

OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 21ST MARCH 2019, 6.30 PM

COMMITTEE ROOM 1, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Overview and Scrutiny Committee, the following documents that were unavailable when the agenda was published.

Agenda No	Item	
2	MINUTES OF MEETING THURSDAY, 7 MARCH 2019 OF OVERVIEW AND SCRUTINY COMMITTEE	(Pages 151 - 154)
5	EXECUTIVE CABINET MINUTES	(Pages 155 - 160)
	To consider the Executive Cabinet minutes of the meeting held on 17 January, 14 February and 14 March.	

GARY HALL
CHIEF EXECUTIVE

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MINUTES OF	OVERVIEW AND SCRUTINY COMMITTEE
MEETING DATE	Thursday, 7 March 2019
MEMBERS PRESENT:	Councillor John Walker (Chair), Councillor Alistair Morwood (Vice-Chair) and Councillors Paul Clark, Yvonne Hargreaves, Matthew Lynch, June Molyneaux, Greg Morgan, Steve Murfitt, Gillian Sharples and Kim Snape
OFFICERS:	Chris Sinnott (Director (Early Intervention and Support)), Chris Moister (Head of Legal Democratic and HR Services), Stefanie Leach (Solicitor), Lesley Miller (Regulatory Services Manager), Zoe Whiteside (Development and Regeneration Manager) and Chief Inspector Gary Crowe (Lancashire Constabulary)
APOLOGIES:	Councillor Steve Holgate and Paul Leadbetter
OTHER MEMBERS:	Councillor Gordon France, Margaret France, Adrian Lowe and Marion Lowe

19.OS.15 Declarations of Any Interests

No declarations of interest were received.

19.OS.16 Public Questions

No public questions were received.

19.OS.17 Exclusion of the Public and Press

Decision: To exclude the press and public for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

19.OS.18 Approach to Dealing with Unauthorised Encampments on Land not owned by Gypsy Travellers

The Chair advised that this special meeting of the Overview and Scrutiny Committee was requested by Councillor Marion Lowe and invited her to address the Committee.

Councillor Marion Lowe explained that she felt the current approach to dealing with unauthorised encampments on land not owned by Gypsy Travellers is in need of review. The time and costs required to remove unauthorised encampments were also

a factor, especially for those residents affected. Delays have been experienced in the provision of a transient site.

Chris Sinnott, Director (Early Intervention and Support), explained that the current approach involves different teams across the Council, including Environmental Health, Legal, Communications, Public Protection and Animal Welfare.

Lesley Miller, Regulatory Services Manager, advised that a great deal of interventions are actioned in the hours after notification is received that an unauthorised encampment is on Council land. This includes liaison with the Police, commencement of the legal processes, communication with all interested parties and welfare visits for the Gypsy Travellers and any animals they have. Experience has shown that it is best to positively engage with the Gypsy Travellers. The Council also give advice to private landowners when there are encampments on their property.

Stefanie Leach, Solicitor, outlined the legal processes required, including a Section 77 Direction specifying a time and date that vehicles must be removed by. If this is not successful, the Council applies for a Court Order which enables bailiffs to remove the Gypsy Travellers if they have not left within 24 hours. Following the closure of Chorley Magistrates Court officers will have to travel to Preston Magistrates Court for this.

Chief Inspector Gary Crowe advised that Gypsy Travellers have the right to a family and to a private life under the Human Rights Act. The Police can act under specific circumstances, for example, if a private land owner has taken reasonable steps to request an unauthorised encampment to leave their land, and threats had been made or a crime committed. If an encampment is impeding a business the Police have powers to act. It is difficult when an encampment moves around several times within the same area.

Members queried several points including the issues of Penalty Charge Notices when an encampment is on a car park, the case of the Thwaites brewery in Blackburn, planning for Bank Holidays, the need to communicate with the residents of Chorley, the potential to modify the entrances to Council car parks and when it is appropriate to scan dogs for microchips.

Councillors Gordon and Margaret France, Paul Clark, Yvonne Hargreaves and June Molyneaux left the meeting at 7.15pm and Councillor Alistair Morwood and Kim Snape left the meeting at 7.25pm.

Zoe Whiteside, Planning Policy, Housing and Open Space Strategy Manager, advised that the National Planning Policy Framework (NPPF) and the 2015 Planning Policy for Traveller Site (PPTS) require a local needs assessment and 'ensure that their Local Plan includes a fair, realistic and inclusive policies to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply'.

The last Gypsy and Traveller Accommodation Assessment (GTAA) in 2015 established a need for 33 additional pitches over the period to 2026, with Chorley requiring 10 pitches, Preston 22 and South Ribble 1 pitch. A 10 plot shortfall of Travelling Show person provision was also identified. Further assessment of need resulted in 5 permanent pitches being allocated at Cowling Farm in the Chorley Local Plan.

The current GTAA Review will cover the period to 2036 for the new Central Lancashire Local Plan. Arc4 are carrying out an assessment of Gypsy and Traveller, and Travelling Show people accommodation needs (including houseboat dwellers) over the plan period for each of the respective Councils in accordance with the National Planning Policy Framework.

