

COUNCIL

Tuesday, 15 July 2008

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

08.C.151 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Pat Case, Magda Cullens, Joyce Snape, Ralph Snape and Shaun Smith.

08.C.152 DECLARATIONS OF ANY INTERESTS

Councillor P Malpas declared a personal interest in Agenda Item 14 (Planning Application 08/00219/CB3 – Covered Market, Market Place, Chorley. Councillor P Malpas did not participate in the discussion and voting on the item.

08.C.153 MAYORAL ANNOUNCEMENTS

The Mayor thanked those Members who had been able to support him so far in his year as Mayor and that there would be plenty more events planned for the rest of the year so there would be time to get involved and help raise money for his chosen charities.

The Mayor informed everyone that the annual Mayor's Charity Cricket match between Members and officers had taken place on Friday, 4 July and had been won by the Members under the Captaincy of Councillor Harold Heaton.

The Mayor hoped to hold a fishing competition in September and coming up in October was a charity dog walk on Sunday, 5 as well as an East meets West night in the Lancastrian on Saturday 11. Details would be circulated.

The Mayor thanked those who would be joining him for the Charity meal at Hyatts after the Council meeting.

The Executive Leader took the opportunity to inform Members and congratulate the Chief Executive, Donna Hall on winning two awards, the most inspirational woman in the North West public sector and being voted fourth in a survey of all Council Chief Executives for their leadership skills. Both Councillor Dennis Edgerley and Ken Ball also expressed their congratulations.

08.C.154 PUBLIC QUESTIONS

In relation to Item 13 Planning Application 08/00143/CB3 – Astley Park, Park Road, Chorley the Council received representations from an objector and a supporter to the proposals.

08.C.155 MINUTES

It was moved by the Executive Leader, seconded by Councillor G Russell and subsequently **RESOLVED that the Minutes of the Annual Council meeting held on 13 May 2008 be confirmed as a correct record for signature by the Mayor.**

08.C.156 EXECUTIVE CABINET

(a) Capital Programme Provisional Outturn 2007/08 and Monitoring 2008/09 onwards

The Executive Member (Resources) Councillor A Cullens presented a report setting out the provisional outturn for the Council's Capital Programme for 2007/08 and the progress update on the 2008/09 Capital Programme.

The provisional outturn for the 2007/08 Capital Programme was projected as £6,473,979, a reduction of £818,991 on the last projection. The variance was caused principally by a number of slippages of expenditure into the 2008/09 Programme, including a contribution towards the cost of the Eaves Green Link Road; the capitalisation of restructuring costs; and expenditure increases in respect of Buckshaw Village Railway Station to be financed by a Section 106 contribution.

Appendices to the report gave a detailed analysis of the provisional outturn for 2007/08 and outlined the proposed financing arrangements for the revised 2008/09 Programme totalling £10,034,550, which did not require any borrowing commitments. The report drew attention to the capital projects that had contributed to the variances in the programme in addition to the slippage of expenditure from 2007/08.

It was moved by the Executive Member (Resources), seconded by the Executive Leader and subsequently

RESOLVED – 1) That the provisional outturn for the 2007/08 Capital Programme, which totals £6,473,979, be noted.

2) That the financing of the 2007/08 Capital Programme as set out in Appendix 1 of the submitted report be approved.

3) That the addition of the net slippage of capital expenditure from the 2007/08 Capital Programme to the 2008/09 Programme be approved.

4) That the revised Capital Programme for 2008/09 totalling £10,034,550, as set out in Appendix 3 of the submitted report be approved.

(b) General Report from Executive Cabinet meetings on 29 May and 26 June 2008

The Executive Leader presented a report which summarised the principal matters considered at the meetings of the Executive Cabinet held on 29 May and 26 June 2008.

It was moved by the Executive Leader, seconded by the Deputy Mayor (Councillor Iris Smith) and subsequently **RESOLVED that subject to the inclusion of the following**

'subject to confirmation by the Council' between 'agreed' and 'to' in Paragraph 39, the report be noted.

08.C.157 REVIEW OF THE COUNCIL'S CONSTITUTION

It was agreed that Standing Orders be suspended to allow the Corporate Director (Governance) to speak on the Council's Constitution and clarify the report.

The Council received a report of the Corporate Director (Governance) recommending the Council to update a number of sections within the Council's Constitution in line with previous agreed changes, updated legislation and the recent review of the decision making structure of the Council.

