol priorities).
8. A further key strand of work recommended by the Group is the support of a robust dog fouling communications plan to facilitate the;
 - Review of existing publicity
 - Continued reporting of hotspot areas
 - Reinforcing of the importance of socially responsible dog ownership
 - To provide a feedback loop of activities and enforcement at the local level
 - Inclusion of targeted publicity messages via schools and residents' groups based on the profile of dog fouling offenders
9. Dog fouling is enforced by the issue of Fixed Penalty Fines. The current fixed penalty charge for dog fouling is set by the Council at £75.00. The Council has retained the penalty charge of £75.00 at this level since its introduction. Following consideration of this,

Members of the Working Group recommend that from 2020 the charge for dog fouling that is set by the Council is increased to the national / legislative maximum. The maximum charge is set by DEFRA and is currently £100.00. Local benchmarking demonstrates that most Lancashire Authorities that enforce on dog fouling, currently impose the maximum fine of £100.00.

The Working Group recommend this change as being necessary to;

- Demonstrate the Council’s robust response to those offenders that commit dog fouling.
- To serve as a deterrent
- To demonstrate to the wider community that the Council will take a tough stance on this issue of key public concern.

10. Members of the Working Group requested benchmarking data on current dog fouling targeted activity performance across neighbouring Authorities. Other Lancashire Authorities were contacted and the following recorded performance data for dog fouling was obtained;

Local Authority	17/18	18/19	19/ to date
Blackburn	19	26	7
Blackpool	N/A	15	2
Burnley	249	66*	24*
Chorley	-	0	-
Hyndburn	-	-	4
Lancaster	3	3	2
Preston	3	0	0
Pendle	-	-	12
Ribble Valley	1	7	3

**Recorded year from 1st Jul – 30th June*

11. As can be seen, the Council currently takes a robust approach and is successful in tackling dog fouling. Members of the Working Group recognised the positive action that the Council has already previously taken to address this key resident concern. Members of the Working Group recognised that the implementation of the proposed recommendation would continue to strengthen the council’s targeted approach to tackling dog fouling across the borough, working in partnership with our residents.

Should the proposed recommendations be approved by the Executive, Officers will develop an action plan for delivery to commence from January 2020, for implementation and delivery during 2020/21. Performance updates will be provided to Members via the Council’s Strategic Priority Update reports. Ward performance and details of activities will be provided via Member, Parish Council and resident updates on a regular basis.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

12. The proposed recommendations will be delivered via existing operational budgets.

POLICY IMPLICATIONS

13. The proposal supports the commitment in the strategic plan to “implement a range of initiatives to maintain a clean, safe, attractive and environmentally friendly borough”.

DETAILS OF CONSULTATION

14. Cross Party Dog Fouling Working Group during August – November 2019.

BACKGROUND PAPERS

15. None

FURTHER INFORMATION

PLEASE CONTACT:

Jonathan Jackson

ALSO:

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Appendix One – Working Group Action Plan

Action Plan - The following themes were identified for review by the Working Group;

Action Priority	Areas to Cover	Tasks
<p>1. Improve member / resident information to influence better targeted patrols</p>	<ul style="list-style-type: none"> • How do we make it easier for residents to report and to provide evidence of dog fouling? Review the types of evidence that can be used and information to residents • How do we encourage residents to report? • Improve the information provided to Residents Groups • Hotline (similar to Calico hosted motorbikes) • Drop in's PACTS, Town Council 	<p>All Members to research good practice via contacting other local authorities and environmental groups.</p> <p>Katie S and Tracey D to progress the hotline</p> <p>JS, JJ & Cllr Towneley</p>
<p>2. Review how enforcement patrols can incorporate broader ward / problem solving activity</p>	<ul style="list-style-type: none"> • Joint patrols • Ward dog fouling initiatives • Door knocking / leave 'advice card' • Record broader interventions 	<p>All Members to research good practice via contacting other local authorities and environmental groups.</p> <p>RC, KS & TD as lead officers</p>
<p>3. Scope the increase of dog fouling FPN's to the £100 maximum</p>	<ul style="list-style-type: none"> • Draft report for next meeting and potentially include for consideration in 20120 /21 Fees and Tariff Report 	<p>JJ</p>
<p>4. Review Communications activity and signage</p>	<ul style="list-style-type: none"> • Develop a Comms plan • Implement local schools' campaign 	<p>All Members to research good practice via contacts with other local authorities and environmental groups.</p>

	<ul style="list-style-type: none"> • Regularly publish case studies and prosecutions • Prepare quarterly newsletter / neighbourhood / parish reports • Review dog fouling signage • Develop model of 'lamp post enforcement signage that is rolled out to each ward and building in Ward Member capacity • Produce local social media campaign. (Review Wirral campaign – is there an appetite for similar in Burnley?) 	<p>JS, KS & JR to review existing resources that are available from Keep Britain Tidy etc...</p> <p>All – circulate good practice examples. JS to circulate the Wirral media campaign</p> <p>RC to obtain examples and from other LA Contracts</p>
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Health and Safety Intervention Plan (reviewed 2019/2020)

REPORT TO EXECUTIVE



DATE	10th December 2019
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 2019/2020), 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.

Summary of Performance

In 2018/19 officers undertook 5 proactive inspections, 404 other contact/ interventions and visited 2 premises to investigate health & safety related incidents. In addition officers undertook 10 visits to investigate H&S complaints, 6 visits in response to requests from businesses and made 6 revisits following earlier interventions.

Some of the interventions carried out last year were inspections following complaints from members of the public, which resulted in the discovery of serious breaches requiring enforcement Notices. We also sent out advice to catering establishments on gas safety and electrical safety.

In 2019/2020 we will focus again on following up any complaints that indicate poor health and safety management. We will also continue to pick up interventions listed as national priorities such as warehouse safety and manual handling in care homes.

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 and Executive will be consulted prior to Full Council decision

BACKGROUND PAPERS

9. None

FURTHER INFORMATION

PLEASE CONTACT: Jill Wolfendale

ALSO: Karen Davies

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Burnley
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Environmental Health & Licensing Section

Health and Safety Intervention Plan

Reviewed 2019/2020

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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.*

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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 2018/19 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, Ribbles 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".

Other accolades include Burnley being named as one of the UK's leading Tech Towns in a recent report by Tech Nation which identified Burnley as one of the top 16 towns in the UK for the growth of its digital sector. Burnley was positioned 2nd in the UK for digital jobs growth in 2018. Burnley continues to buck national trends with private sector jobs growth figures consistently ranking in the UK's top ten (Burnley 9.7%, Lancashire 3.0%, North West 5.9%, UK 5.9% ONS BRES). The town was also named the friendliest place in the UK by the Financial Times

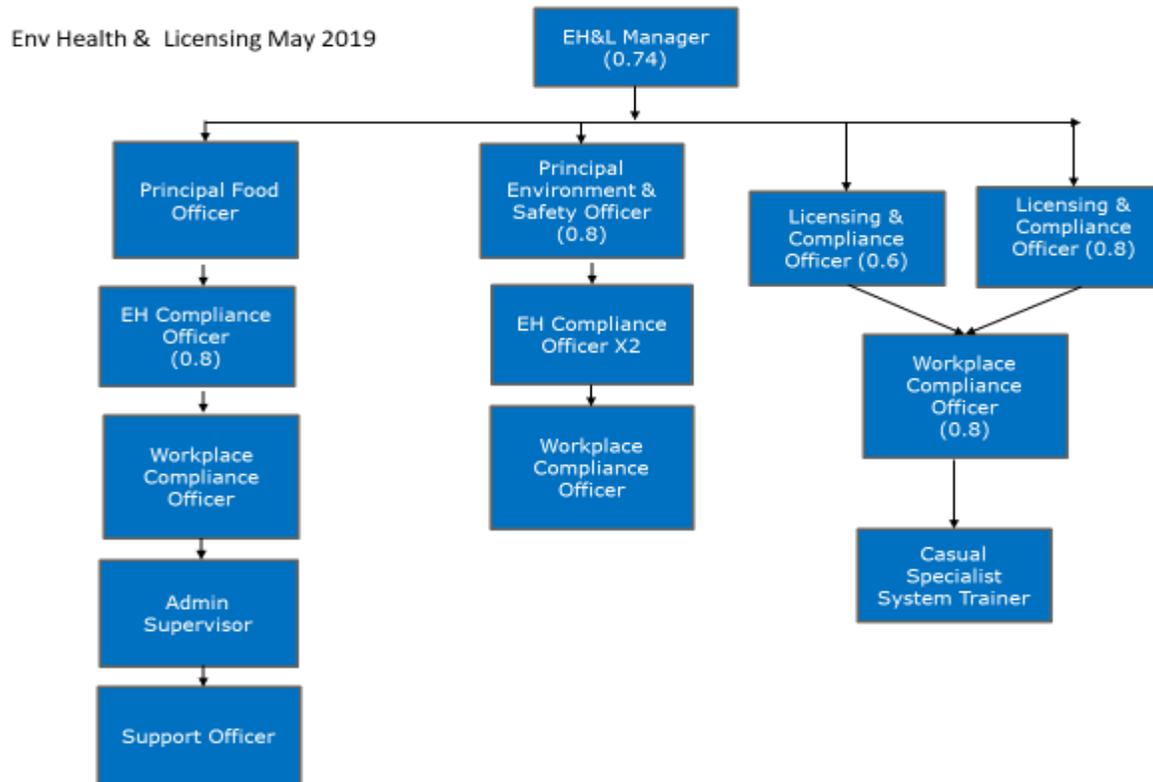
Burnley Council is divided into 15 wards served by 45 councillors. The Council is based on a Cabinet structure with 5 Portfolios, a Leader and 4 Executive portfolio holders; there are 4 committees including 1 scrutiny committee. The Food Safety Team sits within the Resources Portfolio.

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

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.



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 (Revision 8) Title: Setting Local Authority Priorities and Targeting Interventions

This Local Authority Circular which was revised in 2019, 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 2019 - 2020

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

**Service delivery
Interventions 2018/2019**

Intervention Type	Number of interventions/ visits	
	Targeted Using National Intelligence	Targeted using Local intelligence
Proactive Inspection	4	1
Other Visits/face to face contacts	0	0
Other Contact/ Interventions	404	0
Visit to investigate health & safety related incidents	2	
Visits to investigate H&S complaints	10	
Visits following requests for H&S service from businesses	6	
Revisits following earlier intervention	6	

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 2018/19
Improvement Notice	Legal Notice requiring works to be completed within a minimum of 21 days	5
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="577 884 1218 1075"> <tr> <td>No of HSWA Warranted Officers</td> </tr> <tr> <td>5</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	5	Full Time Equivalent of warranted officers time spent on HSWA activity	1.7
No of HSWA Warranted Officers					
5					
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 2018/19

	Interventions	Outcomes
<p>Accident/Major Investigations</p>	<p>Two of the significant investigations in 2018 and 2019 and several less serious accidents/ incidents. The more serious cases investigated were;</p> <p>Case one Sunbeds incident – We received a complaint that a local sunbed shop had allowed an underage person (17yrs) to use the sunbed and the parents complained that the child had received burns from the sunbed as the UV was too strong</p> <p>Case two Warehouse safety - Officers investigated a complaint about a warehouse where employees were being lifted on the forks of fork lift trucks to access racking and lighting was poor</p>	<p>An investigation was carried out and statements taken from the alleged complainant. Interviews were also carried out with the business owner and the manager. Officers also contacted Lancashire trading standards department in relation to the UV compliance of the sunbeds. The sunbeds were tested by Trading Standards Officers the Sunbeds were found to be non-compliant and notices served. The investigation into health and safety breaches is still ongoing.</p> <p>An investigation was carried out and a number of areas were found to require improvement within the warehouse. Notices were served and the company undertook all the work required. Following this staff commented to officers that they were grateful that officers had intervened as this had significantly improved working conditions for them and had been the catalyst for a positive change in the H&S culture within the company.</p>

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Health and Safety inspections	Following local and national intelligence a number of inspections were carried out on carwashes and warehouses	.
Complaints/ Requests for Service	The health and safety team received 163 complaints and requests for service last year. Joint working with police, fire & housing and other internal and external partners	The service received complaints and requests for service on a wide variety subjects including skin piercing, complaints from employees about safety, consultations on temporary events. We continue to regularly participate in the work of the GENGA network set up to ensure that various regulators and enforcement agencies are able to share information on serious crime.
Other	Other service demands	Due to staffing shortages because of long term sickness large amount of H&S officer time was diverted to cover other areas within the team which has a high number of reactive complaints. This meant there was less time allotted to proactive work on H&S

REPORT TO EXECUTIVE



DATE	10th December 2019
PORTFOLIO	Community and Environmental Services
REPORT AUTHOR	Jayne Enright
TEL NO	01143999059
EMAIL	jenright@burnley.gov.uk

Food (Official Controls) Delivery Plan (reviewed 2019/2020)

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 2019/2020)

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

7. Over the last year the Food Safety Team have maintained a high level of performance. The team has completed 433 inspections and audits and 110 other interventions. The team have performed well against the inspection programme, with compliance levels of food businesses being maintained at 97%.

Over the next year it is our intention to focus on non-compliant businesses. We intend to work proactively with our one rated business and target our resources into improving compliance.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

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

POLICY IMPLICATIONS

9. 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

10. Scrutiny and Executive will be consulted prior to Full Council decision.

BACKGROUND PAPERS

11. None.

FURTHER INFORMATION

PLEASE CONTACT:

Jayne Enright

ALSO:

Karen Davies

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BURNLEY BOROUGH COUNCIL

Food (Official Controls)
Delivery Plan
(Reviewed 2019 to 2020)



Burnley
.gov.uk

Burnley Borough Council Food (Official Controls) Delivery Plan

1. Introduction

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- 1.3 The Council Structure
- 1.4 The Management Structure
- 1.5 Burnley Borough Council Statement of the Food Safety Service

2. Service Aims and Objectives

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- 2.3 Service Objectives
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- 7.1 Quality Review and Continuous Improvement

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 useful comparison for benchmarking performance with other local authorities to be undertaken of 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

The borough of Burnley is situated on the western edge of the Pennines, 21 miles north of Manchester. Along with Blackburn, Blackpool and Preston, Burnley is a key business, service and retail centre in Lancashire. Burnley has a diverse population of around 87,000 and an area of 42.7 square miles, situated at the confluence of the River Calder and Brun and with the Leeds Liverpool canal running through the Borough.

Burnley has a strong sense of identity and pride that stems back from its long manufacturing history. The connectivity of the Borough today is primarily by its road and rail links that services the town's residents, employers and service suppliers.

Growing the economy of the town and maintaining a clean, green and safe Borough are key strategic priorities of the Council for its residents. 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".

Other accolades include Burnley being named as one of the UK's leading Tech Towns in a recent report by Tech Nation which identified Burnley as one of the top 16 towns in the UK for the growth of its digital sector. Burnley was positioned 2nd in the UK for digital jobs growth in 2018. Burnley continues to buck national trends with private sector jobs growth figures consistently ranking in the UK's top ten (Burnley 9.7%, Lancashire 3.0%, North West 5.9%, UK 5.9% ONS BRES).

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 Community and Environmental Services 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 7 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 the 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. 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.

The Strategic Partnership arrangements that are in place between the Council and Liberata maintain a robust approach to ensure that strong performance of the Council's regulatory provisions and services are maintained. In relation to the purpose of this report and the Council's annual review of food safety enforcement, Members of the Council's Scrutiny Committee have reviewed the Delivery Plan, activity to date and have recognised the strong performance of the Team in maintaining food standards. The Team have maintained a high level of performance, with increased numbers of food business inspections undertaken. The team have performed well against the inspection programme, with compliance levels of food businesses being maintained at 97%.

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

1.4 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
- PHE C&L Care Home OB Plan 2018
- East Lancashire Equality and Inclusion Strategy 2014 to 2017
- Burnley Council Major Emergency Plan September 2019
- Burnley Multi-Agency Flood Plan September 2019
- 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

2 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 Workplace 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

2.4 Data Profiles

We have adopted a new specialist cloud- based system, Uniform, by 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 can now fully utilise the database, however we still need to develop and set up the reporting side of the system. The next phase is to use the mobile app to give officers the option to work on site, which will involve improving access to the database. We continue to move towards a digital system to improve service efficiencies and reduce paper-based records.

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. of Food premises 2016/2017	No. of Food premises 2017/2018	No. of Food Premises 2018/2019	No. of Food Premises 2019/2020
A (At least every 6 months)	3	0	2	0
B (At least every 12 months)	30	30	27	29
C (At least every 18 months)	125	116	123	120
D (At least every 24 months)	345	367	352	349
E (Alternative strategy for inspection)	377	380	378	392
Unrated	25	20	24	30
Outside Programme	11	18	23	17
TOTAL	916	931	929	937

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	2016/17	2017/2018	2018/2019	2019/2020
Approved Fish processing premises	2	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	1

Table 3: Premises Profile

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

Description	No. of premises 2016/17	No. of premises 2017/18	No. of premises 2018/2019	No. of premises
Primary producers	3	3	3	3
Manufacturers/processors	21	21	24	23
Distributors/transporters	5	9	14	13
Retailers	280	270	268	269
Restaurants and other caterers	605	624	615	626
Importers/Exporters	2	4	5	3
TOTAL	916	931	929	937

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)	2015/16	2016/17	2017/2018	2018/2019
Infectious diseases	130	99	144	112
Advice requests	261	354	429	287
Complaints regarding Hygiene at premises	94	83	66	300
Advice on unfit/contaminated food	12	6	10	2
Complaints re unfit/contaminated food	44	59	54	64
Food Hygiene Re-rating visits	28	30	9	23
Total	574	633	712	788

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 %
2014/15	867	794	100	92
2015/16	899	848	100	93
2016/17	893	872	100	98*
2017/18	929	860	100	98**
2018/19	937	864	100	97**

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

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

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.

4.0 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 undertakes programmed and reactive local sampling in a manner specified by relevant legislation, Codes of Practice and other guidance sources. Ad hoc project-based sampling of food, drink and the food environment activity is undertaken in liaison and co-ordination with other Lancashire Environmental Health Services and Public Health England in accordance with an agreed sampling programme and current resources.

A documented sampling programme for each year will be followed, considering local needs and priorities, subject to available resources and using a risk- based approach.

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

- Milk
- Ready to eat cooked meats and meat products
- Pies

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 Food Standards Agency (FSA) on an annual basis. The FSA now use central surveillance methods on data to monitor local authorities

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.
- 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 2018 we have maintained a % of rated food businesses with a 3,4 or 5 at between 96% to 97%

Number of establishments in each rating

FHRS Rating	Mar - 19	Apr - 19	May - 19	Jun - 19	Jul - 19	Aug - 19	Sep - 19	Oct - 19	Nov - 19
5 - Very good	490	492	492	493	494	497	499	504	508
4 - Good	198	197	197	196	194	195	195	198	193
3 - Generally satisfactory	55	53	53	53	50	50	50	51	49

2 - Improvement required	15	15	15	15	11	11	12	12	12
1 - Major improvement required	8	9	9	9	12	15	12	14	16
0 - Urgent improvement required	0	0	0	0	0	0	0	0	0
Total rated establishments	766	766	766	766	761	768	768	779	778
Establishments with rating of 3 or better	743	742	742	742	738	742	744	753	750
Awaiting inspection	33	31	31	31	36	33	29	17	22
Exempt	77	78	78	78	74	76	74	74	74
Sensitive	33	32	32	32	12	12	6	6	6
Excluded	33	33	33	33	37	36	46	51	47
Total establishments	942	940	940	940	920	925	923	927	927

% breakdown of distribution of rated establishments

FHRS Rating	Mar - 19	Apr - 19	May - 19	Jun - 19	Jul - 19	Aug - 19	Sep - 19	Oct - 19	Nov - 19
5 - Very good	64.0	64.2	64.2	64.4	64.9	64.7	65.0	64.7	65.3
4 - Good	25.8	25.7	25.7	25.6	25.5	25.4	25.4	25.4	24.8
3 - Generally satisfactory	7.2	6.9	6.9	6.9	6.6	6.5	6.5	6.5	6.3
2 - Improvement required	2.0	2.0	2.0	2.0	1.4	1.4	1.6	1.5	1.5
1 - Major improvement required	1.0	1.2	1.2	1.2	1.6	2.0	1.6	1.8	2.1
0 - Urgent improvement required	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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	97.0	96.9	96.9	96.9	97.0	96.6	96.9	96.7	96.4

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 projects, 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.
- Assisting other local authorities in auditing officer training and competency including undertaking accompanied inspections and review of systems and procedures.

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.

DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

REPORT TO THE EXECUTIVE



DATE	10 December 2019
PORTFOLIO	Economy and Growth
REPORT AUTHOR	Kate Ingram/Elizabeth Murphy
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PURPOSE

1. The purpose of this report is to seek approval to undertake formal public consultation on a draft Developer Contributions 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 be a material consideration to be used in the determination of relevant applications.

RECOMMENDATION

3.
 - (1) That Executive approve the draft Developer Contributions SPD for public consultation for an eight-week consultation period commencing in January 2020.
 - (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. To meet the Council's commitment to prepare a Developer Contributions SPD as set out in Burnley's Local Plan and the Council's Local Development Scheme (LDS); and to seek comments on a draft of the document in accordance with the relevant legislation and commitments in the Council's Statement of Community Involvement (SCI).

SUMMARY OF KEY POINTS

arly Consultation

5. During the preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, specifically those whose work relates to the issues within the document e.g. open spaces; and also with Lancashire County Council Schools Planning Team. Whilst the document was refined to take into account the internal comments/advice received, effective engagement with the County Council Schools Planning team was difficult. The County Council will of course be formally consulted on the draft SPD. It is understood that the County Council is to review its own non-statutory policy on developer contributions “Infrastructure and Panning” to take into account legislative and national policy changes, and will no doubt will consult the borough council on a revised draft in due course. Informal discussion has also taken place with the East Lancashire Clinic Commissioning Group (CCG). Both the CCG and the East Lancashire Hospitals Trust (ELHT) are looking at developing a policy on developer contributions which may then be requested towards the cost of additional health infrastructure, including e.g. the expansion of primary care (GP) services. The current position is set out in section 11.4 of the draft SPD.

Strategic Environmental Assessment

6. 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’).
7. Councils must carry out a screening process to determine whether relevant plans or programmes are likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, it must prepare a statement setting out the reasons for this determination. Before coming to a conclusion on this matter, the Council is required to consult with three specific consultation bodies, namely: Historic England, Natural England and the Environment Agency. The three bodies have confirmed their agreement with the Council’s conclusion and the Council made a formal determination on 11 December 2018 that SEA is not required for this SPD.

Overview of the SPD

8. The SPD covers contributions towards:
 - Infrastructure;
 - Affordable Housing; and
 - Other matters.
9. Policy HS2 of the Local Plan sets out the policy on affordable housing provision for sites of over 10 dwellings. The SPD is intended to provide supplementary guidance on this policy, including indicative percentages of affordable housing required for mainstream housing sites by type and location.
10. Policy IC5 of the Local Plan requires the provision of new social and community infrastructure where a development would increase demand for it beyond its current capacity, or generate a newly arising need. Policy IC5 sets out the policy for seeking planning contributions. It lists a number of matters for which contributions may be sought, but makes clear that the list is not exhaustive. It requires development to provide or

contribute towards the provision of the infrastructure needed to support it. It sets out that planning contributions will be sought where development creates a requirement for additional or improved services and infrastructure and/or to address the off-site impact of development so as to satisfy other policy requirements. It sets out that contributions may be sought to fund a single item of infrastructure or to fund part of an infrastructure item or service; and that contributions may be sought for the initial provision and/or ongoing running and maintenance costs of services and facilities. It sets out that viability may be considered.

11. The draft SPD is underpinned by the Local Plan Viability Assessment of March 2017 which has been used to set both the percentages of affordable housing and a series of contribution 'ceilings' above the levels of which schemes would generally not be viable. The ceilings would only take effect where the requests for appropriate contributions exceeded the ceiling. Should an applicant wish to demonstrate that a particular scheme could not make provide affordable housing at the level set and/or make contributions (if required) up to the ceiling, they would need to submit their own viability assessment in line with Policy IC4 clause 7.
12. The SPD divides contributions into the categorises:
 - **Necessary and critical** - these are contributions which must be provided for a scheme to be approved. Viability cannot be taken into account.
 - **Necessary and important** (including affordable housing and education contributions) - these are contributions which must be provided for a scheme to be approved if viable. Viability can be taken into account.
 - **Desirable** - these are contributions which can weigh in favour of a scheme in the planning balance but are not essential in terms of specific Local Plan policy requirements. Viability can be taken into account.

(For fuller explanation see Table 1, page 15 of the draft SPD)

13. The SPD also takes account of recent changes to legislation and national policy including a key change which means that Section 106 Agreement contributions from any number of schemes may once again be 'pooled' towards the cost of a piece of infrastructure; subject still to the requirement for each contribution to satisfy the relevant statutory and national policy tests (as set out in the SPD - Section 4) and reflected in the Local Plan.

Proposed Consultation

14. 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 period to six weeks. Due to the complexity of the issues within the SPD it is proposed to extend this to an 8 week period on this occasion.
15. 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.
16. A revised SPD will then be prepared taking into account the consultation responses received and will be presented to Executive for formal adoption in Spring/Summer 2020.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

17. The work will be completed within existing officer resources and the costs associated with consultation and production will be met within existing budgets. The SPD is presented as a draft for consultation. As such there are no financial implications directly associated with this report.

POLICY IMPLICATIONS

18. Once adopted, the SPD will be a material consideration when considering relevant applications. Its production fulfils existing commitments in Burnley's Local Plan and the Council's LDS.

DETAILS OF CONSULTATION

19. As outlined in the Report.

BACKGROUND PAPERS

20. [Burnley's Local Plan 2012-2032 \(Adopted 31 July 2018\)](#)

FURTHER INFORMATION

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Developer Contributions: Supplementary Planning Document (SPD)

Draft for Executive December 2019

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1. Introduction

1.1 The Purpose and Scope of the SPD

1.1.1 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 which was adopted on 31 July 2018. The text of the most relevant policies can be seen in Appendix A.

1.1.2 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.

1.1.3 The SPD was adopted by the Council on *(to be added)*.

1.1.4 Policy IC4 of the Local Plan sets out the policy for seeking planning contributions and this SPD is intended to provide information on how this Policy and other policies requiring affordable housing or specific infrastructure will be interpreted and applied.

1.1.5 The SPD covers contributions towards:

- Infrastructure;
- Affordable Housing; and
- Other matters.

1.1.6 The Local Plan in Policy IC4 lists a number of matters for which contributions may be sought; but makes clear that the list is not exhaustive:

- Affordable housing
- Public realm improvements and creation, including public art
- Improvements to Heritage Assets
- Flood defence and alleviation schemes, including SuDS
- Biodiversity enhancements
- Open space, including green infrastructure and allotments
- Transport improvements, including walking and cycling facilities
- Police infrastructure
- Education provision
- Utilities
- Waste management
- Health infrastructure
- Sport, leisure, recreational, cultural and other social and community facilities

1.2 What is Infrastructure?

1.2.1 Section 216 of the Planning Act 2008 describes the types of infrastructure that can be supported through the Community Infrastructure Levy and this description can be used as a basis for the definition of infrastructure generally.

1.2.2 Affordable housing is not considered to be 'infrastructure' within this statutory definition and the CIL levy cannot be used to fund affordable housing.

1.2.3 For the ease of reference, the term ‘infrastructure’ in this SPD is used (unless stated otherwise) to include all matters for which contributions may be sought, including affordable housing.

1.2.4 New development as set out and supported by the Local Plan can place a strain on existing infrastructure, but also has the potential to provide or help provide new infrastructure or improve existing infrastructure and services. Planning law and policy recognises that it is reasonable to expect that developers should contribute towards the costs of services, infrastructure or resources that would not have been necessary but for their development.

1.2.5 Infrastructure can be provided directly by developers or via financial sums paid to other bodies to pay for or contribute towards the cost of new or improved infrastructure.

1.2.6 Where appropriate (i.e. where it is necessary to make the development acceptable in planning terms - including by mitigating impacts), the Local Plan policies state that developers will be required to provide the necessary infrastructure or contribute to its provision through Section 106 contributions and/or the Community Infrastructure Levy (CIL) should the Council introduce it.

1.3 What are Planning Contributions?

1.3.1 This term refers to any form of contribution made by a developer to directly deliver or pay towards (via sums of money or contributions in kind) new or improved affordable housing, infrastructure or services. There are several mechanisms that the Council can use to secure planning contributions from developers and these fall into three broad categories:

- Conditions
- Obligations
- CIL

1.3.2 The most common mechanisms is via [conditions](#) attached to a planning permission.

1.3.3 [Planning Obligations](#) are a specific type of planning contribution secured via a legally enforceable agreement such a [Section 106 Agreement](#)¹, a Unilateral Undertaking, [S.111 Agreement](#)² or [Section 278 highway Agreement](#)³.

1.3.4 Contributions can also be secured by way of the [Community Infrastructure Levy](#) (CIL) - a legally binding tariff style set of standardised charges. Burnley Council has not yet resolved to pursue CIL.

1.3.5 The Council will use the most suitable mechanism for each type of contribution, which may vary depending on the specifics of each planning application.

1.3.6 For further explanation see Section 5.

¹ Town and Country Planning Act 1990

² Local Government Act 1972

³ Highways Act 1980

2. Policy Context Overview

2.1.1 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 an online practice guidance covering a series of themes (NPPG). It also exists in the provisions of relevant legislation.

2.1.2 Local Plans are prepared to be consistent with national policy. Burnley's current Local Plan was adopted on 31 July 2018. This Supplementary Planning Document provides detailed guidance on the application of the Local Plan policies in respect of developer contributions.

