

CHORLEY BOROUGH COUNCIL

Executive Cabinet

Public Minutes of meeting held on Thursday, 30 June 2005

Present: Councillor J Wilson (Executive Leader in the Chair), Councillor Edgerley (Deputy Leader of the Council), Councillors Edgerley, Ball, Brown, A Gee, D Gee, Hoyle, Lennox, A Lowe and R Snape.

Also in attendance: Councillors Walker and Walsh.

05.EC.79 DECLARATIONS OF ANY INTERESTS

Councillors Edgerley and Lennox declared a prejudicial interest in the item considered under Minute 05. EC. 89 below.

05.EC.80 MINUTES

The public minutes of the meeting of the Executive Cabinet held on 26 May 2005 were confirmed as a correct record for signature by the Executive Leader.

05.EC.81 REVIEW OF YOUTH ACTIVITIES IN CHORLEY

The Executive Cabinet considered the final report of the inquiry conducted by the Community Overview and Scrutiny Panel into the provision of Youth Activities in Chorley.

The Chairman of the Overview and Scrutiny Committee (Councillor Walker) reported on the main findings and recommendations set out in the report.

The Cabinet noted that one of the recommendations in the report supported the Council's commitment to youth activities (evidenced by the growth item in the 2005/06 budget)) and requested the Council to sustain its commitment to the provision of facilities for young person's activities by continuing a budget provision in future years for a continued rolling programme of improvement, to enhance but not replace the activities and services provided by the Lancashire County Council and local voluntary groups throughout the community.

The Executive Member for Life and Leisure (Councillor Hoyle) supported the inquiry report's recommendations and thanked the Members of the Panel and the officers, individuals and organisations who had provided evidence to the Panel.

Decision made:

1. That the recommendations 1 to 10 and 12 set out in the inquiry report be approved.

2. That recommendation 11 in the report which requested the Council to sustain its commitment to the provision of facilities for young person's activities by continuing a budget provision in future years for a continued rolling programme of improvement be considered during the Budget Cycle for 2006/07.

Reasons for Decision:

The agreed recommendations of the Community Overview and Scrutiny Panel are aimed at enhancing the existing provision for youth within the Borough.

Alternative options considered and rejected:

None

05.EC.82 ONE STOP SHOP

The Executive Cabinet considered the final report of the inquiry conducted by the Customer Overview and Scrutiny Panel into the effectiveness of the newly implemented One Stop Shop and to identify improvements which would benefit both the customer and the workforce.

The Chairman of the Overview and Scrutiny Committee (Councillor Walker) and the Chairman of the Customer Overview and Scrutiny Panel (Councillor Mrs Walsh) reported on the main findings and recommendations set out in the report.

The Executive Member for Customers, Policy and Performance (Councillor Edgerley) supported the inquiry report's recommendations and thanked the Members of the Panel and the officers, individuals and organisations who had provided evidence to the Panel.

Decision made:

That the recommendations set out in the inquiry report be approved.

Reasons for Decision:

The agreed recommendations of the Customer Overview and Scrutiny Panel are aimed at improving the customer services in the One Stop Shop.

Alternative options considered and rejected:

None

05.EC.83 REVIEW OF MEMBERS ALLOWANCE SCHEME

The Chief Executive submitted a report, which incorporated the report from the Independent Remuneration Panel on the review of the Members Allowance Scheme, for preliminary consideration prior to Council meeting on 12 July 2005.

Decision made:

That the the recommendations be not accepted in their present form.

Reasons for Decision:

To enable further consideration to be given to the Members Allowances Scheme.

