



# Council

Agenda and Reports

For consideration on

**Tuesday, 15th July 2008**

in the Council Chamber, Town Hall, Chorley

At 6.30 pm



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## **PROCEDURE FOR PUBLIC QUESTIONS/SPEAKING AT COUNCIL MEETINGS**

- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Council meeting to allow time to prepare appropriate responses and investigate the issue if necessary (12 Noon on the Friday prior to the meeting).
- A maximum period of 3 minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each ordinary Council meeting, excluding the Annual Meeting.
- The question to be answered by the Executive Member with responsibility for the service area or whoever is most appropriate.
- On receiving a reply the member of the public will be allowed to ask one supplementary question.
- Members of the public will be able to stay for the rest of the meeting should they so wish but will not be able to speak on any other agenda item upon using their allocated 3 minutes.

7 July 2008

Dear Councillor

## **COUNCIL - TUESDAY, 15TH JULY 2008**

You are invited to attend a meeting of the Chorley Borough Council to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 15th July 2008 commencing at 6.30 pm for the following purposes.

### **AGENDA**

1. **Apologies for absence**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Mayoral Announcements**
4. **Public Questions**

Members of the public who have requested the opportunity to ask question(s) on any item(s) on the agenda will be asked to put their question(s) to the Council. Members of the public will be allowed to ask one supplementary question within their allocated 3 minutes.

5. **Minutes (Pages 1 - 12)**

To confirm the Minutes of the Annual Council meeting held on 13 May 2008 as a correct record for signature by the Mayor (copy enclosed)

6. **Executive Cabinet**

- a) **Capital Programme Provisional Outturn 2007/08 and Monitoring 2008/09 onwards**  
(Pages 13 - 34)

To receive a report of the Executive Cabinet (enclosed).

- b) **General Report from Executive Cabinet meetings on 29 May and 26 June 2008**  
(Pages 35 - 40)

To receive the general report of the Executive Cabinet (enclosed).

7. **Review of the Council's Constitution (Pages 41 - 78)**

To receive a report of the Corporate Director (Governance) enclosed.

8. **Appointment of a Lead Member for Neighbourhoods (Pages 79 - 80)**

To receive a report of the Chief Executive (enclosed).

9. **Overview and Scrutiny Committee and Task and Finish Groups (Pages 81 - 84)**

To receive a report of the Overview and Scrutiny Committee and Task and Finish Groups (enclosed).

10. **Overview and Scrutiny Annual Report 2007/08 (Pages 85 - 102)**

To receive the Overview and Scrutiny Annual Report for 2007/08 (enclosed)

11. **Standards Committee (Pages 103 - 104)**

To receive a report of the Standards Committee (enclosed).

12. **Audit Committee (Pages 105 - 106)**

To receive a report of the Audit Committee (enclosed).

13. **Planning Application 08/00143/CB3 - Astley Park, Park Road, Chorley (Pages 107 - 114)**

To receive a report of the Corporate Director (Business) (enclosed).

14. **Planning Application 08/00219/CB3 - Covered Market, Market Place, Chorley (Pages 115 - 120)**

To receive a report of the Corporate Director (Business) (enclosed).

15. **Questions Asked under Council Procedure Rule 7 (if any)**

16. **To consider the receipt of Petitions given in accordance with the Council's Procedure Rules**

To report that a petition against the 3-hour maximum limit for parking on short stay car parks was received on Thursday 5 June 2008.

In accordance with the Council's Procedure Rules, the Council is requested to acknowledge its receipt and to consider whether the issues should be debated at a future time either in Council or by another body. Accordingly the only discussion that is permitted is in relation to a motion that the petition should be remitted to a future meeting of the Council, to the Executive, a Committee or a Sub Committee.

17. **To consider the Notices of Motion (if any) given in accordance with Council procedure Rule 8**

18. **Any other item(s) the Mayor decides is/are urgent**

19. **Exclusion of the Press and Public**

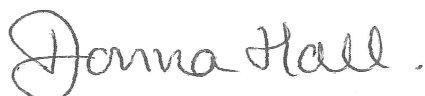
To consider the exclusion of the Press and Public for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972

20. **Executive Cabinet**

- a) **Establishment of Joint Committee with South Ribble Council for Shared Financial Services** (Pages 121 - 136)

To receive a report of the Executive Cabinet (enclosed).

Yours sincerely



Donna Hall  
Chief Executive

Gordon Bankes  
Democratic Services Officer  
E-mail: [gordon.bankes@chorley.gov.uk](mailto:gordon.bankes@chorley.gov.uk)  
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**Distribution**

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

અનુભવો આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

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કેલો:

**ANNUAL MEETING OF THE COUNCIL****Tuesday, 13 May 2008**

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

**08.C.137 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Doreen Dickinson, Peter Goldsworthy, Keith Iddon and Mark Perks.

**08.C.138 DECLARATIONS OF ANY INTERESTS**

No Member declared an interest in relation to matters under consideration at the meeting.

**08.C.139 MINUTES**

That the Minutes of the Council meeting held on 22 April 2008 be confirmed as a correct record for signature by the Mayor.

**08.C.140 RETURNING OFFICER'S REPORT**

The Chief Executive, as Returning Officer, reported that at the Municipal Election held on 1 May 2008, the following persons were duly elected as Councillors for the Wards stated.

**Ward**

Adlington and Anderton  
Brindle and Hoghton  
Chorley East  
Chorley North East  
Chorley North West  
Chorley South East  
Chorley South West  
Clayton-le-Woods and Whittle-le-Woods  
Clayton-le-Woods North  
Coppull  
Eccleston and Mawdesley  
Euxton North  
Heath Charnock and Rivington  
Lostock  
Wheelton and Withnell

**Councillor Elected**

Peter Francis Wilson  
David Dickinson  
Julia Louise Berry  
Adrian Lowe  
Joyce Snape  
Alistair Ward Bradley  
Anthony Gee  
John Philip Walker  
Alan Cullens  
Stella Marie Walsh  
Henry Caunce  
Debra Platt  
Pat Case  
Simon T Moulton  
Shaun Smith

The Mayor welcomed all new Members to the Council and along with the Deputy Leader of the Conservative Group and Leaders of the Labour, Liberal Democrat and Independent Groups paid tribute to those who lost their seats.

**08.C.141 ELECTION OF THE MAYOR FOR THE ENSUING MUNICIPAL YEAR**

It was moved by Councillor Hasina Khan and seconded by Councillor Tom McGowan that Councillor Terry Brown be elected Mayor of the Borough of Chorley for the ensuing Municipal Year.

**RESOLVED – That Councillor Terry Brown be elected Mayor of the Borough of Chorley for the ensuing Municipal year.**

**08.C.142 DECLARATION AND ACCEPTANCE OF OFFICE AND INTRODUCTION OF THE MAYORESS**

Councillor Terry Brown signed the Declaration of Acceptance of Office. The Mayor introduced his wife Julie Brown as his Mayoress of the Borough of Chorley for the ensuing Municipal Year and expressed his thanks for his election as Mayor.

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, Pat Case, Henry Counce, Alan Cullens, Magda Cullens, Mike Devaney, David Dickinson, Dennis Edgerley, Anthony Gee, Marie Gray, Pat Haughton, Harold Heaton, Catherine Hoyle, Kevin Joyce, Hasina Khan, Roy Lees, Laura Lennox, Marion Lowe, Peter Malpas, Thomas McGowan, June Molyneaux, Greg Morgan, Simon Moulton, Mick Muncaster, Debra Platt, Geoffrey Russell, Rosie Russell, Edward Smith, Iris Smith, Shaun Smith, Joyce Snape, Ralph Snape, John Walker, Stella Walsh and Peter Wilson.

**08.C.143 ELECTION OF THE DEPUTY MAYOR FOR THE ENSUING MUNICIPAL YEAR**

It was moved by Councillor Pat Case and seconded by Councillor Marie Gray that Councillor Iris Smith be elected Deputy Mayor of the Borough of Chorley for the ensuing Municipal Year. Councillor Iris Smith introduced her Consort to the Council, her husband Jim Smith.

**RESOLVED – That Councillor Iris Smith be elected Deputy Mayor of the Borough of Chorley for the ensuing Municipal Year and signed the Declaration of Acceptance of Office and the Deputy Mayor expressed her thanks for her election.**

**08.C.144 PRESENTATION AND VOTE OF THANKS TO THE PAST MAYOR**

The Mayor presented Councillor Adrian Lowe with a portrait of himself in the Mayoral regalia, medallion and a plaque bearing the Council's Coat of Arms as a token of his year of office. Councillor Lowe presented a gift to the Council.

Tributes were paid to Councillor Adrian Lowe and his Mayoress Councillor Marion Lowe by the Deputy Leader of the Conservative Group and Leaders of the Labour, Liberal Democrat and Independent groups as well as Councillor Tony Gee.

**08.C.145 MAYORAL ANNOUNCEMENTS**

The Mayor reminded Members that Sunday, 18 May would be Civic Sunday and all were invited to accompany him in the Annual Procession to St Laurence's Church followed by the service at 11.00am. Those attending assembled in the Lancastrian Suite at 10.15am and following the service refreshments were available in the Lancastrian Suite.



The Mayor informed everyone that he would be organising a number of events to raise money for his chosen charities of St Catherines Hospice, Homestart Chorley, Motor Neurone Disease and the Breast Care Endowment Fund and Lancashire Teaching Hospitals and he hoped that everyone would be able to give their support.

The Mayor informed everyone that his first charity event would be a 60's, 70's and 80's night taking place on Friday, 20 June in the Lancastrian Suite with tickets available from the Mayor's Secretary.

The Mayor invited Councillors to take part in the annual Mayor's Charity Cricket match between Members and Officers which was taking place on Friday, 4 July at Chorley Cricket Club.

The Mayor announced that drinks would be available in the Mayor's Parlour after the Council meeting.

#### **08.C.146 REVIEW OF POLITICAL COMPOSITION AND APPOINTMENT OF EXECUTIVE CABINET, COMMITTEES AND OTHER BODIES 2008/09**

A report of the Chief Executive on the proposed executive function to be discharged by the Executive and the details of the proposed membership of the Executive Cabinet, the Committees and other bodies were circulated prior to the meeting.

- (a) Review of Executive Responsibilities (Report of Chief Executive)
- (b) The appointment of the Executive Leader. and other Members of the Executive Cabinet for the ensuing Municipal Year.
- (c) The appointment of the Lead members for the ensuing Municipal Year.
- (d) The appointment of the Members of the various Committees, Sub-Committees and other bodies in accordance with the political balance rules and their Chairs and Vice-Chairs for the ensuing Municipal Year.
- (e) To note the Shadow Executive Portfolio Holders.

It was moved by Councillor Pat Case (Deputy Leader of the Council) and seconded by Councillor Alan Cullens (Executive Member for Resources) that the proposals contained in the papers be approved.

An amendment was moved by Councillor Edgerley and seconded by Councillor A Lowe that the Overview and Scrutiny Committee membership be increased from 12 members to 15 members and be comprised of a balance of 9 Conservative, 4 Labour, 1 Independent and 1 Liberal Democrat Members.

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

**RESOLVED – 1) That Councillor Peter Goldsworthy be appointed Leader of the Council.**

**2) That Councillor Pat Case be appointed Deputy Leader of the Council.**

**3) That in addition to the Executive Leader, the following be appointed Executive Members to serve on the Executive Cabinet with the appropriate area of responsibility for the Executive Member and that approval be given to amend the Council Constitution as set out in the appendix to the submitted report of the Chief Executive.**

<b>Councillors</b>	<b>Pat Case</b>	<b>Executive Member (Policy and Performance and Deputy Leader)</b>
	<b>P Malpas</b>	<b>Executive Member (Business)</b>
	<b>J Walker</b>	<b>Executive Member (People)</b>

E Bell                      Executive Member (Neighbourhoods)  
A Cullens                  Executive Member (Resources)

4) That the following be appointed Lead Members for the functions indicated:

Councillors      G Morgan              (Development Control)  
                         I Smith                (Licensing)  
                         R Russell              (Health and Older People)

5) That appointments be made as follows to Committees, Sub-Committees and other bodies and that the Chairs and Vice Chairs be appointed as indicated:

**Audit Committee**

Councillors      A Cain  
                         M Devaney  
                         A Gee                  (Chair)  
                         K Iddon  
                         L Lennox              (Vice-Chair)  
                         G Russell

**Development Control Committee**

Councillors      K Ball  
                         J Berry  
                         A Bradley  
                         T Brown  
                         A Cain  
                         H Counce  
                         David Dickinson  
                         H Heaton  
                         K Iddon  
                         R Lees  
                         A Lowe  
                         J Molyneaux  
                         G Morgan              (Chair)  
                         S Moulton  
                         M Muncaster  
                         G Russell              (Vice-Chair)  
                         S Smith

**Licensing and Public Safety Committee**

Councillors      J Boothman  
                         M Cullens  
                         David Dickinson  
                         Doreen Dickinson  
                         A Gee  
                         P Haughton  
                         C Hoyle  
                         K Iddon  
                         H Khan  
                         M Lowe  
                         T McGowan  
                         D Platt  
                         E Smith                (Vice-Chair)  
                         I Smith                (Chair)  
                         R Snape  
                         J Walker

S Walsh

**Overview and Scrutiny Committee**

**Councillors**      N Ball  
                           A Cain                    (Vice-Chair)  
                           M Devaney  
                           D Edgerley              (Chair)  
                           M Gray  
                           H Heaton  
                           K Joyce  
                           A Lowe  
                           M Perks  
                           R Russell  
                           J Snape  
                           P Wilson

**Chorley Partnership Board (Local Strategic Partnership)**

**Chair**            Lincoln Shields

**Councillors**      E Bell  
                           P Case  
                           A Cullens  
                           D Edgerley  
                           P Goldsworthy  
                           P Malpas

**County  
 Councillors**      E Forshaw  
                           M Perks  
                           A Whittaker  
                           D Yates

**Lancashire Local Committee for Chorley**

**Councillors**      K Ball  
                           E Bell  
                           T Brown  
                           M Devaney  
                           P Goldsworthy  
                           K Joyce  
                           H Khan

**Appointments Panel**

**Councillors**      K Ball  
                           P Case  
                           D Edgerley  
                           P Goldsworthy        (Chair)  
                           J Walker  
**Relevant Portfolio Holder**

**Chief Executives Performance Review Panel**

**Councillors**      P Case  
                           D Edgerley  
                           P Goldsworthy        (Chair)  
                           A Lowe

J Walker

**Human Resources (Appeals) Committee**

**Councillors**     A Cain  
                           M Lowe  
                           M Muncaster  
                           J Walker             (Chair)

**Local Development Framework Working Group**

**Councillors**     A Bradley  
                           T Brown  
                           A Cain  
                           H Counce  
                           P Goldsworthy     (Chair)  
                           H Heaton  
                           L Lennox  
                           A Lowe  
                           P Malpas            (Vice-Chair)  
                           G Morgan  
                           M Muncaster  
                           G Russell

**Members Support Working Group**

**Councillors**     N Ball  
                           A Gee                (Vice-Chair)  
                           J Molyneaux  
                           M Muncaster  
                           D Platt  
                           J Walker             (Chair)

**General Purposes Committee**

**Councillors**     K Ball  
                           J Boothman  
                           P Case               (Vice-Chair)  
                           A Cullens  
                           M Cullens  
                           D Edgerley  
                           A Gee  
                           P Goldsworthy     (Chair)  
                           M Gray  
                           H Khan  
                           A Lowe  
                           M Lowe  
                           P Malpas  
                           S Moulton  
                           R Russell  
                           R Snape  
                           J Walker

**Standards Committee**

**Councillors**     J Boothman  
                           K Iddon             (Vice-Chair)  
                           T McGowan  
                           D Platt

S Walsh

**Parish Council  
Members**

Mrs Joan Geddes  
Vacancy  
Vacancy

**Non Council  
Members**

Rev Dr J Cree  
Mr R A Ellwood (Chair)  
Vacancy

**Equalities Forum**

**Councillors**

T Brown  
P Case  
David Dickinson (Vice-Chair)  
H Khan (Chair)  
R Russell  
I Smith

**Licensing Liaison Panel**

**Councillors**

E Smith  
I Smith (Chair)

**Town Centre Workshop**

**Councillors**

J Berry  
M Gray (Chair)  
P Haughton  
M Lowe  
P Malpas  
S Walsh

6) That the following Shadow Portfolio Members be noted:

<u>Portfolio</u>	<u>Name</u>
Shadow Leader	D Edgerley
Customer Access	J Berry
Resources	A Bradley
Development Control	T Brown
Member Support	A Gee
Leisure	C Hoyle
Equalities	H Khan
Strategic Housing	L Lennox
Contracts and Procurement	R Lees
Streetscene and Neighbourhoods	A Lowe
Town Centre and Economic Development	M Lowe
Licensing	T McGowan
Community Safety	J Molyneaux
Policy and Performance	P Wilson

**08.C.147 APPOINTMENTS TO OUTSIDE BODIES 2008/09**

The schedule of appointments of representatives to outside bodies for the Municipal year 2008/09 was moved by Councillor Pat Case (Deputy Leader of the Council) and seconded by Councillor John Walker.

**RESOLVED – That the representatives on the Outside Bodies be as listed below:**

<b>NAME OF BODY</b>	<b>NO OF REPS</b>	<b>REPRESENTATIVES</b>	<b>EXPIRY DATE</b>
<b>Adlington Community Association</b>	<b>2</b>	<b>Councillor J Molyneaux and Mr Adam Unsworth (Conservative Nominee)</b>	<b>19 May 2009</b>
<b>Chorley Lifestyle Centre (formerly Age Concern)</b>	<b>2</b>	<b>Councillors M Gray and C Hoyle</b>	<b>19 May 2009</b>
<b>Brindle Village Hall Management Committee</b>	<b>1</b>	<b>Councillor David Dickinson</b>	<b>19 May 2009</b>
<b>Chorley and District Neighbourhood Watch Association</b>	<b>1</b>	<b>Executive Member for Neighbourhoods (Councillor E Bell)</b>	<b>19 May 2009</b>
<b>Chorley and District Sports Forum</b>	<b>2</b>	<b>Executive Member for People (Councillor J Walker) and Councillor M. Perks</b>	<b>19 May 2009</b>
<b>Chorley and South Ribble Citizens Advice Bureau Management Committee</b>	<b>1</b>	<b>Councillor P Haughton</b>	<b>19 May 2009</b>
<b>Chorley and South Ribble Council for Voluntary Service</b>	<b>1</b>	<b>Councillor Doreen Dickinson</b>	<b>19 May 2009</b>
<b>Chorley and South Ribble Crossroads Care Scheme (Trustees)</b>	<b>1</b>	<b>Councillor J Boothman</b>	<b>19 May 2009</b>
<b>Chorley and South Ribble Disability Forum</b>	<b>1</b>	<b>Councillor David Dickinson</b>	<b>19 May 2009</b>
<b>Chorley and South Ribble MIND</b>	<b>1</b>	<b>Councillor Doreen Dickinson</b>	<b>19 May 2009</b>
<b>Chorley and South Ribble Shopmobility</b>	<b>1</b>	<b>Councillor M Gray</b>	<b>19 May 2009</b>
<b>Chorley Churches Together</b>	<b>1</b>	<b>Councillor M Gray</b>	<b>19 May 2009</b>
<b>Chorley Community Housing Board</b>	<b>4</b>	<b>Councillors A Cain, Edgerley, M Gray and L Lennox</b>	<b>19 May 2009</b>
<b>Chorley Crime and Disorder Reduction Partnership Community Safety Partnership – (CDRP)</b>	<b>4</b>	<b>Executive Member for Neighbourhoods (Councillor E Bell) and Councillors J Molyneaux, A Cullens and M Perks</b>	<b>19 May 2009</b>
<b>Chorley Consolidated Charity and Chorley Relief Fund</b>	<b>3</b>	<b>Councillor A Gee (Appointed May 2005) Councillor M Gray</b>	<b>May 2010 May 2010 May 2011</b>

<b>NAME OF BODY</b>	<b>NO OF REPS</b>	<b>REPRESENTATIVES</b>	<b>EXPIRY DATE</b>
		(Appointed May 2005) Councillor M Cullens (Appointed May 2006) (NB Appointments are for a 5 year period and cannot be changed mid-period)	
<b>Chorley Domestic Violence Forum</b>	<b>2</b>	<b>Councillors M Cullens and I Smith</b>	<b>19 May 2009</b>
<b>Chorley Women's Centre</b>	<b>1</b>	<b>Councillors Doreen Dickinson</b>	<b>19 May 2009</b>
<b>Clayton-le-Woods Community Centre Management Committee</b>	<b>1</b>	<b>Councillor M Cullens</b>	<b>19 May 2009</b>
<b>Cuerden Valley Trust</b>	<b>1</b>	<b>Councillor M Muncaster</b>	<b>19 May 2009</b>
<b>Eccleston Maintained Youth Centre Management Committee</b>	<b>2</b>	<b>Councillor H Caunce and Councillor K Joyce</b>	<b>19 May 2009</b>
<b>Groundwork Trust Wigan and Chorley</b>	<b>1</b>	<b>Councillor E Bell</b>	<b>19 May 2009</b>
<b>Heapey and Wheelton Village Hall Committee</b>	<b>2</b>	<b>Councillors I Smith and S Smith</b>	<b>19 May 2009</b>
<b>Heskin Village Hall Management Committee</b>	<b>1</b>	<b>Councillor E Smith</b>	<b>19 May 2009</b>
<b>Hoghton Village Hall Management Committee</b>	<b>1</b>	<b>Councillor David Dickinson</b>	<b>19 May 2009</b>
<b>Home-Start Chorley and South Ribble</b>	<b>1</b>	<b>Councillor J Boothman</b>	<b>19 May 2009</b>
<b>Lancashire County Council Adult Social Care and Health Overview and Scrutiny Committee (Co-opted member)</b>	<b>1</b>	<b>Councillor R Russell (Substitute Members - Councillors G Russell and A Gee)</b>	<b>19 May 2009</b>
<b>Lancashire Economic Partnership Forum</b>	<b>1</b>	<b>Executive Leader (Councillor P Goldsworthy)</b>	<b>19 May 2009</b>
<b>Lancashire Neighbourhood Watch Forum</b>	<b>1</b>	<b>Councillor E Bell</b>	<b>19 May 2009</b>
<b>Lancashire Police Authority Community Meeting</b>	<b>6</b>	<b>Councillors A Cain, E Bell, J Molyneaux, A Cullens, David Dickinson and M Muncaster</b>	<b>19 May 2009</b>
<b>Lancashire Police Authority Partnerships Forum</b>	<b>1</b>	<b>Councillor David Dickinson</b>	<b>19 May 2009</b>