Councillor Edgerley suggested that the Constitution should contain specific reference to the Council's agreed practice (based on national guidance) in relation to the appointment of certain postholders to other Committee positions. Particular reference was made to the restrictive membership of the Audit Committee. He moved that the Corporate Director (Governance) be given delegated powers to amend the Constitution accordingly.

The Executive Leader accepted the amendment.

Councillor Edgerley reported that the section relating to "Applications excluded from delegated powers" paragraph d should be reviewed further.

The Executive Leader indicated that he would be amenable in principle to considering further amendments to the scheme.

It was moved by Councillor Berry and seconded by Councillor A Gee that a clause be inserted reflecting the right for all Members to participate in all business affecting their Council Wards.

A request was made under the Council Procedure Rule 17(2) for a recorded vote:

For: Councillors Terry Brown, Ken Ball, Nora Ball, Julia Berry, Alistair Bradley, Dennis Edgerley, Anthony Gee, Catherine Hoyle, Hasina Khan, Roy Lees, Laura Lennox, Adrian Lowe, Marian Lowe, Thomas McGowan, June Molyneaux, Mrs Stella Walsh and Peter Wilson (17).

Against: Councillors Iris Smith, Eric Bell, Judith Boothman, Alan Cain, Henry Counce, Alan Cullens, Mike Devaney, David Dickinson, Doreen Dickinson, Peter Goldsworthy, Mrs Marie Gray, Pat Haughton, Harold Heaton, Keith Iddon, Kevin Joyce, Peter Malpas, Greg Morgan, Simon Moulton, Mick Muncaster, Mark Perks, Debra Platt, Geoffrey Russell, Rosie Russell, Edward Smith and John Walker (25).

Abstentions: None.

The Mayor declared the amendment lost.

It was moved by Councillor Goldsworthy, seconded by Executive Member (Resources) Councillor A Cullens and subsequently **RESOLVED** –

1) That a revised summary and explanation of the Constitution enclosed as Appendix 1 of the submitted report be approved.

2) That a revised Articles section of the Constitution enclosed as Appendix 2 of the submitted report be approved, subject to amendments being made by the Corporate Director (Governance) as now agreed.

3) That revision of the scheme of delegations to officers in respect of planning matters enclosed as Appendix 3 and described in the submitted report be approved.

08.C.158 APPOINTMENT OF A LEAD MEMBER FOR NEIGHBOURHOODS

The Executive Leader presented a report recommending the establishment of a new Lead Member position for Neighbourhoods.

The report indicated the appointment would be in recognition of the importance of neighbourhood working in the Council and invited nominations for the position.

It was moved by the Executive Leader, seconded by the Deputy Mayor (Councillor Iris Smith) and subsequently **RESOLVED that Councillor Mark Perks be appointed to the new Lead Member position for Neighbourhoods.**

08.C.159 OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS

The Chair of the Overview and Scrutiny Committee (Councillor Dennis Edgerley) presented a report which summarised briefly the matters discussed at meetings of the Overview and Scrutiny Committee held on 22 May and 23 June 2008. The report also summarised the activities and issues discussed at meetings that had taken place of the Task and Finish Groups.

It was moved by the Chair of the Overview and Scrutiny Committee (Councillor Dennis Edgerley), seconded by Councillor A Lowe and subsequently **RESOLVED that the report be noted.**

08.C.160 OVERVIEW AND SCRUTINY ANNUAL REPORT 2007/08

The Chair of the Overview and Scrutiny Committee (Councillor Dennis Edgerley) presented the Overview and Scrutiny Annual Report outlining the achievements and activities of the Overview and Scrutiny function for 2007/2008.

The report highlighted the work of the Committee and the two Panels, including various Inquiries, involvement in the budget process and monitoring of the budget and performance and business monitoring. The report also covered the new structure for the scrutiny function.

It was moved by the Chair of the Overview and Scrutiny Committee (Councillor Dennis Edgerley), seconded by the Vice-Chair of the Overview and Scrutiny Committee (Councillor Alan Cain) and subsequently **RESOLVED that the report be noted.**

08.C.161 STANDARDS COMMITTEE

The Council received a report of the Chair of the Standards Committee (Mr R A Ellwood) which outlined issues which had been considered by the Standards Committee.