2.1.3 The Local Plan requires development to provide or contribute towards the provision of the infrastructure needed to support it. It sets out that planning contributions will be sought where development creates a requirement for additional or improved services and infrastructure and/or to address the off-site impact of development so as to satisfy other policy requirements.

2.1.4 It sets out that contributions may be sought to fund a single item of infrastructure or to fund part of an infrastructure item or service; and that contributions may be sought for the initial provision and/or ongoing running and maintenance costs of services and facilities.

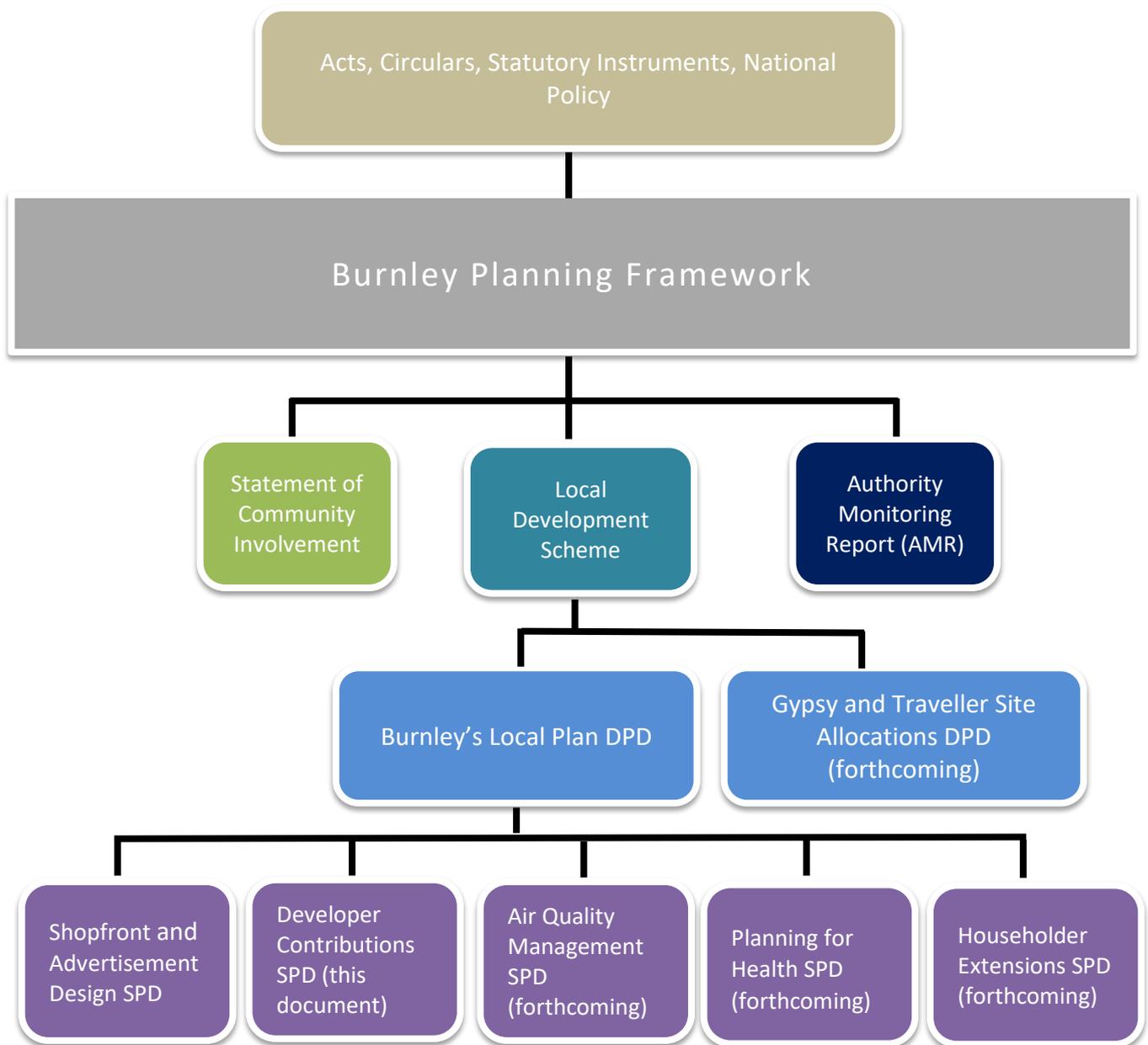
2.1.5 Contributions will be negotiated on a site-by-site basis. They will only be sought where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

2.1.6 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the above tests.⁴

⁴ These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (reg 122(2)) and as policy tests in the National Planning Policy Framework, paragraph 56.

Figure 1: Burnley Planning Policy Framework



3. Infrastructure Requirements

3.1 Identifying Infrastructure Requirements

3.1.1 The known infrastructure requirements to support the specific allocations in the adopted Local Plan (at the time of its preparation) are identified both within the individual site allocation policies and in other policies which set out specific provision standards e.g. public open space standards for new housing developments. Revised infrastructure requirements may result as the detail of schemes is developed over time.

3.1.2 For windfall development proposals that are supported by the Local Plan, infrastructure requirements and any associated contributions required will need to be assessed as schemes are drawn up on a site-by-site basis.

3.1.3 There are a number of strategies and policy documents studies that identify and inform infrastructure requirements and standards in relation to planning contributions. The key documents are outlined below.

3.2 The Infrastructure Delivery Plan (IDP)

3.2.1 An IDP was prepared to support the Local Plan. The IDP reviews and evaluates the social, environmental and economic infrastructure that will be required to support the development and growth set out in the Plan. The IDP is a 'living document' which will be updated from time to time. The most recent version is Version 2 of July 2017.⁵

3.3 Lancashire County Council's 'Infrastructure and Planning' document

3.3.1 Burnley Borough has a two-tier local authority structure. Lancashire County Council provides services such as highway maintenance, education, minerals and waste planning and social care. Burnley Borough Council provides services such as local planning and building control, environmental health and domestic waste collection.

3.3.2 Lancashire County Council (LCC) has produced a non-statutory [Infrastructure and Planning](#) policy document setting out its approach to seeking planning contributions and how it will engage with the planning process to ensure the impacts of proposed developments on the infrastructure and services that it provides are recognised.

3.3.3 The current document of September 2017 can be downloaded from LCC's website:

[Planning and infrastructure](#)

[Annex 1 Highways](#)

[Annex 2 Education contribution methodology](#)

[Annex 3 Drainage and Flood Risk Management](#)

⁵ <https://www.burnley.gov.uk/residents/planning/planning-policy/burnleys-local-plan/burnleys-infrastructure-delivery-plan>

3.3.4 Further information to support Annex 2 setting out how Lancashire County Council calculates its pupil projections, please see the [pupil projections methodology](#).

3.3.5 The County Council provides the borough Council with a full response to any relevant planning application relating to the impact of the development and with any consequential requirement for developer contributions; but acknowledges that it for the Borough Council to consider the site viability and the overall benefits brought by the proposed development in reaching a decision.

3.4 Burnley Green Spaces Strategy

3.4.1 Burnley Borough Council's [Green Spaces Strategy 2015-2025](#) recommends standards for open space provision. These informed the development of the Local Plan and in particular Policy HS4. It also identifies priorities for improvements for:

- Parks and Gardens;
- Natural and Semi-Natural Greenspaces;
- Amenity Green Spaces;
- Provision for children and young people;
- Outdoor sport;
- Allotments;
- Cemeteries, and;
- Greenways.

3.4.2 The Council, where appropriate may seek contributions from developers towards the provision, maintenance or enhancement of green spaces in line Policy HS4 of the Local; Plan and the Green Spaces. This is discussed further in section 8 of this SPD.

4. Types of Contribution Explained

4.1 Conditions

4.1.1 Planning conditions are the most commonly used and simplest mechanism for securing the provision of on-site infrastructure e.g. roads, sewers, play areas; and ensuring a site is well-designed and appropriate for its intended use. They can also be used to secure the delivery of on-or off-site affordable housing.

4.1.2 The long-term maintenance of on-site infrastructure is usually secured through adoption agreements between the developer and a suitable organisation; for example roads and street lighting with the highway authority (LCC); sewers with the utility provider (United Utilities); communal areas and open spaces with a residents' management company or the local council (Burnley Borough Council).

4.1.3 [Section 70\(1\)\(a\) of the Town and Country Planning Act 1990](#) enables the local planning authority in granting planning permission to impose "such conditions as they think fit". [Paragraph 54](#) of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions".

4.1.4 [Paragraph 55](#) of the National Planning Policy Framework states that planning conditions should only be imposed where they are:

- necessary;
- relevant to planning and
- to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

4.1.5 No payment of money or other consideration can be positively required by a condition when granting planning permission. However, where the 6 tests above are met, it may be possible use a [negatively worded](#) condition to prohibit development or occupation until a specified action has been taken, for example, the entering into an agreement to secure a financial contribution towards the provision of supporting infrastructure or the delivery of a specify infrastructure project.

4.1.6 Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body will normally fail the tests of reasonableness and enforceability, unless the land or specified action in question is within the control of a local authority and there is clear evidence that it is enforceable within the time-limit imposed by the permission..

4.2 Obligations

4.2.1 Planning obligations can be secured through a Section 106 Unilateral Undertaking or Agreement. For more complex applications, an Agreement is normally required.⁶

⁶ Section 106 of The Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972

Section 106 Agreements

4.2.2 S106 Agreements are made under the provisions of [Section 106 \(S106\)](#) of the Town and Country Planning Act 1990.

4.2.3 The NPPF and the NPPG set out national planning policy and guidance and define planning obligations as being “A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.”

4.2.4 S106 Agreements can require a developer to provide affordable housing or other specific item(s) of infrastructure or on or off-site e.g. a new school or road improvement; or they can secure ‘tariff style’ contributions towards the provision of affordable housing or other infrastructure off-site by others. The latter is normally done by ‘pooling’ contributions from a number of developments intended to provide common types of infrastructure for the wider area.

4.2.5 Section 106 Agreements or Unilateral Undertaking are normally signed before the grant of planning permission and are legally binding. They can be signed afterwards where a negatively-worded condition requiring them to be signed e.g. “before development commences” forms part of the planning permission.

4.2.6 Planning contributions can only be sought where they are necessary to make a development acceptable in planning terms. A local planning authority must ensure that the obligation meets the relevant tests for planning obligations, i.e. they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development, and;
- fairly and reasonably related in scale and kind to the development.

4.2.7 The NPPG states that policy for seeking planning obligations should be grounded in an understanding of development [viability](#) through the plan making process. Local Plan Policy IC4 relates to infrastructure and planning contributions. A Viability Assessment was commissioned to inform the production of the Local Plan and this should be used as a starting point when determining viability.

4.2.8 Applicants do not have to agree to a proposed planning obligation. However, this may lead to a refusal of planning permission. An appeal may be made against the refusal or non-determination or of an application.

4.2.9 The Act provides that a planning obligation may:

- Be unconditional or subject to conditions;
- Impose any restriction or requirement for an indefinite or specified period; and
- Provide for payments of money to be made, either of a specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specified period.

4.2.10 Legal agreements and any planning contributions they require run with the land in the same way that a planning permission does. This means that, once the permission is implemented, they are enforceable against the developer who originally entered into the agreement and any subsequent person acquiring an interest in that land. These legal agreements must be registered as a land charge and will form part of the planning register, available for public inspection. Where a planning permission expires, the planning obligation can be removed.

4.3 Section 278 Highway Agreements

4.3.1 Lancashire County Council (LCC) as the local highway authority may, if it is satisfied it will be of benefit to the public, enter into a legal agreement under [Section 278 of the Highways Act 1980](#) with a developer where a development requires works to be carried out on or to the highway.

4.3.2 This agreement can be either for the County Council to carry out the works at the developer's expense, or allow the developer to provide the works directly, subject to an approval and inspection process.

4.3.3 These agreements will normally be prepared separately from any Section 106 Agreement and the funding arrangements be agreed directly between the developer and LCC.

4.3.4 Works associated with any planning proposal are not permitted within the limits of the publicly maintained highway until the agreement is completed and the bond (if applicable) is secured.

4.3.5 See Section 9 for further information.

5. How will contributions be determined?

5.1 Are contributions required?

5.1.1 Where appropriate i.e. where it is necessary to make the development acceptable in planning terms, including by mitigating impacts, the Local Plan policies state that developers will be required to provide the necessary infrastructure or contribute to its provision through Section 106 contributions and/or the Community Infrastructure Levy (CIL) should the Council introduce it.

5.1.2 For contributions secured through conditions, the conditions must pass tests of being:

- necessary;
- relevant to planning and
- to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

5.1.3 Conditions will normally relate to affordable housing or other infrastructure provision by the developer on-site.

5.1.4 However, for contributions towards off-site affordable housing or other infrastructure, and in complex cases; a Section 106 Agreement will normally be required.

5.1.5 Section 106 Agreements must meet the three tests that are set out as statutory tests in the [Community Infrastructure Levy Regulations 2010](#) and as policy tests in the [National Planning Policy Framework](#). Contributions must be:

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development

5.1.6 The Council will only seek contributions where a genuine need arising from the proposed development is generated.

5.2 How will contributions be determined and prioritised?

Prioritisation

5.2.1 All contributions required by or to achieve compliance with local or national policies will be assessed during the consideration of the application. There may be instances where due to viability considerations, all contributions sought cannot be afforded if the otherwise plan-compliant development is to go ahead. For certain matters, the adopted Plan specifically allows flexibility in its requirements to recognise viability challenges. In such cases, contributions may be prioritised and/or waived. The waiving of certain contributions on viability grounds would not necessarily be considered to make the development unsustainable in planning terms.

5.2.2 However, where contributions are considered entirely necessary to make the scheme acceptable in planning terms such that its absence the scheme would be wholly unsatisfactory, and the applicants is unwilling to agree to these, **viability will not be relevant and applications will be**

refused. In this SPD, such infrastructure is described as **‘necessary and critical’** e.g. infrastructure to secure highway and pedestrian safety.

5.2.3 In cases of **‘necessary and important’** on and off-site other infrastructure required by local or national policy, viability can be factored in and failure to provide or contribute to certain infrastructure may or may not result in the refusal of the scheme based on the consideration of the scheme against the Local Plan read as whole, and whether material considerations indicate otherwise.

5.2.4 In recognition of the known viability constraints⁷ and to aid the interpretation of Local Plan policies HS2 and IC5 in decision making, a prioritising of different types of contributions is proposed.

Table 1: Prioritisation Categories

Priority Category	Category Description	Subject to Viability Considerations?	Examples
Priority 1	Necessary and Critical on and off-site infrastructure	No	On Site = Roads, sewers, required recreational open space by HS4, playing pitches Off Site = Junction/highway safety measures, pedestrian crossings, mitigation or compensatory habitat for protected species
Priority 2a	Necessary and Important on or off-site Affordable Housing (mainstream market residential developments only)	Yes	Affordable housing
Priority 2b	Necessary and Important on and off-site infrastructure (mainstream market and affordable residential developments only)	Yes	Necessary contributions for education provision
Priority 2c	Necessary and Important on and off-site infrastructure	Yes, insofar as it does not compromise achieving an acceptable form of development	On Site = Other Green Infrastructure Off Site = Contributions for pedestrian and cycleway provision/improvement, other open space, biodiversity offsetting, heritage assets
Priority 3	Desirable on and off-site infrastructure	Yes	Other specialist housing or infrastructure not specifically required by the Local Plan but reasonably requested by and infrastructure provider/consultee

Please note - the examples set out above are illustrative not definite or exhaustive, as in each case a piece of infrastructure may not be relevant to the scheme or may be more or less important to its acceptability. These are described in more detail in the themed sections 7-11.

⁷ See Section 5.3 of this SPD

Negotiation

5.2.5 Discussions about contributions and their prioritisation will take place as early as possible in the planning process, including at the [pre-application stage](#), and where relevant will involve infrastructure providers such as Lancashire County Council in its role as highways and education authority.

5.2.6 Where prioritisation has to take place due to likely impacts on viability, there may be a proportioning of the contributions across priorities 2a b and c with weighting in favour of 'a', 'b', then then 'c'. Priority 3 will only be relevant where Priorities 1-2 have been satisfied.

5.2.7 The adopted Local Plan and accompanying Infrastructure Delivery Plan (IDP) identifies a number of infrastructure requirements and standards and these will form the starting point in determining and prioritising the infrastructure required.

5.3 How will viability be assessed?

5.3.1 In order to inform the Local Plan, a Plan Viability Assessment was undertaken.⁸ The purpose of the assessment was to ensure that the cumulative impact of the plan policies together with affordable housing and other planning obligation requirements would not compromise the viability of a typical scheme. It assessed viability across the borough and used a number of development typologies.

5.3.2 Not all of the emerging requirements tested in the Assessment were ultimately included in the adopted Local Plan.

Housing Development

5.3.3 For residential schemes, the Assessment concluded that whilst the delivery of affordable housing was likely to be challenging, the cumulative impact of the policies would not put development at serious risk. It noted that when considering brownfield sites, the Council should continue to work with developers to have the best possible understanding of activity on the ground and specific sites, and as appropriate, continue their flexible approach to the specific policy requirements.

5.3.4 It further noted that the Assessment was based on then current values and costs and whilst it would have been inappropriate (and contrary to national planning practice guidance) to take a different approach, it was notable that the borough of Burnley was a relatively low value area lying amongst some rather higher value areas and was well located in relation to Manchester and Preston. The price evidence used was informed by then recent sales, many of which were from sites that are distinctly different to those that are now identified for development in the 2018 Local Plan. It noted that if the Council can facilitate development that is of a high quality and different to the then currently available housing stock, this would be likely to generate higher values and thus improve viability. It recommended that viability be kept under review.

5.3.5 The Viability Assessment included in its residential base appraisals an assumed £500 contribution for each housing unit to allow for limited education contributions and other infrastructure. It did not factor in large-scale pooled contributions towards education provision in excess of this amount, partly in view of the limitations imposed by the pooling restrictions in place at the time, and the fact that this position will fluctuate across the plan period and can suddenly change,

⁸ <https://www.burnley.gov.uk/residents/planning/planning-policy/burnleys-local-plan/evidence-base/local-plan-viability-assessment>

for example, with the planned closure of a Hameldon Community College – a secondary school with spare capacity - and of course with the exercise of parental choice. It is not therefore possible to predict with any certainty in advance at the plan-making stage, precisely where and how much education contributions would be sought or expected for each scheme, and thus the impact on viability.

5.3.6 The outputs of the Local Plan Viability Assessment have been used to set the thresholds, formulas, contribution ceilings and wider policies in this SPD and it will be used to inform any viability discussions with applicants. Where an applicant wishes to challenge local plan policy requirements or the thresholds, formulas, contribution ceilings and wider policies in this SPD on the grounds of viability, be that on an allocated or windfall site, Policy IC4 in the Local Plan requires applicants to provide viability evidence through an ‘open book’ approach to allow for the proper review of evidence submitted and for reasons of transparency. Where this is done, the indicative ceilings set out in Table 2 will not apply.

5.3.7 Each planning application is determined on its merits, and there may therefore be some variation to contributions required for similar developments taking into account the specifics of the site and the situation at the time the planning application is considered.

Non-residential schemes

5.3.8 The same principles and prioritisation will apply to non-residential schemes and specialist housing schemes, but contributions towards affordable housing, education contributions and the contributions ceilings will not be relevant.

5.3.9 The Local Plan Viability Assessment noted that *“It is clear that non-residential development is challenging in the current market, but it is improving. We would urge caution in relation to setting policy requirements for employment uses that would unduly impact on viability.”* (para 12.32) and that *“Whilst some non-residential uses are not viable, they are not rendered unviable by the cumulative impact of the Council’s policies, rather by the general market conditions. The employment uses (office and industrial), town centre retail and hotel uses are unlikely to be able to bear additional developer contributions, however retail development is generally able to make significant contributions.”* (Para 12.42)

5.3.10 Schemes would still have to fund any **necessary and critical infrastructure – priority 1**, but for **necessary and important – priority 2c**, where the viability of otherwise plan-complaint development is in question, applicants should provide their own open book viability assessment to enable the Council to determine the upper limit of any contributions.

Contribution Ceilings

5.3.11 As stated above, the Local Plan Viability Assessment included in its residential base appraisals an assumed £500 contribution for each housing unit to include limited contributions for education and other infrastructure.

5.3.12 The results of the Viability Assessment have been used to determine both the affordable housing percentages (see also section 7.3) and contribution ceilings⁹ for mainstream housing developments, so that developers in designing schemes can be aware in advance of the likely maximum level of contributions that could be requested.

⁹ indexed to 2019 using CIL indexation

5.3.13 The ceilings are not a CIL-type levy that is automatically payable; rather, contributions will only be required where justified to meet Local Plan policies and the statutory and national policy tests. The ceilings will only be triggered where the cumulative requests would exceed the ceiling amount. In many cases, contributions will be significantly less than the ceiling amounts.

5.3.14 The ceilings draw their assumptions from the Plan Viability Assessment and have been calculated based on a set of 'finer grained' standardised assumptions about policy compliant housing sites, mixes and densities, sales values and affordable housing tenure mixes. Individual sites and schemes will of course vary from these the standard mixes and values etc and viability can be improved through policy compliant adjustments to the housing mix or changes to affordable housing tenure mix e.g. to add a greater proportion of intermediate tenure or discounted sales. The ceilings are supplementary guidance not development plan policy and as such there may be instances where the circumstances of a particular site or development are such that a lower ceiling or higher ceiling should apply. Where infrastructure is necessary and critical, a higher ceiling will be required).

5.3.15 Where contribution requests include priority 2 necessary and important infrastructure and the cumulative requests would be above the viability ceiling, plan-compliant adjustments to the scheme may be negotiated to improve viability and thus allow a higher ceiling. This could be achieved in a number of ways e.g. where affordable housing is required, by allowing this to be off-site or if on-site by adjusting the affordable housing tenure; or by allowing an appropriate increase in the number of units. See also paragraphs 5.2.3 and 7.3.28.

5.3.16 In order to agree a lower ceiling, in the first instance the applicant will be expected to explain why the assumptions used to set the ceiling would not apply in their case and where there is no agreement on this, undertake their own open book viability assessment - which any applicant is entitled to do in any event.

Table 2: Indicative Contribution Ceilings and Affordable Housing %

SPD Site code	Site Type	Location*	Value per m2	Assumed Gross Density - dph	Allocations (where applicable)	Site Size Category	Affordable Housing % assuming standard tenure split (See Section 7)	Affordable Housing on or offsite	Contribution Ceilings at 2019 prices (£ per unit)
A1	Greenfield Type 1	Village/Urban fringe	2250	25	n/a	200 or more units	5%	On-site	2000
A2								Off-site	6500
B	Greenfield Type 1	Within Development Boundary B&P	2150	30	HS1/1	200 or more units	0%	n/a	2000
C1	Greenfield Type 1	Village/Urban fringe (higher value area)	2310	25	HS1/8	100 to 199 units	10%	On-site	500
C2								Off-site	9000
D1	Greenfield Type 1	Village/Urban fringe allocation	2250	25	HS1/2 HS1/4 HS1/9	100 to 199 units	10%	On-site	500
D2								Off-site	6000
E	Greenfield Type 1	Within Development Boundary B&P	2150	30	n/a	100 to 199 units	0%	n/a	1500
F1	Greenfield Type 1	Village/Urban fringe	2250	25	n/a	50 to 99 units	10%	On-site	500
F2								Off-site	6500
G	Greenfield Type 1	Within Development Boundary B&P	2150	30	n/a	50 to 99 units	0%	n/a	2500
H1	Greenfield Type 1	Village/Urban fringe	2250	30	HS1/23 HS1/25 HS1/26 HS1/30 HS1/32	11 to 49 units	15%	On-site	3000
H2								Off-site	16000
I1	Greenfield Type 1	Within Development Boundary B&P	2150	35	HS1/15 HS1/20 HS1/21 HS1/27	11 to 49 units	10%	On-site	2000
I2								Off-site	11500
J	Greenfield Type 1	Anywhere	2310	32		1 to 10 units	0%	n/a	23000

K1	Greenfield Type 2	Village/Urban fringe allocation	2250	25	n/a	200 or more units	5%	On-site	500
K2								Off-site	2500
L	Greenfield Type 2	Within Development Boundary B&P	2150	30	n/a	200 or more units	0%	Off-site	500
M1	Greenfield Type 2	Village/Urban fringe allocation	2250	25	n/a	100 to 199 units	5%	On-site	500
M2								Off-site	3000
N	Greenfield Type 2	Within Development Boundary B&P	2150	30	n/a	100 to 199 units	0%	N/A	500
O1	Greenfield Type 2	Village/Urban fringe allocation	2250	25		50 to 99 units	5%	On-site	500
O2								Off-site	2500
P	Greenfield Type 2	Within Development Boundary B&P	2150	30		50 to 99 units	0%	N/A	500
Q1	Greenfield Type 2	Village/Urban fringe allocation	2250	30	HS1/12 HS1/16	11 to 49 units	10%	On-site	2500
Q2								Off-site	12000
R1	Greenfield Type 2	Within Development Boundary B&P	2150	35	HS1/7	11 to 49 units	5%	On-site	4000
R2								Off-site	8000
S	Greenfield Type 2	Anywhere	231	32	N/A	Up to 10	0%	n/a	19500
T1	Brownfield	Village/Urban fringe allocation	2250	40	HS1/3 HS1/5	200 or more units	5% (subject to the vacant building credit)	On-site	500
T2								Off-site	3500
U	Brownfield	Within Development Boundary B&P	1850	45	n/a	200 or more units	0%	Off-site	Not viable for housing without subsidy/mix of uses**
V1	Brownfield	Village/Urban fringe allocation	2250	40		100 to 199 units	5% (subject to the vacant building credit)	On-site	500
V2								Off-site	3500
W	Brownfield	Within Development Boundary B&P	1850	45	HS1/28 HS1/6	100 to 199 units	0%	N/A	Not viable for housing without subsidy/mix of uses**

X1	Brownfield	Village/Urban fringe allocation	2250	40	HS1/29 HS1/31	11 to 99 units	5% (subject to the vacant building credit)	On-site	500
X2								Off-site	3500
Y	Brownfield	Within Development Boundary B&P	1850	45	HS1/10 HS1/11 HS1/13 HS1/14 HS1/17 HS1/18 HS1/19 HS1/22 HS1/24	11 to 99 units	0%	N/A	Not viable for housing without subsidy/mix of uses**
Z	Brownfield	Anywhere	1900	45		Up to 10	0%	n/a	250

*Note: Village/Urban fringe in this context means a windfall site within and close to any development boundary and also includes allocations HS1/2, HS1/3, HS1/4, HS1/5, HS1/8, HS1/9, HS1/12, HS1/16, HS1/23, HS1/25, HS1/26, HS1/29, HS1/30, HS1/31 and HS1/32

** See para 5.3.10 – a bespoke viability assessment may be required

For the purposes of the proposed % and ceilings set out in Table 2, the definition of the site types is based on the predominant character/use of the site and is:

- Greenfield Type 1 – As per the NPPF Definition
- Greenfield Type 2 - As per the NPPF Definition but where it can be clearly shown that the site is partly developed for or was previously developed in the past for a non-domestic or non-agricultural use and the nature of the past use affects a large proportion of the site and is likely increase development costs and risks as for brownfield sites e.g. tipping, quarrying, mining.
- Brownfield – Previously developed land as per the NPPF definition

5.4 How will contributions be secured?

5.4.1 Likely conditions that deal with matters relating to contributions will be discussed with applicants before a decision is made. For pre-commencement type conditions, legislation now requires formal notification to applicants.¹⁰

5.4.2 S106 Agreements will normally be expected to be signed before the grant of planning permission. This is to ensure that impacts can properly be assessed and the development approved can actually be delivered and done so in a satisfactory manner.

5.4.3 Although legally such agreements can be signed after the grant of planning permission by the use of a negatively-worded condition attached to the planning permission e.g. requiring an agreement to be signed before development commences; this route is less satisfactory as it makes the delivery of the development less certain and this can be critical in for example maintaining a 5-year housing land supply.

5.4.4 For Section 106 Agreements, negatively-worded conditions requiring agreements to be signed after development commences e.g. before occupation will not normally be allowed¹¹ as failure to subsequently sign or agree on terms could result in uncompleted or unsaleable developments.

5.4.5 Any payments due will normally be commuted until after commencement or completion of specific phases or units within the development. Agreements will include clauses stating when the local planning authority should be notified of specific relevant milestones e.g. commencement or completion and when the funds should be paid.

5.4.6 Where the proposed development triggers a County Council requirement in terms of infrastructure, the County Council will likely request and will normally be allowed to be a signatory to the agreement so that relevant obligations on the developer are directly enforceable by the County Council and similarly, obligations on the County Council are directly enforceable by the signatories of the agreement.

5.5 Can an agreed planning obligation be changed?

5.5.1 Planning obligations can be renegotiated at any point where the local planning authority and persons against whom the obligation is enforceable agree to do so.¹²

5.5.2 Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to modify or discharge the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way.¹³

5.5.3 An appeal may be made against any refusal or non-determination or an application to discharge or modify (Section 106B).

¹⁰ Notice under Town and Country Planning (Pre-Commencement Conditions) Regulations 2018

¹¹ There be instances where this could be considered e.g. retrospective applications, or changes of use where occupation is the start of development

¹² 106A of the Town and Country Planning Act 1990

¹³ 106A of the Town and Country Planning Act 1990

6. Spending and Monitoring

6.1 Is information on planning obligation contributions publicly available?

6.1.1 Regulations introduced from 1 September 2019¹⁴ require that from December 2020 information on planning contributions received and spent by the Borough and County Council is to be published through an annual 'infrastructure funding statement'. The data specifications for the proposed statements are still under development. The information required will be included and/or cross referenced in future Authority Monitoring Reports (AMRs).