<b>NAME OF BODY</b>	<b>NO OF REPS</b>	<b>REPRESENTATIVES</b>	<b>EXPIRY DATE</b>
<b>Lancashire Shared Services Contact Centre Partnership</b>	<b>1</b>	<b>Councillor J Walker</b>	<b>19 May 2009</b>
<b>Lancashire Teaching Hospitals NHS Trust - Governing Council</b>	<b>1</b>	<b>Councillor I Smith</b>	<b>19 May 2011</b>
<b>Lancashire Valuation and Community Charge Tribunal</b>	<b>1</b>	<b>Mr Jon Davies, 3 Gillcroft, Eccleston, Chorley PR7 5SE (Labour nominee)</b>	<b>March 2009</b>
<b>Lancashire Waste Management Strategy Group</b>	<b>1</b>	<b>Executive Member for Neighbourhoods (Councillor E Bell)</b>	<b>19 May 2009</b>
<b>Local Development Framework Joint Advisory Committee</b>	<b>3</b>	<b>Executive Member for Business (Councillor P Malpas), Councillors G Morgan and T Brown (Substitute Members Councillors P Goldsworthy, L Lennox and G Russell)</b>	<b>19 May 2009</b>
<b>Local Government Association General Assembly</b>	<b>2</b>	<b>Executive Leader (Councillor P Goldsworthy) and Deputy Leader of Council (Councillor P Case)</b>	<b>19 May 2009</b>
<b>Local Government Association New Towns Special Interest Group</b>	<b>2</b>	<b>Executive Leader and Deputy Leader of Council</b>	<b>19 May 2009</b>
<b>Local Government Association Rural Commission</b>	<b>2</b>	<b>Executive Leader and Deputy Leader of Council</b>	<b>19 May 2009</b>
<b>Local Government Association Urban Commission</b>	<b>2</b>	<b>Executive Leader and Deputy Leader of Council</b>	<b>19 May 2009</b>
<b>Local Government Association Lancashire Branch</b>	<b>3</b>	<b>Executive Leader, Deputy Leader of Council and Leader of the Opposition (Councillor D Edgerley)</b>	<b>19 May 2009</b>
<b>Mawdesley Millennium Trust</b>	<b>1</b>	<b>Councillor K Iddon</b>	<b>19 May 2009</b>
<b>Mawdesley Village Hall Management Committee</b>	<b>1</b>	<b>Councillor K Joyce</b>	<b>19 May 2009</b>
<b>North Western Local Authorities' Employers Organisation</b>	<b>1</b>	<b>Executive Member for Resources (Councillor A Cullens) (An employee of: (i) an organisation represented on</b>	<b>19 May 2009</b>



<b>NAME OF BODY</b>	<b>NO OF REPS</b>	<b>REPRESENTATIVES</b>	<b>EXPIRY DATE</b>
		the Trade Union Side of the Joint Council; or (ii) a local or Joint Authority and whose conditions of employment are within the scope of the Joint Council shall not be appointed as an Employers' representative (or substitute representative) on the Employers' Organisation. (Rule 5(d))	
<b>North West Regional Assembly (subject to discussion on the future of the Assembly)</b>	<b>1</b>	<b>Executive Leader</b>	<b>19 May 2009</b>
<b>Lancashire and Blackpool Tourist Board</b>	<b>1</b>	<b>Councillor S Smith</b>	<b>19 May 2009</b>
<b>Preston and Western Lancashire Racial Equality Council</b>	<b>1</b>	<b>Councillor H Khan</b>	<b>19 May 2009</b>
<b>Rivington Heritage Trust</b>	<b>1</b>	<b>Councillor P Case</b>	<b>19 May 2009</b>
<b>Rivington and Brinscall Advisory Group</b>	<b>3</b>	<b>Councillor M Gray plus the Council's Representatives on West Pennine Moors Area Management Committee (Councillors Mrs P Case &amp; P Wilson)</b>	<b>19 May 2009</b>
<b>Runshaw College Community Liaison Group</b>	<b>4</b>	<b>Councillors G Russell (Chair), and A Cain (Vice Chair) and D Gee, 7 Hawkshead Avenue, Euxton, Chorley PR7 6NZ (Labour Nominee). Mr Kevin Hodges, 103 Princess Way, Euxton, PR6 7PX (Conservative Nominee)</b>	<b>19 May 2009</b>
<b>St John Ambulance Association</b>	<b>1</b>	<b>His Worship the Mayor</b>	<b>19 May 2009</b>
<b>The North West of England and the Isle of Man Reserved Forces and Cadets Association</b>	<b>1</b>	<b>Councillor T McGowan</b>	<b>March 2009</b>
<b>West Pennine Moors Area Management Committee</b>	<b>2</b>	<b>Councillors P Case &amp; P Wilson</b>	<b>19 May 2009</b>

**08.C.148 PROGRAMME OF ORDINARY COUNCIL MEETINGS FOR 2008/09**

It was moved by Councillor Pat Case (Deputy Leader of the Council)) was seconded by Councillor John Walker that the Ordinary Meetings of the Council be held on the following dates during this ensuing Municipal Year, in the Town Hall, Chorley, commencing at 6.30pm.

15 July 2008  
23 September 2008  
2 December 2008  
22 January 2009  
7 April 2009

A request was made by Councillor Dennis Edgerley for the two special meetings of the Council scheduled for 4 November 2008 and 26 February 2009 to be incorporated on the list of Council meetings.

**RESOLVED – That the above dates for meetings of the Ordinary Council as well as the dates for the two Special meetings of the Council be approved.**

**08.C.149 COUNCIL'S CONSTITUTION**

It was moved by Councillor Pat Case (Deputy Leader of the Council) and seconded by Councillor Alan Cullens that the Council approves and adopts the revised Contract Procedure Rules and Financial Regulations and Financial Procedure Rules for inclusion in the Council Constitution.

**RESOLVED – That the revised Contract Procedure Rules and Financial Regulations and Financial Procedure Rules as set out in the submitted documents be approved and adopted for inclusion in the Council's Constitution.**

**08.C.150 CHORLEY ANNUAL REPORT (BEST VALUE PERFORMANCE PLAN)**

It was moved by Councillor Pat Case (Deputy Leader of the Council) and seconded by Councillor Alan Cullens that the draft Chorley Annual Report (Best Value Performance Plan) be approved.

The Council was required to publish a Best Value Performance Plan annually by 30 June each year.

**RESOLVED – That the draft format of the Annual Report (Best Value Performance Plan) for 2007/08 be approved and agreement given to the final approval be delegated to the Executive Leader to sign off the document by 30 June 2008 statutory deadline for publication.**

Mayor

**REPORT OF EXECUTIVE CABINET****CAPITAL PROGRAMME – PROVISIONAL OUTTURN FOR 2007/08 AND UPDATE ON 2008/09 PROGRAMME**

1. The Executive Cabinet, at its meeting on 26 June 2008, was presented with a report of the Assistant Chief Executive (Business Transformation) which set out (i) the provisional outturn for the Council's Capital Programme for 2007/08; and (ii) a progress update on the 2008/09 Capital Programme.
2. The provisional outturn for the 2007/08 Capital Programme was projected as £6,473,979, which represents a reduction of £818,991 on the last projection. The variance has been 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 of £619k); capitalisation of restructuring costs; and expenditure increases in respect of Buckshaw Village Railway Station to be financed by a Section 106 contribution. The slippage means that in year one additional borrowing was required to finance the capital programme.
3. The revised Capital Programme for 2008/09 totals £10,034,550, for which no borrowing commitment is required.
4. A copy of the report presented to the Executive Cabinet on 26 June is attached so that the Council is able to take account of the relevant factors before taking decisions on the Capital Programme. Appendices to the report give a detailed analysis of the provisional outturn for 2007/08 and outline the proposed financing arrangements for the revised 2008/09 Programme.

**Recommendations**

5. The Executive Cabinet endorsed the report and recommend the Council.
  - (a) to note the provisional outturn for the 2007/08 Capital Programme, which totals £6,473,979;
  - (b) to approve the financing of the 2007/08 Capital Programme as set out in Appendix 1 of the submitted report;
  - (c) to approve the addition of the net slippage of capital expenditure from the 2007/08 Capital Programme to the 2008/09 Programme; and
  - (d) to approve the revised Capital Programme for 2008/09 totalling £10,034,550, as set out in Appendix 3 of the submitted report.

COUNCILLOR ALAN CULLENS  
Executive Member (Resources)

There are no background papers to this report.

AU/CM

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Report of	Meeting	Date
Assistant Chief Executive (Business Transformation) (Introduced by the Executive Member for Resources, Councillor A. Cullens)	Executive Cabinet	26 June 2008

## **CAPITAL PROGRAMME PROVISIONAL OUTTURN 2007/08 AND MONITORING 2008/09 ONWARDS**

### **PURPOSE OF REPORT**

1. To report the provisional outturn for the Capital Programme for 2007/08, which is subject to audit.
2. To provide a progress update for the Capital Programme for 2008/09 onwards, including a review of the availability of capital resources required for the financing of the programme.

### **RECOMMENDATION(S)**

3. That the provisional outturn for the 2007/08 Capital Programme, which totals £6,473,979, be noted.
4. That the financing of the 2007/08 Capital programme as set out in Appendix 1 to this report be approved.
5. That the net slippage of capital expenditure from 2007/08 be added to the Capital Programme for 2008/09.
6. That the revised Capital Programme for 2008/09, as set out in Appendix 3 at a total of £10,034,550, be approved.

### **EXECUTIVE SUMMARY OF REPORT**

7. During 2007/08 the Executive Cabinet has received regular monitoring reports estimating the outturn for the Capital Programme. The previous report presented to the Executive Cabinet of 27 March 2008 updated the programme to a total of £7,292,970. This final monitoring report for 2007/08 indicates a net reduction in capital expenditure of £818,991, giving a provisional outturn of £6,473,979.
8. The variance at outturn is made up of an increase in expenditure of £390,407 less slippage of committed expenditure to 2008/09. The largest expenditure increases are £198,882 in respect of Buckshaw Village Railway Station, which is financed by a S106 contribution; and £152,315 in respect of the capitalisation of restructuring costs, the purpose of which is to generate savings in the revenue budget in subsequent financial years. Of the slippage, over half is in respect of just one budget, a contribution towards the cost of the Eaves Green Link Road (financed by the sale of the Council's developable land in the area). The County Council have now provided an invoice for this contribution so that payment should be made early in 2008/09. All other expenditure variances are presented in Appendix 1 and 2.

9. The proposed financing of the 2007/08 Capital Programme does not require any borrowing, which gives a revenue saving in 2008/09 that will be taken account of in revenue budget monitoring. Additional borrowing will be required in 2008/09 because of the slippage of expenditure from 2007/08, though the aim would be to keep total borrowing for the four years 2007/08 to 2010/11 within the total previously approved. However, there are reasons to consider whether there may be a shortfall of capital receipts during 2008/09 compared to the budgeted total, particularly in respect of 'Preserved Right To Buy' income from Chorley Community Housing. The availability of capital resources should be reviewed in detail and the implications of any shortfall on the financing of the Capital Programme be taken into account.

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

10. The slippage to 2008/09 represents expenditure that was committed during 2007/08 but which was not incurred by 31<sup>st</sup> March 2008 for various reasons. It is necessary to increase the 2008/09 programme by this sum to enable the completion of the projects.
11. The 2008/09 programme should also be adjusted to take account of slippage of currently uncommitted budgets to the following year, the transfer to revenue of some budgets, and deletion of other budgets pending confirmation that they are required.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

12. The Capital Programme for 2007/08 could have been financed in part by incurring the budgeted 'prudential borrowing' of £1.190m. However, slipping the use of borrowing to a later year gives a revenue budget saving in 2008/09.

**CORPORATE PRIORITIES**

13. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region	√	Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	√
Involving people in their communities	√	Ensure Chorley Borough Council is a performing organization	√

**BACKGROUND**

14. The previous Capital Programme monitoring report presented to Executive Cabinet of 27 March 2008 took account of information provided by project managers in order to estimate the outturn for 2007/08. Though there is a large net underspend of £818,991, much of this total is in respect of just three budgets, discussed in more detail below.
15. The figures presented in this report are provisional and are subject to external audit. It is not expected that these figures will changes significantly as a result of the audit.

**CAPITAL PROGRAMME PROVISIONAL OUTTURN 2007/08**

16. Attached at Appendix 1 is a detailed analysis of the provisional outturn for 2007/08 compared to the revised budget. This appendix also presents the proposed financing of the 2007/08 Capital Programme and identifies the slippage of expenditure to 2008/09 and

other expenditure variances. These other changes at outturn are analysed in detail in Appendix 2.

17. Of the slippage to 2008/09, over half is in respect of just one budget, the final contribution to the County Council's cost of constructing the Eaves Green Link Road. Chorley Council will now make the payment early in 2008/09, having received recently an invoice from County. This contribution has been enabled by the sale of the Council's land at Eaves Green jointly with English Partnerships during 2007/08, the capital receipt having been earmarked for this purpose.
18. Offsetting the slippage was a net increase in expenditure on other schemes of £390,407. Most of this was in respect of just two budgets. The largest variance relates to the Buckshaw Village Railway Station, which was £198,882 more than forecast. As this is financed with a S106 contribution specifically for this purpose there is no impact on the Council's own capital resources. The expenditure is being incurred by Network Rail on behalf of the Council and as a consequence it is difficult to estimate the phasing of the costs.
19. Expenditure on capitalised restructuring costs has also increased by £152,315. This relates to redundancy costs and pension fund contributions, which can be capitalised with the permission of the Secretary of State. By capitalising the expenditure, an increase in costs to the revenue budget is thereby avoided.
20. The proposed financing of the Capital Programme avoids the use of borrowing in 2007/08, which gives a revenue budget saving in 2008/09 that will be taken into account in monitoring of that budget. This has been achieved by a combination of the slippage of expenditure to 2008/09 and a change to the phasing of the use of other capital resources, in particular Housing Capital Grant.

#### **CAPITAL PROGRAMME MONITORING 2008/09 ONWARDS**

21. Attached at Appendix 3 is an updated Capital Programme for 2008/09 to 2010/11. The first column – Current Estimate 2008/09 – is the Original estimate for 2008/09 plus the slippage from 2007/08 that was reported to Executive Cabinet of 27 March 2008. It is recommended that the additional slippage from 2007/08 identified at outturn is added to the 2008/09 budget.
22. In addition to the slippage, a number of other changes to the programme have been identified after discussions with project managers. These are as follows:
  - Town Centre Investment - £31,690 and £10,000 to be included in the revenue budget instead of the capital programme. Though much of the expenditure should be of long-term benefit to Chorley, it does not meet the statutory definition of capital expenditure. There are no resource implications for either revenue or capital budgets. Slippage of £200,000 capital expenditure from 2008/09 to 2009/10 is also required.
  - Affordable Housing – slippage of £28,500 to 2009/10. The phasing of the other affordable housing budgets should be reviewed and proposals reported back at a later date.
  - Investment in Council Assets – slippage of £50,000 to 2009/10.
  - Business directorate projects – deletion of Cotswold House Refurbishment (£3.2m) pending alternative proposals being developed. Deletion of the eDevelopment project pending confirmation of whether further payments to the contractor of required.

- Neighbourhoods directorate projects – deletion of Safer Stronger Communities budget of £20,070, which is incorporated in the revenue budget instead. Merger of various refuse/recycling/litter budgets for bins/boxes etc. and reduction by £10,160 to match increase in revenue budget.
- The likely phasing of the remaining expenditure on the Buckshaw Village Railway Station is not yet known and will be added to the programme at a later date. The effect on resources should be neutral when it is added, as the expenditure is financed from S106 resources received for this purpose.

23. Though these changes help the resource position, there are reasons to review the availability of resources and to consider whether budgeted capital receipts can be achieved. In particular, though 'Preserved Right to Buy' receipts from CCH were on target during 2007/08, circumstances have changed. The original estimate for 2008/09 required a total of £1m, which should have been achievable had sales continued at the same rate as last year. However, this is beginning to look less likely, firstly because of the effect of the so-called 'credit crunch', which may mean that CCH's tenants find it harder to get mortgages to purchase their properties; and secondly because tenants may prefer to wait for improvements to their properties to be completed before buying them. The likelihood is that capital receipts from this source will be considerably lower than in 2007/08.
24. Should resources fall short of the estimated values, any shortfall could be met by increased borrowing, but this is undesirable because of the impact on the revenue budget. The alternative would be to reduce or rephase budgeted capital expenditure and to increase other capital resources, where the Council has the ability to do this. Working with Liberata Property Services, the availability of capital receipts from the disposal of surplus or low-income earning assets should be considered. Members may wish to consider whether any existing capital schemes should be financed with the uncommitted Local Authority Business Growth Incentive Scheme Grant in hand at 31 March 2008, which is about £0.357m. Project managers should consider to review the phasing of their schemes, in case any expenditure can be slipped to later years.

**IMPLICATIONS OF REPORT**

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

Finance	√	Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	

GARY HALL  
 ASSISTANT CHIEF EXECUTIVE (BUSINESS TRANSFORMATION)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Michael Jackson	5490	6 <sup>th</sup> June 2008	Capital Outturn 07-08 Monitoring 08-09.



**Capital Programme Provisional Outturn 2007/08**

Scheme	2007/08 Current Estimate £	Slippage (to)/from 2008/09 £	Other Changes £	2007/08 Provisional Outturn £	External Funding £	CBC Funding £
<b><u>Assistant Chief Executive (Policy &amp; Performance)</u></b>						
Project Management Support Capitalisation	40,000		0	40,000		40,000
Website Refresh	15,050		0	15,050		15,050
Contribution to Pitch Drainage Bishop Rawsthorne School External Funding Pot	19,990		4	19,994	19,994	0
- Charnock Richard FC	6,000		0	6,000		6,000
<b>Assistant Chief Executive (Policy &amp; Performance) Total</b>	<b>81,040</b>	<b>0</b>	<b>4</b>	<b>81,044</b>	<b>19,994</b>	<b>61,050</b>
<b><u>Assistant Chief Executive (Business Transformation and Improvement)</u></b>						
Capitalised Restructuring Costs	700,000		152,315	852,315		852,315
Planned Maintenance of Fixed Assets	100,000	(29,986)	(49,014)	21,000		21,000
Town Hall Disabled Access and Refurbishment	11,290		20,517	31,807		31,807
Gillibrand Link Road - land assembly	961,730		3	961,733	961,733	0
Financial Systems Development	86,000		25,985	111,985	74,694	37,291
<b>Assistant Chief Executive (Business Transformation and Improvement) Total</b>	<b>1,859,020</b>	<b>(29,986)</b>	<b>149,806</b>	<b>1,978,840</b>	<b>1,036,427</b>	<b>942,413</b>
<b><u>Director of Human Resources</u></b>						
HR Management System	18,000	(14,763)	0	3,237		3,237
<b>Director of Human Resources Total</b>	<b>18,000</b>	<b>(14,763)</b>	<b>0</b>	<b>3,237</b>	<b>0</b>	<b>3,237</b>

**Capital Programme Provisional Outturn 2007/08**

	2007/08 Current Estimate £	Slippage (to)/from 2008/09 £	Other Changes £	2007/08 Provisional Outturn £	External Funding £	CBC Funding £
	30,000		(30,000)	0		0
	251,150	(175,134)	76,398	152,414		152,414
	67,000	(67,000)	0	0		0
	<b>348,150</b>	<b>(242,134)</b>	<b>46,398</b>	<b>152,414</b>	<b>0</b>	<b>152,414</b>
	24,660		(1)	24,659		24,659
	24,000	(13,730)	0	10,270		10,270
	130,100		(5)	130,095		130,095
	44,970		0	44,970	44,966	4
	18,000		0	18,000	18,000	0
	13,790		3	13,793		13,793
	51,490	(1,029)	0	50,461	50,461	0
	26,760		(4)	26,756	26,756	0
	<b>333,770</b>	<b>(14,759)</b>	<b>(7)</b>	<b>319,004</b>	<b>140,183</b>	<b>178,821</b>

**Scheme****Director of ICT**

Website Development (incl. ICT salary capitalisation)  
Thin Client Pilot/Full Integration  
Telephony

**Director of ICT Total****Corporate Director (Neighbourhoods)**

Litter/Dog Waste/On-street recycling bins  
Replacement of recycling/litter bins & containers  
Enhanced Recycling/Kerbside Collection  
DEFRA Waste Performance & Efficiency Grant scheme  
Various traffic calming/local road safety schemes  
Intelligent Management Information  
Alleygates  
Building Safer Communities

**Corporate Director (Neighbourhoods) Total**

**Capital Programme Provisional Outturn 2007/08**

Scheme	2007/08 Current Estimate £	Slippage (to)/from 2008/09 £	Other Changes £	2007/08 Provisional Outturn £	External Funding £	CBC Funding £
<b><u>Corporate Director (Business)</u></b>						
Disabled Facilities Grants	355,000	(1,914)	2,067	355,153	355,153	0
Housing Renewal						
- Home Repair Grants	105,000	(14,530)	7,507	97,977	97,977	0
- Energy Grants	101,880	(24,463)	7,507	84,924	84,924	0
- Handyperson Scheme	10,000	0	0	10,000	10,000	0
Refurbishment of Cotswold House Homeless Unit	40,000	(3,810)	53	36,243	36,243	0
Housing Software Implementation	10,000	(2,800)	(7,200)	0	0	0
Affordable Housing Halliwell Street Project 2007-2010	0	0	2,282	2,282	2,282	0
Homelessness Prevention Central Lancs Sanctuary Scheme	0	0	2,282	2,282	2,282	0
Affordable Housing HALS Project 07/09	0	0	2,282	2,282	2,282	0
EAGA Energy Efficiency	0	0	7,507	7,507	7,507	0
Regeneration Projects - Design Fees	103,220	(103,220)	0	0	0	0
Town Centre Paving Project	33,080	(248)	0	32,832	32,832	0
eDevelopment and Building Control Project	24,690	(12,211)	0	12,479	0	12,479
Delivering the Chorley Town Centre Strategy	80,000	(11,690)	(40,310)	28,000	28,000	0
Eaves Green Link Road - contribution to LCC scheme	1,195,980	(619,451)	18,170	594,699	266,750	327,949
Buckshaw Village Railway Station	150,000	0	198,882	348,882	348,882	0
<b>Corporate Director (Business) Total</b>	<b>2,208,850</b>	<b>(690,869)</b>	<b>97,561</b>	<b>1,615,542</b>	<b>1,275,114</b>	<b>340,428</b>

**Capital Programme Provisional Outturn 2007/08**

**Scheme**

**Corporate Director (People)**

- Leisure Centres/Swimming Pool Refurbishment
- Duxbury Park Golf Course capital investment
- Astley Park Improvements - Construction
- Astley Park Woodland Management
- Village Hall & Community Centres Projects
- Extension to Chorley Cemetery (new burial area)
- Cemetery Development
- Chorley Cemetery Lodge Refurbishment
- Memorial Safety - Closed Churchyards
- Groundwork Projects
- Adlington Rail Station Improvements (S106 funded)
- Common Bank - Big Wood Reservoir
- Adlington Play Development (S106 funded)
- Harpers Lane Recreation Ground Imps (S106 funded)
- Play/Recreation Facilities (S106 funded)
- Ulnes Walton Play/Leisure Schemes (S106 funded)
- Corporate Play Development Plan
- Coppull Playzone (S106 funded)
- CRM Integration

