

COUNCIL

Tuesday, 26 January 2010

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

10.C.63 MINUTES OF LAST MEETING

RESOLVED – That the minutes of the Council meeting held on 15 December 2009 be confirmed as a correct record and signed by the Mayor.

10.C.64 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.C.65 MAYORAL ANNOUNCEMENTS

The Mayor thanked Members for their donations towards Christmas cards and the Christmas raffle which had raised almost £700 towards her Charity Appeal Fund. The Mayor's Charity Ball would take place on 5 February and a few tickets were still available.

The Mayor referred to the Holocaust Memorial Service which she had attended on 23 January which had been a very moving event.

10.C.66 PUBLIC QUESTIONS AND MEMBER QUESTIONS UNDER PROCEDURE RULE 8

There were three public questions to the Executive Leader, which all related to the Ombudsman's report in respect of the Go Ape planning approval.

In addition, a Member Question under procedure rule 8, had been submitted on this topic, and the Mayor announced that all four questions would be taken together.

Councillor D Edgerley submitted the following question:

“Would the Executive Leader report on the Local Government Ombudsman's decision with reference to the charge of maladministration over the Go Ape planning application? Would he detail the criticisms within the report – and explain what steps will be put in place to prevent similar charges of maladministration in the future?”

The Executive Leader responded stating that in the main he accepted the findings of the Ombudsman that there had been administrative failings in relation to not notifying one landowner in line with policy and that the Garden History Society should have been consulted. He did however have one point of dispute with the Ombudsman in relation to the footprint on the ground and this was still under discussion. In accepting the

Ombudsman's allegations, the Executive Leader stressed that there had been no injustice in the planning system and £500 had been awarded to the Friends of Lever Park for their trouble.

Councillor Edgerley's supplementary question related to the need for the application to be considered by the Development Control Committee.

The Executive Leader accepted that the application had not been dealt with entirely appropriately but each application had to be decided on its merits.

In summary, the three questions from members of the public related to:

1. The Council's reporting in the press of the Ombudsman's report minimising the findings of maladministration.

The Executive Leader responded that the failings identified by the Ombudsman's report would not have affected the outcome of the application and he stood by his previous comments that there was no injustice to the planning system.

2. Whether the Council fully supports the element of the Constitution relating to the Local Development Plan.

The Executive Leader responded that the Council did formally support the contents of the Constitution in relation to the Local Development Plan. A response to the longer supplementary question would be put in writing and all other Members of the Council informed.

3. Why the Local Plan was breached in relation to Lever Park as a Site of Special Historic Interest.

The Executive Leader responded that the Local Plan Review had not been ignored or breached and therefore there had been no need to make all councillors aware of it. The Local Plan policy had been followed.

10.C.67 EXECUTIVE CABINET : CAPITAL PROGRAMME MONITORING 2009/10 TO 2011/12

The Council considered a report monitoring the Capital Programme for 2009/10 to 2011/12 which sought approval to a number of changes including; capitalised restructuring costs totalling £1,150,000; the rephasing of a number of capital schemes to 2010/11; and increasing borrowing on the 2009/10 programme to £550,280 as a result of the capitalisation costs.

The Executive Member for Resources, Councillor K Joyce moved, the Executive Leader seconded and it was **RESOLVED:**

- 1. The revised Capital Programme for 2009/10, as shown in Appendix 1 to the submitted report be approved;**
- 2. The amendments to the provisional Capital Programme for 2010/11, as shown in Appendix 1 to the submitted report be noted;**
- 3. The inclusion of the additional restructuring costs in the December 2009 applications for directions to capitalise redundancy and pension strain costs in 2009/10 be noted; and**
- 4. Budget holders be requested to continue to review their uncommitted 2009/10 budgets in order to identify any further expenditure that can be rephased to a later financial year in order to reduce the borrowing requirement in 2009/10 and the revenue costs in 2010/11.**

10.C.68 EXECUTIVE CABINET : GENERAL REPORT

Consideration was given to a general report summarising Executive Cabinet business from the meeting held on 7 January 2010.

The Executive Leader, Councillor P Goldsworthy moved, the Deputy Leader Councillor P Case seconded and it was **RESOLVED that the report be noted.**

10.C.69 EXECUTIVE AND ELECTORAL ARRANGEMENTS

The Council meeting considered a report on the legal requirement to undertake a public consultation exercise on executive arrangements under the Local Government and Public Involvement in Health Act 2007 and the opportunity for the Council to revise its electoral arrangements.

Under recent legislation all Councils must alter their executive arrangements to adopt either an elected mayor and cabinet or a new style "strong" leader and cabinet executive. Full Council was required to make a decision on a way forward by 31 December 2010, following consultation with "electors and other interested persons" in the Council's area. A further provision of the 2007 Act was the option to alter electoral arrangements from local elections by thirds in three out of every four years to having all out elections once every four years.

It was proposed that consultation in Chorley cover both executive and electoral arrangements and be undertaken through the website and the Citizens Panel.

At the conclusion of the consultation, a report would be brought to Special Council on 2 March to determine a way forward.

The Executive Leader, Councillor P Goldsworthy moved, the Deputy Leader Councillor P Case seconded and it was **RESOLVED that the Chief Executive commence the required public consultation exercise on the available options to revise both the current executive and electoral arrangements, with a view to a feedback report being presented to the Special Meeting of the Council on 2 March 2010.**

10.C.70 OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS

Consideration was given to a general report summarising the business of the Overview and Scrutiny Committee and task and finish groups from the meeting held on 18 January 2010.

Members raised the outcomes of the Highways Scrutiny review and how the recommendations, if adopted, could help resolve recent problems with the removal of snow and ice, particularly in the town centre.

The Chair of the Committee Councillor D Edgerley moved, the Vice Chair Councillor A Cullens seconded and it was **RESOLVED that the report be noted.**

10.C.71 AUDIT COMMITTEE

The Council considered a general report on the work of the Audit Committee held on 14 January 2010. The Chair of the Committee, Councillor A Gee moved, the Vice Chair Councillor L Lennox seconded and it was **RESOLVED – that the report be noted.**

10.C.72 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8

Councillor D Edgerley asked the following question under Council Procedure Rule 8:

Would the Executive Member give details of the alley gate programme as follows?

- The annual budget for alley gates.
- The number of alley gate installations scheduled for this year (2009/10).
- The total number of outstanding requests for alley gates.

The Executive Member for Neighbourhoods, Councillor E Bell, responded that over the five years of the alley gate programme, 122 gates had been installed. The annual budget was £42,580 and the schedule for 2009/10 contained 49 requests which were ranked according to crime intelligence. 10 of these were put forward for approval and 8 have been completed so far with a total of 21 gates. Future support for the scheme would be considered as part of the budget process.

10.C.73 PETITION RECEIVED FROM RESIDENTS OF WALLETS ROAD

The Director of People and Places submitted a report on the receipt of a petition from 18 residents of Wallets Road, Chorley expressing concern at the rising level of crime, antisocial behaviour and environmental crime in the area and requesting that the Council install alley gates.

In accordance with the petition procedure, the petition had been considered by the Executive Member and a response had been sent to the lead petitioner indicating where the scheme lay in terms of priority and offering assistance in respect of the issues raised in the petition.

The Executive Member, Councillor E Bell moved and the Executive Leader, Councillor P Goldsworthy seconded and it was **RESOLVED – that the action taken in respect of the petition received from residents of Wallets Road be noted.**

Mayor