Specifically, the study will identify any 5 year shortfall (2018/19 to 2022/23) and shortfalls over the remainder of the plan period to 2036 (broken down into 5 year periods) for each local authority of Chorley, Preston and South Ribble. The study will also identify any transit/stop over provision based on evidence of unauthorised encampment activity.

Zoe Whiteside gave an update on the development of Cowling Farm. The Council has been working in collaboration with Homes England on the master planning for the site as whole. This work has involved technical works and a period of consultation (with the public and LCC) to agree the access arrangements for the housing, employment and the Gypsy and Traveller allocation.

The team have worked closely with the Gypsy and Traveller family to agree the location of the site. The allocation is for the Gypsy and Traveller family only.

Subject to Homes England agreement on the joint outline application the masterplan will go to Executive Cabinet in June 2019 and an outline planning application will be submitted in July 2019.

The timescales for construction works will be dependent on further technical assessment of the earthworks and drainage and the phasing of these works, but we are still aiming for July 2021 completion.

The Chair thanked Chief Inspector Gary Crowe and the officers for their contribution to the discussion.

Decision: That an update be provided to the next Overview and Scrutiny Committee on 21 March.

Chair

Date

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**MINUTES OF****EXECUTIVE CABINET****MEETING DATE****Thursday, 14 March 2019****MEMBERS PRESENT:**

Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Jane Fitzsimons, Paul Walmsley and Adrian Lowe

OFFICERS:

Gary Hall (Chief Executive), Chris Sinnott (Director (Early Intervention and Support)), Asim Khan (Director (Customer and Digital)), Mark Lester (Director (Business, Economic and Growth)), Chris Moister (Head of Legal, Democratic & HR Services), Philippa Braithwaite (Democratic and Member Services Officer), Angela Barrago (Health and Wellbeing Manager), Tracy Brzozowski (Customer Services Manager (Enforcement)) and Bernie Heggarty (Neighbourhood Priorities Officer)

OTHER MEMBERS:

Councillors Eric Bell, Alan Cullens, Gordon France, Danny Gee, Yvonne Hargreaves, Marion Lowe, June Molyneaux, Greg Morgan, Alistair Morwood and John Walker

19.EC.100 Minutes of meeting Thursday, 14 February 2019 of Executive Cabinet

Decision: That the minutes of the Executive Cabinet meeting held on 14 February 2019 be confirmed as a correct record for signature by the Executive Leader.

19.EC.101 Declarations of Any Interests

There were no declarations of interests.

19.EC.102 Public Questions

There was one public question received from Mr Mohsin Patel in relation to a report later in the agenda, Allocation of Community Infrastructure Levy Funds.

“Although the committee is asked to approve funding of £572,250 for the purchase of St. Johns Club, has consideration been given by the council for the overall scheme capital costs? Information available on Chorley and South Ribble CCG website states that the anticipated capital build cost for the medical centre is £3.45 million. Thus a total outlay required by Chorley Council will be close to £4m.

Should the council not be seeking approval for the total scheme costs before they commit to buying some land?"

Councillor Peter Wilson, Executive Member (Resources), responded that the report on today's agenda was just seeking approval for the purchase of the site, not the entire project. He confirmed that consideration had been given to the forward plans but that details (including costings) were yet to be determined and would be presented to Council for decision when available. Gary Hall, Chief Executive, advised that discussions were being held with a number of stakeholders to consider the various options and challenges for the site but confirmed that no final scheme had been identified.

19.EC.103 Allocation of Community Infrastructure Levy Funds

Councillor Peter Wilson, Executive Member (Resources), presented the report of the Director (Business, Development and Growth) which seeks approval for the allocation of Strategic CIL monies to purchase the St Johns Club, 239 Preston Road, Clayton-Le-Woods to support the delivery of the Clayton-Le-Woods General Practice surgery which is on the Regulation 123 List.

Members discussed the report, noting that there was no formal proposal for the project currently, and therefore there were no details available regarding timescales or facilities. Councillor Wilson advised that although discussions had been held with several stakeholders about the options available for developing the site, these were yet to be explored in detail and no formal proposals were available.

With regards to posts on social media, Councillor Wilson explained there was any formal partnership with any individual stakeholders and reiterated that no detailed plans or proposals were in place. It was suggested any alleged misinformation being circulated by councillors or parish councillors should be reported to the Monitoring Officer for investigation as a potential Standards matter. In response to a subsequent question, the Chief Executive advised that moving forwards the planning process would include usage of the existing community centre space.

Decision:

To approve the allocation of £572,250 capital infrastructure monies to the St John's Health Centre project for spend in 2019/20.

Reasons for Recommendation(s):

To allocate the CIL Infrastructure Fund in the way it is intended and ensure the methodology of how it is allocated is transparent.

Alternative Options Considered and Rejected:

None.

19.EC.104 Joint Procurement Strategy

Councillor Peter Wilson, Executive Member (Resources), presented the report of the Chief Executive which sets out the performance achieved against the 2015 - 2018 Chorley Borough and South Ribble Borough Councils Joint Procurement Strategy (JPS) and includes recommendations for a new refreshed 3-year JPS commencing 1 April 2019. Members noted that the Strategy had been presented to the Shared

Services Joint Committee in February, who had approved it being taken forward at both authorities.