2007/08 Current Estimate £	Slippage (to)/from 2008/09 £	Other Changes £	2007/08 Provisional Outturn £	External Funding £	CBC Funding £
831,250	27,760	0	859,010		859,010
50,000	(50,000)	0	0		0
898,820	(36,743)	28,497	890,574	674,121	216,453
56,000	(50,406)	(5,594)	0		0
30,000	(30,000)	0	0		0
550		(4)	546		546
6,780	(6,780)	0	0		0
13,490		(2)	13,488		13,488
20,000	1,541	0	21,541		21,541
29,050	(10,248)	15,479	34,281	20,539	13,742
7,500		3,700	11,200	11,200	0
370,000	(146)	48,877	418,731	369,854	48,877
25,450		726	26,176	26,176	0
30,000		1,204	31,204	31,204	0
10,250	(4,250)	301	6,301	6,301	0
0		451	451	451	0
50,000	(50,000)	1,204	1,204	1,204	0
0		1,806	1,806	1,806	0
15,000	(7,615)	0	7,385		7,385
<b>2,444,140</b>	<b>(216,887)</b>	<b>96,645</b>	<b>2,323,898</b>	<b>1,142,856</b>	<b>1,181,042</b>
<b>7,292,970</b>	<b>(1,209,398)</b>	<b>390,407</b>	<b>6,473,979</b>	<b>3,614,574</b>	<b>2,859,405</b>

**Capital Programme Provisional Outturn 2007/08**

Scheme	2007/08 Current Estimate £	Slippage (to)/from 2008/09 £	Other Changes £	2007/08 Provisional Outturn £	External Funding £	CBC Funding £
Prudential Borrowing	1,189,790	(1,189,790)	0	0		0
Unrestricted Capital Receipts	1,370,860	67,703	225,301	1,663,864		1,663,864
Preserved RTB Capital Receipts from CCH	1,140,000		3,800	1,143,800		1,143,800
Housing Investment Programme Restricted Capital Receipts	360,370	(323,650)	(23,232)	13,488		13,488
Revenue Budget - Specific Revenue Reserves or Budgets	74,840		(36,587)	38,253		38,253
<b>CBC Resources</b>	<b>4,135,860</b>	<b>(1,445,737)</b>	<b>169,282</b>	<b>2,859,405</b>	<b>0</b>	<b>2,859,405</b>
Ext. Contributions - Developers	1,616,750	(54,656)	164,439	1,726,533	1,726,533	0
Ext. Contributions - Lottery Bodies	694,940	(20,819)	0	674,121	674,121	0
Ext. Contributions - Other	370,000	(146)	0	369,854	369,854	0
Government Grants - Disabled Facilities Grants	180,000		0	180,000	180,000	0
Government Grants - WPEG	44,970		(4)	44,966	44,966	0
Government Grants - Housing Capital Grant	95,000	323,650	0	418,650	418,650	0
Government Grants - LPSA1	0		71,000	71,000	71,000	0
Government Grants - LABGI	80,000	(11,690)	(40,310)	28,000	28,000	0
Government Grants - Planning Delivery Grant	48,690		4	48,694	48,694	0
Government Grants - Other	26,760		25,996	52,756	52,756	0
<b>External Funding</b>	<b>3,157,110</b>	<b>236,339</b>	<b>221,125</b>	<b>3,614,574</b>	<b>3,614,574</b>	<b>0</b>
<b>TOTAL CAPITAL FINANCING</b>	<b>7,292,970</b>	<b>(1,209,398)</b>	<b>390,407</b>	<b>6,473,979</b>	<b>3,614,574</b>	<b>2,859,405</b>

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**Capital Programme 2007/08 - Other Changes****Scheme****Assistant Chief Executive (Policy & Performance)**

Contribution to Pitch Drainage Bishop Rawsthorne School

**Assistant Chief Executive (Policy & Performance) Total****Assistant Chief Executive (Business Transformation and Improvement)**

Capitalised Restructuring Costs

Planned Maintenance of Fixed Assets

Town Hall Disabled Access and Refurbishment

Gillibrand Link Road - land assembly

Financial Systems Development

**Assistant Chief Executive (Business Transformation and Improvement) Total****Director of ICT**

Website Development (incl. ICT salary capitalisation)

Thin Client Pilot/Full Integration

**Director of ICT Total**

Other Changes £	Reallocation		Increases		Reductions		Comments
	£	£	£	£	£	£	
4							
<b>4</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>0</b>		
152,315 (49,014) 20,517 3	(49,014) 20,517	152,315					To achieve revenue budget saving Reallocated to Town Hall & Astley park Reallocated from Planned Maintenance
25,985		26,000			(15)		Transferred from revenue budget - no resource implications
<b>149,806</b>	<b>(28,497)</b>	<b>178,318</b>			<b>(15)</b>		
(30,000) 76,398					(30,000)		Transferred to revenue budget Transferred from revenue budget
<b>46,398</b>	<b>0</b>	<b>76,398</b>			<b>(30,000)</b>		

**Capital Programme 2007/08 - Other Changes****Scheme****Corporate Director (Neighbourhoods)**

Litter/Dog Waste/On-street recycling bins  
 Enhanced Recycling/Kerbside Collection  
 Intelligent Management Information  
 Building Safer Communities

**Corporate Director (Neighbourhoods) Total****Corporate Director (Business)**

Disabled Facilities Grants  
 Housing Renewal  
 - Home Repair Grants  
 - Energy Grants  
 Refurbishment of Cotswold House Homeless Unit  
 Housing Software Implementation  
 Affordable Housing Halliwell Street Project 2007-2010  
 Homelessness Prevention Central Lancs Sanctuary Scheme  
 Affordable Housing HALS Project 07/09  
 EAGA Energy Efficiency  
 Regeneration Projects - Design Fees  
 Town Centre Paving Project  
 Delivering the Chorley Town Centre Strategy  
 Eaves Green Link Road - contribution to LCC scheme  
 Buckshaw Village Railway Station

**Corporate Director (Business) Total**

Other Changes £	Reallocation		Increases		Reductions		Comments
	£	£	£	£	£	£	
(1)					(1)		
(5)					(5)		
3				3			
(4)					(4)		
<b>(7)</b>	<b>0</b>	<b>3</b>	<b>(10)</b>				
2,067	7,507		(5,440)				Reallocated from Design Fees
7,507	7,507						Reallocated from Design Fees
7,507	7,507						Reallocated from Design Fees
53	53						Reallocated from Design Fees
<b>(7,200)</b>			<b>(7,200)</b>				
2,282	2,282						Reallocated from Design Fees
2,282	2,282						Reallocated from Design Fees
2,282	2,282						Reallocated from Design Fees
7,507	7,507						Reallocated from Design Fees
<b>(103,220)</b>	<b>(105,675)</b>	<b>2,455</b>	<b>(248)</b>				Reallocated to specific schemes
<b>(248)</b>							
<b>(40,310)</b>			<b>(40,310)</b>				Transferred to revenue budget Payment slips to 2008/09
18,170		18,170					Estimated phasing not accurate
198,882		198,882					
<b>97,561</b>	<b>(68,748)</b>	<b>219,507</b>	<b>(53,198)</b>				



**Capital Programme 2007/08 - Other Changes**

Scheme	Other Changes £	Reallocation		Comments
		Increases £	Reductions £	
<b><u>Corporate Director (People)</u></b>				
Astley Park Improvements - Construction	28,497	28,497		Reallocated from Planned Maintenance
Astley Park Woodland Management	(5,594)		(5,594)	Transferred to revenue budget
Extension to Chorley Cemetery (new burial area)	(4)		(4)	
Chorley Cemetery Lodge Refurbishment	(2)		(2)	
Groundwork Projects	15,479	10,479	5,000	
Adlington Rail Station Improvements (S106 funded)	3,700	3,700		Reallocated from Design Fees
Common Bank - Big Wood Reservoir	48,877	48,877		Reallocated from Design Fees
Adlington Play Development (S106 funded)	726	726		Reallocated from Design Fees
Harpers Lane Recreation Ground Imps (S106 funded)	1,204	1,204		Reallocated from Design Fees
Play/Recreation Facilities (S106 funded)	301	301		Reallocated from Design Fees
Ulnes Walton Play/Leisure Schemes (S106 funded)	451	451		Reallocated from Design Fees
Corporate Play Development Plan	1,204	1,204		Reallocated from Design Fees
Coppull Playzone (S106 funded)	1,806	1,806		Reallocated from Design Fees
<b>Corporate Director (People) Total</b>	<b>96,645</b>	<b>97,245</b>	<b>5,000</b>	
<b>Capital Programme Total</b>	<b>390,407</b>	<b>0</b>	<b>479,230</b>	
			<b>(88,823)</b>	

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**Capital Programme - 2008/09 to 2010/11**

Scheme

**Town Centre Investment**

Delivering the Chorley Town Centre Strategy  
Marketing Chorley  
Markets Action Plan (Phase I)  
Town Centre Investment

**Town Centre Investment Total**

**Affordable Housing**

Homelessness Prevention Central Lancs Sanctuary Scheme  
Affordable Housing Halliwell Street Project 2007-2010  
Affordable Housing HALS Project 2007/08 - 2008/09  
Choice Based Lettings  
Affordable Housing New Development Project 2008/09 - 2010/11

**Affordable Housing Total**

**Sustainability & Climate Change**

Climate Change Pot

**Sustainability & Climate Change Total**

**Matched Funding Pot**

Matched Funding Pot

**Matched Funding Pot Total**

2008/09 Current Estimate £	Slippage (to)/from 2007/08 £	Other Changes £	2008/09 Revised Estimate £	2009/10 Original Estimate £	Slippage from 2008/09 £	2009/10 Revised Estimate	2010/11 Original Estimate £	Total 2008/09 to 2010/11 £
20,000	11,690	(31,690)	0			0		0
10,000		(10,000)	0			0		0
250,000			250,000			0		250,000
325,000		(200,000)	125,000	825,000	200,000	1,025,000		1,150,000
<b>605,000</b>	<b>11,690</b>	<b>(241,690)</b>	<b>375,000</b>	<b>825,000</b>	<b>200,000</b>	<b>1,025,000</b>	<b>0</b>	<b>1,400,000</b>
57,000		(28,500)	28,500			28,500		57,000
79,000			79,000			0		79,000
880,000			880,000			0		880,000
20,000			20,000			0		20,000
599,400			599,400	311,500		311,500	377,000	1,287,900
<b>1,635,400</b>	<b>0</b>	<b>(28,500)</b>	<b>1,606,900</b>	<b>311,500</b>	<b>28,500</b>	<b>340,000</b>	<b>377,000</b>	<b>2,323,900</b>
180,000			180,000			0		180,000
<b>180,000</b>	<b>0</b>	<b>0</b>	<b>180,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>180,000</b>
100,000			100,000	100,000		100,000	100,000	300,000
<b>100,000</b>	<b>0</b>	<b>0</b>	<b>100,000</b>	<b>100,000</b>	<b>0</b>	<b>100,000</b>	<b>100,000</b>	<b>300,000</b>

APPENDIX 3

	2008/09 Current Estimate £	Slippage (to)/from 2007/08 £	Other Changes £	2008/09 Revised Estimate £	2009/10 Original Estimate £	Slippage from 2008/09 £	2009/10 Revised Estimate £	2010/11 Original Estimate £	Total 2008/09 to 2010/11 £
<b>Scheme</b>									
<b><u>Performing Organisation - Investment in Infrastructure</u></b>									
<b><u>Assistant Chief Executive (Business Transformation)</u></b>									
Planned Maintenance of Fixed Assets	300,000	29,990	(50,000)	329,990	200,000	50,000	200,000	200,000	729,990
Investment in Council Assets	150,000			100,000			50,000		150,000
	<b>450,000</b>	<b>29,990</b>	<b>(50,000)</b>	<b>429,990</b>	<b>200,000</b>	<b>50,000</b>	<b>250,000</b>	<b>200,000</b>	<b>879,990</b>
<b><u>Assistant Chief Executive (Business Transformation)</u></b>									
<b><u>Assistant Chief Executive (Policy &amp; Performance)</u></b>									
Project Management Support Capitalisation	40,000			40,000	40,000		40,000	40,000	120,000
External Funding Pot	9,650			9,650			0		9,650
Performance Management	10,000			10,000			0		10,000
	<b>59,650</b>	<b>0</b>	<b>0</b>	<b>59,650</b>	<b>40,000</b>	<b>0</b>	<b>40,000</b>	<b>40,000</b>	<b>139,650</b>
<b><u>Corporate Director (Business)</u></b>									
Disabled Facilities Grants	371,450	1,910		373,360	300,000		300,000	300,000	973,360
Housing Renewal	200,000	45,600	32,430	278,030	200,000		200,000	200,000	678,030
Refurbishment of Cotswold House Homeless Unit	3,200,000		(3,200,000)	0			0		0
EAGA Energy Efficiency	110,000			110,000			0		110,000
Other housing-related capital expenditure	32,430		(32,430)	0			0		0
Regeneration Projects - Design Fees	103,220			103,220	70,000		70,000	70,000	243,220
eDevelopment and Building Control Project	0	12,210	(12,210)	0			0		0
Eaves Green Link Road - contribution to LCC scheme	0	619,450		619,450			0		619,450
Buckshaw Village Railway Station	0			0			0		0
	<b>4,017,100</b>	<b>679,170</b>	<b>(3,212,210)</b>	<b>1,484,060</b>	<b>570,000</b>	<b>0</b>	<b>570,000</b>	<b>570,000</b>	<b>2,624,060</b>
<b><u>Corporate Director (Governance)</u></b>									
Legal Case Management System	31,750			31,750			0		31,750
	<b>31,750</b>	<b>0</b>	<b>0</b>	<b>31,750</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>31,750</b>

**Capital Programme - 2008/09 to 2010/11**

**Performing Organisation - Investment in Infrastructure**

**Assistant Chief Executive (Business Transformation)**

Planned Maintenance of Fixed Assets  
Investment in Council Assets

**Assistant Chief Executive (Business Transformation)**

**Assistant Chief Executive (Policy & Performance)**

Project Management Support Capitalisation  
External Funding Pot  
Performance Management

**Assistant Chief Executive (Policy & Performance)**

**Corporate Director (Business)**

Disabled Facilities Grants  
Housing Renewal  
Refurbishment of Cotswold House Homeless Unit  
EAGA Energy Efficiency  
Other housing-related capital expenditure  
Regeneration Projects - Design Fees  
eDevelopment and Building Control Project  
Eaves Green Link Road - contribution to LCC scheme  
Buckshaw Village Railway Station

**Corporate Director (Business)**

**Corporate Director (Governance)**

Legal Case Management System

**Corporate Director (Governance)**

APPENDIX 3

**Capital Programme - 2008/09 to 2010/11**

**Scheme**

**Director of Human Resources**

e-Enabling HR systems - Training  
HR Management System

**Director of Human Resources Total Corporate Director (Neighbourhoods)**

Replacement of recycling/litter bins & containers  
Enhanced Recycling/Kerbside Collection  
Highway improvements - Gillibrand estate/Southlands  
Intelligent Management Information  
Safer Stronger Communities  
Alleygates  
Refuse and Recycling Contract Revenue Mitigation  
MATAC CCTV Infrastructure Upgrades

**Corporate Director (Neighbourhoods)**

**Corporate Director (ICT)**

Website Development (incl. ICT salary capitalisation)  
Thin Client/Citrix (started 2007/08)  
Telephony  
Data Storage Solution  
OS Positional Accuracy Improvement  
Server Virtualisation  
Web Accessibility

**Corporate Director (ICT)**

2008/09 Current Estimate £	Slippage (to)/from 2007/08 £	Other Changes £	2008/09 Revised Estimate £	2009/10 Original Estimate £	Slippage from 2008/09 £	2009/10 Revised Estimate £	2010/11 Original Estimate £	Total 2008/09 to 2010/11 £
30,000			30,000			0		30,000
50,500	14,760		65,260			0		65,260
<b>80,500</b>	<b>14,760</b>	<b>0</b>	<b>95,260</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>95,260</b>
69,760	13,730	4,220	87,710	50,000		50,000	50,000	187,710
14,380		(14,380)	0			0		0
90,000			90,000			0		90,000
65,520			65,520			0		65,520
20,070		(20,070)	0			0		0
40,000	1,030		41,030	30,000		30,000	30,000	101,030
1,000,000			1,000,000			0		1,000,000
25,000			25,000			0		25,000
<b>1,324,730</b>	<b>14,760</b>	<b>(30,230)</b>	<b>1,309,260</b>	<b>80,000</b>	<b>0</b>	<b>80,000</b>	<b>80,000</b>	<b>1,469,260</b>
30,000			30,000	30,000		30,000	30,000	90,000
21,850	175,130		196,980	44,850		44,850	159,350	401,180
70,000	67,000		137,000			0		137,000
67,350			67,350			0		67,350
38,900			38,900			0		38,900
101,000			101,000	51,200		51,200		152,200
20,000			20,000			0		20,000
<b>349,100</b>	<b>242,130</b>	<b>0</b>	<b>591,230</b>	<b>126,050</b>	<b>0</b>	<b>126,050</b>	<b>189,350</b>	<b>906,630</b>

APPENDIX 3

**Capital Programme - 2008/09 to 2010/11**

**Scheme**

**Corporate Director (People)**

- Leisure Centres/Swimming Pool Refurbishment
- Duxbury Park Golf Course capital investment
- Improvements to Sports Pitches
- Astley Park Improvements - Construction
- Astley Park Woodland Management (S106 funded)
- Astley Hall/Park CCTV
- Ulnes Walton Play/Leisure Schemes (S106 funded)
- Corporate Play Development Plan
- Coppull Playzone
- Play/Recreation Facilities (S106 funded)
- Lighting at Coronation Recreation Ground
- Village Hall & Community Centres Projects
- Cemetery Development
- Memorial Safety St Johns Churchyard
- Memorial Safety
- Common Bank - Big Wood Reservoir
- Groundwork Projects
- Chorley Strategic Regional Site
- CRM Process Optimisation

**Corporate Director (People)**

**Performing Organisation - Investment in Infrastructure Total**

**Capital Programme Total**

2008/09 Current Estimate £	Slippage (to)/from 2007/08 £	Other Changes £	2008/09 Revised Estimate £	2009/10 Original Estimate £	Slippage from 2008/09 £	2009/10 Revised Estimate £	2010/11 Original Estimate £	Total 2008/09 to 2010/11 £
304,050	(27,760)		276,290	237,070		237,070	244,180	757,540
450,090	50,000		500,090	100,000		0	100,000	500,090
100,000			100,000			100,000		300,000
1,531,390	36,740		1,568,130			0		1,568,130
30,000	50,410		80,410	30,000		30,000		110,410
34,000			34,000			0		34,000
10,630			10,630			0		10,630
0	50,000		50,000			0		50,000
25,000			25,000			0		25,000
47,260	4,250		51,510			0		51,510
60,000			60,000			0		60,000
90,000	30,000		120,000			0		120,000
6,500	6,780		13,280			0		13,280
30,000	(1,540)		28,460			0		28,460
25,000			25,000	25,000		25,000	25,000	75,000
118,100	150		118,250			0		118,250
15,000	10,250		25,250			0		25,250
576,530			576,530			0		576,530
101,000	7,620		108,620	35,000		35,000		143,620
<b>3,554,550</b>	<b>216,900</b>	<b>0</b>	<b>3,771,450</b>	<b>427,070</b>	<b>0</b>	<b>427,070</b>	<b>369,180</b>	<b>4,567,700</b>
<b>9,867,380</b>	<b>1,197,710</b>	<b>(3,292,440)</b>	<b>7,772,650</b>	<b>1,443,120</b>	<b>50,000</b>	<b>1,493,120</b>	<b>1,448,530</b>	<b>10,714,300</b>
<b>12,387,780</b>	<b>1,209,400</b>	<b>(3,562,630)</b>	<b>10,034,550</b>	<b>2,679,620</b>	<b>278,500</b>	<b>2,958,120</b>	<b>1,925,530</b>	<b>14,918,200</b>

APPENDIX 3

**Capital Programme - 2008/09 to 2010/11**

**Scheme**

**Financing the Capital Programme**

- Prudential Borrowing
- Unrestricted Capital Receipts
- Housing Investment Programme Restricted Capital Receipts
- Capital Receipt earmarked for Strategic Regional Site
- Preserved RTB Capital Receipts from CCH
- Revenue Budget - Specific Revenue Reserves or Budgets

**CBC Resources**

- Ext. Contributions - Developers
- Ext. Contributions - Lottery Bodies
- Ext. Contributions - Other
- Government Grants - Disabled Facilities Grants
- Government Grants - Housing Capital Grant
- Government Grants - LPSA1
- Government Grants - LABGI
- Government Grants - Planning Delivery Grant
- Government Grants - Other

**External Funding**

**TOTAL CAPITAL FINANCING**

2008/09 Current Estimate £	Slippage (to)/from 2007/08 £	Other Changes £	2008/09 Revised Estimate £	2009/10 Original Estimate £	Slippage from 2008/09 £	2009/10 Revised Estimate £	2010/11 Original Estimate £	Total 2008/09 to 2010/11 £
1,579,850	1,189,790		2,769,640	400,000		400,000	455,000	3,624,640
1,375,000	(67,700)	661,120	1,968,420	460,030	141,890	601,920	413,530	2,983,870
328,660	323,650	(652,310)	0	141,890	(141,890)	0	0	0
576,530		(262,210)	737,790	500,000	250,000	750,000	500,000	1,987,790
1,000,000								
39,650		31,750	71,400			0		71,400
4,899,690	1,445,740	(221,650)	6,123,780	1,501,920	250,000	1,751,920	1,368,530	9,244,230
2,075,480	54,650	(500,000)	1,630,130	686,200		686,200	0	2,316,330
1,293,320	20,820		1,314,140			0		1,314,140
105,000	150		105,150			0		105,150
180,000			180,000	180,000		180,000	180,000	540,000
1,084,220	(323,650)	(79,220)	681,350	311,500	28,500	340,000	377,000	1,398,350
10,000		(10,000)	0			0		0
20,000	11,690	(31,690)	0			0		0
0			0			0		0
2,720,070		(2,720,070)	0			0		0
7,488,090	(236,340)	(3,340,980)	3,910,770	1,177,700	28,500	1,206,200	557,000	5,673,970
<b>12,387,780</b>	<b>1,209,400</b>	<b>(3,562,630)</b>	<b>10,034,550</b>	<b>2,679,620</b>	<b>278,500</b>	<b>2,958,120</b>	<b>1,925,530</b>	<b>14,918,200</b>

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**REPORT OF EXECUTIVE CABINET****GENERAL REPORT**

1. The Executive Cabinet has met twice since the last Ordinary Council meeting on 22 April 2008. This report summarises briefly the principal items considered at the two meetings on 29 May and 26 June 2008. Separate reports on the matters that require a specific Council decision appear elsewhere on the Council's agenda.

**Meeting held on 29 May 2008****Scrutiny Inquiry Reports on Absence management and Efficiency Gains**

2. The Executive Cabinet had been presented at its meeting on 27 March 2008 with the findings and recommendations of the former Corporate Overview and Scrutiny Panel's inquiries into (a) Absence Management and (b) Efficiency Gains.
3. Since that meeting, we have had the opportunity of assessing the reports' findings and the Corporate Director of Human Resources and Operational Development and the Assistant Chief Executive (Business Transformation) submitted a further report to the 29 May meeting detailing the Executive's response to each of the two Inquiries' reports' recommendations, highlighting the actions that have either already been instigated or are currently being pursued by the Officers.
4. We endorsed the suggested responses, which essentially approve and adopt the two Inquiries' reports' recommendations, subject to the minor revision of one of the recommendations in the Efficiency Gains report in order to allow an investigation into the extent to which Members might be included in the health and well-being initiative provided for Council staff, rather than its immediate implementation.
5. We thanked the members of the Overview and Scrutiny Committee and its former Panel for their input into the two Inquiries, the results of which will strengthen the good practices already put in place and further enhance the Authority's performance.

