

SPECIAL COUNCIL

THURSDAY, 4TH SEPTEMBER 2014, 6.30 PM
LANCASTRIAN SUITE, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Council, the following information.

Agenda No	Item	
4	PUBLIC QUESTIONS Members of the public who have requested the opportunity to ask question(s) on any item(s) on the agenda will have three minutes to put their question(s) to the relevant Councillor. Members of the public will be allowed to ask one short supplementary question. It has been agreed that for this Special Council meeting a period of up to one hour will be permitted for public questions. Five public questions have been received and are now enclosed.	(Pages 136 - 137)
9	ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT Dispensation Motion to be proposed by the Executive Leader of the Council (enclosed). Please note that this item will be considered prior to agenda item 6.	(Pages 138 - 139)

GARY HALL
CHIEF EXECUTIVE

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SPECIAL COUNCIL MEETING: 4 September 2014**Item 4 PUBLIC QUESTIONS****1. Justin Taylor, Rivington View Residents Association**

Given the reasons stated by the Council to discount the Haworth Road site from further considerations as a Gypsy/Traveller provision, does this mean that the site will be excluded from potential selection for similar sites in the future, should County or Government indicate a need for one?

2. Steve Allen, Moorland Gate Business Park

As the owners of Moorland Gate Business Park we are concerned that the planned development will impact on our ability to retain existing and attract new tenants to the business park. We have already been informed by a number of tenants that they will not renew their leases in the event that a Gypsy or Traveller site is established. Two independent commercial property agents have also confirmed they believe the development will undoubtedly have a detrimental impact upon market demand. Whilst we do not endorse the concerns or considerations that have led our tenants to that decision we are deeply concerned by the effect on our business. Has the council considered the potential detrimental impact on employment in the ward and borough that the provision of a Permanent Traveller site will have on the Moorland Gate business park and other employers in the immediate area of the Cowling Farm site.

3. Gareth Howell - Cowling Action Group

Are Members of the Council aware that the evidence base upon which the decision to allocate Cowling Farm has been determined is fundamentally flawed? It seems clear that a site has been chosen and the 'evidence' then prepared to support this allocation. Even then it is clear that your officers have rejected other more suitable sites, where the effect on, for example, the delivery of housing more generally would be considerably less than for Cowling Farm. The impact of the allocation at Cowling will have the effect of sterilising the wider site allocation – potentially over 150 dwellings, and the revenue this would bring, lost to the Borough. Why have more suitable sites with a much lesser impact been rejected for somewhat spurious reasons?

4. Peter Talbot Cowling Action Group and Spinners @ Cowling

The council claim to have consulted residents and business owners likely to be impacted by the proposed development. Yet neither the owners or the Landlord of the Spinners at Cowling have been consulted regarding the proposed allocation which uses the car park of the Spinners as an access to the proposed development which would effectively destroy the home, business and livelihood of the Spinners landlord and threaten the employment of his staff and suppliers. On what basis can the Council maintain it has carried out sufficient consultation when a party affected by the proposed access has received no communication whatsoever?

5. Val Brown – Cowling Action Group

Planning professionals and legal advisors instructed on behalf of local residents and businesses have called into question the suitability and validity of the Sustainability Appraisal conducted by the Council and the conclusion it has reached with regard to the preferred option. The council has chosen to ignore these representations therefore how does it believe it will be able to demonstrate to the inspector and to any subsequent challenge or review that it has undertaken an adequate sustainability appraisal?

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Motion to Grant a dispensation to all members of Chorley Council to participate in all decision making relating to an investigation into Chorley Council seeking Unitary Status

Motion

That Chorley Council grants to all Councillors a dispensation under section 33(2)(e) of the Localism Act 2011 to enable them to participate in Agenda Item 6, Developing a Proposal for Unitary Status and any subsequently convened working group connected to this matter.

The said dispensation to continue for a period of 12 months or until the subject of the Agenda Item is brought back to Full Council for further consideration.

Background

On 4 September 2014, Council will consider a report, Developing a Proposal for Unitary Status. The report recommends that the Council investigate the business case for and viability of Chorley becoming a single tier authority. In addition it envisages the establishment of an all-party working group to oversee this project.

All members potentially have a pecuniary interest in this Item. A pecuniary interest includes an office held for gain (which in this context could cover being a councillor who receives remuneration).

A reorganisation of Chorley Council from a district to a unitary single tier will have an impact on the constitutional and governance arrangements. These may include

- The level of member allowances and remuneration (both basic and special allowances)
- The number of Councillors
- Electoral cycle arrangements
- A continuation of Executive or a move to Committee arrangements.

A decision to move to Unitary status will therefore have an impact on members financially, impacting their pecuniary interest.

In addition 6 Councillors are dual hatted, also elected as County Councillors, this too would be a pecuniary interest impacted by this agenda item. The impact of the changes which could be made as a result of this agenda item has a more apparent effect on the dual hatted members due to the loss of county allowances.

The Item before councillors tonight recommends no more than investigation of Unitary Status as an option. Any decision to move to a single tier authority is in reality a number of years in the future even if the business case stacks up and there is a local will to proceed. The decision tonight is sufficiently remote from any final implementation to suggest that members pecuniary interests are likely to influence on their decision.

The purpose of the standards regime is to ensure that councillors decision making functions are exercised in the interests of the community and not for personal gain. It is not to limit councillors involvement in local decision making.

This is an issue that affects the borough as a whole and it is important that all councillors can participate in the debate to ensure as many different points of view are considered.

Reasons

1. Whilst it is clear that the dual hatted county councillors have a pecuniary interest in the decision on unitary status, all members potentially have this interest.
2. The matter before members is not seeking to approve a change to unitary status but to approve the investigation of a business case for this. The final decision (on single or two tier status) is too remote at this stage from the pecuniary interest.
3. It is important for as many members as possible to participate in this process, to ensure as many points of view are aired as possible and to ensure adequate representation of the residents of Chorley.
4. The dual hatted county councillors have a particular experience and point of view which will be of benefit to the consideration of this matter.

Chris Moister

Head of Governance and Monitoring Officer