Alternative Options considered and rejected:

None

05.EC.84 REVENUE AND CAPITAL OUTTURN 2004/05

The Director of Finance submitted a report on the provisional outturn figures for the Capital and General Funds (including the direct service functions) and the Housing Revenue Account (including the building maintenance direct service) for 2004/05. He

also reported on the need identified for improvements to be undertaken to the welfare facilities at the Bengal Street Depot

Decisions made:

That the Council be recommended to give approval to:

- (a) The creation of the specific reserves as outlined in paragraph 13 of the report;**
- (b) The financing of the Council's Capital Programme as set out in Paragraph 28 of the report and the updated capital programme for 2005/006 including slippage;**
- (c) The financing of the additional Capital Programme expenditure from either additional resources or from approved commitments;**
- (d) The addition of £22,000 to the Capital Programme to cover the cost of the Bengal Street Depot Welfare Facilities from existing resources.**

Reasons for Decisions:

To approve the use of the Revenue budget and confirm the amended Capital Programme for 2005/2006.

Alternative Options considered and rejected:

None

05.EC.85 EQUALITY AND DIVERSITY IN EMPLOYMENT POLICY

The Head of Human Resources submitted a report on the draft Equality and Diversity in Employment Policy which takes into account all the issues surrounding equality and diversity with regard to the employment of all officers, members of the council, job applicants, contractors, customers and all other parties who have direct and indirect relationships with the authority and its employees.

Decisions made:

- 1.The Equality and Diversity in Employment Policy be approved and implemented with immediate effect.**
- 2. That the Member Development Steering Group be advised that the Executive Cabinet recommends that all Members of the Council should be given awareness training on the Policy.**

Reasons for Decisions:

To ensure that the Council is operating best practice, working within legislation and promoting equality and diversity within the Authority.

Alternative Options considered and rejected:

None

05.EC.86 EQUALITY AND DIVERSITY OFFICER

The Director of Legal Services submitted a report seeking approval to establish in principal a post of Equality and Diversity Officer (PO1) to take the lead on all diversity matters relating to Chorley residents, issues for member/officer work practices and the recognition of diversity issues council-wide.

Decision made:

That the Leader of the Council to be given delegated authority to establish the post of Equality and Diversity Officer, if this can be done on a cost of neutral basis to the Council's base budget.

Reasons for Decision:

To meet the requirements of the Race Relations (Amendment) Act 2000.

To satisfy the requirements of the "CPA 2005 – The new approach".

To implement an objective in the Corporate Improvement Plan.

Alternative Options considered and rejected:

None

05.EC.87 ECONOMIC REGENERATION STRATEGY / CORE CENTRAL LANCASHIRE CITY REGION

The Head of Economic Regeneration submitted a report which provided an update on the Northern Way, its implications and the proposed Economic Regeneration Strategy

Decisions made:

That GVA Grimley be appointed to carry out the Economic Regeneration Strategy and that the sum of £65,000 be allocated, to the Core Central Lancashire Sub-Regional Study and the Economic Regeneration Strategy

Reasons for Decision:

To ensure that Chorley Borough Council is in a position to make the most of any opportunities presented by the Northern Way and other similar initiatives.

Alternative Options considered and rejected:

None

05.EC.88 ASTLEY PARK HERITAGE LOTTERY FUND CONTRACT

The Director of Finance and Head of Economic Regeneration submitted a report seeking approval to enter into a contract with the Heritage Lottery Fund to carry out the Astley Hall restoration works.

Decisions made:

That approval be given to the appointment of a Project Officer to manage the Astley Hall Renovation Scheme and to a contract being entered into with the Heritage Lottery Fund to carry out the Astley Hall restoration works.

Reasons for Decisions:

To enter into a contract with the Heritage Lottery Fund in order to carry out the Astley Hall restoration proposals.

Alternative Options considered and rejected:

None

(Councillors Edgerley and Lennox as members of the Housing Shadow Management Group declared a prejudicial interest in the following item and left the meeting during the consideration of the item).

05.EC.89 PROTOCOL FOR MEMBERS AND OFFICERS IN RESPECT OF PROPOSED HOUSING STOCK TRANSFER

The Director of Legal Services submitted a report on the introduction of a protocol for Members and Officers, to avoid conflicts of interest in respect of the proposed Housing Stock Transfer.

Decision made:

That approval be given to the protocol for Members and Officers in respect of the proposed Housing Stock Transfer and that the Monitoring Officer be given delegated authority to agree any amendments to the protocol, subject to the reporting of any such amendments to the Standards Committee.