**Chorley's Performance Improvement Journey**

6. The Assistant Chief Executive (Policy and Performance) gave a short presentation to the Executive Cabinet to highlight the Council's commendable performance journey over the past three years, in advance of the Comprehensive Performance Assessment of the Council during the week commencing 16 June 2008.
7. We were reminded of the Authority's steady year on year improvement in both the number of improved or consistent Best Value Performance Indicators (BVPIs) which now equate to 85% of the total BVPIs monitored, and the number of BVPIs in the top national quartile. Improvements are also evident in many areas, which are not subject to the BVPI regime (e.g. increasing numbers of visits to All Season Leisure Centre and the town centre, an increasing number of new businesses being established in the Borough and a substantial reduction in the number of complaints lodged with the Ombudsman).
8. The impressive sustainment and improvement of the Council's performance over the past few years has, to a large extent, been achieved through the most efficient use of limited resources, which, along with a host of other innovations and achievements, has been nationally recognised and awarded.

9. The presentation concluded with references to the actions on which the Council will be focusing in the coming year (e.g. the introduction of new neighbourhood working arrangements and delivery of the Lancashire Local Area Agreement with partners) to ensure that our performance is even further enhanced.

#### **Performance Monitoring Report – Fourth Quarter of 2007/08**

10. The Assistant Chief Executive (Policy and Performance) submitted her quarterly update report reviewing the Authority's performance on both the delivery of the key projects and measures in the Corporate Strategy and against national Best Value Performance Indicators (BVPIs) during the fourth quarter of 2007/08.
11. Commendably, 81% of the refreshed Corporate Strategy's key projects have either been completed or are progressing on or ahead of plan. The six projects that are currently behind schedule are expected to be completed in the near future. In addition, the report confirms a good overall BVPI performance, with an increased 46% of indicators in the top national quartile and 70% of indicators having achieved their targets.
12. The Chair of the Overview and Scrutiny Committee advised the Executive Cabinet at the meeting of the comments and recommendations of his Committee on the Vulnerable Families project; the proposals to develop a Community Plan for Buckshaw; and issues surrounding the Astley Park improvement proposals. The issues raised were accepted and the Executives' response intimated at the meeting.
13. The update report was welcomed by the Executive Cabinet, who authorised the development of Neighbourhood Action Plans in substitution for the key project to produce action plans for Community Forum areas, which is not now relevant.

#### **Climate Change Strategy and Associated Sustainable Procurement Policy**

14. We approved and adopted a Climate Change Strategy for the Authority, together with an associated Sustainable Procurement Policy to implement the actions contained in the Flexible Framework Action Plan.
15. The Climate Change Strategy brings together in a coherent and consistent manner good practice by identifying a number of potential actions aimed at reducing the Council's carbon emissions and costs. We have also approved in principle the related programme of actions which will need to be examined, costed and developed further in advance of further consideration by the Executive Cabinet.
16. The associated Sustainable Procurement Policy and Action Plan recognises the Council's vital role in furthering sustainable development through its procurement of goods and services by good practice methods.

#### **Workforce Development Plan**

17. In accordance with the requirements of the Local Government Pay and Workforce Strategy, the Executive Cabinet approved and adopted a Workforce Development Plan for the three year period up to 2011, which defines how the Council will anticipate and address both current and future key workforce challenges.
18. The introduction of the plan forms an essential part of the Council's improved planning culture by ensuring that the Authority will possess the skills, attitudes and commitment needed within its workforce to deliver the Council's vision. As such, the plan is a key element within the Corporate Strategy by which to support the long-term outcome to provide and procure high quality, priority services.

**Year End progress on the Performance of Key Partnerships**

19. The Executive Cabinet received and considered a confidential report of the Assistant Chief Executive (Business Transformation) reviewing the performance of the Council's key partnership arrangements during 2007/08 against the criteria laid down in the adopted Framework for Partnership Working.
20. The report draws attention to a small number of instances where partnership performance or risk issues have been identified, including issues relating to the operation of the Indoor Leisure contract, which had led to certain monitoring arrangements being put into place, which will be closely observed by the Corporate Director (People). In general, however, the report confirms the key partnerships' observance of best practice and governance arrangements as set out in the Framework document and points to good progress in the achievement of the partnerships' goals and objectives.
21. We accepted the report and approved the updated Framework for Partnership working.

**Meeting held on 26 June 2008****Affordable Housing Framework**

22. The Executive Cabinet approved and adopted an Affordable Housing Framework which outlines a revised definition of affordable housing for the Borough and sets out clear procedures and measures to be followed on the negotiation of affordable housing on relevant sites.
23. The framework recommends the adoption of a new definition of affordable housing by linking affordability to the median household income and a multiplier of 2.5. The framework also adopts (i) a new procedure for the negotiation of affordable housing units within developments; (ii) a new eligibility criteria for low cost housing schemes; (iii) a policy requiring discounted open market value properties to be requested on development, whenever deemed appropriate, to ensure that properties remain affordable in perpetuity; and (iv) a requirement that all appropriate Section 106 agreements should include a requirement that Housing Associations must recycle funding obtained from the sale of affordable housing in Chorley back into housing provision within the Borough.
24. In the light of the decline of new house building in the current financial market, we have also requested a further report to a future meeting on investigations into alternative funding mechanisms for affordable housing.

**Proposed Pilot Merge of Crime and Disorder Reduction Partnerships**

25. We received and considered a report of the Corporate Director (Neighbourhoods) on the outcome of the extended consultation period on the proposals to merge the Chorley, South Ribble and West Lancashire Community Safety Partnerships
26. The recent discussions with the Chorley Community Safety Partnership and the Chorley Partnership Board and Executive highlighted, in particular, the need both to retain the commitment and participation of local voluntary and community groups on community safety issues and for assurances that Chorley will not be disadvantaged by the allocation of funds across the strategic partnership area. In the light of the extended consultation, a draft local framework structure has been produced which aims to set up a forum for local community engagement during the period of the projected trial project.
27. Since the merger of the three partnerships was suggested, West Lancashire Council has decided not to participate in the trial project. However, South Ribble Council has intimated

its willingness to proceed and the Police, Chorley LSP and the Overview and Scrutiny Committee have also confirmed their general support of the merger plans.

28. After taking account of the assurances offered and the proposed framework for local arrangements in Chorley, the Executive Cabinet have authorised the implementation of the 12 months pilot project to merge the Community Safety Partnerships of Chorley and South Ribble into a strategic Crime and Disorder Reduction Partnership. I have been granted delegated authority, along with the Executive Member (Neighbourhoods), to finalise the Constitution and membership of the pilot body.

#### **Revenue Budget – Provisional Outturn for 2007/08**

29. The Executive Cabinet received a report of the Assistant Chief Executive (Business Transformation) on the provisional outturn figures for the Council's 2007/08 General Fund revenue budget and the Housing Revenue Account.
30. The report reveals an overall underspend of £321,000 at the end of the year, £213,000 of which relates to a "windfall" from the capitalisation of interest previously charged to revenue, but now capitalised as a result of a government decision.
31. The General Fund level of working balances as at 31 March 2008 totals £1,778,000, including the transfer of £896,000 from the Housing Revenue Account surplus. Although this amount falls beyond the range recommended in our Medium Term Financial Strategy, we accepted the Officers' advice to maintain that level of resources in the light of the current uncertainty on a number of budgeting factors, such as the prospective costs of operating the new concessionary travel scheme.
32. During consideration of the report, we were asked by the Chair of the Overview and Scrutiny Committee to consider his Committee's request for peak time concessionary travel passes to be granted to persons over 60 years, particularly to assist disabled people who were required to travel before 9.30am. We have undertaken to reconsider the request when a clearer indication of the ultimate financial implications of the concessionary travel scheme and the situation affecting other Lancashire Authorities is known.

#### **Regional Spatial Strategy Partial Review – Response to Draft Options**

33. We were informed by the Corporate Director (Business) that the North West Regional Assembly was seeking responses by 30 June 2008 to its consultation on the Draft Option's emerging from the Regional Spatial Strategy Partial Review.
34. The Assembly commenced a partial review of the Regional Spatial Strategy in February 2008 and have issued Draft Options on the partial review matters of Housing; Gypsies and Travellers; Travelling Showpeople; Waste (Broad locations); Renewable Energy (Broad Locations); and Car parking.
35. I accepted consideration of the Corporate Director's report as a matter of urgency at the meeting and, following Members' assessment and debate of the various options, the Executive Cabinet selected the Draft Options it wished to support in relation to the identified matters.

#### **Household Refuse and Recycling Collections and Ancillary Services – Award of Contract**

36. The Executive Cabinet was presented with a confidential report of the Corporate Director (Neighbourhoods) on the outcome of the evaluation of the tenders received 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.

37. Tenders were invited on the agreed specification, which aimed to enhance the Authority's recycling performance and improve customer satisfaction through a rationalisation of containers and a reduction of collection vehicles. In addition, variant bids which could demonstrate the same level of service delivery through alternative collection methods were invited.
38. Nine tender submissions (including three variant bids) have each been assessed and evaluated against the agreed evaluation criteria, which allows a greater weighting to qualitative factors than to costs. The Corporate Director's report contains details of the tender quotations and scoring awarded to each bid, together with details of the precise services on offer from each tenderer.
39. Following careful examination of the outcome of the evaluation process, we accepted the Officer's recommendation and agreed to award the new Household Refuse and Recycling Collection and Ancillary Services contract to the identified contractor for a term of 10 years commencing 1 April 2009, with an option to extend the contract for a further two years. We concur with the view that the selected contractor has provided the most economically advantageous bid for the Authority.

#### **Business Directorate – Strategic Housing Services Section - Restructure**

40. We were presented with a confidential report of the Corporate Director (Business) and have approved for consultation purposes a proposed new staffing structure for the Strategic Housing Services Section in the Business Directorate.
41. The restructure aims to create a multi-disciplinary Strategic Housing Services Section that will be capable of managing the recently transferred homelessness function effectively and ensuring that resources within the Section are best deployed to meet the strategic priorities of the Council.

#### **Recommendation**

42. The Council is recommended to note this report.

COUNCILLOR P GOLDSWORTHY  
Executive Leader

There are no background papers to this report.

AU/LM

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Report of	Meeting	Date
Corporate Director (Governance)  (Introduced by the Executive Member for Policy and Performance)	Council	15 July 2008

## **REVIEW OF THE COUNCIL'S CONSTITUTION**

### **PURPOSE OF REPORT**

1. To revise elements of the Council's Constitution to ensure that it remains an up to date and robust document for the Governance of the Council.

### **RECOMMENDATION(S)**

2. That the revised sections of the Constitution be approved as follows:
  - 2.1. A revised summary and explanation of the Constitution as enclosed as Appendix 1
  - 2.2. A revised Articles section of the Constitution as enclosed as Appendix 2
  - 2.3. Revisions to the scheme of delegations to officers in respect of planning matters as enclosed as Appendix 3 and described in the report.

### **EXECUTIVE SUMMARY OF REPORT**

3. The report recommends updating 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.

### **REASONS FOR RECOMMENDATION(S)**

#### **(If the recommendations are accepted)**

4. Maintaining an up to date Constitution is a key element with the Council's Code of Corporate Governance. The Council undertakes a review on at least annual basis in order to ensure compliance with new legislation, practices and procedures.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

5. None.

**CORPORATE PRIORITIES**

6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	√

**BACKGROUND**

7. In 2007 a review was undertaken of the Council procedure rules. A review of the decision making structure was agreed at Council in April 2008 which required further Constitutional amendments. To further the progress of the review of the document, changes to the summary, articles and delegations are being proposed.

**SUMMARY**

8. This section is an introduction to the Constitution and sets out in plain English the key components of the document. It includes the Council’s vision and ambitions as well as citizens rights and an explanation of the Executive, Scrutiny and Regulatory decision making processes. An updated summary is attached as Appendix 1.

**ARTICLES**

9. The articles of the Constitution are listed below:

- a. Constitution
- b. Members of the Council
- c. Citizen and the Council
- d. Full Council
- e. Mayor
- f. Overview & Scrutiny
- g. Executive
- h. Regulatory & other Committees
- i. Standards Committee
- j. Officers
- k. Decision Making
- l. Finance, Contracts & Legal
- m. Review & Revision of the Constitution
- n. Suspension & Interpretation of the Constitution
- o. Appendices to the Constitution

These have been updated and are enclosed as Appendix 2 to this report. Most of the changes are housekeeping measures. Some simplify or clarify the current wording of the Articles others reflect previous Council decisions e.g. in relation to way that Overview and Scrutiny operates or reflects new legislation e.g. in respect of Standards. New clauses though have been added at 5.01 making specific reference to the accepted principle of the Mayor behaving in a politically neutral manner and at 11.02 replacing an existing reference which required decision makers to have regard to human rights issues with a broader set of decision making principles incorporating human rights as well as other important principles. An additional Officer (the Legal Services Manager) has also been added to the list of those able to witness the use of the Council’s seal.



**DELEGATIONS**

- 10. Amendments are proposed to the Officer Scheme of Delegations in respect of development control decisions and the new wording appears at Appendix 3. The effect of the amendment will be to require all applications to build more than two houses to be referred for approval to Committee. In exceptional cases the Director will retain the power to refuse these applications where information is outstanding and delay would prevent the Council achieving prescribed timescales for decision making. The wording of the existing delegation has been slightly revised to improve clarity.
- 11. In addition it is proposed to take the opportunity when the Constitution is being reprinted to ensure that existing delegations refer to the appropriate Officer following recent restructures.

**IMPLICATIONS OF REPORT**

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

ANDREW DOCHERTY  
CORPORATE DIRECTOR (GOVERNANCE)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Andrew Docherty	5102	25 June 2008	

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## Summary and Explanation

### *The Council's Constitution*

Chorley Council adopted a formal Constitution in November 2001 and it has been reviewed from time to time since that date. The Constitution contains Articles which set out basis rules and principles and these are developed in more detailed rules and procedures which appear later in the Constitution. These rules describe how the Council operates, how decisions are taken, and the procedures which ensure that decisions are efficient, transparent and accountable to local people.

The law requires some of these processes. The Council has chosen others.

The Constitution therefore provides a framework for Council decision makers to operate within. It describes how they will be held to account and it provides for the involvement of local people in the work of the Council. It is the framework through which the Council will deliver its Vision and its Strategic Objectives.

### *The Council's Vision*

"The Council's ambition is for Chorley to become one of the most attractive, caring and vibrant places in the North West to live, to work, to invest and to visit.

People can expect safe, clean, sustainable neighbourhoods with equal access to first class, co-ordinated public services which meet their diverse needs. They can expect high quality local jobs and training opportunities, a decent home and to be valued and respected by all. They will be able to have their say and influence local services in their area and to insist on good value.

The character of our friendly, contemporary market town and its surrounding villages will be enhanced ensuring Chorley plays a pivotal role in regional economic development"

### *Strategic Objectives*

The Council has six strategic objectives:

- Put Chorley at the heart of regional economic development in the Central Lancashire sub region
- Improving equality and life chances
- Involving people in their communities
- Develop local solutions to climate change
- Develop the character and feel of Chorley as a good place to live
- Ensure Chorley Borough Council is a performing organisation

## ***Values***

The Council has agreed a set of core values which it aims to uphold and which should underpin the work and behaviour of individual Councillors and Officers. These are:

- **Forward-Thinking** - always ambitious to do better
- **Respect** - responding to the different needs and aspirations of our customers and those we work with
- **Professional** - striving to provide high quality services
- **Pride** in our jobs, pride in the Council, pride in Chorley
- **One Team, One Council**

## ***How the Council Operates***

### **Elected Councillors**

There are 47 elected Members on the Council. They each represent a Ward and have been elected by voters living in that Ward.

In three out of every four years an election is held when roughly one third of the seats on the Council are contested. Councillors normally hold office for four years. However, elections are also held if a Member resigns, dies or is disqualified from being a Councillor. A Councillor elected in these circumstances will serve until the time when the Councillor he or she replaces would have left office.

### **Full Council**

Councillors meet together as the Full Council. Full Council sets the major policies and budget of the Council and agrees the Constitution. It appoints the Mayor who chairs the Council meeting as well as performing civic and ceremonial duties. Full Council elects an Executive Leader and appoints the Executive Cabinet, it appoints the Overview and Scrutiny Committees and Regulatory Committees and it also appoints the Council's senior Officer, the Chief Executive.

### **Councillors Roles**

Councillors main roles are:

- To act as champions for the community, representing and advocating for the whole community but with a particular responsibility for the residents of their Ward, including those who did not vote for them.

- To contribute to setting the policies and budget of the Council.
- Where they are Executive Members or members of regulatory committees, to take or participate in decision making on behalf of the Council.
- Either as members of Overview Scrutiny Committees or individually to hold decision makers to account and to contribute to policy development
- To promote improvements in services which benefit the Community.
- To demonstrate high ethical standards and, in particular, to abide by the Council's Code of Conduct

### **Partnerships**

The Council realises that it cannot do everything itself and that often the best way of tackling issues is for a variety of organisations to bring together their skills, ideas and resources to achieve results which no single organisation could manage. Because of this the Council is committed to working in partnership with other organisations which can contribute to success for Chorley. This includes other public sector bodies, traders and businesses, community groups, the faith and voluntary sector. The Council plays a leading role in the Chorley Partnership which is made up of over 100 representatives from the various sectors and is responsible for developing and implementing Chorley's Community Strategy.

## ***How Decisions Are Made***

All decisions made on behalf of the Council must fall within the policies and the budget set by the full Council. Most decision making though takes place outside of the council meeting.

### **The Executive Leader and Cabinet**

Most of decisions made on behalf of the Council fall within the remit of the Executive. The Council has an Executive Cabinet, which is made up of the Executive Leader and up to nine other Councillors, known as Executive Members.

Executive Members have particular areas of responsibility and may make decisions in relation to those areas. The Cabinet also makes decisions collectively.

The most significant decisions to be by the Executive Cabinet will normally be listed in a Forward Plan regularly published on behalf of the Executive.

### **Regulatory and other Committees**

Some decisions are not the responsibility of the Executive. These include the policy and budget setting functions performed by full Council. They also include other functions, mainly of a regulatory nature such as issuing licenses, permissions and consents. The Council has appointed Committees made up of Councillors to take these decisions.

### **The Council's Employees**

The Council's employees (usually called Officers) are responsible for the day-to-day delivery of Council services. Council Officers also offer advice to the Council's decision making bodies and advise on the development and implementation of Council policies. Some Officers have powers delegated to them on behalf of the Council. Usually those will be decisions of a managerial nature or the more routine regulatory decisions. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between Officers and Members of the Council.

## ***Overview and Scrutiny***

The Council has an Overview and Scrutiny Committee which supports the work of the Executive and the Council as a whole. The Committee operates as an Overview and Scrutiny Committee in its own right and appoints task and finish groups which undertake particular pieces of work.

The work of members involved in Overview and Scrutiny is directed at securing improvements which make Chorley a better place to live, work and visit. Overview and Scrutiny does this in a number of ways. One way is by reviewing areas of concern to Members and making recommendations for improvement. Another is by monitoring the performance of the Council against key targets. A third is by helping the Council to develop or review its policies.

Overview and Scrutiny also hold the Executive to account by Scrutinising decisions before they are made or before they are implemented through 'call in' mechanisms. In those cases the Executive can be asked to think again before implementing the decision. Decisions may also be scrutinised after they have been implemented to see whether they have achieved their aims.

Overview and Scrutiny is increasingly taking on a greater role in scrutinising the work of other bodies (particularly those in the public sector) who contribute to making Chorley the place it is.

Overview and Scrutiny in Chorley also goes beyond the work of the Committee and Task and Finish Groups. Full Council has an overview and scrutiny role, particularly on the key policies. Members of the Council exercise that role by attending meetings of the Executive Cabinet, asking questions and making suggestions. Individual Members see how Council services, policies and practices impact on the individuals that the Council serves. By drawing these experiences to the attention of the decision makers, they perform a key scrutiny role.

## ***Citizens' Rights***

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes.

Citizens rights include the right to:

- Vote at local elections if they are registered;
- Contact their ward Councillor about any matters of concern to them;
- See a copy of this Constitution;
- Attend meetings of the Council, its Committees and the Executive Cabinet, except where personal or confidential matters are being discussed;
- Petition to request a referendum for an elected Mayor;
- Contribute to investigations by the Overview and Scrutiny Committee or panels;

- Find out, from the Executive's Forward Plan, what key decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- Ask questions or make statements at meetings of the Council, Development Control Committee, the Executive Cabinet, the Overview and Scrutiny Committee;
- See reports and background papers and records of decisions made by the Council and the Executive;
- Use the rights contained in the Data Protection and Freedom of Information Acts to obtain information from the Council;
- Petition the Council to take action on a particular issue affecting the area;
- Complain to the Council about something they think the Council has done wrong or failed to do;
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- Complain to the Information Commissioner if they think that the Council has not handled an information request properly;
- Complain to the Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- During the annual audit of the Council's accounts, inspect the Council's accounts and make their views known to the Council's external auditor.

The Council encourages interest by local citizens in its work. Anyone requiring further information or assistance is welcome to enquire at the Town Hall Reception, either by personal visit or by telephoning 01257 515151 or to visit the Council's website at [www.chorley.gov.uk](http://www.chorley.gov.uk).

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Appendix two

## Articles of the Constitution

### *Article 1 – The Constitution*

#### 1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

#### 1.02 The Constitution

This Constitution is the Constitution of Chorley Borough Council for the purposes of Section 37 of the Local Government Act 2000.

#### 1.03 Purpose of the Constitution

The purpose of this Constitution is to:

- (a) enable the Council to provide clear leadership to the local community in partnership with citizens, businesses, the Local Strategic Partnership and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure high standards in reviewing and scrutinising decisions;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for significant decisions; and
- (h) provide a means of improving the delivery of services to the community.

#### 1.04 Application and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will seek to choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13.

## ***Article 2 – Members of the Council***

### **2.01 Composition and Eligibility**

(a) **Composition.**

The Council has 47 elected members, otherwise called Councillors. One or more Councillors are elected by the voters of each ward. Wards are specified in a scheme drawn up by the Boundary Committee of the Electoral Commission and approved by the Commission.

(b) **Eligibility.**

In order to be eligible to be a Councillor a person must on the day of his or her nomination and the day of the election be aged 18 and:

- i) be a registered elector for Chorley Borough or;
- ii) have occupied land or premises in the Borough for the previous 12 months or;
- iii) have had his principal or only place of work in the Borough for the previous 12 months or;
- v) have lived in the Borough for the preceding 12 months

### **2.02 Election and Terms of Office of Councillors**

Three in every four years a Council election will take place. In 2009 and every fourth year after that there will be no ordinary election. At each ordinary election one third (or as near as possible) of the seats on the Council are available to be filled. A Councillor who is elected at an ordinary election holds office for four years starting on the fourth day after his or her election. If a Councillor dies, retires or is disqualified then a by election may be held. A Councillor elected at a by election holds office until the date when the Councillor who he or she has replaced would normally have retired.

