

# COUNCIL

**Tuesday, 5 April 2011**

**Present:** Councillor Ken Ball (Mayor), Councillor Pat Case (Deputy Mayor), Councillors Nora Ball, Eric Bell, Julia Berry, Judith Boothman, Alistair Bradley, Terry Brown, Alan Cullens, Magda Cullens, Mike Devaney, David Dickinson, Doreen Dickinson, Dennis Edgerley, Christopher France, Anthony Gee, Peter Goldsworthy, Marie Gray, Alison Hansford, Pat Haughton, Harold Heaton, Catherine Hoyle, Keith Iddon, Kevin Joyce, Hasina Khan, Roy Lees, Laura Lennox, Adrian Lowe, Marion Lowe, Peter Malpas, June Molyneaux, Greg Morgan, Simon Moulton, Mick Muncaster, Beverley Murray, Mark Perks, Alan Platt, Debra Platt, Geoffrey Russell, Rosie Russell, Edward Smith, Joyce Snape, Ralph Snape, John Walker, Stella Walsh and Peter Wilson

## **11.C.167 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor H Caunce.

## **11.C.168 MINUTES OF THE LAST COUNCIL MEETING HELD ON TUESDAY, 1ST MARCH 2011.**

**RESOLVED** – That the minutes of the last meeting of the Council held on 1 March 2011 be confirmed as a correct record for signature by the Mayor.

## **11.C.169 DECLARATIONS OF ANY INTERESTS**

Councillor Peter Malpas declared a personal interest in item 11 (notice of motions) as an elected Member of Lancashire County Council.

## **11.C.170 MAYORAL ANNOUNCEMENTS**

The Mayor thanked Councillors for their support for his fundraising activities over the year and referred to his Easter Raffle for which tickets were on sale. He reported that Alan Whittaker, a former Mayor of the Borough, was undertaking a sponsored bike ride to Hungary and was seeking sponsors in aid of both the Royal British Legion and Help the Homeless.

The Mayor referred to the forthcoming elections and paid tribute to the work of Councillors Laura Lennox, Pat Haughton and Ted Smith who were not seeking re election this time. All other political group leaders responded with their thanks to the three Councillors for their commitment to the work of the Council and their contributions to their political groups.

## **11.C.171 PUBLIC QUESTIONS**

There had been no requests from any members of the public to speak at the meeting on any of the agenda items.

## **11.C.172 EXECUTIVE CABINET**

Members considered a general report of four meetings of the Executive Cabinet held on 1 November and 9 December 2010; 17 February and 31 March 2011.

It was moved by the Executive Leader (Councillor Peter Goldsworthy), seconded by the Deputy Leader (Councillor Pat Case) and **RESOLVED that the report be noted.**

#### **11.C.173 REVIEW OF LICENSING POLICY STATEMENT UNDER THE LICENSING ACT 2003**

The Council meeting considered a report of the Director of People and Places on the adoption of the revised Licensing Policy Statement under the Licensing Act 2003.

The Council had a statutory duty to produce a Licensing Policy Statement demonstrating how the Council would determine applications for licences under the Licensing Act 2003 for the forthcoming three years. The Policy Statement had already been considered by the Licensing and Public Services Committee and Executive Cabinet and also been subject to extensive consultation. Minor changes had been made as a result of the consultation process.

The Chair of Licensing and Public Safety Committee (Councillor Keith Iddon) proposed, the Vice Chair (Councillor Pat Haughton) seconded and it was **RESOLVED – that the reviewed Licensing Policy Statement (Licensing Act 2003) be approved and adopted by the Council, with comments arising from the consultation and the responses to those comments, being noted.**

#### **11.C.174 REVIEW OF MEMBER ALLOWANCES**

The Executive Leader presented a report to the Council seeking approval to the appointment of an Independent Remuneration Panel to undertake a review of the current Members Allowances Scheme.

In line with the Members Allowances Regulations, Chorley Council's elected Member Allowances Scheme was due for review and this was required to be undertaken by a panel of independent members. The current panel had one vacancy and the report suggested a replacement member along with the reappointment of the other two members for a period of three years.

The Executive Leader (Councillor Peter Goldsworthy) proposed, the Deputy Leader (Councillor Pat Case) seconded and it was **RESOLVED: that Allan Jones, Chair of Chorley Partnership Board be appointed to the Council's Independent Remuneration Panel to serve alongside Dennis Benson and Tom Waring for a period of three years.**

#### **11.C.175 CAPITAL PROGRAMME, 2010/11 TO 2012/13 - MONITORING REPORT**

This item was withdrawn at the meeting as the information had been superceded by the budget position agreed at Council on 1 March 2011.

#### **11.C.176 OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS**

Members considered a general report of four meetings of the Overview and Scrutiny Committee held on 8 November and 6 December 2010; 14 February and 28 March 2011.

It was moved by the Chair of the Overview and Scrutiny Committee (Councillor Adrian Lowe), seconded by the Vice Chair (Councillor Alan Cullens) and **RESOLVED that the report be noted.**

### **11.C.177 AUDIT COMMITTEE**

Members considered a general report of two meetings of the Audit Committee held on 20 January and 17 March 2011.

It was moved by the Chair of Audit Committee (Councillor Anthony Gee), seconded by the Vice Chair (Councillor Laura Lennox) and **RESOLVED that the report be noted.**

### **11.C.178 AMENDMENTS TO THE CONSTITUTION**

The Executive Leader presented a report on changes to the Council's Constitution covering three areas of provision.

