

COUNCIL

Tuesday, 24 January 2006

Present: Councillor Mrs M Gray (Mayor), Councillors K Ball, T Bedford, E Bell, T Brown, Brownlee, Mrs P Case, H Caunce, A Cullens, F Culshaw, M Davies, D Dickinson, Mrs D Dickinson, D Edgerley, A Gee, D Gee, P Goldsworthy, T Gray, H Heaton, C Hoyle, Miss I Iddon, M Lees, R Lees, L Lennox, M Lowe, A Lowe, P Malpas, T McGowan, Miss J Molyneaux, G Morgan, R Parr, G Russell, E Smith, Mrs I Smith, S Smith, Mrs J Snape, R Snape, C Snow, J Walker, Mrs S Walsh, A Whittaker and J Wilson

06.C.01 CHIEF EXECUTIVE

The Mayor welcomed Donna Hall, the newly appointed Chief Executive, who was attending her first Council meeting.

06.C.02 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor M Wilson (Deputy Mayor) and Councillor's A Birchall, P Buckley, R Livesey and M Perks.

06.C.03 DECLARATIONS OF ANY INTERESTS

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

06.C.04 MINUTES

RESOLVED – That the minutes of the Council meeting held on 13 December 2005 be confirmed as a correct record and signed by the Mayor.

06.C.05 MAYORAL ANNOUNCEMENTS

The Mayor informed the Members of the following:

- (a) A reminder that the Charity Ball will be held on Friday, 3 February and thanked those who had donated gifts so far for the tombola. All gifts would be still welcomed and that if anyone required tickets reserving to contact the Mayor's Secretary.
- (b) Gradely Lancashire Neet to be held at Whittle-le-Woods Community Centre on Friday, 27 January at 7.30pm. The Mayor informed Members that tickets had sold out.
- (c) A Charity Quiz night will be held at Chorley Cricket Club on 17 February 2006 at 8.30pm. Team names/numbers available from the Mayor's Secretary.
- (d) A Murder Mystery Evening on Tuesday, 28 February 2006 at Astley Hall. Tickets available from the Mayor's Secretary.

The Executive Leader informed Members of a delegation from the Council comprising himself, Deputy Chief Executive and the MP for Chorley which met with the Prime Minister last Wednesday regarding the loss of jobs at the Royal

Ordnance factory in Euxton. This was the only facility in the United Kingdom for the preparation of a particular type of explosive and we would have to rely upon France and the United States. The Prime Minister would keep the authority informed of developments.

06.C.06 DEVELOPMENT CONTROL COMMITTEE

The Chair of the Development Control Committee presented a report summarising the more significant proposals considered at meetings of the Committee held on 20 December 2005 and 17 January 2006.

RESOLVED – That the report be noted.

06.C.07 LICENSING AND SAFETY COMMITTEE

The Chair of the Licensing and Safety Committee presented a report summarising the principal matters considered at a meeting of the Committee held on 11 January 2006.

RESOLVED – 1. That the report be noted.

2. That approval be given to the amendment of Appendix 2, Part C of the Council's Constitution to enable the Director of Legal Services to deal with the following matters.

5.17 "To grant or renew private hire and hackney carriage drivers because where the conviction would ordinarily be "spent" under the Rehabilitation of Offenders Act 1974 unless the offence is of a serious nature eg offences of a sexual nature, burglary, serious assaults or where the Director of Legal Services is of the view that the offences are relevant to the application eg a series of offences over a number of years".

06.C.08 AUDIT COMMITTEE

The Vice-Chair of the Audit Committee presented a report which gave a brief summary of the items discussed at the meeting of the Audit Committee held on 9 January 2006.

RESOLVED – That the report be noted.

06.C.09 OVERVIEW AND SCRUTINY COMMITTEE AND PANELS

The Chair of the Overview and Scrutiny Committee presented a report summarising the principal matters discussed at the Overview and Scrutiny Committee held on 15 December 2005 and the ongoing work of its Panels.

RESOLVED – That the report be noted.

06.C.10 CAPITAL PROGRAMME 2005/06 - PROGRESS REPORT

The Executive Leader presented a report on the progress of the 2005/06 Capital Programme and seeking approval of a number of recommendations from the Capital Programme Board.

In order to maintain the Council's financial position in 2005/06 the Capital Programme Board had made a number of recommendations affecting schemes or projects that

were either overspending or required additional resources, in addition to a number of new Category C schemes recommended for approval.

