

2 April 2012

Dear Councillor

COUNCIL - TUESDAY, 3RD APRIL 2012

I am now able to enclose, for consideration at the above meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No Item

7. **Executive Cabinet**

b) General report attached of the meeting held on 29 March 2012 (Pages 41 - 44)

13. **Delegation of authority to make minor amendments to planning decisions following the issue of the NPPF (Pages 45 - 48)**

An urgent decision is required under agenda item 13. Report of the Monitoring Officer.

Yours sincerely



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Chief Executive

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માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

**REPORT OF EXECUTIVE CABINET
GENERAL REPORT – 29 MARCH**

1. The Cabinet's recommendations on the reports that require Council decisions appear as separate items on the agenda.

Uplift Time Credits Programme

2. We considered a report in relation to the Uplift time credits programme. Lancashire County Council (LCC) has successfully bid to the Department for Health to become a 'showcase' area for a time credits system. The time credit system is a development of time banking schemes that aims to encourage volunteering and the development of relationships between communities.
3. In the Uplift time credit programme, an individual will be given a credit for time that they give to support the community. One credit will be received for each hour of time, and these can be exchanged for access to events, training and leisure services, or to "trade" time with neighbours. The model has been developed in response to the consequences of high unemployment and, amongst other things, has been shown to improve community cohesion and reduce anti social behaviour.
4. To support the development and launch of the programme, Spice will appoint a local facilitator who will engage with local organisations to develop the time in and time out menus and oversee the launch of the scheme. Support will also be provided by Lancashire County Council and other employees of Spice as required. The SPICE scheme is a pilot and Chorley are the only Authority in Lancashire taking part. At present this is not a mainstream scheme.
5. We noted the potential of this scheme and granted approval to the Council's involvement in the Uplift time credits programme. This will include providing office accommodation to a local facilitator, who will be employed and paid for by other partners in the programme. We approved the development of a 'time out' menu which includes activities offered by Chorley Council, and delegated approval of the 'time out' menu to the Executive Member for People.

Changes to Debtors Recovery

6. We received a report setting out proposals to make changes to the way miscellaneous invoices (sundry debtors) are processed and collected by the Council.
7. Changes have been made over the last twelve months to enhance and improve the service which now includes the use of barcodes to streamline receipting, simplified stationery and use of a new web desktop for users. Further changes are now being considered to enhance the service that will help improve productivity and cash flow in the medium to longer term.
8. We approved the removal of the due date from invoices to state payment is due immediately although no recovery action will commence until 14 days has lapsed from the date of the invoice. This is a significant and important change as currently the implied suggestion is that customers have almost a month to pay for services which, in the main, have already been delivered by the Council. Removal of the due date is intended to encourage behavioural change so that action is taken to settle the bill immediately rather than prolong payment. These changes exclude Market invoices and garage rentals which are covered by the pay monthly scheme.
9. As part of the changes we approved the movement to a paperless direct debit scheme to align with the Revenues Service, to take advantage of the late payment legislation for commercial invoices although, again in reality, this will in the main act only to encourage prompt payment of invoices and the implementation of changes to improve the delivery of documents to customers through email by December 2012. The Corporate Debt Recovery Policy will be updated to reflect these changes.

Prevention of Homelessness Strategy

10. The Executive Member for Partnerships and Planning presented a report setting out the legal responsibility placed on the Council to produce a Prevention of Homelessness Strategy and Review, providing an overview of the draft strategy and seeking approval for consultation with partners and customers.

11. The review includes detailed statistics on homelessness and a summary of the trends in each borough. These are translated into key priorities for the strategy and link into the strategy action plan. Chorley and South Ribble Councils regularly work collaboratively on housing initiatives and share best practice on housing matters. There are similarities in the issues in each respective housing market faces and in particular, relating to homelessness. It has been agreed that, in order to make best use of resources and to pool expertise in producing this strategy, colleagues at both Councils will work collaboratively to produce a shared document.
12. We approved the strategy and agreed that it be circulated for consultation with all partners engaged in housing or housing related functions, including internal and external, as well as customers. There will be a full integrated equality impact assessment undertaken and following this, feedback will be considered and any necessary changes made prior to the strategy being formally adopted and implemented.