The first was to make Constitutional provision for the implementation of the Strong Leader Model for the governance of the Council which was agreed in April 2010 but would come into effect from Annual Council on 17 May 2011.

The second provision was to introduce a mechanism of Substitute Members for Development Control and Licensing and Public Safety Committees. This would take effect from 17 May 2011 and would allow each political group to nominate one Substitute Member each for these two committees. Nominated substitutes must have received appropriate training to allow them to serve on those Committees.

The third area of change was to agree revised Contract Procedure Rules to more closely align Chorley and South Ribble Council in undertaking joint procurement work to achieve greater efficiencies.

It was moved by the Executive Leader (Councillor Peter Goldsworthy), seconded by the Deputy Leader (Councillor Pat Case) and **RESOLVED: that the following changes to be agreed and that the Constitution be revised accordingly:**

- 1. Constitutional provision for the Strong Leader Model which is being adopted from May 2011 be approved under a revised Article 7 of the Constitution set out in Appendix 1 to the report.**
- 2. The provision for substitute members at Development Control and Licensing and Public Safety Committees be approved as set out in paragraph 19 of the report; and**
- 3. The revised Contract Procedure Rules be approved as set out in Appendix 2 of the report.**

### **11.C.179 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8**

There had been no requests for questions from Members under Procedure Rule 8.

### **11.C.180 TO CONSIDER THE NOTICES OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10**

The Council meeting considered four motions put forward by Councillor Peter Wilson.

#### **1. Community Transport**

The Council considered the following motion moved by Councillor Dennis Edgerley and seconded by Councillor Terry Brown.

“This Council welcomes the decision to maintain community transport service levels for the next three months. The Council recognises the valuable role community transport services play and the importance to pensioners of using their NowCards on these services. Therefore we urge the Council to make representations to Lancashire County Council to use this three month period to make arrangements for maintaining all community transport services in the future at their current levels.”

**RESOLVED – That this motion be supported.**

## **2. Social Care**

The Council considered the following motion moved by Councillor Alistair Bradley and seconded by Councillor Laura Lennox.

“Chorley Council recognises the huge contribution that parents who act as full time carers to disabled children make to our society. We also acknowledge and applaud the help and support they have been given by Lancashire County Council in the past through the provision of much needed respite care. Chorley Council, however, wishes to express its’ opposition to the County Council’s decision to reduce this provision as a part of its response to the Government’s cut in funding. We request that the Leader of the Council writes to the Leader of Lancashire County Council and demands that the LCC Cabinet reconsiders this decision which has caused heartache and distress to so many.”

The following revised wording was put forward by the Executive Leader (Councillor Peter Goldsworthy) and seconded by the Deputy Leader (Councillor Pat Case).

“Chorley Council recognises the huge contribution that parents who act as full time carers to disabled children make to our society. We also acknowledge and applaud the help and support they have been given by Lancashire County Council in the past through the provision of much needed respite care.

Chorley Council notes the publicity given to the changes being made to respite care and that the changes are designed to improve respite care provision in the county making it fit for purpose. We request that the Leader of the Council writes to the Leader of Lancashire County Council seeking assurances that no families are disadvantaged and no respite care will be removed from anyone.”

**RESOLVED – that the amended motion be supported.**

## **3. Support For Senior Citizens**

The Council considered the following motion moved by Councillor Peter Wilson and seconded by Councillor Anthony Gee.

“As part of this Council’s ongoing support and commitment to ensure good health and wellbeing amongst older people, we call on the government to immediately restore the proposed cut in winter fuel payments proposed in the recent Budget.”

**RESOLVED – that this motion be supported.**

## **4. Local Democracy and the Planning Process**

The Council considered the following motion moved by Councillor June Molyneaux and seconded by Councillor Roy Lees.

This Council recognises the importance of empowering local people in the decision making process and supports the Council’s vision outlined in our Constitution which commits the Council to involving people in their communities. We recognise the importance of this in respect of the planning process and the vital role councillors play in representing the views

of local residents. Furthermore we believe that too many decisions are taken under delegated powers, despite opposition from councillors and local residents. Therefore we call on the Council to ensure that all applications are referred to the Development Control Committee where at least one objection from a ward councillor, who is acting following a written request from a constituent or constituents, is received, thus allowing the public to air their views and the application to be given due consideration by democratically elected councillors from all political parties.”

The Executive Leader reported that further to the position in July 2010 when a similar motion was rejected, a review was currently underway which could include a provision for a ward councillor to refer an item to Development Control Committee for decision, where the objector has submitted a written objection based on a material and substantial planning consideration. This would require Constitutional change and would be the subject of a future report to Council.

**RESOLVED – that the motion be withdrawn, on the basis that a provision will be introduced for a ward councillor to refer an item to Development Control Committee for decision where they have received a written objection based on “a material and substantial planning consideration”. This to be the subject of a report to a future meeting of the Council and to include the required change to the Constitution.**

#### **11.C.181 ANY OTHER ITEM(S) THE MAYOR DECIDES IS/ARE URGENT**

The Mayor reported that there was a need to increase the number of Councillors serving on the Human Resources Appeals Committee as a matter of urgency.

**RESOLVED – That the following additional Members be appointed to the Human Resources Appeals Committee; Councillors Judith Boothman, Mike Devaney, Marion Lowe and Stella Walsh.**

Mayor