6.1.2 Local planning authorities are already required to keep a copy of any planning obligation together with details of any modification or discharge of the planning obligation and make these publicly available on their [planning register](#). Copies of Section 106 Agreement are made available the Council's website.

6.2 Indexation

6.2.1 Whilst the contribution amounts set out in this SPD are not governed by the CIL Regulations, the indexation that will be used both to calculate the initial agreement amounts and any post-agreement changes prior to payment, will reflect the approach contained within the CIL regulations to ensure that obligations provide for the actual costs of the infrastructure for which they are levied.

6.2.2 Regulation 40 of the Community Infrastructure Regulations 2010 required Local Authorities to obtain the All-in-Tender Price Index, as published by the Building Cost Information Service (BCIS) of the Royal Chartered Surveyors (RICS) on the 1st November each year to calculate the proportionate increase in contribution rates for the following year.

6.2.3 The Government has asked the Royal Institution of Chartered Surveyors to produce a bespoke index for the Levy, based on the Building Cost Information Service's (BCIS) All-in Tender Prices Index, to be known as the 'RICS CIL index'.

6.2.4 This new index will be produced annually, be made publicly available and will not change through the year.

6.2.5 The September 2019 amendments to the Regulations require that the BCIS index applies to planning permissions granted before 1 January 2020. From 1 January 2020 the RICS CIL index that is to be published at the end of this year will be used for planning permissions granted on or after that date.

6.2.6 The BCIS index will reapply if for any reason the RICS CIL index is not produced in November of any preceding year.

6.2.7 Contributions for affordable housing will be calculated by using the rates set out in this SPD adjusted as follows:

¹⁴ The Community Infrastructure Levy (Amendment) (England)(No2) Regulations 2019

- Index linked for inflation/deflation between the year of adoption of this SPD (Anticipated to be 2019/20 = the base year) and the year an obligation relating to an application granted planning permission is signed; and
- Index linked for inflation/deflation between the date the agreement is signed and the payment is made towards the actual delivery.

6.2.8 For open space contributions, the amounts set out in this SPD will be:

- Index linked for inflation/deflation between the year of adoption of this SPD (Anticipated to be 2019/20 = the base year) and the year an obligation relating to an application granted planning permission is signed; and
- Index linked appropriately to reflect increases in costs between the date the agreement is signed and the payment is made towards the actual delivery date of the service or facility.

6.2.9 For other types of infrastructure where there is no rate or amount pre-set in this SPD, contribution amounts will be set out in the Agreement and clauses will be included to the effect that these will be:

- Index linked appropriately to reflect increases in build costs between the date the agreement is signed and the payment is made towards the actual delivery date of the service or facility.

Legal Fees

6.2.10 The Council will recharge the developer its reasonable legal costs incurred in agreeing planning obligations. The legal fee costs are payable for work done regardless of whether agreements are ultimately completed. These are reviewed annually and are currently set at:

- Legal Fee (minimum)= £540¹⁵
- Sealing Fee = £65

6.2.11 Agreements with or which include the County Council will also incur separate costs to cover any legal costs the County Council incurs entering into the agreement.

6.2.12 These costs can be counted against the ceilings set out in Table 2.

Monitoring

6.2.13 As stated earlier, local planning authorities are already required to keep a copy of any planning obligation on their planning register.

6.2.14 From 31 December 2020 Burnley Council and Lancashire County Council will have to produce their first annual infrastructure funding statement which will set out in a prescribed form, information on contributions. To help fund these new areas of work, local authorities will be able to use section 106 contributions to monitor and report on the planning obligations contained within those agreements. The Government proposes provide detailed guidance on this issue but the relevant regulation states that the sums must fairly and reasonable relate in scale and kind to the development and not exceed the estimated cost of said monitoring.¹⁶

¹⁵ To rise to £550 on 1st Jan 2020

¹⁶ Regulation 121A

6.2.15 These are proposed to be set at 0.25% of the total sum agreed. These costs can be counted against the ceilings set out in Table 2.

6.3 Payment of monies

6.3.1 By agreement, funds payable in relation to the County Council's requirements can be paid directly by the developers to the County Council. In other cases, the sums will be forwarded by the Borough Council to the County Council.

6.3.2 In certain cases, in particular relating to education contributions, there may be occasions where S106 monies will need to be transferred to other bodies.

Do local planning authorities have to pay back unspent planning obligations?

6.3.3 Local planning authorities are expected to use all of the funding received by way of planning obligation within a reasonable time frame. Agreements will normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, where they are not. This period is usually five years but may be longer if deemed appropriate. If the money is not spent within the agreed period, the developer will be reimbursed with the outstanding amount, together with any interest accrued; unless the agreement is varied.

7. Affordable Housing

7.1 Types of Affordable Housing

7.1.1 A revised version of the NPPF was issued shortly before the adoption of the Local Plan in July 2018 which updated national planning policy in respect of affordable housing provision, and widened its definition.

7.1.2 The NPPF¹⁷ now defines affordable housing widely as being housing for sale or rent, for those whose needs are not met by the market, and other than where marked*, includes provisions for the housing to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

7.1.3 The types of affordable housing now include: (See Appendix B for full definition)

Social Rent	From a Registered Provider (RP) e.g. Council or Housing Association
Affordable Rent	From a RP at least 20% below local market value
Discounted market sales housing	Sold at a discount of at least 20% below local market value
Starter Homes	As per any statutory definition to be introduced
Build to Rent	By anyone, at least 20% below local market value
Shared ownership	Part ownership/part rent
Shared equity	Ownership with third party loan for a deposit in addition to your mortgage e.g. Help to Buy
Other low cost homes for sale	At a price equivalent to at least 20% below local market value*
Rent to buy	Which includes a period of intermediate rent

7.1.4 Clearly, a 20% discount on market sale or rents may not actually be affordable to those whose needs are not met by the market who may instead rely on Social or Affordable Rented housing.

7.2 National policy for Affordable Housing

7.2.1 The NPPF paras 62-64 states that:

“62. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:

*a) off-site provision or an appropriate financial contribution in lieu can be robustly justified;
and*

¹⁷ Both the 2018 and current 2019 versions

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

63. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

64. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

a) provides solely for Build to Rent homes;

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”

7.2.2 The NPPF approach assumes that sites are generally viable and sufficiently profitable to enable developers to provide affordable housing in addition to market housing and at a greater rate than 10%; and that securing affordable housing through the development of market housing is the sole or main method for its provision. This is not necessarily the case and is not the case in Burnley.

7.2.3 The NPPF does not now support requiring affordable housing through residential development schemes that are not major i.e. schemes of less than 10 (up to 9) units¹⁸. Policy HS2 of the adopted Local Plan does not require affordable housing for schemes of up to and including 10 units. It is the Local Plan higher threshold that will be used by the Council. The Local Plan policy was written before the revised NPPF was introduced and was consistent the then national policy set out in the [written ministerial statement](#) of 28 November 2014 which stated that contributions should not be sought from developments of 10-units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).

7.2.4 Local Plan Policy HS2 still supports provision for smaller sites, and any provision or contribution unilaterally proposed could weigh in favour of a scheme where a need for affordable housing or a specific type of affordable housing exists.

7.2.5 The restriction on seeking planning obligations contributions does not apply to development on 'Rural Exception Sites'.¹⁹

¹⁸ NPPF Para 63 - [major development is defined in Article 2 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

¹⁹ Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Starter Homes

7.2.6 The Government's new 'Starter Homes' were introduced in the Housing and Planning Act of May 2016, although the relevant provisions of the act are not yet in force. Starter Homes are 'affordable housing' according to the revised NPPF; and are, according to the Act text, homes for purchase for first time buyers, 23-39 years old, and sold at a 20% discounted rate - subject to a £250,000 price cap.

7.2.7 Whilst the Council's Local Plan Viability Study concluded that starter home provision in lieu of more traditional types of affordable housing would generally aid viability, it also concluded this could still be an issue on brownfield sites.

7.3 Local Plan Policy HS2

Background

7.3.1 Influenced by the types of sites that were allocated in and supported by the 2006 Local Plan and by the concentration of housing market renewal activity, the NPPF approach of requiring private sector developers to provide a proportion of affordable housing on site or contribute monies through a section 106 Agreement for off-site provision was rarely successful in Burnley without public sector subsidy.

7.3.2 An alternative and successful approach for the delivery of affordable housing in Burnley has been to work directly with Registered Providers to build houses on sites made available by the Council from its landholdings, or through compulsory purchase. Affordable housing can also be acquired by Registered Providers (funded from central government via Homes England) to be upgraded or adapted and this method of provision has made a significant contribution to affordable housing delivery in the borough in recent years.

7.3.3 The 2017 Local Plan Viability Assessment shows that a number of sites of the types allocated and supported by the 2018 Local Plan, could now viably support modest affordable housing delivery/contributions without compromising other important policy requirements.

7.3.4 The 2016 Strategic Housing Market Assessment (SHMA) suggested an affordable housing split by tenure of: 80% Affordable Rent or Social Rent, and 20% Intermediate tenure. This reflected the national definition of affordable housing at that time. The recommendations on the split of affordable housing by type and size are discussed in Policy HS3.

General Interpretation of Policy HS2

7.3.5 Local Plan Policy HS2: Affordable Housing Provision, sets out the development plan policy in relation to seeking and supporting affordable housing. Policy HS2 is therefore the starting point for determining the requirement for affordable housing.

7.3.6 It requires that any housing development of over 10 units (i.e. 11 units or more) provides for affordable housing, unless it could be demonstrated that the site, which would otherwise be supported by the policies in the Local Plan and meets the requirements of policies SP4 and SP5, would not be viable with affordable housing provision on-site or off-site by way of a contribution.

7.3.7 Local Plan Policy HS2 clauses 1) to 5) were drafted to be sufficiently flexible to apply with or without the then planned change in the government's definition of affordable housing. Clause 5)

however, needs to be read alongside the now confirmed (and any future) changes to national policy or legislation.

7.3.8 Burnley's circumstances are such that flexibility continues to be required in terms of the overall requirements, the requirement for on or off-site provision and the types and tenure of affordable housing provided. Policy HS2 therefore allows for affordable housing provision to be waived/varied where justified. This approach is consistent with the then and current national policy.

7.3.9 The Government has now confirmed its policy intention for a minimum of 10% of housing on major sites to be to its new definition of 'affordable home ownership'. This appears to equate to the definition of affordable housing at in the revised NPPF glossary at d) which includes shared ownership and discounted homes for sale at 20% below market value.

7.3.10 Whilst the NPPF sees this minimum as part of the overall affordable housing %, in Burnley in most cases, 'affordable home ownership' provision could preclude the delivery of any affordable housing to rent or part rent/part buy. The NPPF does state that this policy applies unless amongst other things it would "significantly prejudice the ability to meet the identified affordable housing needs of specific groups." Specific groups are not defined but could arguably include those unable to purchase housing by virtue of their income or the lack of mortgage availability.

7.3.11 Local Plan Policy HS2 deliberately seeks to avoid a rigid approach to the provision of affordable housing, in part due to the stage of flux of national policy at its time of drafting, but also as such an approach would not recognise the viability challenges present and could be at odds both with efforts to prioritise the development of brownfield sites and efforts to ensure the delivery of modern adaptable affordable homes to rent.

7.3.12 Provision of and contributions towards affordable housing will be prioritised as **Priority 2 a – necessary and important**.

Findings of the Plan Viability Assessment

7.3.13 The Plan Viability Assessment modelled a number of scenarios with variable % of on-site affordable housing. It first modelled the affordable housing to be provided split at 80% Social Rent and 20% Intermediate to part rent/part buy. When the affordable housing type is Affordable Rent rather than Social Rent, viability reduces (See table 10.6 of Viability Study). The delivery of a greater proportion of intermediate housing or starter homes as all or part of the required mix, improves viability.

7.3.14 The Assessment appraisals also assumed certain mixes of housing types, which if adjusted, can improve or reduce viability significantly.

7.3.15 All the brownfield sites types modelled were in low value 'industrial urban areas' and were shown to be unlikely to support any affordable housing provision without public sector support - such as direct provision by registered providers or through other government funding initiatives. However, the low density medium and larger brownfield sites were found to remain profitable, although not to a level above the viability threshold which took into account a £400,000 per hectare alternative use value.

7.3.16 Not all brownfield sites are in low value industrial urban areas and given the ability of the housing mix to be varied to improve viability, it is considered that larger brownfield sites, which can create their own sense of place and thus attract good sales values, can and should make a modest contribution to affordable housing provision with or without public sector support. These sites may also be able to take account of the vacant building credit (see section overleaf).

7.3.17 A number of other (then emerging) plan requirements were also costed in the 2017 Viability Assessment, but e.g. the policy clauses requiring higher environmental and/or design standards on certain greenfield sites were removed by the Examination Inspector. Higher design standards are now clearly supported by the revised NPPF and where schemes propose such standards, the negative effect on viability can be considered in the planning balance.

7.3.18 Given the guide tenure split set out in Policy HS2 and the delivery model/record for affordable housing providers in Burnley, an assumed split of 70% Affordable Rent, 10% Social Rent and 20% Intermediate is used in the SPD to calculate the affordable housing %, off-site affordable housing contributions and contribution ceilings. This does not necessarily mean this will be the required split on any given site. (See para 7.3.28)

Proposed Affordable Housing Percentages

7.3.19 To satisfy the requirements of Policy HS2 Clause 1) c) is expected that the housing sites types set out earlier in Table 2 (page 18) will provide at least the indicated minimum percentage of units.

7.3.20 The units shall either:

- be constructed by the developer on-site; or
- be constructed by the developer off-site (where agreed to appropriate under Policy HS2 clause 3) i); or
- be provided for by an equivalent commuted sum towards off-site provision where agreed to appropriate under Policy HS2 clause 3) i).

7.3.21 Where provision is proposed to off-site under Policy HS2 clause 1) c), this should be set out in an Affordable Housing Statement to accompany any relevant planning application. An affordable housing statement is a local validation requirement for all major housing applications.²⁰

7.3.22 The required provision or contribution specified will only be waived/reduced under Policy HS2 clause 1) c) where

- i. a Viability Assessment is submitted by the applicant via an 'open book' approach clearly shows the scheme, which meets other policy requirements e.g. design and provides for all priority 1 contributions, to be unviable with the required affordable housing contributions; and/or
- ii. requests for other contributions in addition to affordable housing (on or off site as applicable) exceed the per unit ceilings set out in Table 2 of this SPD.

7.3.23 Where ii) applies, the Council will determine the proportioning of contributions as set out in section 5.2.

Off-Site Contributions

7.3.24 Where the provision of affordable housing is proposed or required and a contribution towards off-site provision in lieu is agreed to be appropriate under Policy HS2, the amount of contribution will be calculated using the Offsite Affordable Housing Calculator (example overleaf).

7.3.25 The calculator assumes the following standard tenure split:

²⁰ <https://www.burnley.gov.uk/residents/planning/how-make-application/what-makes-valid-application>

- 70% Affordable Rent
- 20% Intermediate
- 10% Social Rent

7.3.26 It uses the estimated open market value (OMV) of a typical three bedrooms semi-detached house on site of the size and specification required for a typical Affordable Rent product. As this would may not be actually provided on site, this figure will need to be agreed.

7.3.27 The type and tenure or the actual units subsequently provided or supported through acquisition and refurbishment by the off-site contribution, unless specified in the Agreement, will be determined by the Council in discussion with relevant Registered Providers having regard to the matters set below and the Council's Housing and or Empty Homes Strategy.

Location, Type and Tenure Mix

On-Site Provision

7.3.28 Where on-site provision of affordable housing is proposed or required, (or off-site direct provision by the developer is proposed), the mix of units will be assessed as part of:

- the overall mix sought across the plan area and plan period as set out in Policy HS3;
- any specific requirements set out in any relevant site allocation policy;
- the policy set out in HS3 clause 4) including its location;
- the policy set out in HS2 clauses 2 and 3); and
- it will also be informed by the affordable housing suggested mix set out in the 2016 SHMA (repeated as Table 3, page 85 of the Local Plan) and ongoing monitoring of types and tenures as set out in the AMR.

The vacant building credit

7.3.29 National policy states that where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.²¹ The accompanying planning practice guidance states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

7.3.30 This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution for off-site provision is being provided.

7.3.31 The vacant building credit applies where the building still exists and its use has not been 'abandoned'.²²

7.3.32 The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit

²¹ NPPF 2019 Para 63

²² <https://www.gov.uk/guidance/planning-obligations>

should apply to a particular development, local planning authorities are advised to have regard to the intention of national policy.

7.3.33 In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

Figure 3: Offsite Affordable Housing Contributions Calculator

Burnley Borough Council Version: Consultation Draft 2019 - Rounded

Affordable Housing Contribution Calculator

Site Name Date

Number of Units Percentage of Affordable Housing Number of Affordable Units

Affordable Housing Type	Mix	Units	Onsite Units Provided	Offsite Units Required
Affordable Rented	70%	9.80	0	9.80
Intermediate	20%	2.80	0	2.80
Social Rented	10%	1.40	0	1.40
Check:	100%	14.00	0	14.00

Offsite Contribution Calculations

Affordable Rented									
Housing Mix/Type	Number of Units	OMV if on site (£)	Profit (%)	Net Total Cost (£)	Weekly Rent (£)	Mgt Charge	Yield	Capitalised Rent (£)	Contribution (£)
1 Bed Flat			20.00%	0	0	0	6.00%	0	0
2 Bed Flat			20.00%	0	0	0	6.00%	0	0
3 Bed Flat			20.00%	0	0	0	6.00%	0	0
2 Bed Hse			20.00%	0	0	0	6.00%	0	0
3 Bed Hse	10.00	180,000	20.00%	144,000	99.34	517	6.00%	77,485	665,148
4 Bed Hse			20.00%	0	0	0	6.00%	0	0
5 Bed Hse			20.00%	0	0	0	6.00%	0	0
Total	10							Total	665,148

Social Rented									
Housing Mix/Type	Number of Units	OMV if on site (£)	Profit (%)	Net Total Cost (£)	Weekly Rent (£)	Mgt Charge	Yield	Capitalised Rent (£)	Contribution (£)
1 Bed Flat			20.00%	0	0	0	5.50%	0	0
2 Bed Flat			20.00%	0	0	0	5.50%	0	0
3 Bed Flat			20.00%	0	0	0	5.50%	0	0
2 Bed Hse			20.00%	0	0	0	5.50%	0	0
3 Bed Hse	3	180,000	20.00%	144,000	87.39	454	5.50%	74,361	208,917
4 Bed Hse			20.00%	0	0	0	5.50%	0	0
5 Bed Hse			20.00%	0	0	0	5.50%	0	0
Total	3							Total	208,917

Intermediate - Shared Ownership										
Housing Mix/Type	Number of Units	OMV if on site (£)	Profit (%)	Net Total Cost (£)	Equity Rent	Mgt Charge	Yield	Capitalised Rent (£)	1st Tranche	Contribution (£)
1 Bed Flat			20.00%	0	0	0	5.00%	0	0	0
2 Bed Flat			20.00%	0	0	0	5.00%	0	0	0
3 Bed Flat			20.00%	0	0	0	5.00%	0	0	0
2 Bed Hse			20.00%	0	0	0	5.00%	0	0	0
3 Bed Hse	1	180,000	20.00%	144,000	2,475	248	5.00%	44,550	90,000	9,450
4 Bed Hse			20.00%	0	0	0	5.00%	0	0	0
5 Bed Hse			20.00%	0	0	0	5.00%	0	0	0
Total	1								Total	9,450

Total Units	14	Total Contributions	883,515
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Table 3: Table 10.5 from Local Plan Viability Study of March 2017

Table showing various affordable housing contributions (plus £500 S106 contributions, all open space requirements of Policy HS4) and 1.5% construction costs uplift for energy efficiency above the building regs, based on the affordable housing being made up of 80% social rent and 20% intermediate			Alternative Use Value	Viability Threshold	Residual Value						
				Affordable %	0%	5%	10%	15%	20%	25%	30%
Site 1	Large Green 200	Urban Fringe	20,000	274,000	284,247	205,390	126,514	47,624	-34,359	-117,136	-200,451
Site 2	Large Green 100B&P	Urban Fringe	20,000	274,000	283,664	201,240	118,816	35,081	-51,403	-137,888	-225,622
Site 3	LD Large Green 100B&P	Urban Fringe	20,000	274,000	414,127	337,501	260,876	184,251	107,626	29,941	-50,459
Site 4	Large Green 100e	Urban Fringe	20,000	274,000	539,609	445,754	351,898	258,043	164,187	70,197	-27,786
Site 5	Large Green 50B&P	Urban Fringe	20,000	274,000	274,548	192,287	108,868	22,927	-63,386	-149,698	-237,215
Site 6	LD Large Green 50B&P	Urban Fringe	20,000	274,000	447,382	369,152	290,922	212,693	134,463	53,831	-28,252
Site 7	Large Green 50e	Elsewhere	20,000	274,000	536,858	442,982	349,107	255,231	161,356	64,597	-33,903
Site 8	Medium Green 24B&P	Urban Fringe	20,000	274,000	712,576	613,814	515,052	416,289	317,527	216,047	112,982
Site 9	Medium Green 24e	Urban Fringe	20,000	274,000	712,576	613,814	515,052	416,289	317,527	216,047	112,982
Site 10	Medium Green 12B&P	Urban Fringe	20,000	274,000	582,195	491,720	401,244	309,503	217,245	124,987	32,728
Site 11	Medium Green 12e	Urban Fringe	20,000	274,000	606,350	515,874	425,399	334,134	241,875	149,617	57,359
Site 12	Large Brown 100	Urban Area	400,000	480,000	-476,433	-575,902	-675,476	-776,304	-877,132	-978,184	-1,080,429
Site 13	LD Large Brown 100	Urban Area	400,000	480,000	290,536	173,346	54,785	-68,178	-191,141	-315,845	-442,041
Site 14	Medium Brown 60	Urban Area	400,000	480,000	-443,653	-540,106	-636,559	-733,112	-830,912	-928,711	-1,026,511
Site 15	Medium Brown 60	Urban Area	400,000	480,000	427,154	308,211	189,268	66,893	-57,909	-182,711	-309,418
Site 16	Medium Brown 20	Urban Area	400,000	480,000	-252,900	-361,099	-470,677	-580,255	-689,833	-799,411	-908,989
Site 17	Medium Brown 14	Urban Area	400,000	480,000	-248,859	-336,329	-425,609	-514,889	-604,169	-693,449	-782,908
Site 18	Urban Flats 35	Urban Area	400,000	480,000	-1,313,414	-1,457,005	-1,600,596	-1,744,186	-1,887,777	-2,031,368	-2,174,959
Site 19	Small Green 7	Generally	50,000	310,000	792,153	792,153	792,153	792,153	792,153	792,153	792,153
Site 20	Small Green 4	Generally	50,000	310,000	859,972	859,972	859,972	859,972	859,972	859,972	859,972

Site 21	Green Plot	Generally	50,000	310,000	-75,398	-75,398	-75,398	-75,398	-75,398	-75,398	-75,398
Site 22	Small Brown 6	Generally	400,000	480,000	-448,742	-448,742	-448,742	-448,742	-448,742	-448,742	-448,742
Site 23	Small Brown Flats 5	Generally	400,000	480,000	-1,347,505	-1,347,505	-1,347,505	-1,347,505	-1,347,505	-1,347,505	-1,347,505
Site 24	Small Brown 3	Generally	400,000	480,000	-891,195	-891,195	-891,195	-891,195	-891,195	-891,195	-891,195
Site 25	Brown Plot	Generally	400,000	480,000	-2,349,106	-2,349,106	-2,349,106	-2,349,106	-2,349,106	-2,349,106	-234,910

Colour Key:

Green = Viable – where the Residual Value per hectare exceeds the indicative Viability Threshold Value per hectare (being the Existing Use Value plus the appropriate uplift to provide a competitive return for the landowner).

Amber = Marginal – where the Residual Value per hectare exceeds the Existing Use Value or Alternative Use Value, but not Viability Threshold Value per hectare. These sites should not be considered as viable when measured against the test set out – however, depending on the nature of the site and the owner, they may come forward.

Red = Non-viable – where the Residual Value does not exceed the Existing Use Value or Alternative Use Value.

8. Open Space, GI, Allotments and Social/Community Infrastructure

8.1 Green Infrastructure

8.1.1 Green Infrastructure (GI) refers to the network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

8.1.2 Burnley's Green Infrastructure and its importance in the borough is referenced throughout the Local Plan, but particularly in Policy SP6 which seeks to protect, enhance and extend the multifunctional green infrastructure network. The Council's Green Infrastructure Strategy (2013) informed the development of the policies within the Local Plan and will be used alongside the Local Plan and the Council's Green Spaces Strategy when determining the type of open space to be provided to meet the requirements of Policy HS4, and the requirements of Policies SP6 and IC5.

8.1.3 The Council's Green Space Strategy 2015 – 2025 identifies the Borough's public greens spaces, sets local quantity, quality and accessibility standards for each type of open space and use these local standards to identify surpluses or deficiencies and was used to inform the requirements for housing developments in Local Plan Policy HS4.

8.1.4 The [Burnley Play Area Strategy 2017-2026](#) identifies the borough's existing play facilities, those to be maintained and where new provision may be required. This strategy will inform the requirement for and location of new or enhanced/safeguarded play space provision required under Policy HS4.

8.2 Open Space for housing developments

Policy HS4: Housing Developments

8.2.1 Policy HS4 of the Local Plan sets out the standards for open space provision in new housing developments, including equipped children's play space. The Policy also sets out when this should be provided on-site or when contributions towards off-site provision may be acceptable.

8.2.2 Whilst each scheme will be judged on its merits against the Local Plan as a whole, where contributions for open space are required under Policy HS4, this will normally be prioritised as being **necessary and critical** and thus **priority 1** such that lack of adequate provision will normally result in a scheme's refusal.

8.2.3 The cost of open space provision on site was partly factored into the Plan Viability Study's base appraisals (accounted for in the site density and in the £500 per dwelling base contribution).

8.2.4 All relevant greenfield site types were found to be viable with such contributions/provision and as such provision/contributions being 'necessary and critical' will not normally be waived on the grounds of viability.

8.2.5 Whilst the study found that such provision/contributions would be more challenging for brownfield sites, provision/contributions will still be regarded as 'necessary and critical'.

8.2.6 Where an applicant does wish to challenge open space contributions/provision or part thereof on the grounds of viability, be that on an allocated or windfall site, Policy IC4 in the Local Plan requires applicants to provide viability evidence through an 'open book' approach to allow for the proper review of evidence submitted and for reasons of transparency.

8.2.7 Any new open space created in relation to Policy HS4 will, going forward, be protected under Policy NE2.

Off-site Provision in lieu

8.2.8 Contributions for off-site provision in lieu, where agreed to be appropriate under Policy HS4, will be calculated as follows:

- **£350 per bedroom**

On-site provision and maintenance

8.2.9 Where open space is being provided on-site by a developer, the developer may wish to set up a management company to meet the ongoing costs of maintenance.

8.2.10 Alternatively, the Council will consider the adoption of suitable, well designed on-site open space for which contributions of commuted sums for maintenance will be calculated on a 15-year basis at guide cost of **£8 per m2**, which will be calculated and agreed for each development.

8.2.11 Sums will be index linked as set out in Section 6.

Policy SP6

8.2.12 Contributions for wider GI required under Policy SP6 will normally be prioritised as **priority 2c**.

8.3 Social/Community Infrastructure

Policy IC5

8.3.1 Policy IC5 of the Local Plan identifies the importance of social and community infrastructure²³ and seeks to safeguard it where possible and appropriate, and provide new provisions where a development would increase demand for it beyond its current capacity or generate a newly arising need. It is envisaged that any such requirements would be identified on a site-by-site basis and measures (other than education contributions – see section 10) will normally be prioritised for contributions as **priority 2c**, but may be **priority 1**.

Playing Pitches

8.3.2 The Rossendale, Pendle and Burnley Playing Pitch Strategy identifies where protection, enhancement and the provision of new sites for football (both adult and junior football), cricket, rugby union, rugby league, hockey, tennis, bowls and rounders should occur up to 2026. Full details of the

²³ This includes public, private or community facilities including: community/meeting halls and rooms; health facilities; libraries; places of worship; bespoke premises for the voluntary sector; schools and other educational establishments; theatres, art galleries, museums, sport and leisure facilities; parks and other publicly accessible open spaces, public houses, cemeteries and youth facilities. This policy does not apply to specific sites or open spaces protected in situ by other policies e.g. NE1 and NE2.

recommendations can be found in the [Playing Pitch Strategy](#). Where Sport England raise an objection to the loss of any playing pitch of field or requires its provision and this is in accordance with its published policy/standards contributions and national planning policy, this will be prioritised as being **necessary and critical** and thus **priority 1**.

Loss of Unprotected Open Space

8.3.3 Where a development proposal would result in the loss of existing unprotected open space.²⁴ The need for replacement provision will be assessed against the strategy and standards set out in the Green Spaces Strategy 2015 and the [Burnley Play Area Strategy 2017-2026](#) or [Playing Pitch Strategy](#). Contributions towards replacement provision may then be prioritised as **priority 1** or **priority 2c**.

²⁴ Not including Policy NE1 2) 3) and 4) or NE2 which are required to remain in situ

9. Highways and Transport Infrastructure

9.1 Lancashire County Council's role

9.1.1 Management of the transport network in Burnley, including bus provision, is a function of Lancashire County Council in its role as Highway Authority. It is responsible for all adopted roads in Lancashire other than 'trunk roads' which are the responsibility of Highways England (these include most motorways). It is responsible for the safety, maintenance, management and development of the highway network, and determines whether to adopt a road (i.e. take responsibility for its ongoing maintenance).²⁵

9.1.2 Public funding for transport infrastructure comes from local and central government from various funding streams, including the Local Transport Plan capital programme and the Local Growth Fund. This funding will not usually address the specific impacts of new development on specific sites, but may address the wider borough impacts resulting from the overall growth set out in the Local Plan or specific large scale projects designed to deliver economic growth.