### **2.03 Roles and functions of all Councillors**

All Councillors will:

- i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- ii) contribute to the good governance of the Borough and actively encourage community participation and citizen contributions to decision-making;

- iii) represent their communities and act as the advocates of those communities in the Council's decision-making processes;
- iv) deal with individual casework and assist constituents in resolving particular concerns or problems;
- v) respond to constituents' enquiries and representations, fairly and impartially;
- vi) participate in the governance and management of the Council;
- vii) be available to represent the Council on other bodies; and
- viii) maintain the highest standards of conduct and ethics.
- ix) have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

## 2.04 Conduct

Councillors shall at all times observe the [Members' Code of Conduct](#) and the Protocol on Member/Officer Relations set out in Appendix 6 and Appendix 8 to this Constitution.

## 2.05 Allowances

Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Appendix 9 to this Constitution.

# ***Article 3 – Citizens and The Council***

## 3.01 Citizens' rights

Citizens have the following rights:

### **(a) Voting**

Citizens on the electoral roll for the Borough of Chorley may vote in Council elections

### **(c) Information**

Citizens of Chorley may:

- i) attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

- ii) attend meetings of the Executive Cabinet; except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private
- iii) find out from the Forward Plan what key decisions will be taken by the Executive and when;
- iv) see reports and background papers, and any records of decisions made by the Council and the Executive; and
- v) during the annual audit of the Council's accounts, inspect the Council's accounts and make their views known to the external auditor.
- vi) request access to other information held by the Council in accordance with Freedom of Information and Data Protection legislation

More information about Citizens rights to information and a description of the information which is "confidential" and "exempt" is contained in Appendix 5 to this Constitution

**(c) Participation.**

- i) Citizens have the right to participate at Council meetings, meetings of the Executive Cabinet and meetings of the Overview and Scrutiny Committee by asking questions in accordance with the Council's procedures.
- ii) Applicants for planning permission and objectors to those applications may speak at Development Control Committee in accordance with Council procedures
- iii) The Overview and Scrutiny Committee and its Task Groups may invite members of the public to express views, give evidence or make comments in relation to matters being considered.
- iv) Citizens may participate by asking their Ward Councillor to deal with a matter on their behalf

**(d) Complaints.** Citizens may complain to:

- i) the Council itself under its complaints scheme;
- ii) the Ombudsman after using the Council's own complaints scheme;
- iii) the Information Commissioner after using the Council's own review procedures in relation to an information request.
- iv) the Standards Committee about a breach of the Members' Code of Conduct.

Citizens' rights to information and to participate (including certain limitations with regard to exempt or confidential information) are explained in more

detail in the Access to Information Procedure Rules in [Appendix 5](#) to this Constitution.

e) **Mayoral Petitions**

Voters on the electoral register for Chorley may sign a petition to request a referendum for an elected Mayor form of Constitution.

f) **Respect**

Citizens have the right to be treated with respect by Councillors and by Council Officers

### 3.02 Citizens' responsibilities

Citizens must treat with respect Councillors and Council Officers and property owned by the Council, Councillors and Council Officers

## ***Article 4 – The Full Council***

### 4.01 Meanings

(a) **Policy Framework**

This means the following plans and strategies:

The Sustainable Community Strategy;

The Corporate Strategy;

The Community Safety Strategy;

The Licensing Authority Policy Statement'

Development Plan documents;

Plans and alterations, which together comprise the Development Plan and

Any other plan or strategy (whether statutory or non-statutory) in respect of which the Council determines that the decision on its adoption or approval should be taken by it rather than the Executive.

(b) **Budget**

The budget includes the allocation of financial resources to different services and projects, setting virement limits, proposed contingency funds, setting the council tax, decisions relating to the control of the

Council's borrowing requirement, the Council's treasury management strategy and the control of its capital expenditure.

## 4.02 Functions of the full Council

The Council will usually delegate those functions for which it is responsible to Committee or Officers. The following functions may though only be exercised by the full Council:

- (a) adopting and changing the Constitution;
- (b) approving or adopting any document forming part of the policy framework or the budget;
- (c) approving, for public consultation draft proposals for a new or amended Development Plan;
- (d) approval of development plan documents which are to be submitted to the Secretary of State for Independent Examination;
- (e) making an agreement to prepare one or more joint development plan documents;
- (f) making agreements to establish or extend the remit of a Joint Committee to act as the local planning authority or making a request to the Secretary of State to revoke an order constituting such a joint committee;
- (g) approving any plan or strategy which requires approval by the Secretary of State before it is submitted to him;
- (h) adopting the Gambling Act Policy and/or making a decision not to issue a Casino License;
- (i) making decisions on executive functions which are contrary to the policy framework or contrary to/or not wholly in accordance with the budget. This is subject to urgency provisions set out in Appendix 5 to this Constitution;
- (j) appointing and removing the Executive Leader, the Deputy Leader and the other members of the Cabinet;
- (k) establishing Committees of the Council, agreeing and/or amending their terms of reference and their composition and making appointments to or removing members from them;
- (l) adopting, amending or revoking a Members' Allowances Scheme;

- (m) changing the name of the district or conferring the title of Honorary Alderman or the freedom of the Borough;
- (n) confirming the appointment of the Chief Executive who is the head of the Council's paid service;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (p) adopting a Code of Conduct for Members
- (q) authorising a third party to exercise a function of the Council where:
  - i) the function is not the responsibility of the Executive
  - ii) the authorisation is permitted under Section 70 of the Deregulation and Contracting Out Act 1994,
- (r) all other matters which, by law, must be reserved to the full Council.

#### 4.04 Responsibility for functions

The functions described in Article 4.02 may only be exercised by the full Council. The Council has delegated other powers and details are set out Appendix 2 to this Constitution The arrangements do not prevent the full Council from exercising any of the delegated functions itself if it so wishes.

#### 4.05 Meetings of the Council

There are four types of Council meeting:

- (a) Annual Meetings;
- (b) Ordinary Meetings;
- (c) Extraordinary Meetings and
- (d) Special Meetings.

Every meeting of the Council shall be conducted in accordance with the Council Procedure Rules in [Appendix 3](#) to this Constitution.

## ***Article 5 – The Mayor***

### 5.01 Political Neutrality

The Mayor, when acting in that capacity, will support the tradition of political neutrality expected of the holder of the Office

### 5.02 Role and functions of the Mayor

The Mayor has the following roles and functions:

- (a) **First Citizen.** The Mayor has precedence in and is the first citizen of the Borough.
- (b) **Promotion of the Council.** The Mayor shall promote the Borough and the Council as a whole and act as a focal point for the community.
- (c) **Ceremonial matters.** The Council is responsible for determining the civic and ceremonial duties which the Mayor is to carry out.
- (d) **Chairman of the Council.** The Mayor presides over meetings of the Council.

The Deputy Mayor acts in place of the Mayor in his absence.

### 5.02 Election of the Mayor

The Council will elect the Mayor annually, at each Annual Meeting of the Council.

### 5.03 Chairing the Council

When chairing meetings of the Council, the Mayor will:

- (a). uphold and promote the purposes of this Constitution and interpret its provisions and give rulings on points of order as and when necessary;
- (b) conduct the meetings of the Council in such a way that its business can be carried out efficiently and with regard to the rights of all Councillors and the interests of the community; and
- (c). ensure that the Council meeting can be a forum for the debate of matters of concern to the local community and a place at which



Councillors are able to hold the Executive and Committee Chairs to account.

## ***Article 6 – Overview and Scrutiny***

### 6.01 The Overview and Scrutiny Framework

The Council has established and appointed an overarching Overview and Scrutiny Committee which leads and co-ordinates the Council's overview and scrutiny functions. The Committee undertakes Scrutiny reviews itself but also appoints task and finish groups to undertake individual scrutiny reviews.

The Committee and the task and finish groups are intended to play an important role in ensuring that all the services of the Council are efficient and effective and meet the needs of the local community

### 6.02 The Committee

The Committee has an overall responsibility for all scrutiny work, including that undertaken by the “task and finish groups”.

The Committee may exercise the full range of overview and scrutiny powers and functions including the [“call-in” of executive decisions](#). It may consider any topic appropriate for scrutiny but will normally focus on:

- Holding the Executive to account
- Performance, resources, capacity and corporate governance matters
- Appointing “task and finish” groups to undertake detailed scrutiny reviews
- Consideration of recommendations from the task and finish groups
- Making recommendations to the Executive and/or the Council flowing from its own work and that of the task and finish groups
- Setting and monitoring the annual scrutiny work programmes
- Selection of inquiry topics and approval of project outlines and plans

### 6.03 Task and Finish Groups

Each “task and finish” group will be appointed by the Overview and Scrutiny Committee to undertake a review into a particular matter. The membership of

the “task and finish” group will normally include Councillors who are members of the Overview and Scrutiny Committee but all members other than Executive Members are eligible and encouraged to participate in a task and finish group.

Once a task and finish group has completed its investigation it will prepare a report which will be submitted to the Overview and Scrutiny Committee.

## 6.04 General role

Within its terms of reference, the Overview and Scrutiny Committee may:

- i) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;
- ii) make reports and recommendations to the full Council, its Committees or Sub-Committees, the Executive or any Council Officers, in relations to the Council’s functions;
- iii) consider any matter affecting the Borough or its residents; and
- iv) review decisions made or planned to be made by the Executive before they are implemented.

## 6.05 Specific functions

### (a) **Policy development and review.**

The Overview and Scrutiny Committee may:

- i) assist the Council and the Executive in the development of the budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation for the purpose of analysing policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Executive, members of Committees or Sub-Committees and Officers about their views on issues and proposals affecting the Borough; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### (b) **Scrutiny.**

The Overview and Scrutiny Committee may:

- i) review and scrutinise decisions made by and performance of the Executive, Committees, Sub-Committees and Officers, both in relation to particular decisions and over time;

- ii) review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and to particular service areas;
- iii) question members of the Executive, members of Committees or Sub-Committees and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Executive, any Committee or Sub-Committee, the Council or any Officer arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other persons, bodies or partnerships providing services to residents of the Borough or undertaking activities in the Borough which affect the economic, social or environmental well-being of the Borough or its residents;
- vi) request reports from such persons or bodies about their activities and performance and invite them to address the Overview and Scrutiny Committee or a Task and Finish Group; and
- vii) question and gather evidence from any person.

(c) **Finance.**

The Overview and Scrutiny Committee shall exercise overall responsibility for any finances made available to it or to an Overview and Scrutiny Panel.

(d) **Periodic Reports.**

The Overview and Scrutiny Committee shall report periodically to the full Council on its workings and its future and ongoing work programmes and working methods and those of the Task and Finish Groups.

## 6.06 Proceedings of Overview and Scrutiny Committee and Panels

The Overview and Scrutiny Committee shall conduct its proceedings in accordance with the [Overview and Scrutiny Procedure Rules](#) set out in Appendix 5 to this Constitution.

## ***Article 7 – The Executive***

### 7.01 Role of the Executive

All of the Council's functions are exercised by the Executive arm of the Council unless the law makes specific provision to the contrary. Where the

law provides the Council with a choice, this Constitution determines whether a function may be exercised by the Executive.

## 7.02 Form and Composition

The Executive Cabinet consists of the Executive Leader together with between two and nine other Councillors appointed as members of the Executive by the Council. The Mayor and the Deputy Mayor may not be appointed as Executive Members.

## 7.03 Executive Leader

The Executive Leader is a Councillor who is elected to the position by the Council each year at its Annual Meeting. The Executive Leader holds office until he or she:

- (a) resigns from office;
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000; or
- (c) ceases to be a Councillor;
- (d) is removed from the office by resolution of the Council

If the Executive Leader is suspended from being a Councillor the Council may re-appoint him as Executive Leader at the end of the suspension.

If the Office of Executive Leader becomes vacant, the Council shall fill the vacancy as soon as reasonably practicable and the person elected shall hold office in accordance with the provisions of this Article.

## 7.04 Other Executive Members

The other Executive Members are appointed by the Council each year at its Annual Meeting. Every Executive Member holds office until he or she:

- (a) resigns from office;
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000;
- (c) ceases to be a Councillor or;
- (d) is removed from the office by resolution of the Council.

Any vacancy in the office of an Executive Member (other than the Executive Leader), may be filled at any Council Meeting. The person appointed then holds office in accordance with the provisions of this Article

If there are fewer than two Executive members (excluding the Leader) then the Council must fill vacancies as soon as practicable to ensure that there are at least two such Members

## 7.05 Proceedings of the Executive

The Executive Cabinet may make Procedure rules to govern its meetings and decision making processes. Those rules (if any) appear at Appendix 5 to this Constitution

## 7.06 Responsibility for Functions

The functions of the Executive do not all have to be discharged by the full Executive Cabinet.

- (1) The Council can allocate any of the functions of the Executive among:
  - i) the Executive Cabinet itself;
  - ii) particular Executive Members;
  - iii) Committees of the Executive;
  - iv) Council Officers.
- (2) In the case of functions that have not been allocated by the Council, the Executive Leader may:
  - (a) exercise them himself or herself; or
  - (b) arrange for them to be discharged by:
    - i) the Executive Cabinet;
    - ii) one or more other Executive Members;
    - iii) Committees of the Executive;
    - iv) Council Officers.
- (3) Functions which are dischargeable by the Executive Cabinet may then be delegated by it to Committees of the Executive or to Council Officers.
- (4) Functions which are dischargeable by Committees of the Executive or by individual Executive Members may then be delegated by those Committees or Executive Members to Council Officers.

The functions of the Executive which have been delegated are set out in Appendix 2 part D of the Constitution

## 7.07 Lead Members

The Council may also appoint such number of other Councillors as it may think fit to assist the Council and the Executive Members. These Councillors, known as Lead Members, are, however, not members of the Executive and may be members of the Overview and Scrutiny Committee.

Each Lead Member holds office until he or she:

- (a) resigns from office;
  - (b) is suspended from being a Councillor under Part III of the Local Government Act 2000;
  - (c) ceases to be a Councillor; or
  - (d) is removed from the office by resolution of the Council,
- whichever first occurs.

The specific responsibilities of Lead Members are set out in Part F of [Appendix 2](#) to this Constitution.

## ***Article 8 – Regulatory and other Committees***

### 8.01 Regulatory and Other Committees

The Council has appointed the Committees set out in Appendix 2 to this Constitution to discharge the functions described in that Appendix

## ***Article 9 – The Standards Committee***

### 9.01 Standards Committee

The Council has appointed a Standards Committee to perform the functions described in this Article

### 9.02 Composition

#### (a) **Membership**

The Standards Committee will be composed of at least:

- two councillors other than the Leader and including no more than one member who is a member of the Cabinet;
- two people who are not councillors or officers of the Council or any other body having a Standards Committee (an independent member);
- two members of a Parish Council wholly or mainly in the Council's area (a parish member) who are not also members of the Borough council.

NB If the membership is more than 3, at least 25% of the members will be independent members.

- (b) **Independent members.** Independent members will be entitled to vote at meetings;
- (c) **Parish members.** At least one parish member must be present when matters relating to Parish Councils or their members are being considered;
- (d) **Chairing the Committee.** An Independent member must chair the committee;
- (e) **Quorum.** At least three members (including at least one independent member and at least 1 Parish member when considering Parish Council matters).

### 9.03 **Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation and effectiveness of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer;

- (h) setting up procedures for the initial assessment, and review of complaints of alleged breaches of the Codes of Conduct for Members;
- (i) setting up procedures for the investigation of and subsequent reports on, alleged breaches of the Codes of Conduct for Members;
- (j) performing the functions set out in paragraphs (a) to (i) above in relation to the parish councils wholly or mainly in the Borough and the members of those parish councils;
- (k) advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- (l) advising the Council generally in relation to matters relating to ethical conduct;
- (m) dealing with applications from officers for exemptions from political restrictions in respect of their posts;
- (n) where appropriate, issuing direction to include a post in the list of politically restricted posts it maintains;
- (o) advising, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post;
- (p) responding to consultation from the Ombudsman when carrying out investigations in accordance with Section 196 of the Local Government & Public Involvement in Health Act 2007

## ***Article 10 – Officers***

### **10.01 Management structure**

- (a) **General.** The Council may employ such staff (sometimes referred to as Officers) as are necessary for it to carry out its functions.
- (b) **Responsibility for Appointment etc.** All staff are engaged under contracts of employment with the Council. The Chief Executive is responsible for the appointment, dismissal and disciplinary action in respect of most staff. In the case of Chief Officers that responsibility rests with the Council and will usually be exercised through a Committee.
- (c) **Council Committees in respect of Staff.** The Council's will appoint ad hoc Committees for the appointment of Chief Officers. It will also



appoint Committees with delegated powers for the purpose of disciplinary action in relation to and dismissals of Chief Officers. The terms of employment of Council staff may provide for an opportunity to appeal to a panel of Members in certain circumstances.

- (d) **Chief Officers.** The holders of the following senior posts are designated as Chief Officers,

Chief Executive Assistant Chief Executive (Policy and Performance) Assistant Chief Executive (Business Transformation) Corporate Director (Business) Corporate Director (Neighbourhoods) Corporate Director (People) Corporate Director of Governance Corporate Director of ICT Corporate Director of Human Resources and Organisational Development
--

- (e) **Statutory Officers.** The Council is required to designate Officers for certain specific statutory purposes. The Council has designated Officers as shown below:

Chief Executive	Head of Paid Service (Local Government and Housing Act 1989, Section 4)
Corporate Director of Governance	Monitoring Officer (Local Government and Housing Act 1989, Section 5)
Assistant Chief Executive (Business Transformation)	Officer with responsibility for the administration of the Council’s financial affairs (Local Government Act 1972, Section 151) (normally referred to as an authority’s “Chief Finance Officer”)

These officers have the functions described in Article 10.02–10.04 below.

- (f) **Deputies to Statutory Officers.** In the event the Chief Executive being unable to act as head of paid service the Council has appointed the Deputy Chief Executive to act in that position.

The Chief Finance Officer and Monitoring Officer will, in accordance with the law, appoint their own deputies.

- (g) **Proper Officers.** Legislation allocates various functions, powers and responsibilities to officers of the Council. The Council is able to choose the particular officers who will have those functions, powers and responsibilities. The mechanism to do that is for the Council to appoint the particular officers as “Proper Officers” for specific purposes or to

specific statutory positions. The appointments the Council has made are set out in [Appendix 10](#) to this Constitution.

- (h) **Structure.** The Chief Executive will determine and publicise a description of the overall management structure and this will be set out in Appendix 11 of this Constitution.

## 10.02 Functions of the Chief Executive as Head of Paid Service

- (a) The statutory functions of the Chief Executive as Head of Paid Service are to report to the Council on:
  - (i) the manner in which the discharge of the Council's functions is co-ordinated;
  - (ii) the number and grade of staff required for the discharge of the Council's functions; and
  - (iii) the organisation and proper management of those staff.
- (b) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

## 10.03 Functions of the Monitoring Officer

- (a) **Ensuring Lawfulness and Proper Administration.** The statutory functions of the Monitoring Officer are to report to the Council on:
  - i) unlawful actions, proposals, decisions or omissions; and
  - ii) findings of maladministration or injustice following an "Ombudsman" investigation.
- (b) **Ethics and Standards.** The Monitoring Officer:
  - i) advises and supports the Standards Committee;
  - ii) receives reports on investigations carried out by Ethical Standards Officers of the Standards Board for England; and
  - iii) conducts or arranges investigations into matters that are specifically referred to him or her for that purpose by the Standards Committee or an Ethical Standards Officer .
- (c) **Restrictions on posts.** The Monitoring Officer cannot be the chief finance officer or the head of paid service.

## 10.04 Functions of the Chief Finance Officer

The functions of the Director of Finance as Chief Finance Officer are:

(a) **Ensuring lawfulness and financial prudence of decision-making.**

The Chief Finance Officer will report to the Council on proposals, decisions or actions which he or she considers:

- i) will involve incurring unlawful expenditure; or
- ii) are unlawful and will cause a loss or deficiency; or
- iii) if the Council is about to enter an item of account unlawfully.

- (b) Responsibility for the administration of the financial affairs of the Council(c) To advise the Council on the robustness of its budget and the adequacy of its reserves

## 10.05 Duty to provide sufficient resources to the monitoring officer and chief financial officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as those officers consider to be sufficient to allow their duties to be performed.

## 10.06 Conduct

Officers shall comply with the [Officers' Code of Conduct](#) and the [Protocol on Officer/Member Relations](#) set out in Appendices 7 and 8 respectively of this Constitution.

## 10.07 Employment

The recruitment, selection and dismissal of all officers or staff shall be conducted in accordance with the [Officer Employment Procedure Rules](#) set out in Appendix 3 to this Constitution.

# ***Article 11 – Decision-making***

## 11.01 Responsibility for Decision-making

[Appendix 2](#) to this Constitution gives details of which persons or bodies within the Council's organisation have responsibility for particular types of decisions.

## 11.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- a) Decisions will only be made which are within the Council's legal powers;
- b) Decisions will be made only in accordance with powers which have been allocated to the decision maker by law or which have been appropriately delegated under this Constitution;
- c) Decisions should be made having regard only to relevant factors and without regard to irrelevant factors;
- d) The process of decision making should reflect the highest standards of probity;
- e) Decisions should be made openly unless there are strong reasons to the contrary;
- f) Decisions which impact on individuals should be made only after consultation with those affected has been attempted;
- g) Decisions will be made with respect for individual human rights and any infringement of those rights will be proportionate to the aim to be achieved;
- h) Decisions will be taken following due consideration of any matters required by law;
- i) Decisions will be taken only after consideration has been given as to whether it is appropriate to seek legal, financial or technical advice;
- j) Decisions will be made with clarity of aims and desired outcomes.
- k) Decisions will be made having regard to the risks involved in taking or in not taking the decision
- l) If the Council, is acting as a kind of tribunal or in a quasi-judicial manner or the Council will respect the requirements of natural justice.

### 11.03 Decision-making by the full Council

The Council Procedure Rules set out in [Appendix 3](#) to this Constitution lay down the procedures to be followed by the Council when considering any matter.

### 11.04 Decision-making by the Executive

Any Executive Procedure Rules adopted by the Executive will be set out in [Appendix 5](#) to this Constitution. These will lay down the procedures to be followed by the Executive and any body or person exercising functions on its behalf, when considering any matter.

The Rules will contain some additional requirements with regard to certain significant or important decisions. These are described as “key decisions”. A key decision means a decision that is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough.

The Council may adopt a more detailed definition of a “key decision” and, if so, it will be set out in Appendix 5

### 11.05 Decision-making by Committees and Sub-committees of the Council

Some of the Council Procedure Rules set out in [Appendix 3](#) to this Constitution also apply to Committees and Sub-committees of the Council. These Rules are specifically identified in the Council Procedure Rules.

### 11.05 Decision-making by Overview and Scrutiny Committee

The Overview and Scrutiny Procedure Rules set out in [Appendix 5](#) to this Constitution lay down additional procedures to be followed by the Overview and Scrutiny Committee when considering any matter.

## ***Article 12 – Finance, Contracts and Legal Matters***

## 12.01 Financial Administration and Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in [Appendix 4](#) to this Constitution.