Reasons for Decisions:

A protocol needs to be put in place to avoid conflicts of interest arising during the proposed Housing Stock Transfer particularly after the ballot.

Alternative Options considered and rejected:

None

05.EC.90 STATEMENT OF COMMUNITY INVOLVEMENT

The Head of Planning Services submitted a report, advising members on the consultation responses received to the draft Statement of Community Involvement.

Decisions made:

1. That the revised Statement of Community Involvement be approved for consultation for a further six-week period and for submission to the Secretary of State.

2. That the Head of Planning Services be given delegated authority to make any minor text amendments to the Statement in consultation with the Executive Member for Development and Planning.

Reasons for Decisions:

The Planning and Compulsory Purchase Act 2004 has replaced the existing system of local, structure and unitary development plans. The Act requires that the local planning authority produce a Statement of Community Involvement, as part of the local development framework.

The Statement sets out the various ways and means of ensuring the engagement and involvement of organisations and the local community in the preparation of the Local Development Framework.

Alternative Options considered and rejected:

None as subject to statutory regulations as now prepared.

05.EC.91 PLANNING SERVICES - AMENDMENT TO SCHEME OF DELEGATION

The Head of Planning Services and the Director of Legal Services submitted a report seeking amendments to the scheme of delegation to allow the Head of Planning Services to deal with complaints relating to high hedges, to make minor amendments to Section 106 agreements and to refuse planning permission in relation to major applications in specified circumstances.

The Director of Legal Services also submitted an addendum to the report seeking an extension to the powers of the Development Control Committee to deal with high hedges.

Decisions made:

That the Council be recommended to approve the following amendments to the Council Constitution: -

(a) The insertion of the words "47A - Powers relating to complaints about high hedges under Part 8 of the Anti Social Behaviour Act 2003" in Appendix 2 Part 1 Miscellaneous Functions.

(b) The insertion of the words "(d) powers relating to complaints about high hedges" in paragraph 2 of Appendix 2, Part B below the Development Control Committee heading.

(c) The insertion of an addendum to Paragraph 9.5 of Appendix 2, Part C under the heading Head of Planning Services to read: "Where a planning application as defined in (c) (i) above is unable to be determined within the statutory period because all material is not available then, exceptionally, the Head of Planning Services following consultation with the Chair and Vice Chair may refuse planning permission".

(d) The amendment of the wording in paragraph 9.12 of Appendix 2, Part C to read: "Authority to exercise all powers (except for setting fee levels) under Part 8 of the Anti Social Behaviour Act 2003 in relation to complaints relating to high hedges".

(e) The insertion of a new paragraph 9.13 in Appendix 2, Part C to read as follows: "That where a Section 106 Agreement has been adopted by the Development Control Committee, the Head of Planning Services be given delegated powers following consultation with the Chair and Vice Chair to make minor amendments to the Section 106 Agreement".

Reasons for Decisions:

To ensure the maintenance of the current level of the Planning Delivery Grant target and to meet the requirements of Part 8, of the Anti-Social Behaviour Act 2003.

Alternative Options considered and rejected:

Not to extend the terms of delegation

05.EC.92 PERCY STREET, CHORLEY - PROPOSED STOPPING UP

The Director of Legal Services submitted a report on proposals for the stopping up of Percy Street as a highway under Section 116 of the Highways Act 1980. She also reported on the need to include an additional area of highway land within the proposals.

Decision made:

That subject to the consent of Lancashire County Council, the making of a Court Order be pursued for the stopping up of Percy Street, Chorley, running from its junction with King Street, Chorley, in a westerly direction for its entire length to the termination of the street, and for the stopping up of an unadopted length of former back street, which ran from Percy Street through to the former Latham Street.