9.1.3 Other than for 'County Matters'²⁶ and its own development on its own land, the County Council is not the determining authority for planning applications in the borough and their advice and any requests for contributions must be weighed as a material consideration by the Council in determining an application and any contributions to be made. The County Council cannot insist upon or enforce requests for contributions to its services where it is not the determining authority.

9.1.4 In order for the County Council to agree to adopt any new road, however, this will be required to be designed and constructed to its published standards.²⁷

9.2 Highways Contributions

9.2.1 The County Council can, where it deems necessary, request a Section 106 Agreement or Section 278 Agreement be put in place in respect of a planning application. These will apply to residential and non-residential schemes. In such instances, the County Council will need to provide Burnley Council with a reasoned and consistent response based on the adopted Local Plan. Responses will also be informed by the Local Transport Plan 2011-2021, the Highways and Transport Masterplan, 'Creating civilised streets' document and 'Specification for construction of estate roads'²¹ and will also have regard to the County Council's own non-statutory Infrastructure and Planning document (see Section 3.3).

Section 278 Agreements

9.2.2 The County Council normally requests S278 Agreements for works that are required to be carried out on or to a highway. These agreements can be either for the County Council to carry out the works at the developer's expense, or allow the developer to provide the works directly, subject to an approval and inspection process.

²⁵ <https://www.lancashire.gov.uk/roads-parking-and-travel/roads/road-adoption/estate-road-adoption/>

²⁶ 'County matters' are primarily defined within schedule 1 of the Town and Country Planning Act 1990 as being, amongst other things, those associated with mineral working and related development, and waste management and disposal developments.

²⁷ <https://www.lancashire.gov.uk/roads-parking-and-travel/roads/road-adoption/estate-road-adoption/>

9.2.3 They are normally secured by a condition attached to a planning permission granted by the borough Council which will require the agreement of the design of the works by the borough Council in consultation with the County Council, but also the signing of s278 Agreement setting out the funding arrangements directly between the County Council and developer. The condition will normally require the design of the works to be agreed and Agreement signed before any of the development approved commences. In any event, works associated with any planning proposal will not be permitted by the County Council within the limits of the publicly maintained highway until the Agreement is completed and the bond (if applicable) is secured.

9.2.4 The County Council sets its own fees for Section 278 Agreements.

Section 106 Highways Contributions

9.2.5 Contributions to other transport related projects and infrastructure and Travel Plans would normally be requested to included in a S106 Agreement to which the County council would normally then be a co-signatory together with the borough council and developer.

Prioritisation

9.2.6 Contributions or measures necessary to achieve highway and pedestrian safety in the immediate vicinity of the site, including ensuring safe access and egress, and the adoption of highways (where appropriate) will be prioritised by Burnley Council for contributions as **necessary and critical - priority 1**.

9.2.7 Contributions necessary to achieve greater connectivity such as new or upgraded pedestrian or cycle routes or public transport access to services, or towards minimising development-related impacts such as traffic congestion²⁸ or providing or contributing towards capacity enhancement measures will normally be prioritised for contributions as **priority 2c – necessary and important** but can be **priority 1** e.g. to avoid development-related impacts from new development which have the potential to contribute to the declaration of a new Air Quality Management Area (AQMA). Contributions for a number of schemes which impact on the same matter e.g. a particular road junction, may need to be 'pooled'.

9.2.8 Where Travel Plans are required under Policy IC2, Lancashire County Council can provide advice and guidance on their development, promotion and monitoring. There is likely to be a charge for this assistance through a developer contribution or a through a normal service commissioning process.

²⁸ Both in terms of public health benefits and congestion reduction effects

10. Education Provision

10.1 Lancashire County Council's role

10.1.1 Lancashire County Council is the Education Authority (LEA) responsible for primary and secondary education provision in the borough.

10.1.2 Under Section 14 of the Education Act 1996, Lancashire County Council has a statutory obligation to ensure that every child living in Lancashire is able to access a mainstream school place in Lancashire if they want one.

10.1.3 Other than for 'County Matters' and its own development on its own land e.g. for a new school, the County Council is not the determining authority for planning applications in the borough and their advice on education provision matters and any request for contributions towards education provision must be weighed as a material consideration by Burnley Council in deciding on an application and determining any contributions to be made. The County Council cannot insist upon or enforce requests for contributions to its services other than where it is the determining authority.

10.2 Education Contributions

10.2.1 In respect of housing developments, the County Council may request education provision be made, or more likely, may request that a tariff style contribution be made towards new provision through the expansion of existing schools where there is a projected shortfall of primary and secondary places at schools within a reasonable distance.²⁹ The number of additional places required is then calculated by the County Council according to its [pupil projection methodology](#).³⁰

10.2.2 The costs per additional place are based on DfE Formulas for the construction of accommodation to provide for additional pupil places with a Lancashire location factor taken into account. These costs are updated on the 1st April each year.

10.2.3 The cost per place from the 1st April 2019 is:

Primary - £16,050.54

Secondary - £24,185.16

10.2.4 Any contribution sought would be used to pay for additional places to be made available - in or by expanding existing schools within the reasonable distance³¹ - and the contribution must be spent within a specified timeframe.

10.2.5 For all requests, the County Council will need to provide Burnley Council with a calculation and supporting justifying statement informed by its own non-statutory Infrastructure and Planning policy (see section 3).

10.2.6 Where for any reason an alternative to the standard 'reasonable distance' is used to calculate the projected shortfall and this is justified, the Agreement will then require the contribution to be spent within the same distance used.

²⁹ 2 mile radius for primary schools; 3 mile radius for secondary schools

³⁰ <https://www.lancashire.gov.uk/council/planning/planning-obligations-for-developers/>

³¹ 2 mile radius for primary schools; 3 mile radius for secondary schools

10.2.7 Any requirement for a new school (or school site) should have been identified at the Local Plan stage and no such requirement was identified, but this matter will need to be kept under review over the Plan period.

10.2.8 As set out in Section 5.3, the Local Plan Viability Assessment did not factor in large-scale pooled contributions towards education, partly in view of the limitations imposed by the pooling restrictions in place at the time, and as this position will fluctuate across the plan period and can suddenly change, for example, closure of school with spare capacity or opening of a free school - and of course with the exercise of parental choice. It is not therefore possible to predict with any certainty in advance at the plan-making stage, precisely where and how much education contributions would be sought or expected for each scheme, and thus the impact on viability.

10.2.9 Requests for education contributions, where robustly made, will normally be prioritised by Burnley Council as **priority 2b – necessary and important**.

10.2.10 National planning practice guidance introduced in March 2019 made significant changes to the guidance in respect of education contributions. It confirms that central government funding for schools via the LEA will be reduced to take account of developer contributions. The guidance allows for viability to be taken into consideration to the effect that for otherwise acceptable schemes, education contributions that would prejudice viability can be reduced or waived as not being critical and necessary (being instead funded by the government).

10.2.11 Whilst it is clear therefore, that the required education provision will still be delivered in the absence of developer contributions, it is not clear at the time of drafting this SPD how the reductions in Central Government funding to take account of developer contributions will work in practice, and attempts to seek clarification from the County Council to understand any planning (including sustainability) impacts of the alternative funding sources have been unsuccessful. This will be again pursued through formal consultation on the draft SPD with the County Council and also with Department for Education (DfE).

10.2.12 In April 2019 the DfE also issued further non statutory guidance “Securing developer contributions for education” aimed at local education authorities – in this case LCC. This document states that “We are working on a detailed methodology for calculating pupil yields from housing development, to be published in due course.”

10.2.13 It is understood that in the light of the changes to guidance referred to above and wider legislative changes on pooling and monitoring contributions, the County Council are to review their own policy and its is hoped to work constructively with the County Council on aligning the county and borough approaches.

10.2.14 Contextual information regarding Lancashire schools and the policy for expanding schools can be found within the County Council’s ‘School Place Provision Strategy’ and ‘Capital Strategy for Schools’.

<https://www.lancashire.gov.uk/council/strategies-policies-plans/children-education-and-families/school-place-provision-strategy>

11. Other Matters

11.1 Drainage and Flood Risk Management

Flood Risk Assessment

11.1.1 The Council's Strategic Flood Risk Assessment (SFRA) 2017 draws on Environment Agency Flood Zone and Surface Water mapping data and data on local sources of flood risk supplied by the Council's Streetscene unit, Lancashire County Council and United Utilities.

11.1.2 The Level 1 SFRA assessed all the plan allocations and their reasonable alternatives against risks from all sources of flooding. A small number of sites that lie partly within Flood Zones 2 and 3 or identified as being at a significant risk of surface water flooding in the Level 1 SFRA, were subject to a more detailed Level 2 SFRA. This provides advice as to how flood risk can be mitigated through design, layout and sustainable drainage and informs the overall assessment of the Sequential Test and where necessary the Exception Test required.

11.1.3 Applicants are required to undertake site specific Flood Risk Assessments (FRAs) for proposals on sites of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3 or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding. These FRAs should, if necessary, apply the Sequential and Exception Tests. For minor development and for sites allocated in a Local Plan however, applicants do not need to apply the Sequential Test as, in effect, the Council has done this through their SFRA to support the allocation.

11.1.4 Local Plan Policy CC4: Development and Flood Risk requires that new development does not result in increased flood risk from any source or other drainage problems, either on the development site or elsewhere, and that where mitigation is required to make any identified impacts acceptable, these will be secured through conditions and/or legal agreement, including where necessary through planning contributions.

Lancashire County Council's role

11.1.5 Management of 'local' flood risk³² and land drainage is a function of Lancashire County Council (LCC) in its role as Lead Local Flood Authority (LLFA). The LLFA investigates and publishes the results of incidents of significant flooding; it designates assets which have a significant effect on flood risk; it maintains a register of flood risk assets; it provides consent for works on ordinary watercourses and is a statutory consultee in the planning application process.

11.1.6 When consulted on planning applications, LCC will provide an assessment of the proposed developments potential impacts on the drainage network with regard to surface water discharge rates and volume, design standards and the continued safe operation and maintenance of the surface water drainage network to ensure that flood risk is appropriately managed.

³² Local flood risk refers to the risk of flooding from surface water, groundwater and flooding from ordinary watercourses

11.1.7 Central government funding for flood risk management comes from various sources, including DEFRA Support Grant, conventional capital settlements and the Local Growth Fund (Growth Deal). Typically, these funding sources do not address the specific impacts of individual new development. Instead, funds are directed at inherited drainage problems resulting from economic progress and previous development activity, or at large scale projects designed to deliver growth.

Conditions or developer contributions may therefore be requested by LCC or exceptionally the Environment Agency or United Utilities, to address flooding, drainage or water quality issues. Further information is set out in LCCs non-statutory policy on [Planning and Infrastructure](#) in particular, [Annex 3 Drainage and Flood Risk Management](#).

11.1.8 It is envisaged that any such requirements would be identified on a site-by-site and scheme specific basis and works critical to the principle of the scheme being granted consent will be categorised as **necessary and critical - priority 1**. Other **necessary and important** contributions where these reflect the more generalised policy requirements of the Local Plan will be prioritised as **priority 2c**.

11.1.9 For schemes where major on or off-site flood defence works are required, requirements would normally be factored in the Plan making stage e.g. Hs1.5 /5 Former Baxi Site and contributions for schemes reliant on such works may need to be pooled.

11.2 Biodiversity Matters

11.2.1 Many of the potential impacts of development on biodiversity to address the requirements of legislation the Local Plan and in particular Policy NE1, can be addressed through scheme design and by conditions attached to a planning permission. Occasionally contributions in the form of off-site mitigations (e.g. providing land for off-setting or funding enhancement works or the translocation of species) may be required via a Section 106 Agreement.

11.2.2 Works critical to the principal of the scheme being granted consent e.g. to address impacts on protected sites or species will be categorised as **necessary and critical - priority 1**. Other **necessary and important** contributions where these reflect the more generalised policy requirements of the Local Plan will be prioritised as **priority 2c**.

11.3 Heritage Matters

11.3.1 Many of the potential impacts of development on heritage assets can be addressed through scheme design and by conditions attached to a planning permission, for example the need to carry out surveys or excavation and recording.

11.3.2 In circumstances where the objectives of heritage protection may not be satisfactorily controlled by a condition, for example where impacts or public benefits are off-site, or involve a particularly sensitive or complex programme of works, involving phasing, the Council may require implementation of these measures through a Section 106 Agreement. By way of example these could include, but would not be limited to, the following:

- securing the investigation and protection of archaeological remains in advance of development;
- recording, removing, storing, displaying and maintaining specifically identified artefacts or remnants from demolition as part of a new development or in another location;

- drawing up of a conservation management plan;
- providing and implementing a restoration scheme for historic buildings and features to a set timescale and an agreed specification;
- reinstating and/or repairing historic features in the public realm (such as streetlights, bollards and surfaces) directly affected by the development and its construction impacts;
- undertaking and completing specified works to a heritage asset at risk prior to the construction or occupation of any enabling development.
- enabling development to secure the repair, restoration and maintenance of a heritage asset.
- Repairing, restoring or maintaining a heritage asset identified as being at risk
- Increased public access and improved signage;
- Measures for preservation or investigation, recovery and interpretation of archaeological remains and sites.

11.3.3 Works critical to the principal of the scheme being granted consent e.g. to securing the investigation and protection of archaeological remains, secure the public benefits which justify harm or in the case of enabling development works, to secure the repair, restoration and maintenance of a heritage asset will be categorised as **priority 1**. Other **necessary and important** contributions where these reflect the more generalised policy requirements of the Local Plan will be prioritised as **priority 2c**.

11.4 Health Infrastructure

11.4.1 The East Lancashire Clinical Commission Group (CCG) commissions local health services for Burnley, Hyndburn, Pendle, Ribble Valley (excluding Longridge) and Rossendale. CCG's are responsible for commissioning planned hospital care, rehabilitative care, urgent and emergency care, most community health services, and mental health and learning disability services. The CCG do not manage local NHS hospitals, however they commission many of the services they offer.

11.4.2 The East Lancashire CCG is split into five distinct localities, one of which is Burnley, and within Burnley there are two Primary Care Networks; Burnley East and Burnley West which are made up of approximately 50,000 patients each.

11.4.3 The East Lancashire Hospitals NHS Trust (ELHT) was established in 2003 and provides acute secondary healthcare for the people of East Lancashire and Blackburn with Darwen across five hospital sites and various community sites; including Burnley General Teaching Hospital.

11.4.4 In drawing up the Local Plan, there was consultation with the NHS, ELHT and CCG at all stage; and specific discussion with the CCG about the planned level of growth and proposed housing allocations and the impacts on the health services the CCG provide and the capacity to accommodate the sites and growth planned. The CCG accepted that the Borough cannot stand still and that the development of better quality homes would have a positive health impact on residents. In addition, the CCG felt that the development of more attractive aspirational homes might assist in workforce recruitment within the health sector.

11.4.5 At that time, the CCG estimated that the growth proposed in the Local Plan may require an additional requirement of four whole time equivalent GPs, with associated nursing and administrative

staff. It was anticipated that this growth could be accommodated within existing practices and would not be required until later in the plan period.

11.4.6 The East Lancashire Hospitals Trust (ELHT) and the East Lancashire Clinic Commissioning Group are now both looking at developing a policy requiring developer contributions towards the cost of necessary additional health infrastructure, including the expansion of primary care (GP) services. Such contributions, where justified by a robust policy, would be considered **priority 2 – necessary and important**. Whether these would be priority 2b or 2c would depend on the policy ultimately developed and the availability of alternative funding.

12. Monitoring and Review

12.1.1 A monitoring framework has been established to assess the performance of the policies in the Local Plan to see if they are performing as intended towards delivering the Vision and Objectives set out and to trigger any need for a local plan review, new or updated SPDs, or other interventions. The monitoring framework is reported on in the Council's Annual Monitoring Report (AMR). A number of these monitoring indicators are relevant to this SPD e.g. overall housing delivery, house prices, affordable housing completions by tenure, housing completions by type and the amount of contributions received and spent.

12.1.2 As set out in Section 6.1, from December 2020 Burnley Council and Lancashire County Council will also have to produce their first annual 'infrastructure funding statements' which will set out in a prescribed form, information on contributions.

12.1.3 Monitoring may also indicate a need to update the Local Plan evidence base and the Infrastructure Delivery Plan (IDP). New evidence may also trigger the need for a review of this SPD.

12.1.4 For example, as noted in paragraph 12.1.4, the 2017 Local Plan Viability Assessment upon which this SPD draws, was based on then current values and costs and this needs to be kept under review. Paragraph 10.2.7 also notes that the requirement for any new schools needs to be kept under review.

12.1.5 As noted in paragraph 10.2.13, the County Council are to review their own contributions policy and at paragraph 11.4.6, that the East Lancashire CCG and ELHT are both looking at developing a policy on developer contributions for health infrastructure and this work may trigger a need for this SPD to be updated.

Appendices

Appendix A: Key Local Plan Policies

Policy IC4: Infrastructure and Planning Contributions

- 1) Development will be required to provide or contribute towards the provision of the infrastructure needed to support it.
- 2) The Council will seek planning contributions where development creates a requirement for additional or improved services and infrastructure and/or to address the off-site impact of development so as to satisfy other policy requirements. Planning contributions may be sought to fund a single item of infrastructure or to fund part of an infrastructure item or service.
- 3) Where new infrastructure is needed to support development, the infrastructure must be operational no later than the appropriate phase of development for which it is needed.
- 4) Contributions may be sought for the initial provision and/or ongoing running and maintenance costs of services and facilities.
- 5) Contributions will be negotiated on a site-by-site basis and will only be sought where these are:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 6) Appropriate matters to be funded by planning contributions include, but are not limited to:
 - Affordable housing
 - Public realm improvements and creation, including public art
 - Improvements to Heritage Assets
 - Flood defence and alleviation schemes, including SuDS
 - Biodiversity enhancements
 - Open space, including green infrastructure and allotments
 - Transport improvements, including walking and cycling facilities
 - Police infrastructure
 - Education provision
 - Utilities
 - Waste management
 - Health infrastructure
 - Sport, leisure, recreational, cultural and other social and community facilities
- 7) Where contributions are requested or unilaterally proposed and the viability of development proposals is in question, applicants should provide viability evidence through an 'open book' approach to allow for the proper review of evidence submitted and for reasons of transparency.

Policy HS2: Affordable Housing Provision

- 1) The Council will work with public and private sector partners to seek to ensure that there is a sufficient supply of good quality affordable housing, particularly in the areas of highest need by:
 - a) Supporting and facilitating the acquisition and adaptation of existing housing by registered providers;
 - b) Working proactively with registered providers to identify sites and deliver schemes to provide affordable housing; and
 - c) Requiring the provision of affordable housing through all housing developments of over 10 units, unless the applicant can demonstrate that a site, which would otherwise be supported by the policies in the Plan and meets the requirements of Policies SP4 and SP5, would not be viable with affordable housing provision on-site or off-site by way of a contribution.
- 2) The exact amount of financial contribution/number and tenure of affordable units will be determined by economic viability having regard to individual site and market conditions.
- 3) Any affordable housing required should be provided:
 - i) on-site where this can be achieved without compromising other important policy considerations⁴² or viability; or
 - ii) off-site where on-site provision has been satisfactorily demonstrated not to be justified under i) and where it can be demonstrated that the contribution would facilitate the delivery of affordable housing of an appropriate type at a suitable policy-compliant site.
- 4) All new affordable housing should be designed to minimise indications of its tenure in order to facilitate inclusive communities.
- 5) Where affordable housing is being delivered, the Council will seek to ensure an appropriate tenure mix using the following percentages as a guide (and sizes and types as set out in Policy HS3).
 - Affordable Rent or Social Rent: 80%
 - Intermediate tenure: 20%

Appendix B: NPPF Definition of Affordable Housing

NPPF 2019:

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Appendix C: References

Legislation

Available at: <http://legislation.gov.uk>

National Planning Policy

National Planning Policy Framework:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance

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

Infrastructure

The Burnley Infrastructure Delivery Plan (IDP):

<https://www.burnley.gov.uk/residents/planning/planning-policy/burnleys-local-plan/burnleys-infrastructure-delivery-plan>

Lancashire County Council non-statutory policy on planning obligations:

<https://www.lancashire.gov.uk/council/planning/planning-obligations-for-developers/>

Lancashire County Council Infrastructure and Planning – including

Annex 1: Highways

Annex 2: Education

Annex 3: Drainage and Flood Risk Management

<https://www.lancashire.gov.uk/media/909459/combined-document.pdf>

Viability

Burnley's Local Plan Viability Assessment 2017:

<https://www.burnley.gov.uk/residents/planning/planning-policy/burnleys-local-plan/evidence-base/local-plan-viability-assessment>

Green Spaces, Sport and other Community Facilities

Burnley's Green Space Strategy 2015 – 2025 and Appendices:

<https://www.burnley.gov.uk/sites/default/files/Green%20Spaces%20Strategy%20%202015%20-%202025.pdf>

<https://www.burnley.gov.uk/sites/default/files/Appendices%20for%20GSS%20Exec%20Report%2015.09.14.pdf>

Burnley Play Area Strategy 2017 – 2026:

<https://www.burnley.gov.uk/sites/default/files/Burnley%27s%20Play%20Provision%20Strategy%20%202017%20-%202026.pdf>

Rossendale, Pendle and Burnley Playing Pitch Strategy 2016 – 2026:

<https://www.burnley.gov.uk/sites/default/files/Rossendale%20Burnley%20Pendle%20Playing%20Pitch%20Strategy%202016%20-%202026%28published%29.pdf>

Burnley Green Infrastructure Strategy:

<https://www.burnley.gov.uk/residents/planning/planning-policy/burnleys-local-plan/evidence-base/burnley-green-infrastructure-strategy>

Indoor Sports Facility Review (2015) Burnley Borough Council:

<http://www.burnley.gov.uk/residents/planning/planning-policy/burnleys-emerging-local-plan/evidence-base/sports-studies>

Transport

Lancashire County Council Local Transport Plan 2011 – 2021

https://www.lancashire.gov.uk/media/191267/LTP3_through_full_council.pdf

East Lancashire Highways and Transport Masterplan (2014) Lancashire County Council and Blackburn with Darwen Borough Council:

<http://www.lancashire.gov.uk/council/strategies-policies-plans/roads-parking-and-travel/highways-and-transport-masterplans/east-lancashire-highways-and-transport-masterplan>

Burnley Highways Impact Assessment Jacobs for Lancashire County Council and Burnley Borough Council March 2017

www.burnley.gov.uk/residents/planning/planning-policies/burnleys-emerging-local-plan/evidence-base/transport-studies

Flood Risk

Strategic Flood Risk Assessment

<https://www.burnley.gov.uk/residents/planning/planning-policy/burnleys-local-plan/evidence-base/strategic-flood-risk-assessment>

Playing Fields Policy and Guidance (2018) Sport England

<https://www.sportengland.org/media/12940/final-playing-fields-policy-and-guidance-document.pdf>



Report to the Executive



DATE	10th December 2019
PORTFOLIO	Leisure
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Proposed Public Space Protection Orders (Dog Control)

PURPOSE

1. To report the outcome of public consultation on Public Space Protection Orders for the control of dogs and to seek the approval of the Executive for the of these orders.

RECOMMENDATION

2. The Executive is recommended to:
 1. Consider the results of public consultation on the Public Space Protection Orders
 2. Approve the control orders that are set out in Appendix 1.
 3. Authorise the Head of Legal Services & Democratic Services to execute all documents necessary to give effect to this decision.

REASONS FOR RECOMMENDATION

3. The introduction of Public Space Protection Orders requires consideration of public consultation responses and the approval of the Executive.

SUMMARY OF KEY POINTS

4 Introduction

The Council recognises that owning a dog brings great enjoyment and benefits the health and wellbeing of owners. The Council also recognises that the vast majority of dog owners are responsible; they pick up after their dogs and keep them under proper control.

However, there remains a small minority of people who do not exercise such responsibility for their dogs and the Council requires enforcement powers to protect the health and safety of the public.

5 Background to Dog Control Orders

The Council has undertaken enforcement against dog fouling using fixed penalty notices since 2001, when it implemented the powers made available through the Dogs (Fouling of Land) Act.

In 2011 the Dogs (Fouling of Land) Act was superseded by the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations. Prior to introducing these, the Council undertook extensive public consultation and prescribed four offences:

1. Failing to remove dog faeces
2. Not keeping a dog on a lead (at specified locations)
3. Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer
4. Permitting a dog to enter land from which dogs are excluded (at specified locations)

The existing Dog Control Orders automatically converted to Public Space Protection Orders in 2017. However, the Home Office's statutory guidance requires local authorities to review PSPO's periodically and undertake public consultation to ensure that the interests of different groups are balanced.

6 Public Consultation

Consultation was undertaken through an online questionnaire which was available to complete on the Council's website and which was promoted through press and social media coverage. The questionnaire asked for the public's views on the continuation of the existing Dog Control Orders and sought views on the introduction of four new controls, as listed below;

1. Should a person in control of a dog be fined for failure to show they are carrying a dog poo bag or other appropriate receptacle?
2. Should dogs should be permitted in Queens Park on a lead? (dogs are currently excluded)
3. Should dogs should be excluded from the Towneley war memorial pond?
4. Should dogs be kept on a short leash in cemeteries and churchyards, with extendable leads retracted?

554 surveys were completed, and these were analysed separately for dog owners (379 surveys) and non-dog owners (165 surveys). The results are summarised below and are shown in more detail in the accompanying Appendix 2.

7 Existing PSPO: Failing to Remove Faeces

Question: *Do you agree or disagree that a Fixed Penalty Notice for a £75 fine should be issued to a person who is in charge of a dog and who fails to clear up its poo in a public area?*

	Non-Owners	Dog Owners
Strongly agree	92%	66%
Agree	7%	26%
Neither agree nor disagree	0%	3%
Disagree	1%	3%
Strongly disagree	1%	3%
Don't know	0%	0%

The consultation identified strong support for the introduction of an order permitting the council to issue fines for dog owners who fail to pick up dog mess.

Recommendation: The Council should continue to issue fixed penalty notices for dog fouling.

8 Proposed PSPO: Requirement to carry spare dog poo bags

Question: *Some councils issue fines to dog walkers if they are unable to produce an unused dog poo bag when requested. Burnley Council currently does not. We would like your view on whether the Council should introduce this requirement. Do you agree or disagree that a person in control of a dog should be fined for failure to show that they are carrying a dog poo bag or other appropriate receptacle to remove dog poo?*

	Non- Owners	Dog Owners
Strongly agree	71%	28%
Agree	18%	23%
Neither agree nor disagree	4%	11%
Disagree	5%	21%
Strongly disagree	2%	15%
Don't know	0%	1%

A large majority (89%) of non-owners and a small majority of dog owners (52%) agree that fines should be issued to persons not carrying spare bags.

In deciding whether to introduce this order, the Council needs to consider whether enforcing such an order would be beneficial. There is a risk that the goodwill of responsible dog owners could be lost if they feel aggrieved because they are stopped and asked to produce bags, whilst less responsible dog owners would merely need to carry a spare bag to avoid a fine (whether or not they use it). There are also likely to be more appeals to these FPNs from dog walkers claiming to have used up all their spare bags.

Recommendation: The Council should not adopt an order that requires owners to produce spare bags.

9 Existing PSPO: Dogs on Leads

Question: Do you agree or disagree that dogs should be on a lead at all times in the following areas?

% of respondents that agree or strongly agree	Non-Owners	Dog Owners
Cemeteries	98%	92%
Car parks	94%	81%
Highways, pavements and pedestrianised areas	98%	89%
Bowling greens	93%	79%
Towneley Park:, ornamental gardens around Hall, Barwise picnic area and Rabbit Walk (across 18-hole golf course)	94%	57%
Scott Park: Ornamental areas around main entrance, tennis courts and play area	91%	56%
Memorial Park: Ornamental gardens around Knight Hill House, war memorial and air crash memorial	89%	51%

The consultation identified strong support from non-owners and owners for dogs to continue to be kept on leads in all of the areas identified. These are all existing PSPOs. Support from dog owners is less for the requirement to have dogs on lead in the ornamental area of Towneley, Scott and Memorial Parks. In these areas, dogs running off lead is disruptive to the quiet enjoyment of these spaces and dogs cause damage to ornamental planting.

Recommendation: The order that requires dogs to be kept on leads at all times in the areas identified should be continued.

10 Proposed PSPO: Use of Retracted Leads in Cemeteries and Crematoria

Question: *Do you agree or disagree that in cemeteries, crematoriums, churchyards and burial grounds, extendable leads must be retracted at all times (i.e. the dog should be kept on a short leash in these areas)?*

% of respondents that agree and strongly agree	Non- Owners	Dog Owners
Requirement for retracted leads in cemeteries & crematoria	91%	65%

The majority support a requirement for short leads in these locations, which will help to prevent dogs running over graves, which can occur with the long run-out on retractable leads that are often used by dog owners.

Recommendation: The dogs on lead order for cemeteries, crematoria and graveyards should be modified to require dogs to be kept on a lead of no more than 2m in length at all times.

11 Existing PSPO: Dogs on Lead by Order

The current PSPO contains an order that requires owners to put their dog on a lead if an authorised officer considers it necessary for reasons of safety. The recent public consultation did not include a question on this order.

This order is infrequently used by enforcement officers to direct a dog walker to control their dog (usually where dogs are being aggressive to other dogs) and it has not been necessary to issue any FPNs for non-compliance.