## 12.02 Contracts

Every contract made by the Council shall comply with the Contracts Procedure Rules set out in [Appendix 3](#) to this Constitution.

## 12.03 Legal Proceedings

The Corporate Director of Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he considers that such action is necessary to protect the Council's interests.

## 12.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it may be signed by the Corporate Director of Governance or some other person authorised by him or her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

## 12.05 Common Seal of the Council

The Common Seal of the Council shall be kept in a safe place in the custody of the Corporate Director of Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, which, in the opinion of the Corporate Director of Governance, should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, the Corporate Director of Governance, or the Legal Services Manager.

## ***Article 13– Review and Revision of the Constitution***

### 13.01 Maintaining the Constitution

The Chief Executive has responsibility to maintain an up-to-date version of this Constitution, incorporating all alterations and amendments, and to ensure that it is available for consultation by Councillors, staff and the public.

### 13.02 Monitoring and Review

The Chief Executive and the Monitoring Officer will monitor and review the operation of this Constitution and may from time to time make recommendations to the Council for amendments or revisions to it.

### 13.03 Amendments and Alterations Generally

The Monitoring Officer shall have authority to make amendments to the Constitution which are required to comply with the law or to reflect decisions of the Council. All other changes to the Constitution will require the approval of the full Council.

## 13.04 Amendments and Alterations Generally

The Council shall not consider taking any decision which would require an amendment to be made to the Constitution, unless the Chief Executive and the Monitoring Officer have both either:

- (a) recommended the alteration, amendment or new Constitution; or
- (b) have been given an opportunity to consider and advise the Council on it.

## ***Article 14 – Suspension and Interpretation of the Constitution***

### 14.01 Suspension of the Constitution

- (a) **Limits of Suspension.**
  - i) The Articles of this Constitution may not be suspended.
  - ii) Any of the Rules contained in [Appendix 5](#) to this Constitution may be suspended by the Council or the relevant Committee or Subcommittee, or the Executive in the case of Executive Procedure Rules, but only to the extent permitted by the law and subject to any limitation or requirement provided for within the Rules themselves.

Any suspension may be either generally, for the remainder of a meeting, or for one or more particular items of business.
- (b) **Other Procedure Rules.** Other Procedure Rules may specify circumstances in which they can be suspended. Those Rules cannot otherwise be suspended.



## 14.02 Interpretation

- (a) The Interpretation Act 1978 shall apply for the interpretation of this Constitution (including its Appendices) as it applies for the interpretation of an Act of Parliament. The effect of this provision is to incorporate a number of specific rules of interpretation laid down in that Act. These include such rules as:
  - i) that the singular includes the plural and vice versa;
  - ii) gender inclusivity; and
  - iii) that references to replaced or amended legislative provisions are to be construed as references to the replacement or amended provisions.
- (b) The ruling of the Mayor as to the interpretation of this Constitution shall not be challenged at any meeting of the Council.

## ***Article 15 – Appendices to the Constitution***

### 15.01 Executive Arrangements

Some of the provisions of this Constitution constitute executive arrangements by the Council under Section 10 of the Local Government Act 2000. The provisions concerned are listed in [Appendix 1](#).

### 15.02 Responsibility for Functions

[Appendix 2](#) specifies which bodies and persons have responsibility for the exercise of various functions.

### 15.03 Standing Orders

[Appendix 3](#) sets out the Standing Orders that have been made by the Council which govern proceedings at certain meetings, contain rules required by law relating to the employment of staff and set out how the Council will award contracts.

### 15.04 Financial Procedure Rules

[Appendix 4](#) contains Financial Procedure Rules, in the form of Financial Regulations made by the Council.

### 15.05 Other Procedure Rules

[Appendix 5](#) contains Procedure Rules to be observed with regard to various other matters.

## 15.06 Members' Code of Conduct

[Appendix 6](#) contains the Council's Code of Conduct for Members under Section 51 of the Local Government Act 2000.

## 15.07 Officers' Code of Conduct

[Appendix 7](#) contains the Council's Code of Conduct for Officers.

## 15.08 Protocol on Member-Officer Relations

[Appendix 8](#) contain the Council's protocol on member-officer relations

## 15.09 Members' Allowances Scheme

[Appendix 9](#) contains the Council's Members' Allowances Scheme.

## 15.10 Proper Officer and Other Officer Appointments

Some legal provisions require the Council to appoint "proper officers". [Appendix 10](#) contains details of the appointments the Council has made.

## 15.11 Officers' Management Structure

[Appendix 11](#) contains a description of the officer-level management structure

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**Appendix 3**

Authority to determine all applications made to the Council as local planning authority under the provisions of:

- the Town and Country Planning Act 1990;
- the Planning (Listed Buildings and Conservation Areas) Act 1990;
- the Hazardous Substances Act 1990;
- the Town and Country Planning (Tree Preservation Orders) Regulations 1969;
- the Town and Country Planning (General Permitted Development) Order 1995
- the Hedgerow Regulations 1997
- the Town and Country Planning (Control of Advertisements) Regulations 1992

**Applications excluded from delegated powers**

Applications in the following categories may not be determined under delegated powers and must be referred to the Development Control Committee.

- (a) Applications made, or deemed to be made, wholly or jointly by the Council under regulation 4 of the Town and Country Planning Regulations 1992;
- (b) Applications where officers are minded to recommend a decision contrary to the development plan;
- (c) Applications involving the construction of three or more houses on one site;
- (d) Other major commercial, industrial and residential applications where the officer is minded to recommend a decision contrary to written comment received from a local resident, a town or parish council or any other outside body or organisation that has been consulted. Major for this purpose means:
  - (i) in the case of residential development, development on a site area of 0.5 hectares or more;
  - (ii) in the case of other development, development incorporating floorspace of 1000sq m or more, or on a site area of one hectare or more.
- (e) Applications made by any member of the Council or any member of staff employed in the Planning Services Unit.

Where a planning application as defined in (c) to (e) above is unable to be determined within the statutory period because all material is not available then, exceptionally, the Corporate Director (Business) following consultation with the Chair and Vice-Chair may refuse planning permission.

**Applications which may only be determined after consultation with Chair and Vice**

Applications in the following categories may be determined under delegated powers but, where the officer is minded to make a decision that is contrary to a written

comment received from a local resident, a town or parish council or any other outside body or organisation that has been consulted, the Chair and Vice Chair of the Development Control Committee must first be consulted.

- (a) Any application for change of use
- (b) An application for development consisting of building, mining, engineering or other operations which is not within the curtilage of a residential property
- (c) An application to alter/extend a property under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which is not within the curtilage of a residential property.

Report of	Meeting	Date
Chief Executive (Introduced by the Executive Leader)	Council	15 July 2008

## **APPOINTMENT OF A LEAD MEMBER FOR NEIGHBOURHOODS**

### **PURPOSE OF REPORT**

1. To agree the establishment of a new Lead Member position for Neighbourhoods.

### **RECOMMENDATION(S)**

2. That in recognition of the importance of neighbourhood working to the Council, a new Lead Member position for Neighbourhoods be established; and
3. That nominations be invited for the position of Lead Member for Neighbourhoods.

### **CORPORATE PRIORITIES**

4. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	/
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	/

### **BACKGROUND**

5. Members are aware that Chorley is currently implementing neighbourhood working as a way of better targeting some local services. Members are key to that role as elected ward representatives who understand the issues within their area. Members will be undertaking ward walks with neighbourhood officers and be involved in the drawing up of Neighbourhood Action Plans.
6. In recognition of this and the need to ensure that neighbourhood working is a success within the Borough, it is suggested that a Lead Member position be created for Neighbourhoods, working closely with the Executive Member (Neighbourhoods) to take a lead on this initiative.

7. The role of a Lead Member is contained within the Constitution and is set out below for information:

*In relation to a Portfolio of functions and/or matters assigned to them by the Executive Leader, Lead Members where they are appointed, are assigned special responsibilities to the Council for:*

1. *Maintaining knowledge and awareness of those functions or matters and of current activities and developments in relation to them;*
2. *Liaising with the corresponding Executive Member and the responsible Chief Officer;*
3. *Communicating and representing to the Executive the views of non-Executive Councillors on all matters relating to the Portfolio;*
4. *Assisting the Executive Member in promoting the efficient and effective delivery of the relevant services and the achievement of all relevant Council policy objectives in compliance with the approved budgets and providing all such other assistance, advice and support as the Executive Member may from time to time require;*
5. *Responding to and assisting the Overview and Scrutiny Committee or an overview and scrutiny task group as required;*
6. *In the absence of the Executive Member, deputising for him or her at meetings of the Council and responding to questions; and*
7. *In the absence of the Executive Member, or when otherwise requested by the Executive Member, representing the Executive Member and leading for the Council politically and publicly in external dealings and relationships, including with the media.*

**IMPLICATIONS OF REPORT**

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	/

DONNA HALL  
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Carol Russell	5196	3 July 2008	

Background Papers			
Document	Date	File	Place of Inspection
Council's Constitution			Town Hall/website

## **REPORT OF OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS**

1. This report summarises the business transacted at meetings of the Overview and Scrutiny Committee held on 22 May 2008 and 23 June 2008, as well as a brief summary of the recent activities and matters discussed at meetings that have taken place of the Task and Finish Groups.

### **OVERVIEW AND SCRUTINY COMMITTEE – 22 MAY 2008**

#### **Forward Plan – Workforce Development Plan 2008/11**

2. The Committee had previously indicated its wish to have the opportunity to consider and comment on the Pay and Workforce Strategy in advance of the consideration by the Executive Cabinet.
3. The Committee received from the Corporate Director (Human Resources and Organisational Development) a short presentation on a report that was being considered by the Executive Cabinet on 29 May on the Workforce Development Plan 2008-2011.
4. The report indicated that the introduction of a Workforce Development Plan was an essential part of the Council's improvement planning and ensured that we have the skills, attitude and commitment needed with the workforce to deliver the Council's vision.
6. The aim of the plan was to maximise our people assets to deliver effective and efficient public services.
7. Members raised issues and concern was expressed on the process of how new Members receive information on how the Council works and gain experience, with an example given of a system developed by Lancashire County Council whereby the Executive Member/Lead Officer updates Members on information relating to their specific portfolio.
8. The Committee agreed that the Executive Cabinet be recommended to adopt a process with Executive Members providing regular individual portfolio briefings.
9. The Committee expressed a wish to examine at a future date with the appropriate Director the report on the Forward Plan entitled Chorley Community Safety Partnership – Local Action Plan.

#### **Crime and Disorder Reduction Partnership**

10. The Committee at its previous meeting requested the Corporate Director (Neighbourhoods) to report back on the proposed pilot merge of the Chorley, South Ribble and West Lancashire Community Safety Partnership following an extended period of consultation.
11. During the period of extended consultation the report indicated that West Lancashire would not be included in the pilot proposal to merge at this point in time and confirmation to proceed with the proposed pilot had been confirmed from South Ribble.
12. The report indicated the feedback received from the consultation and it was proposed that the pilot would commence at the earliest on 1 July 2007.
13. The Committee gave its support to the pilot proposal to merge the Community Safety Partnership of Chorley and South Ribble into a Strategic Crime and Disorder Reduction Partnership and the Committee requested the Executive Cabinet to amend the period of key

milestones to a 6 month period (rather than 12 months) as part of the measures for success criteria.

### **Business Plan Monitoring Statements – 1 January 2008 to 31 March 2008**

14. We received the final quarter Business Plan and Performance Monitoring Statements for the following services and noted the activities, performance and actions taken to address those areas not reaching the necessary target.
  - Leisure and Culture (People Directorate)
  - Development and Regeneration (Business Directorate)
  - Streetscene, Neighbourhood and Environment (Neighbourhoods Directorate)
  - Customer, Democratic and Legal Services
  - Human Resources
  - Financial Services
  - Information and Communication Technology Services
  - Policy and Performance

### **CORPORATE FOURTH QUARTER PERFORMANCE, 2007/08 – MONITORING REPORT FOR THE PERIOD ENDING 31 MARCH 2008**

15. We received from the Assistant Chief Executive (Policy and Performance) the fourth quarter performance monitoring report including the authority's performance in relation to both the Best Value Performance Indicators and the Council's Key Performance Indicators for 2007/08.
16. The report included the full list of Best Value Performance Indicators that are relevant to this Council and which are collated in accordance with definitions issued by the Department of Communities and Local Government.
17. The report indicated that although performance overall was a picture of very good and improving performance, there remained a need to understand and carefully manage performance where it was not meeting the Council's expectation or not showing improvement.
18. Members raised issues on the progress of key projects, in particular a concern was expressed at the delays in the delivery of the vulnerable families project and clarifying the Community Plan for Buckshaw, highlighting the use of Section 106 money.
19. The Committee requested that they be updated at its next meeting on the 23 June 2008 on the number of families who had been identified for assistance through the Vulnerable Families Project and be kept informed of any proposals to omit the Adventure Playground element of the Astley Park scheme. A request was also made that alternative funding sources be investigated, including LCC's 'Play Builder Starter Grant' to enable this key part of the Council's play strategy to be implemented.

### **OVERVIEW AND SCRUTINY COMMITTEE – 23 JUNE 2008**

#### **Vulnerable Families Project**

20. The Committee received an update on the above proposal. The Co-ordinator for the project had started in post on 10 June 2008 and whilst no families had been identified at this stage, the Committee asked to be kept informed at their next meeting in August.



**Business Plan Monitoring**

21. The Committee agreed a way forward for the future consideration of quarterly business plan monitoring reports. A summary including exception reporting, would be produced covering all the quarterly business monitoring reports. Members would still receive the full information but if they had particular questions for directors, they would need to give advance notice to ensure that the relevant officer was present. Members would be provided with details of the new procedure.

**Capital Programme Provisional Outturn 2007/08 and Monitoring 2008/09**

22. Members discussed aspects of the above report and:
- Expressed concern at the lack of progress in the development of Buckshaw Village Railway Station.
  - Requested an update at their next meeting on the Astley Park Coach House Project including the Adventure Playground.
  - Discussed memorial safety in closed churchyards and the implications for the Council, requesting a report for the next meeting.

**Provisional Revenue Outturn 2007/08**

23. In considering this report, Members raised concerns about the lack of information on the cost of the Concessionary Travel Scheme and requested that a representative from Lancashire County Council attend the next meeting to discuss this matter.
24. Members also raised concerns that under the Concessionary Travel Scheme, disabled users were restricted to travelling after 9.30am which put those who were working at a financial disadvantage. A recommendation was put to the Executive to investigate the cost of the introduction and implementation of allowing peak travel (ie before 9.30am) for all concessionary travel users; and also for just disabled users.

**TASK AND FINISH GROUP UPDATE**

26. The Committee appointed Members to Task and Finish Groups undertaking inquiries into the following issues :
- To examine the contract and other issues relating to the services provided by Chorley Community Housing (CCH)
  - Streetscene Issues
  - Joint Central Lancashire Scrutiny Inquiry into Affordable Housing

**Chorley Community Housing**

27. The Task Group met in June and July and agreed that the key themes for the review should be delivery of home improvements, service improvement, tenant involvement and decision making and regeneration. The scoping of the review was agreed in July and will be presented to the Overview and Scrutiny Committee in August.

**Streetscene**

28. This review will hold its first meeting on 24 July.

**Joint Scrutiny Inquiry with Preston and South Ribble on Affordable Housing**

29. A series of meeting dates have been agreed and whilst the scoping of the review is not complete, the issues which will be looked at are:

- Regeneration of Terraced Properties
- Shared Ownership
- Maximising use of S106 monies
- Land Availability
- Social Rented
- Maximising Housing Corporation Grant/Joint Strategy
- New initiatives/practices to deliver more affordable housing

**Chorley Town Centre Audit and Design Strategy**

30. The Overview and Scrutiny Committee had chosen to scrutinise the Town Centre Audit and Design Strategy, welcoming the views of all Members of the Council.

31. In January 2008 a consultant from Landscape Projects had given a presentation to all Members on the Town Centre Audit with the findings then being presented in March.

32. The draft Design Strategy has now been completed and the same consultant gave a presentation on his findings to all Members on Thursday 10 July 2008.

**RECOMMENDATION**

33. The Council is recommended to note this report.

COUNCILLOR D EDGERLEY  
Chair of Overview and Scrutiny Committee.

GKB/CR

There are no background papers to this report.

**OVERVIEW AND SCRUTINY  
ANNUAL REPORT 2007/2008**

**JUNE 2008**



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## 1. Introduction

This report covers the work of the Overview and Scrutiny Committees and Panels for the period May 2007 to April 2008.

As in previous years the scrutiny process has contributed to the budget process and the setting of the corporate strategy as well as generally scrutinising the work and performance of the authority

The Committee/Panels undertook three scrutiny inquiries. The inquiry into efficiency gains and absence management submitted a series of recommendations that were largely accepted by the Executive Cabinet. The inquiry into the Town Centre Audit and Design Strategy whilst not yet complete will make important recommendations soon to all members of the Council. The inquiry into neighbourhood working has led to significant changes in the way the Council proposes to deliver its neighbourhoods agenda.

Following member training and prolonged discussion within and between the political groups it has been decided to replace the scrutiny panels with task and finish groups. This raises a number of issues. In particular the Overview and Scrutiny Committee will have to monitor business plans and the progress of scrutiny inquiry recommendations previously monitored by the panels. The challenge will be to do this in a meaningful way. It will also be important to ensure all members are given the opportunity to contribute to the work of the authority.

Thanks go to all those involved in the scrutiny process. Special thanks go to the chairs of the panels and the chairs of the subgroups.

**Councillor Dennis Edgerley**  
**Chair of the Overview and Scrutiny Committee**

## **2. Overview and Scrutiny in Chorley - A Background**

The Council first established and appointed Overview and Scrutiny Committees in September 1999 as part of the proposals for the introduction of a new system of Executive Leader and Cabinet style of local governance under the requirements of the Local Government Act 2000.

The Council has recognised the key role Overview and Scrutiny has to play within its political management structure and its alignment with corporate priorities.

The Council in recent years has revised the way in which it delivers the overview and scrutiny function. Most recently an overarching Overview and Scrutiny Committee and two Panels, the Corporate and Customer Panel and the Environmental and Community Panel have been in place, with task groups being established to undertake some scrutiny inquiries.

A very positive step forward was made in June 2007 when the Improvement and Development Agency (IDeA) was invited to facilitate a workshop session, held for all Members of the Council, Management Team and Senior Management Group. The sessions were based on the delivery of the Council's Overview and Scrutiny function, in particular chairing O&S, effective O&S and financial O&S. There was a genuine enthusiasm as to the potential of the scrutiny functions and a real will to improve it further and to ensure it fulfils its role effectively and adds value to the Council.

Following this work the Council has initiated a further streamlining of the overview and scrutiny function and has just introduced a new structure with one overarching Overview and Scrutiny Committee of 12 members and task and finish groups consisting of a small number of members from the membership of the main Committee and including other Council Members (other than Executive members) who are interested in the topics under scrutiny.

**3. Overview and Scrutiny Structure, Functions and Responsibilities (2007/08)**

This report reflects work undertaken in 2007/08 when the following structure was in place.

**Overview & Scrutiny Committee**

The Committee has overall responsibility for all scrutiny work including that undertaken by the two standing scrutiny panels.

The Committee may exercise the full range of overview and scrutiny powers and functions including the 'call-in' of executive decisions. It may consider any topic appropriate for scrutiny but will normally focus on:

- Holding the Executive to account
- Performance, resources and corporate governance matters
- Consideration of recommendations from the standing scrutiny panels
- Making recommendations to the Executive and/ or the Council flowing from its own work and that of the scrutiny panels
- Setting and monitoring the annual scrutiny work programmes.
- Selection of inquiry topics and approval of project outlines and plans.
- Receive reports setting out performance against the Corporate Strategy and the Council's Best Value Performance Indicators.

Matters falling within the crosscutting themes of the standing scrutiny panels will normally be referred to the relevant panel for full investigation and consideration.

The Committee receives Business Plan Monitoring Statements in relation to the Policy and Performance Directorate.

The Committee may appoint ad hoc scrutiny panels to assist it in carrying out its functions should the need arise.

**12 Members**  
**(including Chair + 2 Associate Chairs)**

**Environment and Community Overview and Scrutiny Panel**

Carries out scrutiny inquiries/tasks, receives Business Plan Monitoring Statements from Directors and make recommendations on findings to O&S Committee in relation to the services provided by the following Directorates/Units:

- Development and Regeneration
- Leisure and Cultural Services
- Health Matters
- Housing Services
- Streetscene Neighbourhoods & Environment

**17 Members**  
**(including 1 Associate Chair)**

**Corporate and Customer Overview and Scrutiny Panel**

Carries out scrutiny inquiries/tasks, receives Business Plan Monitoring Statements from Directors and make recommendations on findings to O&S Committee in relation to the services provided by the following Directorates/Units:

- Customer, Democratic and Legal Services
- Finance
- Human Resources
- ICT Services
- Property Services Unit

**17 Members**  
**(including 1 Associate Chair)**

**Ad Hoc Overview and Scrutiny Panels**

If appointed, carry out task and finish investigations and make recommendations on findings to O&S Ctte.

#### 4. The Achievements and Activities

##### (a) Overview and Scrutiny Committee



##### **Chair**

Councillor Dennis Edgerley

##### **Members**

Councillor Laura Lennox (Vice-Chair)  
 Councillor Kenneth Ball  
 Councillor Alan Cain  
 Councillor Marie Gray  
 Councillor Harold Heaton  
 Councillor Margaret Iddon  
 Councillor Margaret Lees  
 Councillor Gregory Morgan (Associate Chair)  
 Councillor Geoffrey Russell (Associate Chair)  
 Councillor Edward Smith  
 Councillor Iris Smith

#### 1. Scrutiny Process and the Executive

A key role of Scrutiny is to hold the Executive to account. In Chorley this is a proactive rather than a reactive process. Members of the Committee are required to notify the Democratic Services Section if they wish the Committee to consider an item of the Executive Cabinet and this ensures the attendance of the appropriate Executive Member and Officers.

The timetable of meetings is constructed in such a way that the Overview and Scrutiny Committee meetings are held just a few days before the Executive Cabinet and there is a standard agenda item to allow for consideration of matters going to the Cabinet. Members of the Committee notify Democratic Services if they wish the Committee to consider an item of the Executive Cabinet and the appropriate Executive Member and Officers then attend the meeting. This assists in any information or observations that the Overview and Scrutiny Committee may make on reports to the Executive Cabinet.

The Committee has received over the months several requests for reports on decisions including a report relating to Communications and Marketing Strategy and a report on the Council's shared financial services arrangements with South Ribble.

##### Job Evaluation

At the request of the Committee a report was received on the process and progress of Job Evaluation in Chorley outlining the potential risks and the steps that had been taken to manage those risks. The Committee raised issues on the cost and impact on the organisation and the percentage of posts that went up, down and stayed the same.

##### Community Safety Partnership

In March 2008 the Committee requested that the Committee discusses the Executive Cabinet report on the proposal to merge Chorley, South Ribble and West Lancashire Community Safety Partnerships. The report detailed the principle of the merger to form a larger strategic partnership as supported by the Home Office in order to further reduce crime and disorder, however, the Committee expressed their concern at the speed of implementing the new structure. This was a significant change to the existing structure and that it was considered that greater consultation was necessary.