It was moved by Councillor K Iddon, seconded by Councillor Judith Boothman and subsequently **RESOLVED that the report be noted.**

08.C.162 AUDIT COMMITTEE

The Chair of the Audit Committee (Councillor A Gee) presented a report which summarised the matters considered at a meeting of the Committee held on 26 June 2008.

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

08.C.163 PLANNING APPLICATION 08/00143/CB3 - ASTLEY PARK, PARK ROAD, CHORLEY

The Chair of the Development Control Committee presented a report requesting the Council to approve an application for deemed planning permission for the installation of a pets corner with animal accommodation and an adventure play area in Astley Park, Park Road, Chorley.

It was agreed that Standing Orders be suspended to allow the Corporate Director (Governance) to speak on the advice note on predetermination that had been circulated to members.

The Committee was minded to support the application but as the Council's Constitution precluded the Development Control Committee's determination of applications for deemed planning permission, the application required to be submitted before the full Council for decision.

It was moved by the Chair of the Development Control Committee (Councillor G Morgan) and seconded by the Vice-Chair (Councillor G Russell) that planning permission be granted to Application 08/00143/CB3 for the installation of a pets corner with animal accommodation and adventure play area in Astley Park, Park Road, Chorley.

A request was made under the Council's Procedure Rule 17(2) for a recorded vote.

For: Councillors Terry Brown, Iris Smith, Judith Boothman, Alistair Bradley, Alan Cain, Henry Counce, Alan Cullens, Mike Devaney, David Dickinson, Doreen Dickinson, Dennis Edgerley, Anthony Gee, Peter Goldsworthy, Mrs Marie Gray, Pat Haughton, Harold Heaton, Catherine Hoyle, Keith Iddon, Kevin Joyce, Hasina Khan, Roy Lees, Adrian Lowe, Marion Lowe, Peter Malpas, June Molyneaux, Simon Moulton, Mick Muncaster, Mark Perks, Debra Platt, Geoffrey Russell, Rosie Russell, Edward Smith, John Walker and Peter Wilson (34).

Against: Councillors Ken Ball, Nora Ball, Julia Berry, Laura Lennox and Mrs Stella Walsh (5).

Abstentions: Councillors Eric Bell, Thomas McGowan and Greg Morgan (3).

The Mayor declared the application approved.

RESOLVED – That planning permission be granted for Planning Application 08/00143/CB3 for the installation of a pets corner with animal accommodation and adventure play area in Astley Park, Park Road, Chorley, subject to the following conditions:

1. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials. Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

2. The proposed development must be begun no later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

3. Before the Oak tree (marked tree number 3 on the tree clearance plan AP06 5.21 Rev 1) is removed, nocturnal observations for bats should be undertaken as set out in the Bat Inspection submitted with the application. In addition, one of the options as detailed in this Inspection report shall be adopted, having first been submitted to and agreed in writing by the Local Planning Authority. *Reason: To avoid adverse effect of a protected species and in accordance with Policy EP4 of the Adopted Chorley Local Plan Review.*

4. Prior to the installation of any shutters to the building hereby approved their style, design and colour shall be agreed in writing by the Local Planning Authority. *Reason: To ensure that the design and material are visually appropriate to the locality in accordance with Policy GN5.*

5. Any alteration to the fencing hereby permitted shall be agreed to in writing by the Local Planning Authority. *Reason: To ensure that the fencing is visually appropriate to the locality and in accordance with policy GN5 of the Adopted Chorley Borough Local Plan Review.*

08.C.164 PLANNING APPLICATION 08/00219/CB3 - COVERED MARKET, MARKET PLACE, CHORLEY

The Chair of the Development Control Committee presented a report requesting the Council to approve an application for deemed planning permission for the creation of feature canopies over the two main entrances of the Covered Market in Chorley Town Centre.

The Committee were minded to support the application but as the Council's Constitution precluded the Development Control Committee's determination of applications for deemed planning permission, the application required to be submitted before the full Council for decision.

It was moved by the Chair of the Development Control Committee (Councillor G Morgan) and seconded by the Vice-Chair (Councillor G Russell) that planning permission be granted.