Recommendation: The existing Dogs on Lead by Order PSPO should be continued.

12 Existing PSPO: Exclusion of Dogs from Certain Areas

Question: Do you agree or disagree that dogs should be excluded from the following areas?

% of respondents that agree and strongly agree	Non-Owners	Dog Owners
Play areas, tennis & ball courts	96%	66%
Towneley golf courses	88%	55%
Thompson Park	83%	20%
Towneley war memorial reflective pond	70%	20%

Consultation identified strong support amongst both non-owners and owners for dogs to be excluded from the areas identified except Thompson Park and the Towneley war memorial pond.

The exclusion of dogs from Thompson Park, which has been in place since the late 1970s, should be continued because of the type of facilities including the paddling pool, miniature railway, boating lake and ornamental gardens.

The proposal to exclude dogs from the Towneley war memorial pond is a new order that is required because dog owners allow dogs to splash about in the reflective pond and this is both disrespectful and causes the pond filter to become blocked with dog hairs.

Recommendation: Dogs should be excluded from the areas identified.

13 Amendment to Dog Exclusion PSPO: Permitting Dogs on Lead in Queens Park

Question: *Currently, dogs are excluded from Queens Park. The Council, in response to a request from the Friends of Queens & Thompson Park, is considering whether dogs should be allowed in Queens Park on a lead. Please give us your opinion below.*

% of respondents that agree and strongly agree	Non-Owners	Dog Owners
Dogs should not be allowed in Queens Park.	67%	12%
Dogs should be allowed in Queens Park if kept on a lead at all times.	32%	85%

67% of non-owners wish the existing exclusion of dogs from Queens Park to continue, whilst 85% of owners wish dogs to be permitted, if kept on a lead. No dog owners currently walk their dogs in the park and so no benefit is being removed if the current restriction remains.

The Friends of Queens and Thompson Park were supported consultation on the permitting dogs on lead. However, taking account of the outcome of the consultation, the group prefers the existing 'no dogs' restriction to remain.

Recommendation: The existing PSPOs that excludes dogs from Queens Park should remain unchanged.

14 Review by the Dog Fouling Working Group

This report was referred to the Dog Fouling Working Group, which considered the report and agreed with the recommendations that are made.

15 Introduction and Enforcement of the Orders

If Executive approves the introduction of the Orders, they will come into force as soon as the orders have been completed under seal.

The Orders will be enforced by Kingdom, park rangers, the dog warden and other suitably authorised officers.

In most cases the Orders are simply confirming pre-existing restrictions on dogs. Where PSPOs are being applied for the first time, such as dogs on leads in certain areas, it will be necessary to provide signs and enforcement cannot commence until these are in place.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

16. It is a requirement under the regulations that land subject to a PSPOs must be adequately signed where it is practical to do so. The majority of signs are in place and any additional signs will be funded from GS&As 2019/20 revenue budget.

POLICY IMPLICATIONS

17. Introduction of PSPOs will help to tackle an issue which is a concern for local residents and help to improve the cleanliness and safety of the Borough

DETAILS OF CONSULTATION

As detailed in the report

BACKGROUND PAPERS

none

FURTHER INFORMATION

PLEASE CONTACT:

Simon Goff

ALSO:

Jonathan Jackson

Appendix 1

BURNLEY BOROUGH COUNCIL
PUBLIC SPACE PROTECTION ORDER (DOG CONTROL)
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 PART 4
SECTION 59 PUBLIC SPACES PROTECTION ORDER

The Public Spaces Protection Order shall come into effect on xxx for a period of 3 years.

Burnley Borough Council (“the Council”) in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied that the conditions set out in section 59 of the Act have been met, HEREBY MAKES the following Public Spaces Protection Order (“PSPO”).

1. FOULING OF LAND BY DOGS

(1a) This part of the Order applies to all public places in the Borough of Burnley

For these purposes, a “public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission

(1b) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless—

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(1c) Nothing in this article applies to a person who—

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(c) to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces; and farm dogs that are being used to herd or drive animals.

(1d) For the purposes of this section—

(a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;

(c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

(d) A prescribed charity is a charity that is an accredited member of Assistance Dogs UK (ASUK) Assistance Dogs International (ADI) or the International Guide Dogs Federation (IGDF)

2. DOGS ON LEADS

(2a) This Order applies to the following land

o All cemeteries, crematoriums, churchyards and burial grounds within the Borough of Burnley, in which dogs are to be kept on retracted leads of no more than 2m length at all times.

o All car parks and public vehicle parking areas maintained by the Borough of Burnley

o All highways, pavements, pedestrianised areas (e.g. St James Street & Charter Walk, etc) within the Borough of Burnley.

o Bowling greens within the Borough of Burnley

o In part of Towneley Park, Burnley

* Barwise picnic area

* The ornamental gardens around Towneley Hall

* The Rabbit Walk (crossing the golf course)

o In part of Scott Park, Burnley

* Ornamental area near the pavilions and play areas

o In part of Memorial Park, Padiham

* Ornamental area near Knight Hill House

(2b) A person in charge of a dog shall be guilty of an offence if at any time on any land to which this Order applies he does not keep the dog on a lead, unless—

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2c) For the purposes of this Order a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

(2d) Nothing in this article applies to a person who—

(a) to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces; and farm dogs that are being used to herd or drive animals.

3. THE DOGS ON LEADS BY DIRECTION

(3A) This Order applies to all land in the Borough of Burnley which is open to the air, including covered land which is open on at least one side, and to which the public are entitled or permitted to have access (with or without payment

(3b) A person in charge of a dog shall be guilty of an offence if at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Council to put and keep the dog on a lead, unless—

(a) he has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(3c) For the purposes of this article—

(a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) an authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person or the worrying or disturbance of any animal or bird.

(c) to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty's armed forces; and farm dogs that are being used to herd or drive animals.

4. THE DOGS EXCLUSION

(4a) This Order applies to the following land:

a) all children's equipped playgrounds (with or without fencing), and

all ball courts,

all tennis courts

all Multi Use Games Areas

within the Borough of Burnley

b) Thompson Park, Burnley

c) Queens Park, Burnley

d) Towneley Park, Burnley, golf courses (18 & 9 hole and pitch and putt) except on the Rabbit Walk footpath, Towneley war memorial pond.

(4b) For the purpose of this Order

(a) A "children's play area" is an area that is set aside for children to play in and contains children's play equipment such as a slide, swings, seesaw, climbing frame or other similar play apparatus.

(b) A children's play area is "enclosed" if it is surrounded on all sides by fences, gates, walls or other structures that mark the extent of the play area.

(c) An enclosed Multi Use Games Area is "enclosed" if it is surrounded on all sides by fences, gates, walls or other structures that mark the extent of the area.

(4c) A person in charge of a dog shall be guilty of an offence if he takes the dog on to, or permits the dog to enter or to remain on, any land to which this order applies unless –

(a) he has a reasonable excuse for doing so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

(4d) Nothing in this article applies to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by a prescribed charity and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(4e) For the purposes of this Order-

(a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and

(b) A prescribed charity is a charity that is an accredited member of Assistance Dogs UK (ASUK) Assistance Dogs International (ADI) or the International Guide Dogs Federation (IGDF)

5 Other matters

(5a) Authorised Officer

In this Order “an authorised officer” means an authorised officer of the Council, a police officer, a police community support officer, an officer accredited under the community safety accreditation scheme as designated by the council or contractor of the Council who is authorised in writing by the Council for the purposes of giving directions under the Order.

(5b) An authorised officer may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order.

If an authorised officer proposes to give a person a notice under this Public Space Protection Order, the officer may require the person to give him his name and address.

(5c) A person commits an offence if—

(a) he fails to give his name and address when required to do so under subsection (5b) above, or

(b) he gives a false or inaccurate name or address in response to a requirement under that subsection.

(5d) A person guilty of an offence under subsection (5c) above is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5e) Any interested person (an individual who lives, works in or regularly visits) in the restricted area who desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, may apply to the High Court within six weeks from the date upon which this Order is made.

6. Penalty

(6a) A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to be offered an FPN at an amount determined by the Council (currently £75).

THE COMMON SEAL of the **COUNCIL**

OF the BOROUGH OF BURNLEY

was hereunto affixed this xx day of xxxxx

in the in the presence of:

Authorised Signatory

Authorised Signatory

REPORT TO EXECUTIVE



DATE	10 December 2019
PORTFOLIO	Resources & Performance Management
REPORT AUTHOR	Asad Mushtaq
TEL NO	(01282) 425011 ext 7173
EMAIL	amushtaq@burnley.gov.uk

Fees & Charges Tariff 2020/21
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PURPOSE

1. To inform Members of the Council’s proposed fees and charges from 1 January 2020.

RECOMMENDATION

That the Executive recommend to Full Council:

2. Approval of the proposed tariff of fees & charges from 1 January 2020 with an increase of 2% as outlined in Appendix A attached.
3. To authorise the Head of Finance and Property, in consultation with the relevant Head of Service, to determine any new charges or changes to existing charges relating to the preparation and approval of the 2020/21 revenue budget.
4. To authorise the Executive Portfolio Members to amend fees & charges periodically in their own area on the basis that overall income in their portfolio area remains the same as a minimum.
5. To authorise the Strategic Head of Economy and Growth, in consultation with the Executive Member for Resources and Performance Management and the Head of Finance and Property, to adjust fees and charges in relation to the Markets service from time to time to reflect current trading conditions and the overall position of the market.

REASONS FOR RECOMMENDATION

6. To set the Council’s fees and charges from 1 January 2020 and assist in finalising the 2020/21 budget process.

SUMMARY OF KEY POINTS

7. In line with the Council's commercial strategy, Heads of Service were asked to:
 - a) ensure that no charge has been omitted and the schedule is complete,
 - b) confirm increases at an overall 2% for the service (excluding areas where either no increase is proposed or where they are set statutorily),
 - c) confirm that the fees and corresponding VAT rates are correct,
 - d) confirm the date of the fee increase,
 - e) give notification of any potential new areas for the introduction of fees and charges within their service area and of the proposed level of such fees and charges from 1 January 2020,
 - f) make suggestions/proposals as to where income can be found in future to help alleviate the Council's budget pressures as identified in the Medium Term Financial Strategy, and
 - g) identify where services are being provided at a subsidy and where fees and charges should be increased by more than 2% in order to maintain the viability of service provision.
8. A summary of the key points of the proposed fees and charges are:
9. Local Land Charges
There will be no increase in Local Land Charges fees.
10. Garden Waste Collection Charges
There will be no increase in the annual charge for Green Waste Collection in 2020/21.
11. Building Control Fees
There has been an increase in two specific fee areas: 'Installation of Windows and Doors' has been increased by 8% and 'Renovation of a Single Thermal Element' has been increased by 9%. This is to bring these charges in line with those of other Local Authorities. No other increases to charges have been applied. The fees were ratified by the Pennine Lancashire Building Control Joint Committee on 19 November 2019. Income from fees and charges is for fee-earning work and used to offset costs. Any excess income is transferred to an earmarked reserve in Blackburn's accounts for future use in providing the service. Therefore, it does not result in any increased income to the Council as they form part of the shared service with Blackburn with Darwen Council.
12. Car Parking
Following feedback from businesses through the recent Business Improvement District (BID) consultation, the current years pay & display and contract parking charges have been frozen for a period of 12 months. This is intended to help support general trading conditions within the borough. Contract parking was last increased January 2019 however pay and display parking charges have not been increased since January 2016.
13. Commercial Waste
Commercial waste annual contracts will increase by between 5% and 6%. This equates to a £2.50 increase for general waste sacks. The increase to bin charges will be as follows: £0.25 for a 240 litre bin, £0.45 for a 360 litre bin, £0.60 for a 660 litre bin and £1.00 for a 1,100 litre bin, per bin per lift. This is to cover the anticipated increase in

Lancashire County Council disposal charges. There will be no increases to container costs or the Recycling Annual Contract charge.

14. Fixed Penalty Notices

Littering Fixed Penalty Notices are to increase by 6%, which is a £5 increase. Dog Fouling Fixed Penalty Notices are to increase by 33% in line with the Working Group recommendation due to the nature of the offence and that is more difficult to catch offenders. This equates to a £25 increase. There is no increase to Side Waste Fixed Penalty Notices. Car Parking Fixed Penalty Notices are to be increased by 2%, which is a £1 increase.

15. Licensing fees

Licensing fees are to be increased by 2%, where the charge is not statutory.

16. Taxi Licensing

Taxi Licensing fees are set by Licensing Committee and are to be considered at their meeting in November 2019.

17. Towneley Hall

An updated fee structure has been introduced at Towneley Hall, especially around events to reflect the services currently on offer.

18. Cemeteries & Crematorium

Cemetery and Crematorium charges have been benchmarked against the charges of neighbouring authorities. Following this exercise it has been decided to freeze the current year's charges for a period of 12 months.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

19. The assumed increase in income from the proposed changes to the fees and charges tariff presented in this report is approximately £36k in 2020/21.

POLICY IMPLICATIONS

20. None directly as a consequence of this report.

DETAILS OF CONSULTATION

21. None.

BACKGROUND PAPERS

22. None.

FURTHER INFORMATION

PLEASE CONTACT:

Amy Johnson – Principal Accountant

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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COMMUNITY SERVICES

GREEN SPACES & AMENITIES

CEMETERIES

Interment Fees

Stillborn - 12 month	-	-	-	-	-		
Over 1 year - 17 years	-	323.00	-	323.00	zero	n/a	
18 years and over	-	1,237.00	-	1,237.00	zero	n/a	
Where Casket is used	-	1,437.00	-	1,437.00	zero	n/a	
Where Vault is used	-	1,437.00	-	1,437.00	zero	n/a	
Interment after appointed time	-	209.00	-	209.00	zero	n/a	
Interment of cremated remains	-	250.00	-	250.00	zero	n/a	

Interment Fees - Public Grave

Over 1 year - 17 years	-	203.00	-	203.00	zero	n/a	
18 years and over	-	415.00	-	415.00	zero	n/a	
Service in Cemetery Chapel	-	154.00	-	154.00	zero	n/a	

Removal & Replacement

Headstones (remove and re-fix to National Association of Memorial Masons standards)	-	192.00	-	192.00	zero	n/a	
Sidestones	-	158.00	-	158.00	zero	n/a	
Chippings	-	96.00	-	96.00	zero	n/a	

Right to Erect Memorials

Headstone (900mm maximum)(including first inscription)	-	265.00	44.17	220.83	20.00	n/a	
Wooden Cross	-	51.00	8.50	42.50	20.00	n/a	
Vase without inscription and under 300 mm		FOC		FOC			
Otherwise	-	97.00	16.17	80.83	20.00	n/a	
Inscription (each)	-	51.00	8.50	42.50	20.00	n/a	

Construction

Vault - Single Space/Depth	-	2,439.00	-	2,439.00	zero	n/a	
Vault - Double Space		At Cost		At Cost	zero	n/a	

Exclusive Right of Burial

Burnley							
Row 1 - 4	-	1,120.00	-	1,120.00	zero	n/a	

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Lawn Section	1,377.00	-	1,377.00	-	1,377.00	zero	n/a	
Half Grave (for burial of ashes only)	444.00	-	444.00	-	444.00	zero	n/a	
Any other row	1,120.00	-	1,120.00	-	1,120.00	zero	n/a	
Additional charge for Vault	703.00	-	703.00	-	703.00	zero	n/a	
Purchase of above by Non-Resident of Burnley Borough								
Miscellaneous								
Search of Register	FOC		FOC		FOC			
<u>Padiham Garden of Remembrance</u>								
Use of Memorial Stone	128.00	-	128.00	-	128.00	zero	n/a	
Use of Niche for one person	236.00	-	236.00	-	236.00	zero	n/a	
Additional remains in Niche	149.00	-	149.00	-	149.00	zero	n/a	
<u>CREMATORIUM</u>								
<u>Cremation</u>								
Stillborn - 12 month	-		-	-	-	-		
Over 1 year - 17 years	219.00	-	219.00	-	219.00	zero	n/a	
18 years and over	764.00	-	764.00	-	764.00	zero	n/a	
Medical Referee	18.00	-	18.00	-	18.00	zero	n/a	
Additional fee for Saturday & 12.30 additional time	211.00	-	211.00	-	211.00	zero	n/a	
<u>Entries in Book of Remembrance</u>								
2 line	111.00	-	111.00	18.50	92.50	20.00	n/a	
5 line	173.00	-	173.00	28.83	144.17	20.00	n/a	
8 line	255.00	-	255.00	42.50	212.50	20.00	n/a	
5 line with flower emblem	239.00	-	239.00	39.83	199.17	20.00	n/a	
5 line with Badge	266.00	-	266.00	44.33	221.67	20.00	n/a	
6 line with Coat of Arms	341.00	-	341.00	56.83	284.17	20.00	n/a	
<u>Remembrance Cards</u>								
With 2 line inscription	69.00	-	69.00	11.50	57.50	20.00	n/a	
With 5 line inscription	81.00	-	81.00	13.50	67.50	20.00	n/a	
With 8 line inscription	110.00	-	110.00	18.33	91.67	20.00	n/a	
Additional 2 line inscription	41.00	-	41.00	6.83	34.17	20.00	n/a	
Additional 5 line inscription	54.00	-	54.00	9.00	45.00	20.00	n/a	
Additional 8 line inscription	63.00	-	63.00	10.50	52.50	20.00	n/a	
Additional cost for flower emblem (only with 5 or 8 line entry)	69.00	-	69.00	11.50	57.50	20.00	n/a	
<u>Retaining of Ashes</u>								
After 1 month (per month)	72.00	-	72.00	-	72.00	zero	n/a	

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2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Scattering of Ashes

Cremation not at Burnley

72.00	-	72.00	-	72.00	zero	n/a	
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Memorial Wall

Lakeland stone plaque

(plus lettering per letter - existing walls only, new walls subject to new price list)

Additional inscription admin charge (plus lettering)

Emblem

Renewal of lease at end of agreement per 5 years

552.00	-	552.00	92.00	460.00	20.00	n/a	
3.00	-	3.00	0.50	2.50	20.00	n/a	
42.00	-	42.00	7.00	35.00	20.00	n/a	
40.00	-	40.00	6.67	33.33	20.00	n/a	
75.00	-	75.00	12.50	62.50	20.00	n/a	

Tree of Remembrance

Engraved Remembrance Leaf

60.00	-	60.00	10.00	50.00	20.00	n/a	
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Ash Plots

Exclusive right of burial (40 years)

Interment fee

Right to erect memorial

Foundation

444.00	-	444.00	74.00	370.00	20.00	n/a	
250.00	-	250.00	41.67	208.33	20.00	n/a	
281.00	-	281.00	46.83	234.17	20.00	n/a	
25.00	-	25.00	4.17	20.83	20.00	n/a	

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PARKS - OUTDOOR SPORTS ACTIVITIES & EVENTS

Events - Towneley Park

Local Organisations

Non Resident Organisation - per event

Funfair Events

169.60	2.00	173.00	28.83	144.17	20.00	1-Jan-20	
432.35	2.00	441.00	73.50	367.50	20.00	1-Jan-20	
POA		POA					

Towneley Park

Cricket

Football pitches (from 1st August each year)

Grade A - (changing, showers & attendant)

Prairie, Fennyfold, Towneley

55.70	2.00	56.80	9.47	47.33	20.00	1-Jan-20	
55.70	2.00	56.80	9.47	47.33	20.00	1-Jan-20	

Grade B (pitch only)

Queens Park, Worsthorpe, Stoneyholme, Hapton

39.05	2.00	39.85	6.64	33.21	20.00	1-Jan-20	
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Barden Central Arena

Burnley United A F C per season

n/a not charged in lieu of cleaning and management

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Junior Football

Hire of Junior pitch

Use of changing accommodation only

12.10	2.00	12.35	2.06	10.29	20.00	1-Jan-20	
12.10	2.00	12.35	2.06	10.29	20.00	1-Jan-20	

ALLOTMENTS

Allotment Rent per m²

Concessionary Rental (50%)

Water

Admin fee for setting up of new tenancy agreements

0.28	2.00	0.29	-	0.29	zero	n/a	
0.14	2.00	0.14	-	0.14	zero	n/a	
14.80	2.00	15.10	-	15.10	zero	n/a	
12.05	2.00	12.30	2.05	10.25	20.00	n/a	

Note : Allotments users require 3 months notice of any price increases.

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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TOWNELEY

Car Parking - Pay & Display

Riverside - per day	1.50	2.00	1.50	0.25	1.25	20.00	1-Jan-20
Towneley Hall - per hour	0.80	2.00	0.80	0.13	0.67	20.00	1-Jan-20
9 Hole Golf - per day	1.50	2.00	1.50	0.25	1.25	20.00	1-Jan-20
Causeway End / Golf Course - per day	2.00	2.00					
Barwise per day	1.50	2.00	1.50	0.25	1.25	20.00	1-Jan-20

Car Parking - Contracts (per annum)

Towneley Hall	60.00	2.00	61.00	10.17	50.83	20.00	1-Jan-20
Riverside	39.00	2.00	40.00	6.67	33.33	20.00	1-Jan-20
Barwise	39.00	2.00	40.00	6.67	33.33	20.00	1-Jan-20
Woodgrove	60.00	2.00	61.00	10.17	50.83	20.00	1-Jan-20

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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TOWNELEY HALL

Guided Tours

Local Links Subscription Scheme for Schools per annum	224.30	2.00	n/a				updated fee structure - see below
Adults Day - Per Guide (up to 25 people)	202.20	2.00	n/a				
Unbooked (per person)	5.70	2.00	n/a				
Unbooked (children)	3.30	2.00	n/a				
Adults Evening (per person) (minimum 25 people)(including tea & coffee)	10.40	2.00	n/a				
School Groups - per person	3.70	2.00	n/a				
School Groups - with actors	5.10	2.00	n/a				

Use of Hall

Commercial Photography (non Burnley Firms)	1,061.20	2.00	n/a				updated fee structure - see below	400-1,000
Great Hall	636.70	2.00	n/a					300-600
Daytime Events by negotiation (Regency Rooms)	636.70	2.00	n/a					300-600
Evening Events by negotiation (Regency Rooms)	1,061.20	2.00	n/a					500-1,000
Lecture Theatre	424.40	2.00	n/a					200-400
Library	73.80	2.00	n/a					31.20
Great Hall & both Regency Rooms	2,122.40	2.00	n/a					500-2,000

Conference & Meeting Courses

Day Delegate Rate - includes room hire, 2 servings of tea / coffee & light buffet lunch per person (basic standard AV equipment included)	34.80	2.00	n/a				updated fee structure - see below	
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Additional Equipment & Services

TV & Video	79.10	2.00	n/a				updated fee structure - see below	
Photocopies per sheet (up to 50)	0.25	2.00	n/a					
Photocopies per sheet (over 50)	0.10	2.00	n/a					

Wedding Charges

Red Regency Room - wedding only (Mon - Thurs)	655.70	2.00	n/a				updated fee structure - see below	300-600
Red Regency Room - wedding only (Fri - Sun)	1,639.50	2.00	n/a					600-1,500
Red & Green Rooms - wedding only	1,093.00	2.00	n/a					600-1,000
Great Hall & Red & Green Rooms - special rate	2,186.00	2.00	n/a					1,000-2,000
Marquee Site Fee	546.50	2.00	n/a					

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Wedding - Special Offer Packages

Basic - Wedding ceremony & drinks reception	2,156.65	2.00	n/a				updated fee structure - see below
Deluxe - Wedding breakfast, drinks & toastmaster	3,171.30	2.00	n/a				
Premier - Wedding ceremony, drinks, breakfast, drinks package & toastmaster	4,440.05	2.00	n/a				

Wedding - New Special Offer Packages

Friday & Saturday - Daytime (min 70 guests) Hall - price per person	70.90	2.00	n/a				updated fee structure - see below
Friday & Saturday - Evening (min 100 guests) Stables - price per person	16.30	2.00	n/a				
Sunday to Thursday - Daytime (min 70 guests) Hall - price per person	60.00	2.00	n/a				
Sunday to Thursday - Evening (min 100 guests) Stables - price per person	16.30	2.00	n/a				

Towneley Hall Catering Equipment (related to Marquee events)

5 foot round Banqueting Tables - per table	11.20	2.00	n/a				updated fee structure - see below
Red Banqueting Chairs - per chair	3.35	2.00	n/a				
Occasional Tables - per table	4.50	2.00	n/a				
Trestle Tables - per table	6.85	2.00	n/a				

Other items by negotiation

Chair covers	3.25	2.00	n/a				updated fee structure - see below
Chair covers & bows	4.40	2.00	n/a				
Banquet cloths	5.45	2.00	n/a				
Banquet chairs	3.25	2.00	n/a				

Guided Tours

Local Links Subscription Scheme for Schools - per annum	219.30	2.00	223.70	37.28	186.42	20.00	1-Jan-20
Daytime - per person	8.00	2.00	8.15	1.36	6.79	20.00	1-Jan-20
Evening - per person	12.00	2.00	12.25	2.04	10.21	20.00	1-Jan-20
School Groups per person - half day	2.50	2.00	2.55	0.43	2.12	20.00	1-Jan-20
School Groups per person - full day	5.00	2.00	5.10	0.85	4.25	20.00	1-Jan-20

Use of Hall

Commercial Photography	300.00	2.00	306.00	51.00	255.00	20.00	1-Jan-20
Filming Fees	1,000.00	2.00	1,020.00	170.00	850.00	20.00	1-Jan-20
Great Hall (by negotiation) fees start from	600.00	2.00	612.00	102.00	510.00	20.00	1-Jan-20 *
up to	1,000.00	2.00	1,020.00	170.00	850.00	20.00	1-Jan-20 *
Regency Rooms Daytime Events (by negotiation) fees start from	600.00	2.00	612.00	102.00	510.00	20.00	1-Jan-20 *
up to	1,000.00	2.00	1,020.00	170.00	850.00	20.00	1-Jan-20 *
Regency Rooms Evening Events (by negotiation) fees start from	600.00	2.00	612.00	102.00	510.00	20.00	1-Jan-20 *
up to	1,000.00	2.00	1,020.00	170.00	850.00	20.00	1-Jan-20 *
Lecture Theatre (by negotiation) fees start from	100.00	2.00	102.00	17.00	85.00	20.00	1-Jan-20

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
up to	300.00	2.00	306.00	51.00	255.00	20.00	1-Jan-20	
Great Hall & both Regency Rooms (by negotiation) fees start from	500.00	2.00	510.00	85.00	425.00	20.00	1-Jan-20	*
up to	3,500.00	2.00	3,570.00	595.00	2,975.00	20.00	1-Jan-20	*
* 50% discount for Charities								
<u>Conferences & Meetings</u>								
Lecture Theatre Room Hire - fees start from	100.00	2.00	102.00	17.00	85.00	20.00	1-Jan-20	*
up to	300.00	2.00	306.00	51.00	255.00	20.00	1-Jan-20	*
Tea & Coffee per person per serving	1.00	2.00	1.00	0.17	0.83	20.00	1-Jan-20	
* 50% discount for Charities								
<u>Wedding Charges</u>								
Regency Rooms - ceremony only fees start from	350.00	2.00	357.00	59.50	297.50	20.00	1-Jan-20	
up to	1,500.00	2.00	1,530.00	255.00	1,275.00	20.00	1-Jan-20	
Great Hall & Regency Rooms ceremony & afternoon reception up to 7pm								
fees start from	500.00	2.00	510.00	85.00	425.00	20.00	1-Jan-20	
up to	3,500.00	2.00	3,570.00	595.00	2,975.00	20.00	1-Jan-20	
Photography - grounds/formal gardens	60.00	2.00	61.00	10.17	50.83	20.00	1-Jan-20	
Photography - grounds/formal gardens & inside	100.00	2.00	102.00	17.00	85.00	20.00	1-Jan-20	
<u>Entrance Fees</u>								
Adult - 12 month pass	5.00	2.00	5.10	0.85	4.25	20.00	1-Jan-20	*
50% reduction on wedding & event days due to rooms being closed								
* Free admission for children and students								
<u>THOMPSON PARK</u>								
Car Parking - Pay & Display								
Thompson Park - per day	2.00	2.00	2.00	0.33	1.67	20.00	1-Jan-20	

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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STREETSCENE

CAR PARKING CHARGES

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

Short Stay Car Parks

**Elizabeth St / Grimshaw St / Standish St / Parker Lane /
William Thompson / Orchard Bridge / Cow Lane 1 & 2 / Pioneer 1 /
Sutcliffe St / Thomas St**

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

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

Victoria

0-1 hour	} Saturday only	1.00	-	1.00	0.17	0.83	20.00	n/a
1-2 hours		1.60	-	1.60	0.27	1.33	20.00	n/a
2-3 hours		2.10	-	2.10	0.35	1.75	20.00	n/a
3 Hours plus		5.60	-	5.60	0.93	4.67	20.00	n/a
Disabled pass holders - up to 3 hrs		Free		Free				

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

Pioneer 2 / King St

0-1 hour	} Monday - Saturday	1.00	-	1.00	0.17	0.83	20.00	n/a
1-2 hours		1.60	-	1.60	0.27	1.33	20.00	n/a
2-3 hours		2.10	-	2.10	0.35	1.75	20.00	n/a
3 Hours plus		3.80	-	3.80	0.63	3.17	20.00	n/a
Disabled pass holders - up to 3 hrs		Free		Free				

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

Long Stay Car Parks

Finsley Gate 2 / Centenary Way

Monday - Saturday per visit		3.80	-	3.80	0.63	3.17	20.00	n/a
Sundays & Bank Holidays		Free		Free				
Disabled pass holders - up to 3 hrs		Free		Free				

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

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Contracts

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

William Thompson / Royle Road

per quarter Monday to Friday (inclusive)

per quarter Monday to Saturday (inclusive)