The Committee agreed that a series of recommendations be submitted to the Executive Cabinet including delaying the implementation of the proposals to allow for



greater consultation and that the proposal be brought back to the Overview and Scrutiny Committee. The Executive accepted this.

## 2. Consultation and discussion on policy development

### Lancashire County Council Children and Young People Overview and Scrutiny Partnership Working

In August 2007 the Committee received a request from Lancashire County Council inviting the authority to take part in a piece of work with the County Council Overview and Scrutiny Committee on the 'Every Child Matters' agenda

The intention was to look at how partnership working could help to deliver the outcomes of 'Every Child Matters' and examine partnership working between the County Council and District Council.

A two tier Overview and Scrutiny session took place on 28 August 2007 in which the Executive Member and Officers attended and the outcome was reported back to the Committee by way of a presentation highlighting both the initiatives and projects being pursued by the Council and the plans and opportunities to be examined in the future.

The Council's programme and initiatives had been recognised nationally for their progressive and positive nature. These initiatives included the Council's successful "Get Up and Go" programme of activities and the projects being pursued by a number of Chorley Partnership Thematic Groups.

### Strategic Housing Priorities

The Committee received in September 2007 a report on the key strategic housing priorities to be addressed over the next 12 months or on a long term basis by the Strategic Housing Team established in the wake of the transfer of the housing stock to Chorley Community Housing in March 2007.

The Committee fed their views back to the Executive on the priority areas, in particular:

- Homelessness and Housing Options; and
- Affordable Housing

### Joint District and Lancashire County Council Locality Plan for Chorley

In November 2007 the Committee considered a report on the Joint Locality Plan for Chorley, which had been produced by Lancashire County Council, and Chorley Council.

The plan had emerged from the enhanced two-tier working arrangements with the aim of identifying a number of the main objectives and projects linked to both Councils corporate priorities to be pursued over the next 12 months by both authorities either separately or jointly. The Plan emphasised that it represented an indicative illustration of the principal schemes for which both Authorities will be responsible to assist the community's understanding of their district councils.

The Committee fed back to the Executive, views on areas of the plan which required improving or to be made more specific.

### Central Lancashire Primary Care Trust

In February 2008 the Committee invited the Chief Executive of the Primary Care Trust to the meeting to present to Members the Trust's strategy for improving the health and well-being of the population the PCT served and in particular focusing on plans Chorley.

The PCT had set the following goals for the Chorley area:

- To improve the length and quality of life for the people of Chorley
- To expand health services where they are most needed
- To enable people to take greater responsibility for their own health

The Chief Executive responded to key issues members of the public had requested and in particular local needs.

The area of Chorley East was focussed upon with the proposal for a Health Centre on Friday Street and additional dental care covering the Chorley area.

### Overview and Scrutiny Work Programme

At the beginning of each Year the Committee receives the work programme for Overview and Scrutiny identifying the proposed work to be undertaken by the Committee. For 2007/08 the Committee determined the order of priority for the implementation of the proposed scrutiny inquiries by the two Scrutiny Panels.

The following scrutiny inquiries were identified for the Panels as being priorities for 2007/08:

#### Corporate and Customer Overview and Scrutiny Panel

- Efficiency Gains and Absence Management

#### Environment and Community Overview and Scrutiny Panel

- Neighbourhood Working in Chorley
- Town Centre Audit and Design Strategy

The topics were chosen because of their strong links to the Council's priorities and the Corporate Strategy but would also provide added value to the delivery of services.

### Corporate Strategy

The Committee was consulted on the amendments that had been made to the Corporate Strategy for the period 2007/08 – 2009/10.

The Corporate Strategy is the key document for the Council in taking forward its agenda for improvement. The Council had undertaken a process of reviewing the commitments made in the Corporate Strategy to ensure that these could be delivered and that they reflected the key objectives of the political administration. The Committee submitted several responses to the Executive Cabinet on the proposals.

**3. Performance Challenge**Performance Monitoring 2007/08

The Committee continued to receive quarterly monitoring reports on the authority's performance in relation to both Best Value Performance Indicators and the Council's Corporate Key Performance Indicators.

Overall the performance of key projects was good with the majority of projects performing as planned. The reports submitted to the Committee have shown that the organisation continues to perform well and service performance levels remain high with the Council maintained in a good quartile position.

Business Plan Monitoring Statements – Policy and Performance Directorate

The Committee continued to receive quarterly Business Plan Monitoring Statements relating to the Policy and Performance Directorate which identified the progress made against the key actions and performance indicators relating to the specific quarter.

**4. Financial Challenge**Revenue Budget/Capital Budget 2007/08 – Monitoring

The Committee continue to receive regular reports on the financial position of the Council compared against the budgets and efficiency saving targets it had set itself for 2007/08, with Members focussing on areas of increased costs and financial risks to the authority.

Reports on the schemes that had been made by the 2007/08 Capital Programme were submitted to the Committee allowing Members to focus on specific schemes.

Budget Scrutiny for 2008/09

In February 2008 the Committee received a report that had been presented to both Scrutiny Panels setting out the spending and performance context for key spending areas of the Council, detailing the rationale between the Executive draft budget proposals and the details of the key budget proposals for 2008/09.

The Committee received from both Scrutiny Panels, a number of recommendations and suggestions which formed part of the year's budget consultation exercise and which were put forward to Council as part of the budget process.

**5. Task Group recommendations and updates**Equality and Diversity Overview and Scrutiny Inquiry – Feedback of Executive Responses

Carried over from an inquiry that had taken place in 2006/07, the Committee received in August 2007 the Executive Cabinet's response on the recommendations of the Equality and Diversity Sub-Group. This followed the review of the Council's approach to the embodiment of equality and diversity in the culture of the Authority.

The recommendation contained a series of measures aimed at ensuring that the Council's services were delivered against equality and diversity objectives that all communities were afforded equality of access, outcome and opportunity.

Chorley Markets Update

In October 2007 the Committee received an update report on the progress made with improvements to Chorley Markets with an Action Plan showing that considerable progress had been made and noting that some of the recommendations from the Scrutiny Inquiry into Chorley Markets had been utilised by the Working Group.

**6 Review of the Overview and Scrutiny Structure**

In June 2007 all Members received an IDeA training session, which was well received and created greater enthusiasm for the process and put forward suggestions for topics for future reviews. Consideration was given to finding a way forward for scrutiny in the light of a number of concerns expressed at the time around reviews taking too long; not necessarily adding value; and the need to improve Member engagement.

A consultation exercise was carried out during the summer of 2007 on a proposal for an overarching Overview and Scrutiny Committee. There was a limited response received to the consultation and on that basis a further proposal was put forward to political groups at the end of 2007 suggesting a structure of one overarching Overview and Scrutiny Committee and a series of task and finish groups to undertake reviews.

Reviews have generally been most successful where they have been smaller in membership and where Members have demonstrated enthusiasm and interest in the subject. The proposal agreed keeps Overview and Scrutiny Committee members to 12 but allows reviews to include other Councillors (except Executive Members). On this basis Overview and Scrutiny Committee will continue to take an overarching lead on scrutinising corporate issues like performance, business planning and budget monitoring as well as hearing any call ins but reviews will be undertaken by task and finish groups. This approach has been supported by groups and was approved by Council on 22 April 2008 with the final Overview and Scrutiny Committee of 2007/08 looking at topics for review in 08/09.

This change in approach should reduce the number of formal scrutiny committees in favour of more informal working. It will be closely monitored to assess how well it is working, how effectively members are engaged and the quality of reviews and recommendations.

(b) **Corporate and Customer Overview and Scrutiny Panel****Chair**

Councillor Geoffrey Russell

**Members**

Councillor Terry Brown  
 Councillor Henry Caunce  
 Councillor Michael Davies  
 Councillor Michael Devaney  
 Councillor David Dickinson  
 Councillor Doreen Dickinson  
 Councillor Daniel Gee  
 Councillor Patricia Haughton  
 Councillor Keith Iddon  
 Councillor Kevin Joyce  
 Councillor Hasina Khan  
 Councillor Thomas McGowan  
 Councillor June Molyneaux  
 Councillor Michael Muncaster  
 Councillor Joyce Snape  
 Councillor Stella Walsh

The areas of responsibilities of the Corporate and Customer Overview and Scrutiny Panel relate to the services provided by the following Council Directorates:

- Customer, Democratic and Legal Services
- Finance
- Human Resources
- ICT Services

The Corporate and Customer Overview and Scrutiny Panel met 7 times during 2007/08.

Scrutiny Inquiry – Efficiency Gains and Absence Management

The start of the Municipal Year saw the Panel commencing its inquiry entitled Efficiency and Absence Management.

At an early stage of the inquiry the Panel agreed to split the inquiry into two, Efficiency Gains and Absence Management each chaired by a Member from the Panel. Each inquiry had its own objectives and delivered outcomes for the inquiry.

Several Officers and Members including the Executive Member made contributions to each inquiry which contributed towards the recommendations.

The Efficiency Gains Inquiry and Absence Management Inquiry each produced recommendations to the Overview and Scrutiny Committee before being forwarded to the Executive Cabinet for approval.

The Absence Management Review involved external input from South Ribble Borough Council, British Nuclear Fuels and Debit Free Direct (a local company with a similar number of employees for age range). Recommendations from the inquiry include:

- Reporting both long term and short term sickness.
- Implementation of a workplace listener scheme.
- Continuing use of anti-bacterial handwash to promote a safer/healthier workplace.

The Efficiency Gains Inquiry also produced a raft of recommendations including recommending that a strategy be drawn up for how the Council intends to meet the challenging target to reduce the operating costs of the Contact Centre by 25% by 2011.

#### Monitoring of Inquiry Recommendations

Throughout the year the Panel received reports updating Members on the progress made in implementing the Panel's recommendations from the following inquiries that had taken place the previous year on:

- Decriminalised Parking Enforcement
- Contact Centre Efficiencies and Partnership with Lancashire County Council

#### Business Plan and Performance Monitoring Reports

The Panel continues to receive the Business Plan Monitoring Statements on a quarterly basis for the following areas of responsibility:

- Human Resources
- Information Communication Technology Services
- Customer, Democratic and Legal Services
- Financial Services

The Monitoring Statements drew Members attention both to areas where performance was on track but importantly also to the areas of the service that have not reached the performance targets with Action Plans formulated containing corrective action to be undertaken to improve performance.

(c) **Environment and Community Overview and Scrutiny Panel**

**Chair**  
Councillor Greg Morgan

**Members**

Councillor Nora Ball  
 Councillor Judith Boothman  
 Councillor Magda Cullens  
 Councillor Michael Davies  
 Councillor Doreen Dickinson  
 Councillor Anthony Gee  
 Councillor Cath Hoyle  
 Councillor Keith Iddon  
 Councillor Margaret Iddon  
 Councillor Kevin Joyce  
 Councillor Roy Lees  
 Councillor Adrian Lowe  
 Councillor Marion Lowe  
 Councillor Michael Muncaster  
 Councillor Rosemary Russell  
 Councillor Shaun Smith

The areas of responsibility of the Environment and Community Overview and Scrutiny Panel relate to the services by the following Directorates:

- Development and Regeneration
- Leisure and Cultural Services
- Health Matters
- Streetscene, Neighbourhoods and Environment

The Environment and Community Overview and Scrutiny Panel has met 8 times during the 2007/08 Municipal Year.

Neighbourhood Working – Inquiry

In 2006/07 the Overview and Scrutiny Committee had identified Neighbourhood Working as a priority for an inquiry by the Environment and Community Overview and Scrutiny Panel.

Over several months progress reports were submitted to the Panel. A consultant had been appointed to complete a number of tasks as well as presenting and supplying the Council with a number of outputs for the following objectives:

- Improving service delivery of the Council and its partners
- Localising consultation and improving satisfaction in neighbourhoods
- Acting jointly with partners to reduce pockets of deprivation and social exclusion
- Promoting community development and cohesion
- Maximising community involvement in neighbourhood management for active citizens, including young people, voluntary and private organisations.

The report submitted to the Panel had shown the various models and practical examples, the potential costs and benefits and the elements of neighbourhood working that exist in Chorley.

To enable Members to meet witnesses that will provide evidence for the inquiry, a Sub-Group was established and met several times, with each meeting having a main theme with selected witnesses present to give evidence.

A number of inquiry meetings took place with hearings, interviews and questions on a number of interests from partners such as the Police, registered social landlords, community

organisations, Parish Councils, Active Citizens, local sector organisations and private individuals.

The inquiry ran into the 2007/08 Municipal Year and in July 2007 the Panel received a report on the overview of evidence heard, methods of neighbourhood working including three models of Neighbourhood Management which might be appropriate for Chorley, which had been drawn from the evidence.

On 23 August 2007 a Special meeting of the Panel was arranged to consider the final report into Neighbourhood Working inquiry and receive a presentation from the consultant which pulled together all the evidence that had been collated, with members noting the key factors which had been identified for making Neighbourhood Working a success and those to be avoided.

Three options had been identified – Option One (the Pathfinder model), Option Two (Neighbourhood Teams) and Option Three (Neighbourhood Team Plan). The Council is already working in a way that supports neighbourhoods and work in the customer facing Directorate.

The Panel agreed that Option One was not achievable for Chorley and agreed to build on the Neighbourhood Working arrangements already in place, such as those with Parish Councils, Community Groups, the Local Strategic Partnership, Lancashire County Council and the Police.

The final report was submitted to the Overview and Scrutiny Committee on 12 November 2007 with the Chair of the Panel presenting the report and putting forward recommendations for the adoption and implementation of a system of neighbourhood working in Chorley.

The Committee was asked to finalise a recommendation from the two potential footprints based on the existing eight boundaries of Neighbourhood Policing Areas and the Lancashire County Council seven electoral divisions.

The Committee agreed that there be eight neighbourhood areas based on the Neighbourhood Policing Areas, and requested the Executive Cabinet give consideration to parishing the non parished areas of Chorley and also to the future of Target Area Partnerships.

The recommendations were submitted to the Executive Cabinet and whilst the Overview and Scrutiny Committee had advocated the creation of eight Neighbourhood Areas based on the Neighbourhood Policing Areas, the Task Group that had been established by the Executive Cabinet recommended the establishment of neighbourhood teams operating within seven Neighbourhood Areas.

The Executive Cabinet approved additional recommendations with the aim of enabling people to feel and be involved in their communities and that services be improved by local influence and delivery.

#### Chorley Town Centre Audit and Design Strategy

In reviewing an aspect of the Town Centre Strategy members of the Panel were conscious of the need to focus their attention on an area, which would add value in terms of Council priorities but would not duplicate work that may already be carried out by other groups. As a consequence, it was agreed that an inquiry be made into the Chorley Town Centre Audit and Design Strategy which was being carried out by the consultant. This gave Members a good opportunity to work with the consultants and to input into the process, utilising their considerable knowledge of the town.



Presentations took place at the start of the inquiry and on the initial findings of the audit Members visited the St George's area of St Helens town centre where there had been a regeneration of the area resulting in a centre which had utilised European best practice. The site visit enabled those attending to see for themselves the improvements that had been made and how a multi-disciplinary team including environmental professionals and Members can improve the area.

The inquiry is continuing into the 2008/09 Municipal Year with the second stage covering the Town Centre Development Strategy.

#### Business Plan and Performance Monitoring Reports

The Panel continues to receive the Business Plan Monitoring Statements on a quarterly basis for areas of its responsibility.

The Plans have drawn Members attention to those areas of the service that have not reached performance targets.

As for other services Members indicated that the performance target for the processing of invoices within 30 working days had not been reached and that immediate action was required to improve performance as it was considered to be an important indicator reflecting the Council's payments to suppliers etc. The Panel had requested a report to provide an analysis of where and the reasons for the delays, which had caused the fall in the performance targets and whether the system was working across the authority.

Following changes to the process and staff training for key members of staff to be acquainted with the new system there had been a marked improvement in performance.

The Panel over the year also made reference to a continuing problem with Housing Allocation and the use of Bed and Breakfast accommodation. The Strategic Housing team had been working hard with Chorley Community Housing to put procedures in place to reduce this, with the Council considering whether it would be advisable to bring the service back in house.

More recently it has been agreed to bring the service back in house which has resulting in a marked fall in the use of bed and breakfast accommodation.

The Panel continued to examine the performance indicators for the Neighbourhoods Directorate in particular those areas of the service relating to household waste collection services, removal of graffiti and sickness absence.

**5. What has the Work of Overview and Scrutiny led to?**

The work of the Overview and Scrutiny Committee and Panels have led to improvements in the Council's services, in the value for money that it provides.

Contributions have been made to:

- (a) ensuring that the objectives and actions in the Council's plans and strategies are more focused and relate to the Council's providers through scrutiny of the Corporate Strategy and a range of challenges to the Executive.
- (b) ensuring that the Council's targets and outturns are achieved and that ensuring performance issues are identified and challenged through regular performance and business plan monitoring.
- (c) the scrutiny of the revenue and capital budgets and the budget proposals for 2008/09.
- (d) the improved delivery of services by a series of recommendations set out in scrutiny reports eg neighbourhood working, sickness absence management.
- (e) ensuring a greater emphasis on member training through the IDeA review of scrutiny.

## 6. Developing and Improving – taking scrutiny forward in 2008/09

As referred to elsewhere in this report the structure of Overview and Scrutiny in Chorley has changed. It will comprise of an overarching Overview and Scrutiny Committee, with the two current scrutiny panels being disbanded. The membership will have 12 Councillors. Task and finish groups will be established to conduct reviews and will comprise four or five Members from the membership of the main Committee but will also include other Council Members (other than Executive Members) who are interested in the topics under scrutiny. Practice has shown that smaller groups tend to work more effectively and this is supported by Members comments. Once the scrutiny work plan has been set for the year all Councillors will be asked to volunteer for any review in which they are particularly interested or keen to participate in.

Task and finish groups undertaking reviews or inquiries will meet fairly frequently with a view to completing reviews and reporting it to the main Overview and Scrutiny Committee in 3 or 4 months depending on the size of the subject under review. Dates have been scheduled in the meetings calendar for the Task and Finish Groups. The first joint scrutiny with South Ribble and Preston has concentrated on one of the Council's key priorities, affordable housing and the other reviews agreed to date are closely aligned to the Council's priorities and the corporate strategy.

Early in the 2008/09 Council year the Scrutiny Toolkit, in with the new structure will be updated and refreshed and submitted to the Overview and Scrutiny Committee for approval.

The work programme continues to be based on:

- Issue relating to the Council's priorities.
- Issues of concern to elected members and members of the public.
- Issues not under review by any other body.
- Issues where action can be taken and where scrutiny can add value.

The Council continues to meet officers/Councillors from neighbouring authorities by way of the North West Scrutiny Support Officers Network and the Lancashire Scrutiny Parties Forum.

Support for scrutiny comes from all levels including from the Chief Executive and both Assistant Chief Executives on corporate performance and budgetary matters with each review having a lead officer at either director or senior manager level. Research, reporting and meetings support is provided by the Head of Democratic Services and the Democratic Services Officers. All Members can seek advice and guidance including research and analysis on scrutiny inquiries from the Democratic Services team.

Information regarding each Inquiry report and their recommendations as well as Agendas and reports can be available for inspection on either the Council's website [www.chorley.gov.uk/scrutiny](http://www.chorley.gov.uk/scrutiny) or on deposit in the Democratic Services Section (Contact Gordon Bankes).

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## **REPORT OF THE STANDARDS COMMITTEE**

### **GENERAL REPORT**

1. There has been considerable activity recently in relation to Standards issues and this report summarises two key issues, which have been considered.

#### **Standards Committee (England) Regulations 2008.**

2. The Regulations 2008 have been implemented with effect from the 8th May 2008. Any complaint that a Borough or Parish Council member has breached the Code of Conduct must be referred to the local Standards Committee.
3. The new complaints process is outlined on the Council's website. Complaints will be assessed by a sub committee against agreed assessment criteria.

#### **Parish Hearing Sub-Committee - 1 July 2008**

4. A Sub-Committee held a local determination following a local investigation into an allegation concerning Parish Councillor Rod Fraser of Astley Village Parish Council.
5. It was determined that for breaching the Code under paragraphs 3 "You must treat others with respect" and 5 "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute" that the sanction be suspension from the office of a Parish Councillor for Astley Village Parish Council for a period of three months, reduced to one month provided Councillor Fraser attends appropriate training in relation to the Code of Conduct prior to 1 August 2008.

#### **Recommendation**

6. The Council is recommended to note the report.

MR RA ELLWOOD  
CHAIR OF STANDARDS COMMITTEE

RH  
There are no background papers to this report.

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## **REPORT OF AUDIT COMMITTEE**

### **GENERAL REPORT**

1. This report gives a brief summary of the items discussed at the meeting of the Audit Committee held on 26 June 2008.

### **External Audit and Inspection Plan, 2008/09**

2. The members of the Audit Commission's Inspection Team for Chorley (Fiona Blatcher (Engagement Lead) and Tony Hough (Audit Manager)) attended the meeting to present the Commission's Audit and Inspection Plan for 2008/09. The Plan set out the audit and inspection work that the external auditors proposed to undertake during the current financial year and is based on the Audit Commission's risk-based approach to audit planning and, significantly, the issues of particular relevance as we move towards the new Comprehensive Area Assessment (CAA) regime.
3. 2008/09 will be the last year in which Corporate assessments and programmed service inspections will be undertaken as part of the Comprehensive Performance Assessment (CPA), as, from April 2009, the Audit Commission, along with other public service inspectorates, will be implementing a Comprehensive Area Assessment. This will cover the whole of Lancashire (including the Unitary Authority areas of Blackpool and Blackburn with Darwen) and will incorporate the performance of the key partner bodies.
4. The Audit Commission's work is based upon its assessment of risks and performance and the audit plan for 2008/09 has taken account of the local risk that exists in respect of the new financial shared service arrangement with South Ribble Borough Council and targeted work to assess the arrangements in place both jointly and individually to address any risks from the shared services arrangement. The audit planning process will continue to be revised throughout the year and amended accordingly to include any significant new local risks that may arise.

### **Data Quality – Update on Progress**

5. The Committee noted a report of the Assistant Chief Executive (Policy and Performance) on the significant progress made by the Council in respect of its data quality arrangements in order to ensure that its performance monitoring and reporting processes were robust and effective.
6. Processes focused around the Community and Corporate Strategies have been strengthened, which will provide a sound basis and platform for the introduction of the new national indicators in 2008/09 to replace Best Value Performance Indicators (BVPIs).
7. The Council's data quality arrangements address a set of standards produced by the Audit Commission (known as Key Lines of Enquiry (KLOE)). The report identified the data quality KLOEs to be used by the Audit Commission to judge the Authority's performance in delivering data quality, together with an update on the progress made against each KLOE over the last 12 months.

### **Internal Audit Report for 2007/08**

8. The Committee received a report of the Assistant Chief Executive (Business Transformation) which summarised the work undertaken by the Internal Audit Section during the 2007/08 financial year.
9. An Appendix to the report schedules each area of internal audit work undertaken, giving opinions on the adequacy of control for each individual area. A second appendix sets out key

performance data, indicating that 17 internal audit reports, containing 75 agreed recommendations have been produced over the past year. On the basis of the work completed, it is the Internal Audit's opinion that the Council continues to operate within a sound control environment.