Decision:

1. That the contents of this performance report are noted.
2. That the proposed refreshed Joint Procurement Strategy included at Appendix 3 of the report is adopted.

Reasons for Recommendation(s):

To set out procurement priorities and provide a clear framework, plan and direction on how to achieve these.

Alternative Options Considered and Rejected:

To not renew the Joint Procurement Strategy. This would mean that the Council would not have clearly defined procurement priorities and would not have a clear framework, plan and direction on how to achieve these.

19.EC.105 Revised Local Enforcement Plan

Councillor Paul Walmsley, Executive Member (Public Protection), presented the report of the Director (Customer and Digital) which seeks approval for changes to the Council's Local Enforcement Plan. It was noted that this plan would provide a more efficient and customer focused service and is based on best practice examples across the country.

Decision:

Approve the proposed changes to the Local Enforcement Plan.

Reasons for Recommendation(s):

To align the Council's Local Enforcement Plan with other best practice examples across the Country whilst ensuring it meets the specific needs of the local area.

Alternative Options Considered and Rejected:

Continuing with the existing plan which is not fit for purpose, for the reasons identified within the report.

19.EC.106 Neighbourhood Priorities 2019-20

Councillor Bev Murray, Executive Member (Early Intervention), presented the report of the Director (Early Intervention and Support) which presents the proposed neighbourhood priorities that have been agreed within each neighbourhood management group. Members discussed the future of Neighbourhood Area Meetings in light of the upcoming boundary changes and noted that, although a number of projects were still small-scale, the wider contextual information given in these meetings was starting to inform larger projects, attracting match-funding and partnership working.

Decision:

1. It is recommended that the neighbourhood priorities proposed within each neighbourhood management meeting are agreed.
2. It is recommended that when scoping out the detail and financial resources required for each priority, financial or in-kind contributions are sought from

partners within the neighbourhood including parish councils, Lancashire County Council, voluntary sector and other stakeholders.

3. Where a priority is subsequently scoped out as requiring increased financial resources, consideration will be made in consultation with the Executive Member (Early Intervention) for this neighbourhood priority to be carried out at additional cost beyond £2,000, phased, or developed further as an individual corporate project.

Reasons for Recommendation(s):

Neighbourhood working and associated projects is a key priority within the council's corporate strategy and encourages the improvement of environmental, health, and social features within the eight neighbourhoods of Chorley.

Alternative Options Considered and Rejected:

To not support the continuation and development of neighbourhood priorities across the borough and not make the £50,000 funding available.

19.EC.107 Exclusion of the Public and Press

Decision: To exclude the press and public for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

19.EC.108 Kem Mill Lane Playing Fields

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform), presented the confidential report of the Director (Business, Development and Growth) which provides an update on the Kem Mill Lane / Whittle-le-Woods Football Club playing field improvement project, seeks authorisation to allocate the project budget, submit a planning application and procure a competent contractor or contractors to deliver the works.

Decision:

1. To note the project update.
2. To allocate the sum of £53,962 for the delivery of the project from s106 and CIL receipts.
3. To agree to the improvement works proposed (comprising a proposed car park / revised access and pitch drainage / grading), to authorise the submission of a planning application and to further authorise the procurement of a competent contractor or contractors to deliver the work.
4. To approve that the contract awards be delegated to the Executive Member for Economic Development and Public Service Reform.

Reasons for Recommendation(s):

1. The sum of £53,962 needs to be spent or there is a risk of having to repay the S106 / commuted sum contributions to the developers.
2. The improvement to Whittle-le-Woods football club pitch drainage is identified in the Chorley Playing Pitch Strategy 2014-2019. The playing surface would benefit from the proposed pitch improvement works to regularise the pitch surface gradients and decrease the number of cancelled matches during inclement weather.

3. The playing pitch is in need of additional car parking facilities as on match days players and spectators are parking along Kem Mill Lane resulting in inconvenience to local residents. A number of new properties have also been built, further along Kem Mill Lane which is exacerbating the parking problem on match days.

Alternative Options Considered and Rejected:

To return the S106 to the developer and leave the playing pitch and its facilities as existing.

19.EC.109 Leisure Contract Review

Councillor Bev Murray, Executive Member (Early Intervention), presented the confidential report of the Director (Early Intervention and Support) which presents the work undertaken to review options for the management of the council's leisure centres, and seeks approval for commencing a procurement exercise.

Decision:

1. That the Executive Cabinet approve the commencement of a procurement exercise for the management of the indoor leisure contract, using Competitive Procurement with Negotiation.
2. That delegated authority be given to the Executive Member (Resources) to approve the strategy for procurement when it is developed.

Reasons for Recommendation(s):

The work undertaken indicates that the procurement exercise is the most likely to deliver best value for the council.

Alternative Options Considered and Rejected:

To extend the current contract, which was rejected on the basis that this would not provide the opportunity to test the market and secure best value.

Chair

Date

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