Reasons for Decision:

Percy Street is in the form of a cul de sac. It is flanked on both sides by offices and has little residual use as a highway. It is not a vehicular through route and serves mainly as parking facility during the day for vehicles associated with the use of the "King Street" offices. At other times there is little if any other vehicular use. The street serves as a pedestrian route; however, there is a nearby alternative route, i.e. out of King Street onto the town centre by-pass and thus the stopping up of Percy Street would not unduly prejudices pedestrian movements in the area. Thus the retention of Percy Street for highway purposes is considered unnecessary. The former length of unnamed back street, which ran from Percy Street through to the former Latham Street, though still having the status of a publicly adopted highway is now simply in the form of a landscaped verge following completion of a town centre by-pass. Its retention as highway is totally unnecessary.

Alternative options considered and rejected:

For no action to be taken leaving Percy Street to remain as a public highway.

05.EC.93 TEMPLE WAY, CHORLEY - PROPOSED STOPPING UP

The Director of Legal Services submitted a report on proposals for the stopping up of Temple Way as a highway under Section 116 of the Highways Act 1980.

Decision made:

That subject to the consent of Lancashire County Council, and the agreement of the applicant to meet all costs involved, the Council pursue the making of a Court Order for the stopping up of Temple Way, Chorley, running from the back edge of the highway boundary on the north side of the Millennium Way in a northerly direction for its entire length to the entrance leading into the Temple grounds.

Reasons for Decision:

Temple Way serves exclusively as an access road to the Mormon Temple. Its use as a parking facility by members of the public at large was never envisaged and such practice is detrimental to the safe and effective functioning of the road as the sole means of access to the Temple complex. The stopping up of the highway concerned would have no impact on highway usage generally.

Alternative options considered and rejected:

To impose some form of vehicular waiting prohibition on the road with the attendant requirement to lay down and maintain carriageway markings and erect accompanying poles and plates on which the nature of the prohibition would be specified, and thereafter devote resources to the monitoring and enforcement of the prohibition.

To refuse to pursue the making of the requisite Court Order, thereby leaving the situation as it is.

05.EC.94 CROSSE HALL LANE, CHORLEY - PROPOSED OF PRIVATE STREET WORKS

The Director of Legal Services submitted a report on proposals for the implementation of a private street works scheme along the length of Cross Hall Lane, and clarified that the costs of the scheme are to be borne by Morris Homes Limited.

Decision made:

That whereas the length of Crosse Hall Lane, Chorley, situate between its junction with Eaves Lane and the point at which the proposed new access road is to join the north side of Crosse Hall Lane (a distance of approximately 135 metres) is not to the satisfaction of the Council (in its capacity as street works authority for the area) sewered, levelled, paved, metalled, flagged, channelled, made good and lighted, Officers be requested to prepare plans and specification of works together with an estimate of cost and a provisional apportionment of those costs in respect of a scheme for the making up of the above length of highway and be presented to a future meeting of the Executive Cabinet for formal consideration.

Reasons for Decision:

Crosse Hall Lane, Chorley is an unadopted road, in a poorly surfaced condition and lacking any proper system of highway drainage or street lighting. The prospect of new housing development on a site in close vicinity to the road, means Crosse Hall is set to serve as the sole means of highway access to and from that new development. Clearly Crosse Hall Lane in its current material condition could not in any way satisfactorily serve in such a role and the only way of upgrading the length of road concerned to a satisfactory highway standard is by way of commissioning a scheme of private street works pursuant to the provisions of the Highways Act 1980.

Alternative options considered and rejected:

The other alternatives available for facilitating the making up of Crosse Hall Lane, e.g. an agreement pursuant to the provisions of Section 31, Section 38 or Section 278 of the Highways Act 1980, are contingent upon landownership and therefore cannot be applied in this instance

05.EC.95 EXCLUSION OF PRESS AND PUBLIC

Decision made:

That the press and public be excluded from the meeting for the following item of business on the grounds that it involves disclosure of exempt information as defined in paragraph.1 of Part 1 of Schedule 12A to the Local Government Act 1972.

05.EC.96 MINUTES

The non-public minutes of the meeting of the Executive Cabinet held on 26 May 2005 were confirmed as a correct record for signature by the Executive Leader.

Executive Leader