Supplementary Planning Documents

13. We considered a report relating to a Design Guide Supplementary Planning Document (SPD).
14. The Design SPD focuses on the way in which Central Lancashire authorities will encourage good design by setting out the key design principles that will be used in dealing with planning applications. It is one of five SPDs currently being finalised for public consultation. Officers clarified that the document supported the published Development Plan documents.
15. We endorsed the Design SPD for public consultation, after which they will be reviewed and reported back to Cabinet in order to be approved and adopted for use. We delegated authority to the Executive Member in liaison with the Director of Partnerships, Planning and Policy for approval of minor amendments to the documents, if needed, prior to formal consultation.

Contract for provision of Generalist Debt Advice and Support Services in Chorley

16. The Executive Member for People presented a confidential report outlining the quote from Chorley, South Ribble and District Citizens Advice Bureaux for provision of generalist debt advice and support services in Chorley, to commence on 1 April 2012, in line with specified performance monitoring requirements.
17. We awarded the contract for provision of generalist debt advice and support services to Chorley, South Ribble and District Citizens Advice Bureaux.

Core Funding 2012/13

18. The Executive Member for People presented a confidential report which outlined the Core Funding allocation for 2012/13.
19. We approved the recommendations in Appendix A of the report, subject to agreeing and signing contracts and or grants with the organisations.

Catering Opportunities at Yarrow Valley Country Park and Coronation Recreation Ground, Chorley

20. The Executive Member for People presented a confidential report updating Members on progress with investigations into opportunities for revenue generation at Yarrow Valley Country Park and Coronation Recreation Ground Chorley.
21. We agreed a commercial letting for Yarrow Valley Visitors Centre and authorised the Director of People and Places, in consultation with the Executive Member for People and Places, to identify the most appropriate tenant for the Yarrow Valley Visitors Centre and award a lease to them on terms to be agreed. We authorised Liberata Property Services to negotiate terms with a view to the grant of a 10 year lease at Yarrow Valley Country Park, terms agreed to protect public access and to oblige the incoming tenant to work in partnership with the Council to maintain the level of customer service, education facilities, information and exhibition space and access to the public conveniences for all members of the public. The agreed terms and conditions will be reported to the Executive Member for People and Places for approval in due course.

Review of Cleaning Services

22. The Executive Member for People presented a confidential report advising of a review of current cleaning services within the Council.
23. We approved the recommendations within the report.

Disposal of garden extensions at land rear of Fairview Drive, Adlington

24. The Monitoring Officer presented a confidential report regarding the disposal of an area of land to individual occupiers as garden extensions.
25. We approved the recommendations within the report.

Shared Financial Services Budget Review

26. The Head of Shared Financial Services presented a confidential report seeking approval following a recommendation made at the Joint Management Committee for Shared Services with South Ribble Council on Monday 26 March 2012.
27. We approved the recommendations within the report for consultation.

Recommendation

28. That the report be noted.

COUNCILLOR PETER GOLDSWORTHY
Executive Leader

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Report of	Meeting	Date
Monitoring Officer	Council	3 April 2012

DELEGATION OF AUTHORITY TO MAKE MINOR AMENDMENTS TO PLANNING DECISIONS FOLLOWING THE ISSUE OF THE NATIONAL PLANNING POLICY FRAMEWORK

PURPOSE OF REPORT

1. To propose that authority be delegated to the Director of Partnerships, Planning and Policy to be exercised in consultation with the Chair of Development Control Committee to make minor amendments to allow for the issue of Planning affected by the National Planning Policy Framework document.

RECOMMENDATION(S)

2. To delegate authority to the Director of Partnerships, Planning and Policy, to be exercised in consultation with the Chair of the Development Control Committee the power to make minor amendments to conditions attached to decisions taken by the Development Control Committee that are not in accordance with the National Planning Policy Framework.
3. That the delegated authority be limited to minor amendments only, the assessment of the seriousness of the amendment to be assessed by the said Director and Chair.
4. That the said Director report to Development Control Committee for noting any minor amendments undertaken and the reasons for the amendment.
5. That any amendments to the decision of Development Control Committee which are not deemed by the said Director and Chair to be minor should be brought back to Development Control Committee for reconsideration.