185.70	-	185.70	30.95	154.75	20.00	n/a	
222.90	-	222.90	37.15	185.75	20.00	n/a	

Other Contracts Charges

Staff Car Parking Charges - Operational

Staff Car Parking Charges - Non-Operational

Part Time Employees / Members Car Parking Charges

297.90	-	297.90	49.65	248.25	20.00	n/a	
342.30	-	342.30	57.05	285.25	20.00	n/a	
pro rata		pro rata					

PEST CONTROL & WASTE

Pest Control *

Flea & Bed Bug Sprays

Wasps Nests

Commercial

53.70	2.00	54.80	9.13	45.67	20.00	1-Jan-20	
53.70	2.00	54.80	9.13	45.67	20.00	1-Jan-20	
60.00	2.00	61.20	10.20	51.00	20.00	1-Jan-20	

* Charges start from

Waste & Recycling Collection Containers

Replacement per residual waste and recycling wheeled bin

Residual waste and recycling wheeled bin at new build properties

Recycling Box & Lid

White Sacks

First green waste wheeled bin

Additional green waste wheeled bin

Provision of 1100L container for new build apartments/flats

Annual charge for Green Waste Collection

29.95	2.00	30.50	-	30.50	zero	1-Jan-20	
29.95	2.00	30.50	-	30.50	zero	1-Jan-20	
FOC		FOC					
FOC		FOC					
FOC		FOC					
29.95	2.00	30.50	-	30.50	zero	1-Jan-20	
407.20	2.00	415.30	69.22	346.08	20.00	1-Jan-20	
30.00	-	30.00	-	30.00	zero	1-Jan-20	

Bulky & White Goods (One collection covers one white good or up to four bulky items)

Charge per collection

13.50	2.00	13.80	-	13.80	zero	1-Jan-20	
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Back Yard Clearances

Back Yard Clearances

Fixed Penalty Notices

Littering

Dog Fouling

75.00	6.00	80.00	-	80.00	zero	1-Jan-20	
75.00	33.00	100.00	-	100.00	zero	1-Jan-20	

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Side Waste

75.00 - 75.00 - 75.00 zero n/a

Car Parking - Lower

50.00 2.00 51.00 - 51.00 zero 1-Jan-20 *

Car Parking - Higher

70.00 2.00 71.00 - 71.00 zero 1-Jan-20 *

* 50% discount if paid within 14 days

Default Works - Property repair works

Full Cost plus charge for staff time & administration

n/a

Officer time now accounted for instead

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Chargeable Commercial Waste*

Annual Contract

Container Costs	247.20	-	247.20	-	247.20	zero	n/a
General Waste Sack - Roll 25 Sacks	50.00	5.00	52.50	-	52.50	zero	1-Jan-20
240L bin - per bin lift	5.25	5.00	5.50	-	5.50	zero	1-Jan-20
360L bin - per bin lift	7.75	6.00	8.20	-	8.20	zero	1-Jan-20
660L bin - per bin lift	10.50	6.00	11.10	-	11.10	zero	1-Jan-20
1100L bin - per bin lift	16.50	6.00	17.50	-	17.50	zero	1-Jan-20
Recycling Annual Contract - Weekly Collections	240.00	-	240.00	-	240.00	zero	n/a

* Charges start from

CONTAMINATED LAND

Contaminated Land Report	195.75		no longer charged				
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STREET RENAMING & NUMBERING

Change of a house name / number	50.00	2.00	51.00	-	51.00	zero	1-Jan-20
Change of a building name	100.00	2.00	102.00	-	102.00	zero	1-Jan-20
Change of a street name	200.00	2.00	204.00	-	204.00	zero	1-Jan-20
- plus charge per property for a change of street name	20.00	2.00	20.00	-	20.00	zero	1-Jan-20

LICENSING

Other Licensing

Boarding New - 1 year (New 2018 Animal Welfare Regulation)	190.00	-	190.00	-	190.00	zero	n/a
2 year	254.00	-	254.00	-	254.00	zero	n/a
3 year	286.00	-	286.00	-	286.00	zero	n/a
Boarding Renew - 1 year (New 2018 Animal Welfare Regulation)	186.00	-	186.00	-	186.00	zero	n/a
2 year	251.00	-	251.00	-	251.00	zero	n/a
3 year	283.00	-	283.00	-	283.00	zero	n/a
Home Boarder New - 1 year (New 2018 Animal Welfare Regulation)	159.00	-	159.00	-	159.00	zero	n/a
2 year	215.00	-	215.00	-	215.00	zero	n/a
3 year	243.00	-	243.00	-	243.00	zero	n/a
Home Boarder Renew - 1 year (New 2018 Animal Welfare Regulation)	155.00	-	155.00	-	155.00	zero	n/a
2 year	211.00	-	211.00	-	211.00	zero	n/a
3 year	239.00	-	239.00	-	239.00	zero	n/a
Dog Creche New - 1 year (New 2018 Animal Welfare Regulation)	188.00	-	188.00	-	188.00	zero	n/a
2 year	252.00	-	252.00	-	252.00	zero	n/a
3 year	284.00	-	284.00	-	284.00	zero	n/a
Dog Creche Renew - 1 year (New 2018 Animal Welfare Regulation)	185.00	-	185.00	-	185.00	zero	n/a
2 year	249.00	-	249.00	-	249.00	zero	n/a
3 year	281.00	-	281.00	-	281.00	zero	n/a

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Dog Breeder New** - 1 year (New 2018 Animal Welfare Regulation)	148.00	-	148.00	-	148.00	zero	n/a	
2 year	205.00	-	205.00	-	205.00	zero	n/a	
3 year	233.00	-	233.00	-	233.00	zero	n/a	

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Dog Breeder Renew - 1 year (New 2018 Animal Welfare Regulation)	184.00	-	184.00	-	184.00	zero	n/a	
2 year	241.00	-	241.00	-	241.00	zero	n/a	
3 year	269.00	-	269.00	-	269.00	zero	n/a	
Pet Selling New - 1 year (New 2018 Animal Welfare Regulation)	179.00	-	179.00	-	179.00	zero	n/a	
2 year	240.00	-	240.00	-	240.00	zero	n/a	
3 year	271.00	-	271.00	-	271.00	zero	n/a	
Pet Selling Renew - 1 year (New 2018 Animal Welfare Regulation)	175.00	-	175.00	-	175.00	zero	n/a	
2 year	237.00	-	237.00	-	237.00	zero	n/a	
3 year	267.00	-	267.00	-	267.00	zero	n/a	
Hiring Horses New** - 1 year (New 2018 Animal Welfare Regulation)	98.00	-	98.00	-	98.00	zero	n/a	
2 year	167.00	-	167.00	-	167.00	zero	n/a	
3 year	201.00	-	201.00	-	201.00	zero	n/a	
Hiring Horses Renew** - 1 year (New 2018 Animal Welfare Regulation)	98.00	-	98.00	-	98.00	zero	n/a	
2 year	167.00	-	167.00	-	167.00	zero	n/a	
3 year	201.00	-	201.00	-	201.00	zero	n/a	
Train/exhibit animal - 3 year (New 2018 Animal Welfare Regulation)	154.00	-	154.00	-	154.00	zero	n/a	
Zoo** - 6 year	473.00	-	473.00	-	473.00	zero	n/a	
4 year	427.00	-	427.00	-	427.00	zero	n/a	
Dangerous Wild Animals** - 2 year (New 2018 Animal Welfare Regulation)	171.00	-	171.00	-	171.00	zero	n/a	
** plus vets inspection fee								
Skin Piercing/Cosmetic Treatment Establishment	139.30	2.00	142.10	-	142.10	zero	1-Jan-20	
Skin Piercers Personal Registration	45.90	2.00	46.80	-	46.80	zero	1-Jan-20	
Personal Registration - Special Cosmetic Treatments (once adopted)	45.90	2.00	46.80	-	46.80	zero	1-Jan-20	
Second hand goods dealer	76.45	2.00	78.00	-	78.00	zero	1-Jan-20	
Health Certificate	43.60	2.00	44.45	-	44.45	zero	1-Jan-20	
Request to show unclassified films	483.30	2.00	492.95	-	492.95	zero	1-Jan-20	
Sex Shop	2,245.50	2.00	2,290.40	-	2,290.40	zero	1-Jan-20	
New Sexual Entertainment Venue Licence	5,971.45	2.00	6,090.90	-	6,090.90	zero	1-Jan-20	
Renewal of a Sexual Entertainment Venue Licence	2,870.90	2.00	2,928.30	-	2,928.30	zero	1-Jan-20	
Transfer of a Sexual Entertainment Venue Licence	688.95	2.00	702.75	-	702.75	zero	1-Jan-20	
Variation of a Sexual Entertainment Venue Licence	459.35	2.00	468.55	-	468.55	zero	1-Jan-20	
Grant of Scrap Metal Dealers Site Licence (3 years)	349.80	2.00	356.80	-	356.80	zero	1-Jan-20	
Renewal of Scrap Metal Dealers Site Licence (3 years)	349.80	2.00	356.80	-	356.80	zero	1-Jan-20	
Variation of Scrap Metal Dealers Site Licence	153.00	2.00	156.05	-	156.05	zero	1-Jan-20	
New Scrap Metal Collectors Licence (3 years)	202.20	2.00	206.25	-	206.25	zero	1-Jan-20	
Renewal of Scrap Metal Collectors Licence (3years)	202.20	2.00	206.25	-	206.25	zero	1-Jan-20	
Variation of Scrap Metal Collectors Licence	153.00	2.00	156.05	-	156.05	zero	1-Jan-20	

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Street Trading Consents

12 Months		798.25	2.00	814.20	-	814.20	zero	1-Jan-20
6 Months		422.50	2.00	430.95		430.95	zero	1-Jan-20
3 Months		246.50	2.00	251.45		251.45	zero	1-Jan-20
1 Month		129.00	2.00	131.60		131.60	zero	1-Jan-20
Special Event Consents (permitting up to 6 days trading per calendar month)								
12 Months		221.00	2.00	225.40		225.40	zero	1-Jan-20
6 Months		146.00	2.00	148.90		148.90	zero	1-Jan-20
3 Months		108.00	2.00	110.15		110.15	zero	1-Jan-20
1 Month		83.00	2.00	84.65		84.65	zero	1-Jan-20

Taxi Licensing (Note: Test fee income is collected by testing station & is therefore not included in the tariff)

Fees for 2020 are to be considered by Licensing Committee at their meeting in November 2019

Private Hire Vehicle Licence		77.00	-	Set by Licensing Committee		exempt	n/a	
Hackney Carriage Licence		155.00	-	Set by Licensing Committee		exempt	n/a	
Annual Private Hire Driver Licence		64.00	-	Set by Licensing Committee		exempt	n/a	
3 Year Private Hire Driver Licence		144.00	-	Set by Licensing Committee		exempt	n/a	
Annual Hackney Carriage Driver Licence		140.00	-	Set by Licensing Committee		exempt	n/a	
3 Year Hackney Carriage Driver Licence		372.00	-	Set by Licensing Committee		exempt	n/a	
Dual Driver Licence Discount		45.00	-	Set by Licensing Committee		exempt	n/a	
New Driver - Additional Fee Knowledge Test		41.00	-	Set by Licensing Committee		exempt	n/a	
Annual PH Operator - single vehicle at private address		261.00	-	Set by Licensing Committee		exempt	n/a	
5 Year PH Operator - single vehicle at private address		1,250.00	-	Set by Licensing Committee		exempt	n/a	
Annual PH Operator		543.00	-	Set by Licensing Committee		exempt	n/a	
5 Year PH Operator		2,660.00	-	Set by Licensing Committee		exempt	n/a	
Replacement vehicle plate		20.80	2.00	21.20	-	21.20	exempt	1-Jan-20
Replacement Plate Platform		6.20	2.00	6.30	-	6.30	exempt	1-Jan-20
Window stickers		7.80	2.00	7.95	-	7.95	exempt	1-Jan-20
Hackney roundel/Private Hire Door Signs		8.80	2.00	9.00	-	9.00	exempt	1-Jan-20
Lanyard		4.40	2.00	4.50	-	4.50	exempt	1-Jan-20
Badge holder		3.20	2.00	3.25	-	3.25	exempt	1-Jan-20
Replacement badge		12.50	2.00	12.75	-	12.75	exempt	1-Jan-20
Plate buttons		2.20	2.00	2.25	-	2.25	exempt	1-Jan-20
Operator booking Registers		2.10	2.00	2.15	-	2.15	exempt	1-Jan-20
CRB admin fee		5.50	2.00	5.60	-	5.60	exempt	1-Jan-20
Insurance or 3rd part letters		18.20	2.00	18.55	-	18.55	exempt	1-Jan-20

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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THE LICENSING ACT 2003 - FEES & CHARGES

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

Premises Licences - Up to a Capacity of 5,000 persons

Grant/Variation

Rateable Value

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

Annual Fee

Rateable Value

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

Premises Licences - Additional Fees where Capacity exceeds

5,000 persons

Initial Fee

Occupancy:

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

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Annual Fee

Occupancy:

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

Premises Licences - Exclusively / Primarily supplying Alcohol

Initial Fee

Rateable Value

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

Annual Fee - Exclusively/Primarily supplying Alcohol

Rateable Value

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

Annual Fee

Rateable Value

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

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Premises Licenses - Other

Annual Fee

Application

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

Rounded to nearest £1

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

Gambling Premises

Bingo Premises

New & Provisional Statement	2,587.00	2.00	2,639.00	-	2,639.00	exempt	1-Jan-20	
Annual Fee	1,000.00	MAX	1,000.00	-	1,000.00	exempt	n/a	MAX
Licence for Provisional Statement Holder	949.00	2.00	968.00	-	968.00	exempt	1-Jan-20	
Variation	1,268.00	2.00	1,293.00	-	1,293.00	exempt	1-Jan-20	
Transfer	949.00	2.00	968.00	-	968.00	exempt	1-Jan-20	
Re-instatement	1,200.00	MAX	1,200.00	-	1,200.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Betting Premises								
New & Provisional Statement	2,692.00	2.00	2,746.00	-	2,746.00	exempt	1-Jan-20	
Annual Fee	600.00	MAX	600.00	-	600.00	exempt	n/a	MAX
Licence for Provisional Statement Holder	949.00	2.00	968.00	-	968.00	exempt	1-Jan-20	
Variation	1,268.00	2.00	1,293.00	-	1,293.00	exempt	1-Jan-20	
Transfer	949.00	2.00	968.00	-	968.00	exempt	1-Jan-20	
Re-instatement	1,200.00	MAX	1,200.00	-	1,200.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX
Betting Premises (Tracks)								
New & Provisional Statement	2,500.00	MAX	2,500.00	-	2,500.00	exempt	n/a	MAX
Annual Fee	964.00	2.00	983.00	-	983.00	exempt	1-Jan-20	
Licence for Provisional Statement Holder	949.00	0.06	950.00	-	950.00	exempt	n/a	MAX
Variation	1,250.00	MAX	1,250.00	-	1,250.00	exempt	n/a	MAX
Transfer	921.00	2.00	939.00	-	939.00	exempt	1-Jan-20	
Re-instatement	950.00	MAX	950.00	-	950.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX
Family Entertainment Centre								
New & Provisional Statement	2,000.00	MAX	2,000.00	-	2,000.00	exempt	n/a	MAX
Annual Fee	750.00	MAX	750.00	-	750.00	exempt	n/a	MAX
Licence for Provisional Statement Holder	949.00	0.06	950.00	-	950.00	exempt	1-Jan-20	
Variation	1,000.00	MAX	1,000.00	-	1,000.00	exempt	n/a	MAX
Transfer	949.00	0.06	950.00	-	950.00	exempt	1-Jan-20	
Re-instatement	950.00	MAX	950.00	-	950.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Adult Gaming Centre								
New & Provisional Statement	2,000.00	MAX	2,000.00	-	2,000.00	exempt	n/a	MAX
Annual Fee	1,000.00	MAX	1,000.00	-	1,000.00	exempt	n/a	MAX
Licence for Provisional Statement Holder	949.00	2.00	968.00	-	968.00	exempt	1-Jan-20	
Variation	1,000.00	MAX	1,000.00	-	1,000.00	exempt	n/a	MAX
Transfer	949.00	2.00	968.00	-	968.00	exempt	1-Jan-20	
Re-instatement	1,200.00	MAX	1,200.00	-	1,200.00	exempt	n/a	MAX
Copy Licence	25.00	MAX	25.00	-	25.00	exempt	n/a	MAX
Notification of Change	50.00	MAX	50.00	-	50.00	exempt	n/a	MAX
<u>Lotteries</u>								
Small Society Lottery Grant	40.00	Statutory	40.00	-	40.00	exempt	n/a	
Small Society Lottery Annual Fee	20.00	Statutory	20.00	-	20.00	exempt	n/a	
Gaming in Pubs and Clubs								
Licensed Premises Gaming Machine Notification	50.00	Statutory	50.00	-	50.00	exempt	n/a	
Licensed Premises Gaming Machine Permit (existing operator)	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Licensed Premises Gaming Machine Permit (in all other cases)	150.00	Statutory	150.00	-	150.00	exempt	n/a	
Licensed Premises Gaming Machine Permit Variation	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Licensed Premises Gaming Machine Permit Transfer	25.00	Statutory	25.00	-	25.00	exempt	n/a	
Licensed Premises Gaming Machine Permit Change of Name	25.00	Statutory	25.00	-	25.00	exempt	n/a	
Licensed Premises Gaming Machine Permit Copy of Permit	15.00	Statutory	15.00	-	15.00	exempt	n/a	
Club Gaming Machine Permit Grant	200.00	Statutory	200.00	-	200.00	exempt	n/a	
Club Gaming Machine Permit Grant (Existing Club Premises Cert. Holder)	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Machine Permit Grant (Club Prem. Cert. Holder with current Part 2 or 3 Licence)	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Machine Permit Existing Operator Grant	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Machine Permit Variation	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Machine Permit Renewal	200.00	Statutory	200.00	-	200.00	exempt	n/a	
Club Gaming Machine Permit Renewal (Club Premises Cert. Holder)	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Machine Permit Copy Permit	15.00	Statutory	15.00	-	15.00	exempt	n/a	
Club Gaming Permit Grant	200.00	Statutory	200.00	-	200.00	exempt	n/a	
Club Gaming Permit Grant (Club Prems. Cert. Holder with current Part 2 or 3 Licence)	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Permit Grant (Existing Operator)	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Permit Variation	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Permit Renewal	200.00	Statutory	200.00	-	200.00	exempt	n/a	
Club Gaming Permit Renewal (Club Premises Certificate Holder)	100.00	Statutory	100.00	-	100.00	exempt	n/a	
Club Gaming Permit Copy Certificate	15.00	Statutory	15.00	-	15.00	exempt	n/a	
Annual fee for all Gaming Machine Permits	50.00	Statutory	50.00	-	50.00	exempt	n/a	

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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LOCAL AIR POLLUTION PREVENTION & CONTROL (LAPPC)

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

Application Fee

Standard Process	1,650.00	Statutory	1,650.00	-	1,650.00	zero	n/a
Additional fee for operating without a permit	1,188.00	Statutory	1,188.00	-	1,188.00	zero	n/a
PVRI, SWOBs and Dry Cleaners reduced fee activities	155.00	Statutory	155.00	-	155.00	zero	n/a
PVR I & II combined	257.00	Statutory	257.00	-	257.00	zero	n/a
Other reduced fee activities	362.00	Statutory	362.00	-	362.00	zero	n/a
Reduced fee activities: Additional fee for operating without a permit	71.00	Statutory	71.00	-	71.00	zero	n/a
Mobile screening & crushing plant for the 1st & 2nd applications	1,650.00	Statutory	1,650.00	-	1,650.00	zero	n/a
For the 3rd to 7th applications	985.00	Statutory	985.00	-	985.00	zero	n/a
For the 8th and subsequent applications	498.00	Statutory	498.00	-	498.00	zero	n/a

Note: where an application for any of the above is for a combined Part B and waste application, add an extra £297 to the above amounts

Annual Subsistence Charge

Standard process Low (+ £99 if permit for combined Part B & waste installation)	772.00	Statutory	772.00	-	772.00	zero	n/a
Standard process Medium (+ £149 if permit for combined Part B & waste installation)	1,161.00	Statutory	1,161.00	-	1,161.00	zero	n/a
Standard process High (+ £198 if permit for combined Part B & waste installation)	1,747.00	Statutory	1,747.00	-	1,747.00	zero	n/a
Reduced Fee activities - Low	79.00	Statutory	79.00	-	79.00	zero	n/a
Reduced Fee activities - Medium	158.00	Statutory	158.00	-	158.00	zero	n/a
Reduced Fee activities - High	237.00	Statutory	237.00	-	237.00	zero	n/a
PVR I & II combined - Low	113.00	Statutory	113.00	-	113.00	zero	n/a
PVR I & II combined - Medium	226.00	Statutory	226.00	-	226.00	zero	n/a
PVR I & II combined - High	341.00	Statutory	341.00	-	341.00	zero	n/a
Other reduced fee activities - Low	228.00	Statutory	228.00	-	228.00	zero	n/a
Other reduced fee activities - Medium	365.00	Statutory	365.00	-	365.00	zero	n/a
Other reduced fee activities - High	548.00	Statutory	548.00	-	548.00	zero	n/a
Mobile screening & crushing plant for 1st & 2nd permits - Low	626.00	Statutory	626.00	-	626.00	zero	n/a
Mobile screening & crushing plant for 1st & 2nd permits - Medium	1,034.00	Statutory	1,034.00	-	1,034.00	zero	n/a
Mobile screening & crushing plant for 1st & 2nd permits - High	1,551.00	Statutory	1,551.00	-	1,551.00	zero	n/a
For the 3rd to 7th permits - Low	385.00	Statutory	385.00	-	385.00	zero	n/a
For the 3rd to 7th permits - Medium	617.00	Statutory	617.00	-	617.00	zero	n/a
For the 3rd to 7th permits - High	924.00	Statutory	924.00	-	924.00	zero	n/a
For the 8th and subsequent permits - Low	198.00	Statutory	198.00	-	198.00	zero	n/a

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
For the 8th and subsequent permits - Medium	314.00	Statutory	314.00	-	314.00	zero	n/a	
For the 8th and subsequent permits - High	473.00	Statutory	473.00	-	473.00	zero	n/a	
Late payment fee	52.00	Statutory	52.00	-	52.00	zero	n/a	
Note: Where a Part B Installation is subject to reporting under the E-PRTR Regulation, add an extra £99 to the above amounts								
Transfer and Surrender								
Standard process transfer	162.00	Statutory	162.00	-	162.00	zero	n/a	
Standard process partial transfer	476.00	Statutory	476.00	-	476.00	zero	n/a	
New operator at low risk reduced fee activity	75.00	Statutory	75.00	-	75.00	zero	n/a	
Surrender: all Part B activities	-	Statutory	-	-	-	zero	n/a	
Reduced fee activities: transfer	-	Statutory	-	-	-	zero	n/a	
Reduced fee activities: partial transfer	45.00	Statutory	45.00	-	45.00	zero	n/a	
Temporary transfer for mobiles								
First transfer	51.00	Statutory	51.00	-	51.00	zero	n/a	
Repeat following enforcement or warning	51.00	Statutory	51.00	-	51.00	zero	n/a	
Substantial Change								
Standard process	1,005.00	Statutory	1,005.00	-	1,005.00	zero	n/a	
Standard process where the substantial change results in a new PPC activity	1,579.00	Statutory	1,579.00	-	1,579.00	zero	n/a	
Reduced fee activities	98.00	Statutory	98.00	-	98.00	zero	n/a	

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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LAPPC mobile plant charges

Application Fee - 1 permit		1,650.00	Statutory	1,650.00	-	1,650.00	zero	n/a
Application Fee - 2 permits		1,650.00	Statutory	1,650.00	-	1,650.00	zero	n/a
Application Fee - 3 permits		985.00	Statutory	985.00	-	985.00	zero	n/a
Application Fee - 4 permits		985.00	Statutory	985.00	-	985.00	zero	n/a
Application Fee - 5 permits		985.00	Statutory	985.00	-	985.00	zero	n/a
Application Fee - 6 permits		985.00	Statutory	985.00	-	985.00	zero	n/a
Application Fee - 7 permits		985.00	Statutory	985.00	-	985.00	zero	n/a
Application Fee - 8 permits and over		498.00	Statutory	498.00	-	498.00	zero	n/a
Subsistence Fee - 1 permit - Low		626.00	Statutory	626.00	-	626.00	zero	n/a
Subsistence Fee - 2 permits - Low		626.00	Statutory	626.00	-	626.00	zero	n/a
Subsistence Fee - 3 permits - Low		385.00	Statutory	385.00	-	385.00	zero	n/a
Subsistence Fee - 4 permits - Low		385.00	Statutory	385.00	-	385.00	zero	n/a
Subsistence Fee - 5 permits - Low		385.00	Statutory	385.00	-	385.00	zero	n/a
Subsistence Fee - 6 permits - Low		385.00	Statutory	385.00	-	385.00	zero	n/a
Subsistence Fee - 7 permits - Low		385.00	Statutory	385.00	-	385.00	zero	n/a
Subsistence Fee - 8 permits and over - Low		198.00	Statutory	198.00	-	198.00	zero	n/a
Subsistence Fee - 1 permit - Med		1,034.00	Statutory	1,034.00	-	1,034.00	zero	n/a
Subsistence Fee - 2 permits - Med		1,034.00	Statutory	1,034.00	-	1,034.00	zero	n/a
Subsistence Fee - 3 permits - Med		617.00	Statutory	617.00	-	617.00	zero	n/a
Subsistence Fee - 4 permits - Med		617.00	Statutory	617.00	-	617.00	zero	n/a
Subsistence Fee - 5 permits - Med		617.00	Statutory	617.00	-	617.00	zero	n/a
Subsistence Fee - 6 permits - Med		617.00	Statutory	617.00	-	617.00	zero	n/a
Subsistence Fee - 7 permits - Med		617.00	Statutory	617.00	-	617.00	zero	n/a
Subsistence Fee - 8 permits and over - Med		314.00	Statutory	314.00	-	314.00	zero	n/a
Subsistence Fee - 1 permit - High		1,551.00	Statutory	1,551.00	-	1,551.00	zero	n/a
Subsistence Fee - 2 permits - High		1,551.00	Statutory	1,551.00	-	1,551.00	zero	n/a
Subsistence Fee - 3 permits - High		924.00	Statutory	924.00	-	924.00	zero	n/a
Subsistence Fee - 4 permits - High		924.00	Statutory	924.00	-	924.00	zero	n/a
Subsistence Fee - 5 permits - High		924.00	Statutory	924.00	-	924.00	zero	n/a
Subsistence Fee - 6 permits - High		924.00	Statutory	924.00	-	924.00	zero	n/a
Subsistence Fee - 7 permits - High		924.00	Statutory	924.00	-	924.00	zero	n/a
Subsistence Fee - 8 permits and over - High		473.00	Statutory	473.00	-	473.00	zero	n/a

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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LOCAL AUTHORITY - INTEGRATED POLLUTION PREVENTION AND CONTROL LA-IPPC

Note: Every subsistence charge in the fees below includes the additional £99 charge to cover LA extra costs in dealing with reporting under the E-PRTR Regulation

Application		3,363.00	Statutory	3,363.00	-	3,363.00	zero	n/a
Additional fee for operating without a permit		1,188.00	Statutory	1,188.00	-	1,188.00	zero	n/a
Annual Subsistence - Low		1,343.00	Statutory	1,343.00	-	1,343.00	zero	n/a
Annual Subsistence - Medium		1,507.00	Statutory	1,507.00	-	1,507.00	zero	n/a
Annual Subsistence - High		2,230.00	Statutory	2,230.00	-	2,230.00	zero	n/a
Late payment fee		52.00	Statutory	52.00	-	52.00	zero	n/a
Substantial variation		1,368.00	Statutory	1,368.00	-	1,368.00	zero	n/a
Transfer		235.00	Statutory	235.00	-	235.00	zero	n/a
Partial Transfer		698.00	Statutory	698.00	-	698.00	zero	n/a
Surrender		698.00	Statutory	698.00	-	698.00	zero	n/a

Environment Agency Subsistence Fees for Discharge to Controlled Waters

Charge Band A - Where permit conditions contain numerical water discharge limits other than for the pollutants or parameters listed in bands B and C		2,270.00	Statutory	2,270.00	-	2,270.00	zero	n/a
Charge Band B - Where permit conditions contain numerical water discharge limits for BOD, COD(3) or ammonia		760.00	Statutory	760.00	-	760.00	zero	n/a
Charge Band C - Where permit conditions contain numerical limits for water flow, volume, suspended solids, pH, temperature, or oil or grease		222.00	Statutory	222.00	-	222.00	zero	n/a
Charge Band D - Where conditions are included in a permit which do not fall within any of the descriptions in bands A-C (e.g. descriptive conditions)		66.00	Statutory	66.00	-	66.00	zero	n/a

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Private Water Supply Sampling

Sampling Visit per hour (to max of £100)	30.00	2.00	31.00	-	31.00	zero	1-Jan-20
Risk Assessment Visit per hour (to max of £500)	30.00	2.00	31.00	-	31.00	zero	1-Jan-20
Investigation Visit per hour (to max of £100)	30.00	2.00	31.00	-	31.00	zero	1-Jan-20
Temporary Authorisation to Breach Standard (to max of £100)	30.00	2.00	31.00	-	31.00	zero	1-Jan-20
Domestic Supply Sample (to max of £25)	24.00	2.00	24.00	-	24.00	zero	1-Jan-20
Commercial Supply Monitoring Sample (to max of £100)	52.00	2.00	53.00	-	53.00	zero	1-Jan-20
Commercial Supply Audit Sample (to max of £500)	Range from £45 to £500 depending on parameters sampled						

Environmental Health

FHRS Re-rating Visit (on-line application)	108.20	2.00	110.35	-	110.35	zero	1-Jan-20
FHRS Re-rating Visit (posting application)	115.55	2.00	117.85	-	117.85	zero	1-Jan-20
Tattooist/Skin Piercing Rating Scheme Initial Visit & Training	105.05	2.00	107.15	-	107.15	zero	1-Jan-20
Tattooist/Skin Piercing Rating Scheme Revisit	52.55	2.00	53.60	-	53.60	zero	1-Jan-20
Tattooist/Skin Piercing Rating Scheme Annual Inspection	63.05	2.00	64.30	-	64.30	zero	1-Jan-20
Pre Licence/Registration/Permit Advisory Visit	66.20	2.00	67.50	-	67.50	zero	1-Jan-20
Data Protection Act Letters	18.90	2.00	19.30	-	19.30	zero	1-Jan-20
Hourly rate for business advice/guidance	27.30	2.00	27.85	-	27.85	zero	1-Jan-20

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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HOUSING & DEVELOPMENT CONTROL

HOUSING

Grants

Disabled Facilities Grants Administration 1,011.20 2.00 1,031.40 171.90 859.50 20.00 1-Jan-20

Immigration Act

Immigration Act Entry Clearance Inspection 74.10 2.00 75.60 12.60 63.00 20.00 1-Jan-20

Enforcement Notices Under Housing Act 2004

Single Dwelling (cost based on staff time & surveys carried out) Range between £200 and £470 zero n/a
 House in Multiple Occupation (cost based on staff time & surveys carried out) Range between £200 and £470 zero n/a

Licensing

House in Multiple Occupation - fee covers 5 year period (up to max 10 rooms then additional charge of £21.00 per room) 463.00 new charging structure - see below
 House in Multiple Occupation - fee covers 5 year period - Accredited Landlord 336.00 new charging structure - see below

Selective Licensing

Renewal Application Fee 664.00 new charging structure - see below
 Renewal Additional Property Fee 584.00 new charging structure - see below
 New Application Fee 750.00 new charging structure - see below
 New Additional Property Fee 670.00 new charging structure - see below

HMO Licensing

Payment Upon Application 463.00 2.00 472.00 78.67 393.33 20.00 1-Jan-20
 Payment Upon Application 324.00 2.00 330.00 55.00 275.00 20.00 1-Jan-20
 Deduct 30% for licence holder accredited by GLAS 336.00 2.00 343.00 57.17 285.83 20.00 1-Jan-20
 Payment Upon Granting the Licence 235.00 2.00 240.00 40.00 200.00 20.00 1-Jan-20
 Deduct 30% for licence holder accredited by GLAS

Selective Licensing OnLine

New Application Fee
 Upon Application 370.00 Fixed 370.00 - 370.00 zero n/a
 Upon Granting the Licence 345.00 Fixed 345.00 - 345.00 zero n/a
 Upon Granting the Licence 715.00 Fixed 715.00 715.00 zero n/a
Total
Renewal/Additional Property Fee
 Upon Application 340.00 Fixed 340.00 340.00 zero n/a
 Upon Application 301.00 Fixed 301.00 301.00 zero n/a
 Upon Granting the Licence 641.00 Fixed 641.00 641.00 zero n/a
Total

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Selective Licensing Paper

New Application Fee

Upon Application

Upon Granting the Licence

Total

Renewal/Additional Property Fee

Upon Application

Upon Granting the Licence

Total

Please note:

Accredited Landlords have a 30% reduction on the application and property fee.