10. An update of the self-assessment of internal audit also reveals that the Section continues to operate within the CiPFA Code of Practice.
11. The report demonstrates the successful delivery of the 2007/08 internal audit programme of work and concludes that the Council's governance and control environment continues to be effective.
12. The Committee accepted the report and requested a further report to the next meeting to clarify the action plan developed to mitigate the weaknesses identified in the Fraud Risk Register.

### **Annual Accounts and Governance Statement for 2007/08**

13. The Audit Committee received reports from the Assistant Chief Executive (Business Transformation) seeking (a) approval to the Financial Statement for 2007/08, which set out the draft accounts for the financial year; and (b) endorsement of the associated Annual Governance Statement.
14. The Financial Statement for 2007/08 shows that, in overall terms, the financial standing of the Council remains good. Working balance (including the sum transferred from the Housing Revenue Account surplus) are beyond the range identified in the Council's Financial Strategy, but the Executive Cabinet has agreed to maintain the current level in the light of the present uncertainties relating to a number of budgetary factors (e.g. the ultimate costs of the concessionary travel scheme) and the need for the Authority to remain financially strong.
15. The Assistant Chief Executive also presented the draft Annual Governance Statement for 2008 with an assurance that the Statement has been compiled in accordance with the prevailing CIPFA/SOLACE guidelines. The Statement confirms that the significant governance issues identified in the 2006/07 Governance Statement have been rectified, with the exception of on-going work in respect of the Financial Shared Services project, business continuity planning and asset registers.
16. Following a comprehensive debate on both Statements, the Committee (a) endorsed the Annual Governance Statement for 2007/08 for formal signing off by the Executive Leader and the Chief Executive; and (b) approved the submitted Financial Statement for 2007/08 for submission to the External Auditors.

### **Recommendation**

17. The Council is recommended to note this report.

COUNCILLOR ANTHONY GEE  
Chair of Audit Committee

There are no background papers to this report

AU



**REPORT OF DEVELOPMENT CONTROL COMMITTEE****PLANNING APPLICATION 08/00143/CB3 – Astley Park, Park Road, Chorley**

1. The Development Control Committee, at its meeting on 27 May 2008, considered an application for deemed planning permission for the installation of a pets corner with animal accommodation and adventure play area in Astley Park, Park Road, Chorley
2. As the Council's Constitution precludes the Development Control Committee's determination of Council applications for deemed planning permission, the application requires to be submitted before the full Council for decision.
3. The Committee received representations from an objector, a supporter and the ward representative on the proposals.
3. The Committee were minded to support the application, but had some concerns regarding the security of the building and the materials being used in its construction.
4. Since the Development Control Committee the agent has worked to try to address some of the concerns raised by Members. It is therefore proposed to:
  - build up the internal walls with block work rather than timber.
  - provide a dry 'moat' around the perimeter to increase the effective height of the fence
  - provide shutters across the windows and shielding of the rooflight to protect against thrown stones
  - reduce the number of windows
  - plant a hedge to surround pets corner that will be situated outside the perimeter fence at the top of the ditch. It will consist of 3 rows of thorny plants consisting of the species listed below. Stock sizes will be pit planted bare rooted 60 – 90cms transplants or container grown 31 pots and the planting to be protected by secondary 1.0m high rabbit netting fence. The species to be planted in 3 rows with 300mm between plants and 300mm between rows. The species include:
    - Hawthorn (*Crataegus monogyna*)
    - Blackthorn (*Prunus spinosa*)
    - Berberis (*Berberis gagnepainii*)
5. These small changes are supported by the Planning Officers and can be approved under the suggested conditions contained within the report.
6. A copy of the report of the Corporate Director (Business) on the proposal, which was considered by the Development Control

Committee at the meeting, is attached to enable Members to be aware of all the pertinent factors.

Recommendation

7. The Development Control Committee recommends the Council to grant planning permission 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, 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 to in writing by the Local Planning Authority.  
*Reason: To avoid adverse effect on 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.*

COUNCILLOR GREG MORGAN  
Chair of Development Control Committee

There are no background papers to this report.

DS

Item 08/00143/CB3 Referred to Full Council for Decision

Case Officer Caron Taylor

Ward Chorley North West

Proposal Installation of pets corner with animal accommodation and adventure play area

Location Astley Park Park Road Chorley Lancashire

Applicant Chorley Borough Council

**The application has been brought to the Chairman's Briefing as letters of objection has been received. In addition, as the application is made by the Council it must go to Development Control Committee and Full Council.  
 Consultation expiry: 26<sup>th</sup> March 2008  
 Application expiry: 9<sup>th</sup> April 2008**

**Proposal** The application is for the installation of a pets corner with animal accommodation and adventure play area.

**Policy** LT7, LT14, HT13

**Planning History** 06/00509/FULMAJ: Demolish existing extensions, buildings and structure and convert the existing Coach House into a new cafe, classroom and exhibition space and shop associated with Astley Hall and the conversion of part of the barn adjacent to the Farmhouse to provide toilet facilities and associated hard landscaping works. The construction of a 2.5m to 3.5m high wall to complete the enclosure of the walled garden. The construction of bin stores. The engineering operations associated with the drainage and de-silting of the lake and pond. The refurbishment and extension of the existing pavilion to provide a new kiosk to serve light refreshments. PERMITTED

07/00232/FUL: Proposed lighting of the main route through Astley Park (4.79m high lighting columns at 28m intervals). PERMITTED

**Consultations** Council's Conservation Officer  
 Considers the proposals are acceptable.

Garden History Society  
 Comments awaited

**Representations** Seventeen letters of objection have been received. However, many of the issues raised are not planning issues. These include matters of the principle of a pets corner in the park including animal welfare issues, management, supervision and vandalism. The matter of the principle of a pets corner is a corporate issue and the above issues cannot be taken into account as part of the planning application process.

However, the following objections that have been raised are material planning considerations:

- Lack of parking near to pets corner and play area;

- Detrimental impact on neighbouring properties caused by noise and disturbance and congregation of youths;
- Loss of trees.

**Applicant's Case**

Astley Park is the subject of an ongoing Restoration Project funded by the Heritage Lottery Fund (HLF). The proposal conforms to the Astley Park Restoration Project approved by the Council and the Heritage Lottery Foundation. A public consultation process undertaken in summer 2006, concluded overwhelmingly that a new pets corner facility was desirable, and that the current site was chosen as the most suitable. Chorley Council have accepted an offer from the Brothers of Charity to manage the pets corner. The Brothers of Charity have an existing pets corner at Liseux Hall and propose to move the animals to the Astley Park facility. They would manage the site on a daily basis from 9am until 4pm each day. A new refreshment kiosk will also be constructed, attached to the pavilion. Astley Park already has a dedicated play area but much of the equipment is old and looking tired. A new play area will be developed on land below the pavilion, a number of trees will have to be felled but many of them are dead, damaged or dying at present. The play area envisages three separate levels for different age groups.

**Assessment**

LT7 Historic Parks and Gardens  
HT13 Historic Parks and Gardens  
LT14 Public, Private, Educational and Institutional Playing Fields, Parks and Other Recreational open Space

Design and Appearance

The proposed pets corner has been designed as an extension to the existing pavilion. It will be clad in cedar timber boarding with a low brick plinth and felt roof with European redwood windows, with attached external fenced runs for the animals. A small office and toilet will also be included in the building, with hard surfacing and seating provided outside. A 2.2m green powder coated fence, surrounded by a mixed native species hedge, will enclose the pets corner compound area.

The site for the proposed pets corner and play area is within a Registered Historic Park (Grade II). However, it is outside the Biological Heritage Site designation that applies to much of the park.

There will be an infants play area surrounded by a 1m fence immediately below the seating area surfaced entirely with safety surfacing, a junior play area immediately below it which will be unfenced, surfaced in tarmac with safety surface around each item of play equipment. A top level will have a seating area, embellished by a series of timber structures some 3-4m high derived from old tree trunks, debarked and set in concrete.

In addition a timber climbing forest will be constructed next to the main drive running through the park accessed by a bound gravel path, further west than the pavilion. This will consist of a series of debarked oak trunks linked with ropes and nets. The timber uprights will be up to 4m in height and there will be a bark floor safety surface with a 1m high fence around the area.

It is considered that the proposals will enhance the attraction of Astley Park and conform to policy LT7 of the Local Plan. The

proposals will also comply with policy LT14 that seeks to retain the recreation and amenity value of parks and other open spaces.

Policy HT13 specifically covers Historic Parks and Gardens. It states that development will not be permitted if it would lead to the loss of, or cause harm to, the historic character or setting of any part of a park or garden of special historic interest. The proposed play area and pets corner is proposed attached to and adjacent the existing pavilion, while the timber climbing forest for older children is sited adjacent to the existing play area next to the main drive through the park. Both of these areas are considered suitable, being areas already more heavily used than some of the more tranquil areas of the park, whilst also being sited away from the more historic areas around Astley Hall itself (a Grade I listed building).

#### Neighbour Amenity

The pets corner and play area will be approximately 170m from the nearest property to the north and 120m to the east. There will be approximately 120m from the proposed older children's timber climbing area to the houses to the south. It is considered that due to the distances from surrounding properties the proposals will not have a detrimental impact on the surrounding properties in terms of noise and disturbance.

#### Trees

The proposal will result in the removal of some trees adjacent to the existing pavilion where the play area will be constructed. Some of these trees are dead or dying, however, an inspection by the Council's Arboricultural Officer shows that not all are. The applicants have provided an appraisal of the different sites considered for the position of pets corner and the play area, weighing up the advantages and disadvantages of each. The site currently proposed came out as the preferred option for the following reasons:

- To bring more activity to this area of the park which is currently under-utilised;
- To move the play facility further from the historical core of the park;
- To create a centre of activity around the pavilion.

An earlier proposed site was discarded following concern over safety. The play area was therefore moved to the southern side of the pavilion thus increasing natural surveillance. The trees are being removed to increase surveillance of the play area from the main footpath through the park. The applicants state that although the loss of some trees is regrettable it has been kept to a minimum and this has to be balanced against a suitable location for the proposals and increasing surveillance to the area.

#### Bats

A single tree was found to contain bat roost potential by way of woodpecker holes in the main stem, which it is proposed to remove as part of the proposals. A bat report has been carried out and it is proposed that this tree is felled in accordance with the recommendations of the bat consultant. This can be made the subject of a condition.

#### Parking

Parking is provided for Astley Park to the northwest of the site, which is considered sufficient for the proposal.

**Conclusion**

The provision of a new play area and pets corner will enhance Astley Park as a recreation facility and it is considered the proposals comply with the policies LT7, LT14 and HT13 of the Local Plan. The application is therefore recommended for approval.

**Recommendation: Referred to Full Council for Decision 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 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.*

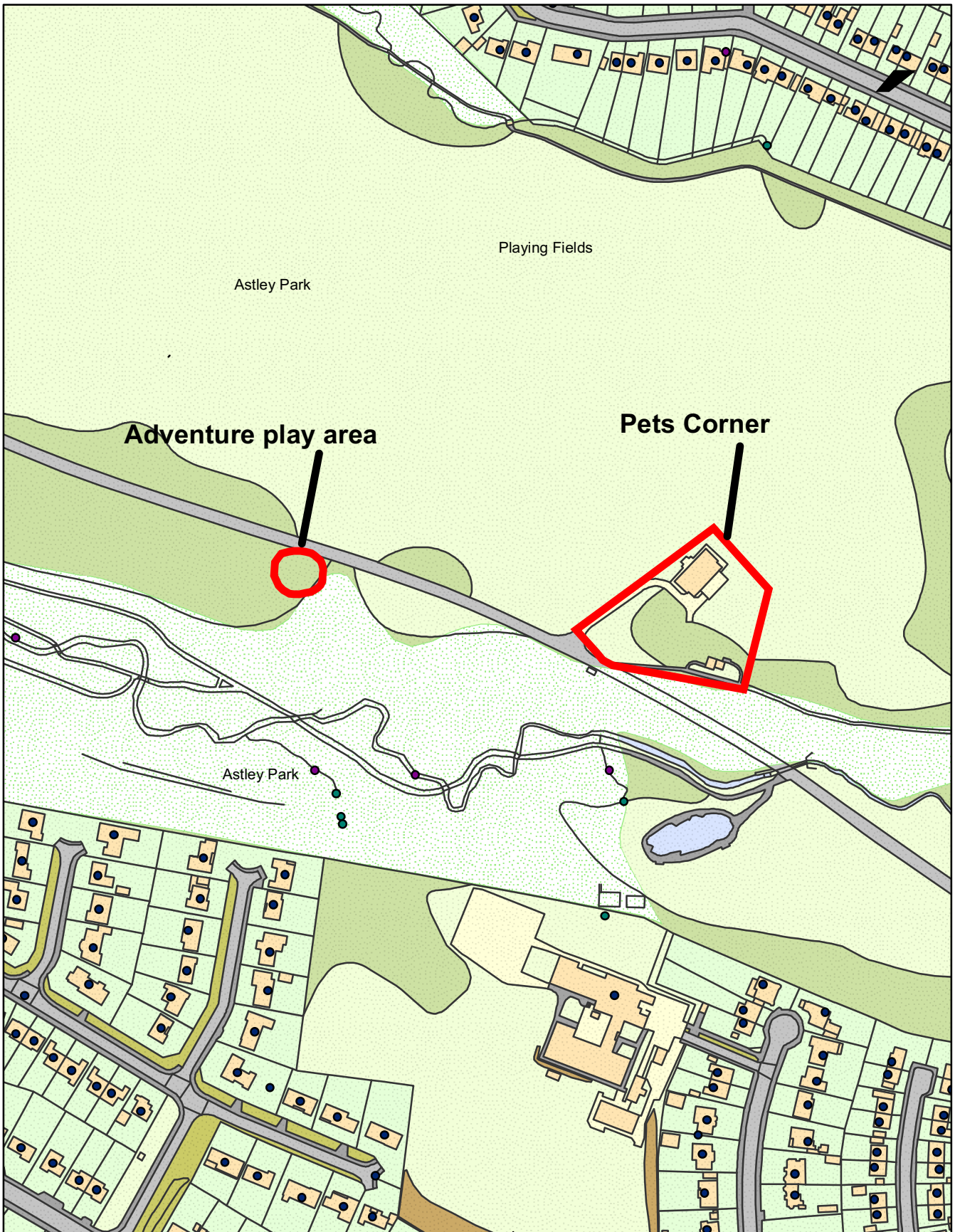
2. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

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 being submitted to an agreed to in writing by the Local Planning Authority.

*Reason: To avoid adverse effect on a protected species and in accordance with Policy EP4 of the adopted Chorley Borough Local Plan Review.*

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Jane E Meek BSc(Hons) DipTP MRTPI  
Corporate Director (Business)  
Chorley Council

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Application Number:  
08/00143/CB3

Grid Ref:  
E: 357296  
N: 418188

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Agenda Item No.  
B. 2

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## REPORT OF DEVELOPMENT CONTROL COMMITTEE

### PLANNING APPLICATION 08/00219/CB3 – COVERED MARKET, MARKET PLACE, CHORLEY

1. The Development Control Committee, at its last meeting on 27 May 2008, considered 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.
2. The Committee were minded to support the application, but, as the Council's Constitution precludes the Development Control Committee's determination of Council applications for deemed planning permission, the application requires to be submitted before the full Council for decision.
3. A copy of the report of the Corporate Director (Business) on the proposal, which was considered by the Development Control Committee at the meeting, is attached to enable Members to be aware of all the pertinent factors.

#### **Recommendation**

4. The Development Control Committee recommends the Council to grant planning permission 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.*

COUNCILLOR GREG MORGAN  
Chair of Development Control Committee

There are no background papers to this report.

DS

<b>Item B.3</b>	<b>08/00219/CB3</b>	<b>Permit Full Planning Permission</b>
<b>Case Officer</b>	<b>Mr Andy Wiggett</b>	
<b>Ward</b>	<b>Chorley South East</b>	
<b>Proposal</b>	<b>Alterations to Market Hall entrance and roof.</b>	
<b>Location</b>	<b>Covered Market Market Place Chorley Lancashire PR7 1DA</b>	
<b>Applicant</b>	<b>Chorley Council</b>	
<b>Proposal</b>	<p>The application relates to the two main entrances of the covered market in Chorley Town Centre and the roof. It is proposed to create feature canopies over the entrances and glaze over the central walkway of the market. The roof structure would have an aluminium framework with polycarbonate glazing and the canopies having a steel supporting framework with the word 'Market' as an integral part of them.</p>	
<b>Background</b>	<p>There has been an extensive publicity campaign associated with the proposed improvements to the market including traders and members of the public. It is intended that the works will improve the shopping experience and attract more customers.</p>	
<b>Policy</b>	<p>Adopted Chorley Borough Local Plan Review:  <b>GN5</b> – Building Design  <b>SP10</b> – Shopfronts  <b>Shopfronts and Signs</b> – Design Guide for Chorley</p>	
<b>Planning History</b>	<p>There is no relevant planning history relating to the building.</p>	
<b>Consultations</b>	<p><b>Town Centre Manager</b> – very positive results to the plans and any negative comments were trader specific rather than in regards to the proposals.  <b>Police Architectural Liaison Officer</b> – canopies will not interfere with CCTV system.  <b>Coal Authority</b> – standard comments.</p>	
<b>Representations</b>	<p>None received</p>	
<b>Applicant's Case</b>	<ul style="list-style-type: none"> <li>• the proposal will highlight the entrance to the market</li> <li>• new floor surfaces will assist shoppers</li> <li>• Lighting will be improved allowing more natural light to illuminate walkways</li> </ul>	
<b>Assessment</b>	<p>The main issues concern the impact of the design on the streetscene and effect on the market building as a whole.</p> <p><i>Impact on Streetscene</i></p> <p>The proposed canopies on the two main entrances will highlight</p>	

where the public can gain access into the covered market building. The existing main entrances are nondescript features and do not contribute to any draw for shoppers. The design of the features reflects the style of the roof of the market with its multiple ridges similar to a mill roof. Looking along New Market street and Cleveland Street the canopies will stand out by overhanging the streets as they will be cantilevered out from the market building. As the streets do not at this point, possess any strong architectural character, the question of design can be flexible and it is considered that in this instance the contemporary approach which has been adopted is acceptable and in keeping with Policy guidance.

The glazed centre portion will not be visible from street level.

#### *Impact on Building*

The building has a slate roof but above that there are glazed peaks to the ridges. It is considered that the design of the canopies will not appear as incongruous features merely attached to the market building. They will reflect those design aspects of the building and are, therefore acceptable features. The glazing over of the central walkway will not have any adverse impact on the building.

#### **Conclusion**

The proposed changes to the covered market building are acceptable in design terms both in terms of impact on the streetscene and the existing building. It will have the advantage of highlighting the entrance to the market and bring with it improved conditions for shoppers. There has been overwhelming support from the public with a favourable response to the new entrance proposals flooring and lighting. The design is fully compatible with the relevant Council policies.

#### **Recommendation: Permit Full Planning Permission 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.*

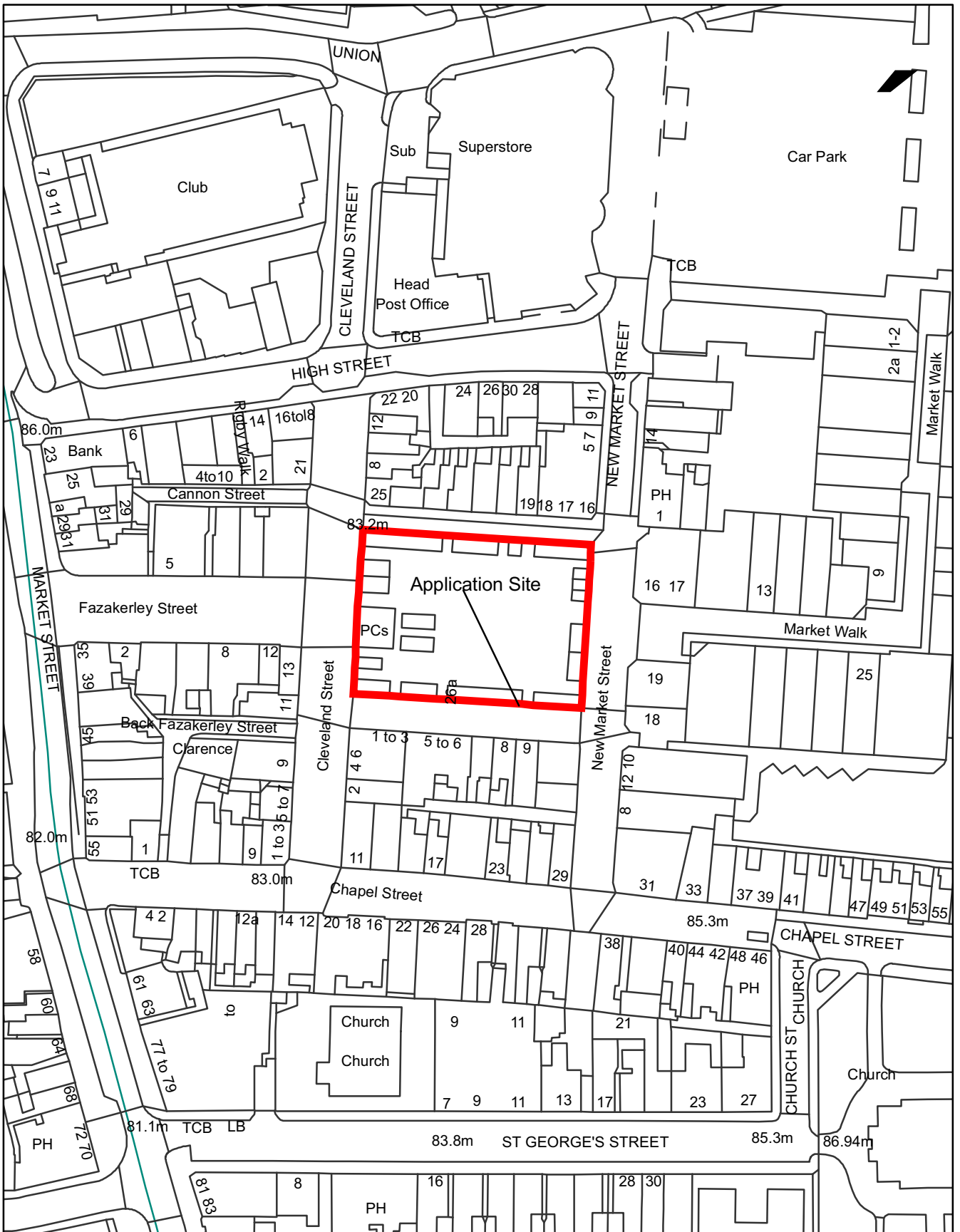
2. Notwithstanding the submitted plans, no development shall commence until details of the proposed signs on the canopies have been submitted to and agreed in writing by the Local Planning Authority and thereafter constructed in conformity with the approved details.

*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 full 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.*

---



Jane E Meek BSc(Hons) DipTP MRTPI  
 Corporate Director (Business)  
 Chorley Council

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Application Number:

**08/00219/CB3**

Grid Ref:

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 N: 417595**

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Agenda Item No.

**B. 3**

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of the Local Government Act 1972.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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