RESOLVED – That planning permission be granted to Application 08/00219/CB3 for the creation of two feature canopies to the two main entrances of the Covered Market in Chorley Town Centre, subject to the following conditions:

1. The proposed development must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. Notwithstanding the submitted plans, no development shall commence until details of the proposed signs on the canopies have been submitted to and agreed in writing by the Local Planning Authority and thereafter constructed in conformity with the approved details. *Reason: In the interests of the visual amenity of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

3. The development hereby permitted shall not commence until further details of the colour, form and texture of all external facing materials to the proposed building (notwithstanding any details shown on the previously submitted plans and

specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

08.C.165 TO CONSIDER THE RECEIPT OF PETITIONS GIVEN IN ACCORDANCE WITH THE COUNCIL'S PROCEDURE RULES

The Executive Member (Business) reported that a petition against the 3 hour maximum limit for parking on short stay car parks was received on Thursday 5 June 2008. It was **RESOLVED** that a report be submitted to a future meeting of the Executive Cabinet and Overview and Scrutiny Committee.

08.C.166 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED – That the press and public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

08.C.167 EXECUTIVE CABINET

(a) Establishment of Joint Committee with South Ribble Council for Shared Financial Services

The Executive Member (Resources) (Councillor A Cullens) presented a report recommending endorsement of the Financial Shared Services Agreement upon the culmination of lengthy negotiations with South Ribble Borough Council.

The proposed arrangements would set up a framework for the staffing of financial services between the Council and South Ribble Council, under which shared financial services (including audit, risk management, business continuity and insurance services) would be hosted by South Ribble Council as the employing authority.

The report also recommended the establishment of a Joint Committee under Section 101 of the Local Government Act 1972, comprising two Members from each Authority with responsibility for the effective operation, governance and performance management of the innovative initiative.

The projected arrangement was expected to provide service efficiencies and cost reductions for both Authorities, together with a framework for the possible extension and development of other shared services between Authorities.

The report also clarified the financial and staff implications of the Financial Shared Services arrangement upon which the relevant staff have been consulted. Upon the expiry of the consultation period on 23 June 2008, no fundamental objection to the proposals had been lodged by staff.

It was moved by the Executive Member (Resources) Councillor A Cullens, seconded by the Executive Leader and subsequently **RESOLVED** –

1) That approval be given to the establishment of a Joint Committee to oversee the Financial Shared Services Arrangement on the basis as set out in Appendix C of the submitted report, and that the Council's Constitution be amended accordingly.

2) That the appointment of two Councillors to serve on the Joint Committee be made at the next Council meeting on 23 September 2008.

08.C.168 HOUSEHOLD REFUSE AND RECYCLING COLLECTIONS AND ANCILLARY SERVICES - AWARD OF CONTRACT

The Executive Member (Neighbourhoods) Councillor Bell presented a report on the outcome of the evaluation of the tenders submitted for the award of the new Household Refuse and Recycling Collection and Ancillary Services Contract upon the expiry of the current contract in March 2009.

The Executive Cabinet had considered the report at its meeting on 26 June 2008 and approved the recommendation, however the decision on this matter was required to be taken by the Council as it would involve expenditure beyond the current budget provision.

The Council had agreed the service design upon which the tender specification had been based, which aimed to enhance the Authority's recycling performance and a reduction of collection vehicles. In addition tenderers were invited to submit variant bids, which could demonstrate the same level of service delivery through alternative collection methods.

The nine tender submissions, including three variant bids, had each been assessed and evaluated against the agreed evaluation model, which allowed a greater weighting to qualitative factors than to costs. The report contained details of the tender quotations and scoring awarded to each bid, together with details of the precise services offered by each tenderer.

In conclusion, the report recommended the award of the initial 10 year contract to an identified contractor whose tender was considered to be the most economically advantageous at the termination of the evaluation process.

An amendment was moved by Councillor Edgerley and seconded by Councillor A Lowe that discussions be entered into the use of Option 2 which allowed for collections to be made in a slightly different way by reconfiguring the vehicle fleet allowing less vehicles calling at each household which would reduce running and capital costs.

The amendment was put to the vote and the Mayor declared it lost.

It was moved by the Executive Leader, seconded by the Executive Member (Neighbourhoods) and subsequently **RESOLVED that the Council awards the new Household Refuse and Recycling Collection and Ancillary Services Contract to Veolia Environmental Services Limited for a term of 10 years commencing 1 April 2009, with an option to extend the contract for a further two years.**

Mayor