There is a £100 reduction if complete within three months of the start of the designation.

£20 reduction for submitting completed applications online.

405.00	Fixed	405.00		405.00	zero	n/a	
345.00	Fixed	345.00		345.00	zero	n/a	
750.00	Fixed	750.00		750.00	zero	n/a	
370.00	Fixed	370.00		370.00	zero	n/a	
300.00	Fixed	300.00		300.00	zero	n/a	
670.00	Fixed	670.00		670.00	zero	n/a	

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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PLANNING SERVICES

Copying Charges

Plotter Copies - Black & White

A0	6.10	2.00	6.20	-	6.20	zero	1-Jan-20
A1	4.95	2.00	5.05	-	5.05	zero	1-Jan-20
A2	3.65	2.00	3.70	-	3.70	zero	1-Jan-20

Plotter Copies - Colour

A0	9.80	2.00	10.00	-	10.00	zero	1-Jan-20
A1	7.40	2.00	7.55	-	7.55	zero	1-Jan-20
A2	6.10	2.00	6.20	-	6.20	zero	1-Jan-20
A3 & A4	1.40	2.00	1.45	-	1.45	zero	1-Jan-20

A minimum handling charge of £1.50 is payable if documents are forwarded by post.

Approval Notices & Habitation Certificates (per sheet)	0.10	2.00	0.10	-	0.10	zero	1-Jan-20
Scanned copy of Decision Notice/S106	7.20	2.00	7.35	-	7.35	zero	1-Jan-20

rounded to nearest £1

Location Plans supplied under Ordnance Survey, Planning & Building Control Scheme (per set)	38.00	2.00	39.00	-	39.00	zero	1-Jan-20
Proposals Maps (set of 4)	22.00						
Retail & Leisure Study 2005	198.00						

rounded to nearest £1

Former Local Plan							
Burnley Local Plan Second Review	52.00	2.00	53.00	-	53.00	zero	1-Jan-20
Set of Proposals Maps (4)	21.00	2.00	21.00	-	21.00	zero	1-Jan-20

New Policy Documents (including drafts)

Local Development Scheme	5.00	2.00	5.00	-	5.00	zero	1-Jan-20
Annual Monitoring Report	20.00	2.00	20.00	-	20.00	zero	1-Jan-20
SCI	FOC		FOC		FOC		
Burnley's Local Plan 2018 (all versions) (price each)	30.00	2.00	31.00	-	31.00	zero	1-Jan-20
Set of Policies Maps (2)	20.00	2.00	20.00	-	20.00	zero	1-Jan-20
Supplementary Planning Documents - SPDs & SPGs (price each)	10.00	2.00	10.00	-	10.00	zero	1-Jan-20
Sustainability Appraisal (all versions) (price each)	71.00	2.00	72.00	-	72.00	zero	1-Jan-20
Habitats Regulations Assessments (price each)	10.00	2.00	10.00	-	10.00	zero	1-Jan-20
Sustainability Appraisal Scoping Report	20.00	2.00	20.00	-	20.00	zero	1-Jan-20

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Associated Documents

Retail & Leisure Study 2005 (price each)	195.00	2.00	199.00	-	199.00	zero	1-Jan-20
Retail Office & Leisure Study 2013	51.00	2.00	52.00	-	52.00	zero	1-Jan-20
Burnley Employment Land Study Demand Update 2014	20.00	2.00	20.00	-	20.00	zero	1-Jan-20
Strategic Flood Risk (Level 1)	102.00	2.00	104.00	-	104.00	zero	1-Jan-20
Burnley & Pendle Council's Housing Needs Study & SHMA 2013	51.00	2.00	52.00	-	52.00	zero	1-Jan-20
Burnley & Pendle GTAA 2012	10.00	2.00	10.00	-	10.00	zero	1-Jan-20
Burnley SHLAA - Report Only	30.00	2.00	31.00	-	31.00	zero	1-Jan-20
Burnley SHLAA - Including Maps	51.00	2.00	52.00	-	52.00	zero	1-Jan-20

Other

All Other Related Documents:

Black & White - Price per side - A4	0.10	2.00	0.10	-	0.10	zero	1-Jan-20
Black & White - Price per side - A3	0.20	2.00	0.20	-	0.20	zero	1-Jan-20
Colour - Price per side - A4	0.20	2.00	0.20	-	0.20	zero	1-Jan-20
Colour - Price per side - A3	0.50	2.00	0.50	-	0.50	zero	1-Jan-20
Planning History Search (up to 2 entries)	10.00	2.00	10.00	-	10.00	zero	1-Jan-20
Planning History Search (up to 4 entries)	21.00	2.00	21.00	-	21.00	zero	1-Jan-20
Planning History Search (5 to 9 entries)	32.00	2.00	33.00	-	33.00	zero	1-Jan-20
Planning History Search (10 plus entries)	43.00	2.00	44.00	-	44.00	zero	1-Jan-20

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Pre-Planning Application Fees

Significant Major Development Proposal	695.00	2.00	709.00	118.17	590.83	20.00	1-Jan-20
Further Meeting to above (or an hourly rate agreed in advance)	278.00	2.00	284.00	47.33	236.67	20.00	1-Jan-20
Major Development Proposal	417.00	2.00	425.00	70.83	354.17	20.00	1-Jan-20
Further Meeting to above (or an hourly rate agreed in advance)	139.00	2.00	142.00	23.67	118.33	20.00	1-Jan-20
Minor Development Proposal	139.00	2.00	142.00	23.67	118.33	20.00	1-Jan-20
Further Meeting to above (or an hourly rate agreed in advance)	69.00	2.00	70.00	11.67	58.33	20.00	1-Jan-20
Householder Development Proposal (written advice only)	47.00	2.00	48.00	8.00	40.00	20.00	1-Jan-20
Householder Development Proposal (with site visit)	68.00	2.00	69.00	11.50	57.50	20.00	1-Jan-20
Other Development (adverts, trees, LBC, priors) Proposals (written advice)	70.00	2.00	71.00	11.83	59.17	20.00	1-Jan-20
Other Development (adverts, trees, LBC, priors) Proposals (with site visit)	92.00	2.00	94.00	15.67	78.33	20.00	1-Jan-20

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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PLANNING APPLICATION FEES

ALL OUTLINE APPLICATIONS

per 0.1 hectare for sites up to and including 2.5 hectares
for sites more than 2.5 hectares
In addition, for each 0.1 hectare in excess of 2.5 hectares
subject to maximum total of £125,000

462.00	external	462.00	-	462.00	zero	1-Jan-20	
11,432.00	external	11,432.00	-	11,432.00	zero	1-Jan-20	
138.00	external	138.00	-	138.00	zero	1-Jan-20	

HOUSEHOLDER APPLICATIONS

Alterations/extensions to a single dwelling including works within boundary

206.00	external	206.00	-	206.00	zero	1-Jan-20	
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FULL APPLICATIONS (and First Submissions of Reserved Matters)

Dwellings

Alterations/extensions to two or more dwellings including works within boundaries
New dwellings (up to and including 50), per dwelling
New dwellings (more than 50)
In addition, for each dwelling house in excess of 50
subject to a maximum in total of £250,000

407.00	external	407.00	-	407.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
22,859.00	external	22,859.00	-	22,859.00	zero	1-Jan-20	
138.00	external	138.00	-	138.00	zero	1-Jan-20	

Erection of Buildings (not dwellings, agricultural, glasshouses, plant or machinery)

Gross floor space to be created by the development:

No increase or no more than 40m²
More than 40m² but no more than 75m²
More than 75m² but no more than 3750m², cost per each 75m² or part thereof
More than 3750m²
in addition, for each 75m² in excess of 3750m²
subject to a maximum in total of £300,000

234.00	external	234.00	-	234.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
22,859.00	external	22,859.00	-	22,859.00	zero	1-Jan-20	
138.00	external	138.00	-	138.00	zero	1-Jan-20	

Erection of Buildings (on land used for agriculture purposes)

Gross floor space to be created by the development:

Not more than 465m²
More than 465m² but not more than 540m²
More than 540m² but not more than 4215m², cost for first 540m²
In addition, for each 75m² or part thereof in excess of 540m²
More than 4215m²
In addition, for each 75m² in excess of 4215m²
subject to maximum total of £300,000

96.00	external	96.00	-	96.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
22,859.00	external	22,859.00	-	22,859.00	zero	1-Jan-20	
138.00	external	138.00	-	138.00	zero	1-Jan-20	

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Erection of Glasshouses (on land used for the purposes of agriculture)

Gross floor space to be created by the development:

Not more than 465m²

More than 465m²

96.00	external	96.00	-	96.00	zero	1-Jan-20	
2,580.00	external	2,580.00	-	2,580.00	zero	1-Jan-20	

Erection, Alteration or Replacement of Plant and Machinery

Site Area:

No more than 5 hectares, cost per 0.1 hectare or part thereof

More than 5 hectares

In addition, for each 0.1 hectare (or part thereof) in excess of 5 hectares
subject to a maximum in total of £250,000

462.00	external	462.00	-	462.00	zero	1-Jan-20	
22,859.00	external	22,859.00	-	22,859.00	zero	1-Jan-20	
138.00	external	138.00	-	138.00	zero	1-Jan-20	

APPLICATIONS OTHER THAN BUILDING WORKS

Car Parks, Service Roads or Other Accesses

For existing uses

234.00	external	234.00	-	234.00	zero	1-Jan-20	
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Waste (use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)

Site area:

No more than 15 hectares, cost per 0.1 hectare (or part thereof)

More than 15 hectares

in addition, for each 0.1 hectare (or part thereof) in excess of 15 hectares
subject to a maximum in total of £78,000

234.00	external	234.00	-	234.00	zero	1-Jan-20	
34,934.00	external	34,934.00	-	34,934.00	zero	1-Jan-20	
138.00	external	138.00	-	138.00	zero	1-Jan-20	

Operations Connected with Exploratory Drilling for Oil or Natural Gas

Site area:

No more than 7.5 hectares, cost per 0.1 hectares (or part thereof)

More than 7.5 hectares

In addition, for each 0.1 hectare (or part thereof) in excess of 7.5 hectares
subject to a maximum in total of £300,000

508.00	external	508.00	-	508.00	zero	1-Jan-20	
38,070.00	external	38,070.00	-	38,070.00	zero	1-Jan-20	
151.00	external	151.00	-	151.00	zero	1-Jan-20	

Operations (other than exploratory drilling) for the winning and working of oil or natural gas

Site area:

No more than 15 hectares, cost per 0.1 hectare (or part thereof)

More than 15 hectares

in addition, for each 0.1 hectare (or part thereof) in excess of 15 hectares
subject to a maximum in total of £78,000

257.00	external	257.00	-	257.00	zero	1-Jan-20	
38,520.00	external	38,520.00	-	38,520.00	zero	1-Jan-20	
151.00	external	151.00	-	151.00	zero	1-Jan-20	

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Other Operations (winning and working of minerals) excluding oil & natural gas

Sire area:

No more than 15 hectares, cost per 0.1 hectare (or part thereof)

More than 15 hectares

In addition, for each 0.1 hectare (or part thereof) in excess of 15 hectares subject to a maximum total of £78,000

234.00	external	234.00	-	234.00	zero	1-Jan-20	
34,934.00	external	34,934.00	-	34,934.00	zero	1-Jan-20	
138.00	external	138.00	-	138.00	zero	1-Jan-20	

Other Operations (not coming within any of the above categories)

Any site area, per 0.1 hectare (or part thereof)

subject to a maximum in total of £2,028

234.00	external	234.00	-	234.00	zero	1-Jan-20	
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Lawful Development Certificate

Existing use - in breach of a planning condition

Existing use - lawful not to comply with any particular condition or limitation

Proposed use or operation

same as full planning fee							
234.00	external	234.00	-	234.00	zero	1-Jan-20	
half the normal planning fee							

PRIOR APPROVAL

Agricultural & forestry buildings & operations or demolition of buildings

Communications (previously referred to as Telecommunications Code Systems Operators)

Proposed change of use to state funded school or registered nursery

Proposed change of use of agriculture building to a state-funded school or registered nursery

Proposed change of use of agricultural building to a flexible use within shops, financial & professional professional services, restaurants & cafes, business, storage or distribution, hotels or assembly or leisure

Proposed change of use of a building from office (use class B1) use to a use falling within use class 3C (dwellinghouse)

Proposed change of use of agricultural building to a dwellinghouse (use class C3), where there are no building operations

Proposed change of use of agriculture building to a dwellinghouse (use class C3) and associated building operations

Proposed change of use of a building from a retail (use class A1 or A2) use or a mixed retail and residential use to a use falling within use class C3 (dwellinghouse) where there are no associated building operations

Proposed change of use of a building from a retail (use class A1 or A2) use or a mixed retail and residential use to a use falling within use class C3 (dwellinghouse) and associated building operations

Notification for prior approval for a change of use from storage or distribution buildings (class 8B) and any land within its curtilage to dwellinghouses (class C3)

Notification for prior approval for a change of use from amusement arcades/centres & casinos (sui generis uses) and any land within its curtilage to dwellinghouses (class C3)

96.00	external	96.00	-	96.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	
206.00	external	206.00	-	206.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	
96.00	external	96.00	-	96.00	zero	1-Jan-20	

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Notification for prior approval for a change of use from amusement arcades/centres & casinos (sui generis uses) and any land within its curtilage to dwellinghouses (class C3) and associated building operations

206.00	external	206.00	-	206.00	zero	1-Jan-20	
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2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
96.00	external	96.00	-	96.00	zero	1-Jan-20	
206.00	external	206.00	-	206.00	zero	1-Jan-20	
96.00	external	96.00		96.00	zero	1-Jan-20	
96.00	external	96.00		96.00	zero	1-Jan-20	
96.00	external	96.00		96.00	zero	1-Jan-20	
96.00	external	96.00		96.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
234.00	external	234.00	-	234.00	zero	1-Jan-20	
34.00	external	34.00	-	34.00	zero	1-Jan-20	
116.00	external	116.00	-	116.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	
22,859.00	external	22,859.00	-	22,859.00	zero	1-Jan-20	
138.00	external	138.00	-	138.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	

Notification for prior approval for a change of use from shops (class A1), financial & professional services (class A2), betting offices, pay day loan shops & casinos (sui generis uses) to restaurants & cafes (class A3)

Notification for prior approval for a change of use from shops (class A1), financial & professional services (class A2), betting offices, pay day loan shops & casinos (sui generis uses) to restaurants & cafes (class A3) & associated building operations

Notification for prior approval for a change of use from shops (class A1), financial & professional services (class A2), betting offices, pay day loan shops (sui generis uses) to assembly & leisure uses (class D2)

Notification for prior approval for a development consisting of the erection or construction of a collection facility within the curtilage of a shop

Notification for prior approval for the temporary use of buildings or land for the purpose of commercial film-making and the associated temporary structures, works, plant or machinery required in connection with that use

Notification for prior approval for the installation, alteration or replacement of other solar photovoltaics (PV) equipment on the roofs of non-domestic buildings, up to a capacity of 1 megawatt

RESERVED MATTERS

Application for approval of reserved matters following outline approval - amount due if full fee not already paid

APPROVAL/VARIATION/DISCHARGE OF CONDITION

Application for removal of variation of a condition following grant of planning permission
Request for confirmation that one or more planning conditions have been complied with:

Per request per Householder
Per request otherwise

CHANGE OF USE

Change of use of a building to use as one or more separate dwelling houses

Per dwelling up to 50 dwellings
More than 50 dwellings
in addition, for each dwelling house in excess of 50 dwelling houses
subject to a maximum in total of £300,000

Other changes of use

Building or land

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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ADVERTISING

Relating to the business on the premises
 Advance signs which are not situated on or visible from the site, directing the public to a business
 Other advertisements

132.00	external	132.00	-	132.00	zero	1-Jan-20	
132.00	external	132.00	-	132.00	zero	1-Jan-20	
462.00	external	462.00	-	462.00	zero	1-Jan-20	

APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING A GRANT OF A PLANNING PERMISSION

Application in respect of:
 Householder development
 Other development

34.00	external	34.00	-	34.00	zero	1-Jan-20	
234.00	external	234.00	-	234.00	zero	1-Jan-20	

BUILDING REGULATION FEES

Charges are now set by Pennine Lancashire Building Control Service and the income retained by the partnership

These fees to be ratified in November 2019 and are rounded up to the nearest whole pound

TABLE A - STANDARD CHARGES FOR NEW HOUSES

Plan Charge

No. of dwellings:

1	238.00	-	238.00	39.67	198.33	20.00	n/a
2	326.00	-	326.00	54.33	271.67	20.00	n/a
3	429.00	-	429.00	71.50	357.50	20.00	n/a
4	531.00	-	531.00	88.50	442.50	20.00	n/a
5	642.00	-	642.00	107.00	535.00	20.00	n/a

Inspection Charge

No. of dwellings:

1	628.00	-	628.00	104.67	523.33	20.00	n/a
2	868.00	-	868.00	144.67	723.33	20.00	n/a
3	1,103.00	-	1,103.00	183.83	919.17	20.00	n/a
4	1,273.00	-	1,273.00	212.17	1,060.83	20.00	n/a
5	1,409.00	-	1,409.00	234.83	1,174.17	20.00	n/a

Building Notice Charge

No. of dwellings:

1	1,038.00	-	1,038.00	173.00	865.00	20.00	n/a
2	1,430.00	-	1,430.00	238.33	1,191.67	20.00	n/a
3	1,834.00	-	1,834.00	305.67	1,528.33	20.00	n/a
4	2,163.00	-	2,163.00	360.50	1,802.50	20.00	n/a
5	2,459.00	-	2,459.00	409.83	2,049.17	20.00	n/a

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Note

1. For 5 or more dwellings or if the floor area of a dwelling exceeds 300m² or flats over 3 storeys, the individually determined.
2. All the above charges are on the basis that any controlled electrical work is carried out by a person who is a member of a registered Competent Person scheme, if this is not the case an additional charge will apply based upon a basic inspection charge per dwelling of £197.00 including Vat (account will be given to repetitive work and a discount may be applied).
3. The amount of the plan charge is based on the number of dwellings contained in the application.
4. The inspection charge is based on the total units in the project.
5. Unless otherwise agreed, schemes exceeding one year in duration may be subject to an additional charge.
6. For larger building projects the Council may agree to fees being paid by instalments. Please contact your local Pennine Lancashire Building Control office for further details.

TABLE B - STANDARD CHARGES FOR CERTAIN SMALL BUILDINGS, EXTENSIONS AND ALTERATIONS

CATEGORY 1 - Extensions to dwellings

Plan Charge

Extension(s) - Internal floor area not exceeding 6m ²	410.00	-	410.00	68.33	341.67	20.00	n/a
Internal floor area over 6m ² but not exceeding 40m ²	181.00	-	181.00	30.17	150.83	20.00	n/a
Internal floor area over 40m ² but not exceeding 60m ²	181.00	-	181.00	30.17	150.83	20.00	n/a
Internal floor area over 60m ² but not exceeding 80m ²	181.00	-	181.00	30.17	150.83	20.00	n/a

Inspection Charge

Extension(s) - Internal floor area not exceeding 6m ²	Included in Plan Charge						
Internal floor area over 6m ² but not exceeding 40m ²	359.00	-	359.00	59.83	299.17	20.00	n/a
Internal floor area over 40m ² but not exceeding 60m ²	524.00	-	524.00	87.33	436.67	20.00	n/a
Internal floor area over 60m ² but not exceeding 80m ²	738.00	-	738.00	123.00	615.00	20.00	n/a

Building Notice Charge

Extension(s) - Internal floor area not exceeding 6m ²	492.00	-	492.00	82.00	410.00	20.00	n/a
Internal floor area over 6m ² but not exceeding 40m ²	646.00	-	646.00	107.67	538.33	20.00	n/a
Internal floor area over 40m ² but not exceeding 60m ²	844.00	-	844.00	140.67	703.33	20.00	n/a
Internal floor area over 60m ² but not exceeding 80m ²	1,101.00	-	1,101.00	183.50	917.50	20.00	n/a

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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CATEGORY 2 - Garages & Carports

Erection or extension of a detached or attached building or an extension to a dwelling;

Which consists of a garage, carport, or both, having a floor area not exceeding 40m² in total and is intended to be used in common with an existing building

Plan Charge	288.00	-	288.00	48.00	240.00	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	346.00	-	346.00	57.67	288.33	20.00	n/a

Where the garage extension exceeds a floor area of 40m² but does not exceed 60m²

Plan Charge	410.00	-	410.00	68.33	341.67	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	492.00	-	492.00	82.00	410.00	20.00	n/a

CATEGORY 3 - Garage Conversions

The conversion, in part or full, of an attached domestic garage to an existing dwelling into a habitable room.

Plan Charge	280.00	-	280.00	46.67	233.33	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	336.00	-	336.00	56.00	280.00	20.00	n/a

CATEGORY 4 - Loft Conversions & Dormers

Formation of a room(s) in an existing roof space, including means of access thereto.

Fees for lofts greater than 40m² are to be based on the cost of the work, subject to an agreed minimum plan charge.

Without a dormer but not exceeding 40m² in floor area*

Plan Charge	410.00	-	410.00	68.33	341.67	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	492.00	-	492.00	82.00	410.00	20.00	n/a

With a dormer but not exceeding 40m² in floor area*

Plan Charge	181.00	-	181.00	30.17	150.83	20.00	n/a
Inspection Charge	359.00	-	359.00	59.83	299.17	20.00	n/a
Building Notice Charge	646.00	-	646.00	107.67	538.33	20.00	n/a

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Note

1. Floor area is the area measured at a height of 2 metres above floor level.
2. All the above charges are on the basis that any controlled electrical work is carried out by a person who is a member of a registered Competent Person Scheme, if this is not the case an additional charge will apply.
3. Unless otherwise agreed, schemes exceeding one year in duration may be subject to an additional charge.
4. If the internal floor area, of an extension to a dwelling, exceeds 80m² Table E will apply (subject to a minimum build cost of £50,001).
5. Loft Conversions greater than 40m² will be based on the cost of the work and Table E will apply, subject to a agreed minimum plan charge.

TABLE C - STANDARD CHARGES FOR DOMESTIC ALTERATIONS

CATEGORY 1 - Installation of replacement windows and doors*

in a dwelling where the number of windows / doors does not exceed 20

Plan Charge	111.00	8.00%	120.00	20.00	100.00	20.00	1-Jan-20
Inspection Charge	Included in Plan Charge						
Building Notice Charge	111.00	8.00%	120.00	20.00	100.00	20.00	1-Jan-20

CATEGORY 2 - Controlled Electrical work*

To a single dwelling (not carried out in conjunction with work being undertaken that falls within Table B)

Plan Charge	210.00	-	210.00	35.00	175.00	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	210.00	-	210.00	35.00	175.00	20.00	n/a

CATEGORY 3 - Renovation of a Single Thermal Element

To a dwelling house or flat (including cavity wall insulation)

Plan Charge	137.00	9.00%	150.00	25.00	125.00	20.00	1-Jan-20
Inspection Charge	Included in Plan Charge						
Building Notice Charge	137.00	9.00%	150.00	25.00	125.00	20.00	1-Jan-20

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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CATEGORY 4 - Heating Appliance Installation*

Where work relates to installation of a multi-fuel heating appliance including associated flue liner/chimney and hearth to which Part J applies, and to a single dwelling by a person not registered under a Government scheme, the following charges will be applied

Plan Charge	280.00	-	280.00	46.67	233.33	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	280.00	-	280.00	46.67	233.33	20.00	n/a

CATEGORY 5 - Removal or partial removal of chimney breast(s) within a dwelling

Plan Charge	235.00	-	235.00	39.17	195.83	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	235.00	-	235.00	39.17	195.83	20.00	n/a

CATEGORY 6 - Removal of wall and insertion of 1 or 2 steel beams up to a maximum span of 4 metres

Plan Charge	235.00	-	235.00	39.17	195.83	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	235.00	-	235.00	39.17	195.83	20.00	n/a

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Note

- * Not carried out and registered under by a Competent Person Scheme
- Unless otherwise agreed, schemes exceeding one year in duration may be subject to an additional charge.
- If multiple items of listed work are proposed, as in Table C above, then a 50% discount can be applied for the second listed item only; if three or more listed items are proposed then please refer to Table E (subject to a minimum plan charge equal to a minimum build cost of £10,001)

TABLE D - OTHER NON-DOMESTIC WORK : EXTENSIONS AND NEW BUILD & THERMAL IMPROVEMENTS

CATEGORY 1 - Extension(s) - Internal floor area not exceeding 6m²

Plan Charge	410.00	-	410.00	68.33	341.67	20.00	n/a
Inspection Charge	Included in Plan Charge						
Building Notice Charge	Not applicable						

CATEGORY 2 - Internal floor area over 6m² but not exceeding 40m²

Plan Charge	181.00	-	181.00	30.17	150.83	20.00	n/a
Inspection Charge	359.00	-	359.00	59.83	299.17	20.00	n/a
Building Notice Charge	Not applicable						

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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CATEGORY 3 - Internal floor area over 40m² but not exceeding 80m²

Plan Charge		181.00	-	181.00	30.17	150.83	20.00	n/a
Inspection Charge		524.00	-	524.00	87.33	436.67	20.00	n/a
Building Notice Charge		Not applicable						

CATEGORY 4 - Renovation of a single thermal element - cost up to £20,000*

Plan Charge		217.00	-	217.00	36.17	180.83	20.00	n/a
Inspection Charge		Included in Plan Charge						
Building Notice Charge		Not applicable						

CATEGORY 5 - Replacement of non-domestic windows*, not exceeding 20

Plan Charge		150.00	-	150.00	25.00	125.00	20.00	n/a
Inspection Charge		Included in Plan Charge						
Building Notice Charge		Not applicable						

Note

1. * Where cost exceeds £20,000 the charge is individually determined.
2. Unless otherwise agreed, schemes exceeding one year in duration may be subject to an additional charge.
3. Floor area is the area measured at a height of 2 metres above floor level.
4. If the internal floor area exceeds 80m² Table E will apply (subject to a minimum plan charge equal to a minimum build cost of £50,001)
5. Category 5 does not include replacement doors due to Part B - Fire safety implications.