EXECUTIVE SUMMARY OF REPORT

6. On the 27 March 2012 the National Planning Policy Framework (NPPF) document was issued. The NPPF requires that it be treated as a material consideration in any planning decision.
7. Whilst the Development Control Committee makes decisions on planning applications brought before it, the decision is only made formally when the decision notice is issued. In most cases, decision notices are issued promptly, but certain decisions, especially those subject to a section 106 agreement, can be issued much later than the committee's resolution. Members should note that officers routinely review the current policy and legislative framework in such circumstances and refer back to the DC Committee on significant matters.
8. Such decisions would have referred to those national planning policy guidance or statements (PPG/PPS) now superseded by the NPPF, and to issue such a decision would be potentially be subject to challenge. The decisions taken by DC Committee which have not yet had decision notices issued need to be considered to ensure that the conditions and reasons attached to them do not place them in breach of the NPPF. It would be prudent and appropriate to give delegated authority to officers to allow minor changes to be made. The delegation will not serve to change a decision of DC Committee from approval to refusal. Where the policy foundation of the decision has significantly changed in the light of the

provisions of the NPPF, or where more than a minor amendment is required, the matter will be referred back to the DC Committee for further consideration.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

BACKGROUND

10. The National Planning Policy Framework (NPPF) document was published on 27 March 2012. The policies contained in the NPPF are material considerations in planning decisions.
11. Planning applications are considered by the Council's Development Control Committee. The DC Committee will make a decision on approval or refusal and if approved what are the appropriate conditions to be attached. It is settled law that whilst the DC Committee makes the decision it is not formalised until a decision notice is issued, the courts taking a view that the decision is made on issue of the notice. In most cases, decision notices are issued promptly.
12. There are some DC Committee decisions which have yet to be formalised by the issuing of a decision notice. These are applications which require a section 106 agreement to be entered into prior to the decision being issued and the S106 remains outstanding. Members should note that prior to the issuing of a decision notice officers routinely review the current policy and legislative framework and refer back to the DC Committee for further consideration on significant matters.
13. Decisions previously made would have referred to those national planning policy guidance or statements (PPG/PPS) now superseded by the NPPF, and to issue such a decision that does not refer the NPPF would potentially be subject to challenge. The decisions taken by DC Committee which have not yet had decision notices issued need to be considered to ensure that the conditions and reasons attached to them do not place them in breach of the NPPF. It would be prudent and appropriate to consider the use of delegated authority to allow minor changes to be made prior to the issue of a decision.
14. The delegation will not serve to change a decision of DC Committee from approval to refusal. Where the policy foundation of the decision has significantly changed in the light of the provisions of the NPPF, or where more than a minor amendment is required, the matter will be referred back to the DC Committee for further consideration.
15. In order to allow the efficient running of Council business it is proposed to delegate to the Director of Partnerships, Planning and Policy authority, to be exercised in consultation with the Chair of Development Control Committee, to make minor amendments to the reasons for the decision or conditions which have been attached by DC Committee to planning permissions.

- 16. This delegated authority will only be exercised where the condition is in conflict with the NPPF to a limited degree.
- 17. The delegation will not allow the said Director to reverse a decision to approve an application.
- 18. The discretion as to whether the delegation should be exercised lies with the said Director but if the Chair of DC Committee feels the exercise is inappropriate, the delegation should not be exercised.
- 19. All decisions which have conditions attached which are based on policies that have more than a limited degree of conflict with the NPPF will be referred back to the Development Control Committee for consideration.
- 20. It is not clear exactly how many decisions will be effected by the publication of the NPPF, but it is envisaged this will be a small number and it is expected even fewer will need no amendment at all.
- 21. Where the said Director exercised the delegated authority they will report to the DC Committee advising of the amendment and the reasons for any change.

IMPLICATIONS OF REPORT

- 22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 23. There are no financial implications of this report other than the additional staff time involved which is unavoidable.

COMMENTS OF THE MONITORING OFFICER

- 24. There is a general delegation to the Director of Partnerships, Planning and Policy to make minor alterations to planning decisions. However, it is clearly appropriate, when a new planning policy document is issued to grant a delegation in this form. The exercise of the delegated authority will be transparent as the Chair of DC will be a party to the decision making at the time and all exercise will be reported to the Committee.

CHRIS MOISTER
MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	2 April 2012	***

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