TABLE E - STANDARD CHARGES FOR ALL OTHER WORK NOT IN TABLES A, B, C & D

(excludes individually determined charges)

Plan Charge

Estimated Cost								
from £0 - £2,000		235.00	-	235.00	39.17	195.83	20.00	n/a
£2,001 - £5,000		280.00	-	280.00	46.67	233.33	20.00	n/a
£5,001 - £7,000		301.00	-	301.00	50.17	250.83	20.00	n/a
£7,001 - £10,000		318.00	-	318.00	53.00	265.00	20.00	n/a
£10,001 - £20,000		102.00	-	102.00	17.00	85.00	20.00	n/a
£20,001 - £30,000		121.00	-	121.00	20.17	100.83	20.00	n/a
£30,001 - £40,000		153.00	-	153.00	25.50	127.50	20.00	n/a
£40,001 - £50,000		192.00	-	192.00	32.00	160.00	20.00	n/a
£50,001 - £75,000		235.00	-	235.00	39.17	195.83	20.00	n/a
£75,001 - £100,000*		301.00	-	301.00	50.17	250.83	20.00	n/a

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Inspection Charge

Estimated Cost

- from £0 - £2,000
- £2,001 - £5,000
- £5,001 - £7,000
- £7,001 - £10,000
- £10,001 - £20,000
- £20,001 - £30,000
- £30,001 - £40,000
- £40,001 - £50,000
- £50,001 - £75,000
- £75,000 - £100,000*

Included in Plan Charge
Included in Plan Charge
Included in Plan Charge
Included in Plan Charge

318.00	-	318.00	53.00	265.00	20.00	n/a
423.00	-	423.00	70.50	352.50	20.00	n/a
494.00	-	494.00	82.33	411.67	20.00	n/a
572.00	-	572.00	95.33	476.67	20.00	n/a
704.00	-	704.00	117.33	586.67	20.00	n/a
899.00	-	899.00	149.83	749.17	20.00	n/a

Building Notice Charge

Estimated Cost

- from £0 - £2,000
- £2,001 - £5,000
- £5,001 - £7,000
- £7,001 - £10,000
- £10,001 - £20,000
- £20,001 - £30,000
- £30,001 - £40,000
- £40,001 - £50,000
- £50,001 - £75,000
- £75,000 - £100,000*

281.00	-	281.00	46.83	234.17	20.00	n/a
336.00	-	336.00	56.00	280.00	20.00	n/a
360.00	-	360.00	60.00	300.00	20.00	n/a
382.00	-	382.00	63.67	318.33	20.00	n/a
504.00	-	504.00	84.00	420.00	20.00	n/a
651.00	-	651.00	108.50	542.50	20.00	n/a
774.00	-	774.00	129.00	645.00	20.00	n/a
913.00	-	913.00	152.17	760.83	20.00	n/a
1,124.00	-	1,124.00	187.33	936.67	20.00	n/a
1,438.00	-	1,438.00	239.67	1,198.33	20.00	n/a

Note

1. *Where cost exceeds £100,000 the charge is individually determined.
2. Unless otherwise agreed, schemes exceeding one year in duration may be subject to an additional charge.
3. In respect of domestic work the above charges are on the basis that any controlled electrical work is carried out by a person who is a member of a registered Competent Person scheme. If this is not the case an additional charge will apply, see Table C

TABLE F - DEMOLITION CHARGE

Application to demolish existing property under Section 80 of the Building Act 1984 and issuing the counter notice under Section 81 of the Building Act 1984

198.00	-	198.00	-	198.00	zero	n/a
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2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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TABLE G - OTHER CHARGES

CATEGORY 1 - Copy of Completion certificates

28.00 - 28.00 4.67 23.33 20.00 n/a

CATEGORY 2 - Copy Decision Notices

28.00 - 28.00 4.67 23.33 20.00 n/a

CATEGORY 3 - Re-opening of Archived applications that have been dormant for 2 years or more

Charge per hour subject to a minimum charge of £77.00

80.00 - 80.00 13.33 66.67 20.00 n/a

CATEGORY 4 - Withdrawal of an application and any associated changes

Charge per hour subject to a minimum charge of £77.00

80.00 - 80.00 13.33 66.67 20.00 n/a

CATEGORY 5 - Building Regulations Confirmation letter

Charge per hour subject to a minimum charge of £77.00

80.00 - 80.00 13.33 66.67 20.00 n/a

CATEGORY 6 - Supply of non-standard data and information, including responding to Solicitor enquiries

Charge per hour subject to a minimum charge of £77.00

80.00 - 80.00 13.33 66.67 20.00 n/a

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Note

1. Where a **'Full Plans'** application is made, in most cases a plan charge is payable at the time of application and an invoice for the inspection charge will be sent following the first inspection on site.
2. For a **'Regularisation'** application (related to unauthorised work) fees are individually determined but will be subject to a minimum of 150% of the associated net charge(s). No Vat is payable on a Regularisation Charge.
3. Charges in **Table E** are based upon an estimated cost, which means a reasonable estimate (excluding Vat) that would be charged for carrying out all the work, by a professional contractor. No reductions are made for DIY proposals.
4. When it is intended to carry out **additional work** on a dwelling at the same time as any work in **Table B** then the charge for this additional work may be discounted by 50%, subject to a maximum estimated cost of £310,000.
5. When it is intended to carry out more than one extension to a dwelling, the areas of the extensions may be aggregated in determining a total internal floor area to which the fee may then be applied.
Please note however, the area of loft conversions or garage conversions may not be aggregated to an extension but a 50% discount can be applied.
6. For work that is an electrical installation only, such as rewiring, use **Table C**. All other installation work should be included in the overall charges.
7. For a **"Reversion"** application fees are individually determined. Please contact your local Pennine Lancashire Building Control Office for further details.
8. For applications that are due to **start on site immediately**, both Plan Fee and Inspection Fee are payable when submitting the application.
Please be advised that if you commence works prior to receiving Building Regulations approval, you do so at your own risk.
9. For current and active Local Authority Building Control Partnership customer fees will be individually determined.

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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RESOURCES

REVENUES & BENEFITS

LOCAL TAXATION

Council Tax Summons	75.00	2.00	77.00	-	77.00	zero	1-Jan-20
Council Tax Liability Order	20.00	2.00	20.00	-	20.00	zero	1-Jan-20
NNDR Summons	105.00	2.00	107.00	-	107.00	zero	1-Jan-20
NNDR Liability Order	20.00	2.00	20.00	-	20.00	zero	1-Jan-20

LEGAL & DEMOCRATIC SERVICES

LEGAL FEES

Note 1. Vat is chargeable on the fees if vat is payable on the consideration or rent.

* These fees may be charged at a higher level in accordance with, for example, the work involved in more complex cases.

Rounded to nearest £5

Disposals

Sale of Garden plot	270.00	2.00	275.00	-	275.00	see note 1	1-Jan-20
Sale of any other land	555.00	2.00	565.00	-	565.00	see note 1	1-Jan-20
Small Scale Building Licence	555.00	2.00	565.00	-	565.00	see note 1	1-Jan-20
Building Licence	1,295.00	2.00	1,320.00	-	1,320.00	see note 1	1-Jan-20
Sealing of documents	65.00	2.00	65.00	-	65.00	see note 1	1-Jan-20

Landlord & Tenant

Contracted out' short term lease/licences	555.00	2.00	565.00	-	565.00	see note 1	1-Jan-20
Longer term business lease	920.00	2.00	940.00	-	940.00	see note 1	1-Jan-20
Underlease - Brunshaw / Anglesey	465.00	2.00	475.00	-	475.00	see note 1	1-Jan-20
Licence to Assign	380.00	2.00	390.00	-	390.00	see note 1	1-Jan-20
Licence for Alterations	380.00	2.00	390.00	-	390.00	see note 1	1-Jan-20
Licence for Change of Use	380.00	2.00	390.00	-	390.00	see note 1	1-Jan-20
Licence to Assign (combined with licence for alterations / change of use)	640.00	2.00	655.00	-	655.00	see note 1	1-Jan-20
Licence to Underlet	640.00	2.00	655.00	-	655.00	see note 1	1-Jan-20
Licence to Underlet (combined with licence for alterations / change of use)	920.00	2.00	940.00	-	940.00	see note 1	1-Jan-20
Surrenders	380.00	2.00	390.00	-	390.00	see note 1	1-Jan-20
Letter of consent to assign (long leaseholds at nominal rent)	68.00-165.00	2.00	70.00-170.00	-	68.00-165.00	see note 1	1-Jan-20
Registration of Assignment or Underlease	65.00	2.00	65.00	-	65.00	see note 1	1-Jan-20
Grant of Easements or Rights	380.00	2.00	390.00	-	390.00	see note 1	1-Jan-20
Deed of Variation	380.00	2.00	390.00	-	390.00	see note 1	1-Jan-20

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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Planning

Section 106 Agreements (minimum charge) 540.00 2.00 550.00 - 550.00 outside scope 1-Jan-20

Mortgages

Vacating Receipts 169.00
 Notice of Charge 84.50
 Mortgage Questionnaire 143.90

Miscellaneous

Copy Documents - per A4 sheet (minimum £10) 0.45 2.00 0.45 - 0.45 see note 1 1-Jan-20

Land Charges

Note: CON29 elements of Land Charges are now vatable at the standard rate

LLC1 19.00 - 19.00 - 19.00 zero n/a
 CON29R 141.00 - 141.00 23.50 117.50 standard n/a
 Local Search (LLC1 + CON29R) 160.00 - 160.00 23.50 136.50 mixed n/a
 Each Additional Parcel of Land 25.00 - 25.00 4.17 20.83 standard n/a
 Each Optional CON29O Enquiry (Q 5 - 20) 5.00 - 5.00 0.83 4.17 standard n/a
 Each Optional CON29O Enquiry (Q4 Q21 & Q22) 35.00 - 35.00 5.83 29.17 standard n/a
 Each Additional Enquiry 31.00 - 31.00 5.17 25.83 standard n/a
 Personal Search FOC statutory FOC FOC

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ROOM HIRE

Burnley Town Hall - Room Hire

Meetings

Mornings - 8am to 1pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20
 Afternoon - 1pm to 6pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20
 Evening - 6pm to 10pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20

Others

Mornings - 8am to 1pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20
 Afternoon - 1pm to 6pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20
 Evening - 6pm to 10pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20

Parker Lane - Room Hire

Mornings - 8am to 1pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20
 Afternoon - 1pm to 6pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20
 Evening - 6pm to 10pm 88.70 2.00 90.45 - 90.45 zero 1-Jan-20

Resources

2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
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FINANCE & PROPERTY SERVICES

PROPERTY TEAM

GARAGE SITES

Note : 3 months notice is required to increase rents for garage sites & garden plots

Per plot, per annum	107.60	2.00	109.75	18.29	91.46	20.00	1-Jan-20
Concession for registered disabled	12.00	2.00	12.25	2.04	10.21	20.00	1-Jan-20

GARDEN PLOTS

Per square yard, per annum	0.7687	2.00	0.7841	-	0.7841	zero	1-Jan-20
Per square metre, per annum	0.9194	2.00	0.9378	-	0.9378	zero	1-Jan-20
Allotments per square yard, per annum	0.1756	2.00	0.1791	-	0.1791	zero	1-Jan-20
Allotments per square metre, per annum	0.2101	2.00	0.2143	-	0.21	zero	1-Jan-20
Admin fee for setting up of new tenancy agreements	50.40	2.00	51.40	8.57	42.83	20.00	1-Jan-20

Note : The rents of garage sites & garden plots are only being increased every 3 years due to the administrative cost of writing to inform tenants. The last review was undertaken during 2016/17 of appropriate market rentals.

PROPERTY SURVEYOR FEES

These fees/charges are for general guidance.

These fees may be negotiated at higher level in accordance with the work involved in more complex cases.

Note 1 - Vat is not chargeable on the fees/charges unless VAT is payable on the consideration or rent.

Disposals

Sale of Garden plot	232.10	2.00	236.75	-	236.75	see note 1	1-Jan-20
Sale of any other land (minimum charge or 1% of sale price whichever is higher)	385.20	2.00	392.90	-	392.90	see note 1	1-Jan-20
Building Licence (minimum charge but depending on size/complexity)	770.45	2.00	785.85	-	785.85	see note 1	1-Jan-20
Freehold Reversion	232.10	2.00	236.75	-	236.75	see note 1	1-Jan-20

Landlord & Tenant

Contracted out' short term lease	269.85	2.00	275.25	-	275.25	see note 1	1-Jan-20
Longer term business lease	385.20	2.00	392.90	-	392.90	see note 1	1-Jan-20
Grant of Garden Tenancy	42.65	2.00	43.50	-	43.50	see note 1	1-Jan-20

	2019/20 Gross Fees £	% inc 2%	2020/21 Gross Fees £	Vat included in fee	2020/21 Net Fee	Vat Rate	Date of Fee Increase	Discounted Rates/Off Peak (where applicable)
Service of Notices on Garden Tenancies	36.35	2.00	37.10	-	37.10	see note 1	1-Jan-20	
Underlease - Brunshaw / Anglesey	269.85	2.00	275.25	-	275.25	see note 1	1-Jan-20	
Renewal Lease	269.85	2.00	275.25	-	275.25	see note 1	1-Jan-20	
Licence to Assign	256.00	2.00	261.10	-	261.10	see note 1	1-Jan-20	
Licence for Alterations	307.45	2.00	313.60	-	313.60	see note 1	1-Jan-20	
Licence for Change of Use	269.85	2.00	275.25	-	275.25	see note 1	1-Jan-20	
Licence to Assign (combined with licence for alterations/change of use)	385.20	2.00	392.90	-	392.90	see note 1	1-Jan-20	
Licence to Underlet	307.45	2.00	313.60	-	313.60	see note 1	1-Jan-20	
Licence to Underlet (combined with licence for alterations/change of use)	385.20	2.00	392.90	-	392.90	see note 1	1-Jan-20	
Letter of consent to assign (long leaseholds at nominal rent)	min 108.00		min 108.00		min 108.00	see note 1	1-Jan-20	
Planning								
S.106 Agreements	489.40							
Site Compound Licence	256.00	2.00	261.10	-	261.10	see note 1	1-Jan-20	
Copy Documents - per A4 sheet	0.55	2.00	0.55	0.09	0.46	20.00	1-Jan-20	
Pavement Café Licences								
Initial licence set up								these licences now issued by LCC
Annual renewal/change of licensee								these licences now issued by LCC
<u>BURNLEY BUS STATION</u>								
Bus Station departure charges are calculated using pence to 4 decimal places								
Per Departure - Standard bus / Minibus	1.0167	2.00	1.0371	0.1728	0.8643	20.00	1-Jan-20	
Per Departure - Long (coach) (Net Fee increased by 2% then VAT added)	2.1034	2.00	2.1455	0.3576	1.7879	20.00	1-Jan-20	

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REPORT TO EXECUTIVE



DATE	10 December 2019
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Asad Mushtaq
TEL NO	01282 477173
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2019/20 Treasury Management Mid-Year Report

PURPOSE

1. To report treasury management activity for the first half year of 2019/20 covering the period 1 April to 30 September 2019.

RECOMMENDATION

2. The Executive is requested to;
 - Note the treasury management activities undertaken during the period 1 April to 30 September 2019, and;

Recommend that Full Council;

- Endorse the mid-year update on Treasury Management Strategy for 2019/20 in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.

REASONS FOR RECOMMENDATION

3.
 - To inform members of the treasury management activity in the first half of 2019/20 and to fulfil statutory and regulatory requirements.

SUMMARY OF KEY POINTS

4. **Background**
 The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. The first main function of treasury management operations is to ensure this cash flow is adequately planned, with surplus monies being

invested in low risk counterparties, providing adequate liquidity initially before considering maximising investment return.

The second main function of the treasury management service is to ensure the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending commitments. This management of longer term cash may involve arranging long or short term loans, or using cash flow surpluses, and, on occasions, any current debt may be restructured to meet Council risk or cost objectives.

Treasury management is defined as:

“The management of the Council's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

The monitoring requirements for treasury were set out in the report which included both the Treasury Management Strategy for 2019/20 and the Prudential and Treasury Indicators for 2019/20 – 2021/22, approved by Full Council on the 20 February 2019.

5. Introduction

This report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2017).

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Strategy which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the Full Council of an annual Treasury Management Strategy - including the Annual Investment Strategy and Minimum Revenue Provision Policy for the year ahead, a **Mid-year Review Report** and an Annual Report (stewardship report) covering activities during the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is the Scrutiny Committee.

This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:

- An economic update for the first six months of 2019/20;
- A review of the Treasury Management Strategy and Annual Investment Strategy;
- The Council's capital expenditure, as set out in the Capital Strategy, and prudential indicators;
- A review of the Council's investment portfolio for 2019/20;
- A review of the Council's borrowing strategy for 2019/20;

- A review of any debt rescheduling undertaken during 2019/20;
- A review of compliance with Treasury and Prudential Limits for 2019/20.

6. **Economic Update (Provided by Link Asset Services)**

This first half year has been a time of upheaval on the political front as Theresa May resigned as Prime Minister to be replaced by Boris Johnson on a platform of the UK leaving the EU on 31 October, with or without a deal. At present, if the UK does soon achieve an agreed deal on Brexit, including some additional clarification wording on the Irish border backstop, then it is possible that growth could recover quickly. The MPC could then need to address the issue of whether to raise Bank Rate when there is very little slack left in the labour market; this could cause wage inflation to accelerate which would then feed through into general inflation. On the other hand, if there was a no deal Brexit and there was a significant level of disruption to the economy, then growth could falter and the MPC would be likely to cut Bank Rate in order to support growth.

The first half of 2019/20 has seen UK **economic growth** fall as Brexit uncertainty took a toll. In its Inflation Report of 1 August, the Bank of England was notably downbeat about the outlook for both the UK and major world economies. This mirrored investor confidence around the world which is now expecting a significant downturn or possibly even a recession in some developed economies. It was therefore no surprise that the Monetary Policy Committee (MPC) left Bank Rate unchanged at 0.75% throughout 2019, so far, and is expected to hold off on changes until there is some clarity on what is going to happen over Brexit.

As for **inflation** itself, CPI has been hovering around the Bank of England's target of 2% during 2019, (July 2.1%), and is likely to shift only a little upwards over the rest of 2019/20. It does not therefore pose any immediate concern to the MPC at the current time.

With regard to the **labour market**, despite the contraction in quarterly GDP growth of -0.2%q/q, (+1.2% y/y), in quarter 2, employment rose by 115,000 in the same quarter: this suggests that firms are preparing to expand output and suggests there could be a return to positive growth in quarter 3. Unemployment has continued near to a 44 year low, edging up from 3.8% to 3.9% on the Independent Labour Organisation measure in June; however, that was caused by a rise in the participation rate to an all-time high. Job vacancies fell for a sixth consecutive month, hitting record levels, and indicating that employers are having major difficulties filling job vacancies with suitable staff. It was therefore unsurprising that wage inflation picked up to a high point of 3.9%, (3 month average regular pay, excluding bonuses). This meant that in real terms, (i.e. wage rates higher than CPI inflation), earnings grew by about 1.8%. As the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months. This could mean that the MPC will need to take action to raise Bank Rate if there is an agreed Brexit deal as it views wage inflation in excess of 3% as increasing inflationary pressures within the UK economy.

In the **political arena**, if there is a general election soon, this could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up although, conversely, a weak international backdrop could provide further support for low yielding government bonds and gilts.

7. Interest Rate Forecast (Provided by Link Asset Services)

Increase in the cost of borrowing from the PWLB

On 9 October 2019 the Treasury and PWLB announced an increase in the margin over gilt yields of 100bps on top of the current margin of 80 bps which this authority has paid prior to this date for new borrowing from the PWLB. There was no prior warning that this would happen and it now means that every local authority has to fundamentally reassess how to finance their external borrowing needs and the financial viability of capital projects in their capital programme due to this unexpected increase in the cost of borrowing. Representations are going to be made to HM Treasury to suggest that areas of capital expenditure that the Government are keen to see move forward e.g. housing, should not be subject to such a large increase in borrowing.

Whereas this authority has previously relied on the PWLB as its main source of funding, it now has to fundamentally reconsider alternative cheaper sources of borrowing. At the current time, this is a developmental area as this event has also taken the financial services industry by surprise. We are expecting that various financial institutions will enter the market or make products available to local authorities. Members will be updated as this area evolves.

It is possible that the Municipal Bond Agency will be offering loans to local authorities in the future. This Authority may make use of this new source of borrowing as and when appropriate.

The Council's treasury advisor, Link Asset Services, has provided the following forecast.

This forecast includes the increase in margin over gilt yields of 100bps introduced on 9 October 2019.

Link Asset Services Interest Rate View										
	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate View	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.00	1.25
3 Month LIBID	0.70	0.70	0.70	0.80	0.90	1.00	1.00	1.00	1.10	1.20
6 Month LIBID	0.80	0.80	0.80	0.90	1.00	1.10	1.10	1.20	1.30	1.40
12 Month LIBID	1.00	1.00	1.00	1.10	1.20	1.30	1.30	1.40	1.50	1.60
5yr PWLB Rate	2.30	2.50	2.60	2.70	2.70	2.80	2.90	3.00	3.00	3.10
10yr PWLB Rate	2.60	2.80	2.90	3.00	3.00	3.10	3.20	3.30	3.30	3.40
25yr PWLB Rate	3.30	3.40	3.50	3.60	3.70	3.70	3.80	3.90	4.00	4.00
50yr PWLB Rate	3.20	3.30	3.40	3.50	3.60	3.60	3.70	3.80	3.90	3.90

It has been little surprise that the Monetary Policy Committee (MPC) has left Bank Rate unchanged at 0.75% so far in 2019 due to the ongoing uncertainty over Brexit. In its last meeting on 1 August, the MPC became more dovish as it was more concerned about the outlook for both the global and domestic economies. That is shown in the policy statement, based on an assumption that there is an agreed deal on Brexit, where the suggestion that rates would need to rise at a "gradual pace and to a limited extent" is now also conditional on "some recovery in global growth". Brexit uncertainty has had a dampening effect on UK GDP growth in 2019, especially around mid-year. If there were a no deal Brexit, then it is likely that there will be a cut or cuts in Bank Rate to help support economic growth.

The above forecasts have been based on an assumption that there is some sort of muddle through to an agreed deal on Brexit. Given the current level of uncertainties, this is a huge

assumption and so forecasts may need to be materially reassessed in the light of events over the next few weeks or months.

8. **Treasury Management Strategy update**

The Treasury Management Strategy (TMS) for 2019/20, which includes the Annual Investment Strategy, was approved by this Council on 20 February 2019. There are no policy changes to the TMS; the details in this report update the position in the light of the updated economic position and budgetary changes already approved.

9. **The Council's Capital Position**

The table below shows the financing of the Original Capital Budget approved by Full Council on the 20 February 2019 and the latest Revised Capital Budget. The decrease is due to a combination of in year budget monitoring adjustments and reprofiling of capital expenditure into future years.

Capital	2019/20 Original Estimate £'000	2019/20 Revised Estimate £'000
Total Budget	18,224	17,481
Financed by:		
Capital receipts	2,575	2,810
Capital grants	7,391	5,511
Revenue	805	373
Total financing	10,771	8,694
Borrowing need	7,453	8,787

10. **Investment Portfolio 2019/20**

As shown by the forecasts in section 7, it is a very difficult investment market as rates are very low and in line with the current 0.75% Bank Rate. Given that increases in Bank Rate are likely to be gradual, investment returns are likely to remain low.

The average daily level of funds deposited during the financial year to date is £17.3m, compared with £14.7m for the same period in 2018/19. The actual value of funds deposited on the 30 September was £21.247m. These funds have been available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the Capital Programme.

There were 3 investments carried forward from 2018/19 totalling £8.4m, of which £5.4m was with our bank HSBC, £1m was in fixed term deposits with Goldman Sachs, and £2m in a 95 day notice account with Santander.

There have been 8 new investments made during the period 1 April to 30 September 2019 totalling £12m, as well as a daily average of £10.1m being invested with HSBC's deposit account, earning 0.60% interest. The table below shows the amount deposited, and the rate of return against the market benchmark.

Counterparties	Date of Investment	Investment Made £m	Return	Benchmark
Bank of Scotland (95 Day Notice)	20/05/2019 – 16/08/2019	1.0	1.10%	0.66%
Bank of Scotland (32 Day Notice)	09/07/2019-16/08/2019	1.0	0.95%	0.60%
Bank of Scotland (12 month Fixed)	09/07/2019	2.0	1.25%	0.84%
Bank of Scotland (12 month Fixed)	16/08/2019	2.0	1.10%	0.84%
HSBC (31 Day Notice)	29/07/2019	1.0	0.90%	0.60%
HSBC (31 Day Notice)	17/09/2019	1.0	0.90%	0.60%
Santander (3 month Fixed)	09/08/2019	2.0	0.90%	0.66%
Santander (6 month Fixed)	09/08/2019	2.0	1.00%	0.74%

The Council has an approved list of counterparties which governs treasury management investment activity. This list is a restricted list taking into consideration the credit rating of the institution concerned and there are also limits on the amount which can be invested with any particular institution from a particular sector e.g. building society, bank etc. and also any group of institutions within an overall banking group. As part of the daily operations of the treasury management dealings, in consultation with guidance from Link Asset Services and the money market brokers, decisions are taken by the Head of Finance & Property Services, temporarily suspending/revising operations with individual counterparties. The latest deposit counterparties list was approved by the Full Council on 20 February 2019.

The current investment counterparty criteria selection approved in the TMS is meeting the requirement of the treasury management function.

The table below shows the maximum amount invested with any of the counterparties at any one time during the period April 2019 to 30 September 2019 against the maximum limits approved in the 2019/20 Treasury Management Strategy.

Counterparties	Maximum Limits £m	Highest level of Investment 2019/20 (£m)
HSBC	25.0	19.7
Bank of Scotland	4.0	4.0
Goldman Sachs	4.0	1.0
Santander UK plc	4.0	4.0

11. **Property Funds**
The council made 2 investments totalling £2m in property funds in 2018/19 for the purpose of increasing and diversifying our risk in investment income receivable and to help alleviate future revenue budget pressures. Dividends received in the 3 month period April to June 2019 amounted to £16,756, earning an average yield of 3.35%.

12. **Borrowing**

The Council's capital financing requirement (CFR) for 2019/20 is £36.760m. The CFR denotes the Council's underlying need to borrow for capital purposes. Below is a summary of the Councils' external indebtedness, as at 1 April 2019, and as at 30 September 2019.

Borrowing	1 Apr 19 £'000	30 Sept 19 £'000	Change Apr – Sept £'000
Public Works Loan Board	23,073	33,663	10,590
Temporary Market Loans	11	11	-
Total	23,084	33,674	10,590

PWLB Loans – Due to the overall financial position and the capital financing requirement, new external borrowing of £12m was undertaken from the PWLB during the period 1 April 2019 to 30 September 2019.

There was one loan of £1.410m repaid during the same period.

Temporary Market Loans – There has been no movement in temporary market loans during the period 1 April 2019 to 30 September 2019.

13. **Debt Rescheduling**

There have been no debt rescheduling opportunities in the current economic climate and consequent structure of interest rates. Therefore, no debt rescheduling was undertaken during the first six months of 2019/20.

14. **Compliance with Treasury & Prudential Limits**

It is a statutory duty for the Council to determine and keep under review its affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved Treasury Management Strategy.

During the financial year to date the Council's treasury management activities operated within the treasury limits and Prudential Indicators set out in the Council's Treasury Management Strategy in compliance with the Council's Treasury Management Practices.

An extract of the Prudential and Treasury Indicators are shown in Appendix 1.

15. **Interest Payable on External Borrowing / Interest Receivable**

Provision is made in the revenue budget to meet the net interest payable on external borrowing. The figure in the original budget for 2019/20 was set at £987,328.

During revenue budget monitoring this budget has been revised up to £1,062,521 as a result of increasing the budget requirement for PWLB interest paid in the year, due to new borrowing for capital expenditure.

The total interest receivable on temporary deposits for the period 1 April 2019 to 30 September 2019 amounted to £88,203 and an additional £16,756 was received in dividends on Property Funds for the period 1 April 2019 to 30 June 2019. The budget for the year for interest and dividend receipts was set at £139,845 and is therefore forecast to be achieved.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

16. None arising as a direct result of this report.

POLICY IMPLICATIONS

17. Compliance with the revised CIPFA Code of Practice on Treasury Management.

DETAILS OF CONSULTATION

18. None

BACKGROUND PAPERS

19. None.

FURTHER INFORMATION

PLEASE CONTACT:

**Asad Mushtaq – Head of Finance and
Property**

Prudential & Treasury Indicators for the first half of 2019/20

Prudential Indicator	2019/20 Original £' 000	2019/20 Revised £' 000
Capital Expenditure	18,224	17,481
In year borrowing requirement	7,453	8,787
Authorised Limit for external debt	44,480	44,480
Operational Boundary for external debt	40,436	40,436
Investments (Actual as at 30th September)	-	21,247
Net Borrowing (Actual as at 30th September)	-	33,674
Capital Financing Requirement (CFR)	36,760	38,271
Ratio of financing costs to net revenue stream	13.1%	13.9%
Limit of fixed interest rates based on net debt	100%	100%
Limit of variable interest rates based on net debt	25%	25%
Principal invested > 365 days	-	-

666

961

Maturity Structure of fixed rate borrowing during 2018/19	1st Apr 2019 Actual Debt in £m	30th Sept 2019 Actual Debt in £m	30th Sept 2019 Actual Debt as a %	2019/20 Original Limits set as % ranges
Under 12 months	1.4	-	0%	0% - 20%
12 months to 2 years	2.0	2.0	6%	0% - 20%
2 years to 5 years	5.1	5.1	15%	5% - 25%
5 years to 10 years	3.1	3.1	9%	5% - 30%
10 years and above	23.5	23.5	70%	15% - 70%
Total	35.1	33.7	100%	

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

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