RESOLVED – 1. That the revised Capital Programme for 2005/06 in the sum of £15,749,770 as outlined in the submitted report, be approved.

2. That the following recommendations of the Capital Programme Board be approved.

Exception Reports

- i) that the Head of Housing Services reduce expenditure on other categories of the 2005/06 Housing Revenue Account to cover the reported overspending of £375,000 and to keep within current budget;
- ii) that Phase 3 of the Chapel Street Enhancement Scheme be placed on the pipeline reserve list (Category C) for future consideration when resources become available;
- iii) that the Head of Public Space Services be requested to complete the Friday Street Car Park Scheme in 2005/06 from the existing approved capital budget;
- iv) that the Head of Public Space Services be requested to bring forward an Outline Business Case for the proposals relating to the Fleet Street Car Park, for consideration at a future meeting of the Capital Programme Board;

New Capital Schemes and Projects

- v) that the following new schemes and projects be placed on the pipeline reserve list (Category C) for future consideration when resources become available:
 1. Warden Patrol Vans and CCTV Digital Recorders.
 2. Enhanced Recycling – Phase 3.
 3. Kerbside Recycling – Service Capacity and Improvements.
 4. Recycling Bring Site expansion.
 5. Litter bin replacement programme and on Street litter/dog waste/recycling bins.
 6. Legal Case Management ICT Systems.

06.C.11 AREA FORUM PILOT SCHEMES - PROCEDURE RULES

Further to Minute 05.C.111,13 December 2005, the Executive Member for Customers, Policy and Performance presented a report stating that the Council meeting had approved the Terms of Reference to be applied to the three Area Forum pilot schemes to be introduced in the areas of Clayton-le-Woods North Ward, Coppull Parish and Lostock Ward. In accordance with Paragraph 27.2 of Part A of Appendix 3 to the Council's Constitution it had stood adjourned to this meeting for approval and adoption of the Procedure Rules for the three pilot areas.

The Council meeting on the 13 December 2005 had also deferred to this meeting the appointment of the Vice-Chair for the Coppull Parish Area Forum.

RESOLVED – 1. That the Procedure Rules for the three pilot Area Forums for Clayton-le-Woods North, Coppull Parish and Lostock Wards in the form presented be approved and adopted for inclusion in the Council's Constitution as Part D of Appendix 3.

2. That the appointment of the Vice-Chair for the Coppull Parish Area Forum pilot from the Borough Councillors for the Coppull and Chisnall electoral wards

within the geographical area of the forum be deferred to the first meeting of the Forum on 28 February 2006 and submit the nomination to the next ordinary meeting of the Council on 7 March 2006.

06.C.12 CHORLEY TOWN CENTRE ACTION AREA AND RETAIL AND LEISURE POLICIES PREFERRED OPTIONS DEVELOPMENT PLAN DOCUMENT

The Executive Member for Development and Planning and Executive Member for Chorley Town Centre and Risk Management presented a joint report seeking endorsement of the draft Chorley Town Centre Action Area and Retail and Leisure Policies Preferred Options Development Plan Document for consultation purposes.

The document set out the preferred planning policy and development options to enable the Council to undertake its responsibility to promote retail, leisure and other development requirements in relation to four identified priorities for the town centre. The document revised and updated existing policies in order to meet modern challenges to retain the vitality and competitiveness of the town centre and outlined the aspiration for future developments.

The document was required to be finalised for public consultation by March 2006, in order to meet the milestones identified for the production of the various documents that would make up the Local Development Framework for the Borough.

RESOLVED – That the Chorley Town Centre Action Area and Retail and Leisure Policies Preferred Option Development Plan Document be approved for consultation and community involvement purposes, subject to the Head of Development and Regeneration being granted delegated authority to make any necessary minor textural amendments to the document.

06.C.13 EXECUTIVE CABINET GENERAL REPORT

The Executive Leader presented a report summarising the more significant items of business dealt with at a meeting of the Executive Cabinet held on 12 January 2006.

**RESOLVED – 1. That the report be noted.
2. That Councillor D Gee be appointed to serve as the Council's representative on the Local Fair Trade Steering Group.**

06.C.14 FOOD HYGIENE ENFORCEMENT - OFFICER AUTHORISATION

The Mayor accepted as urgent, consideration of this item, not included on the agenda in order to approve the amendment of the delegations and authorisation to the Head of Environmental Services necessary for the enforcement of food hygiene legislation now made under the European Communities Act 1972.

The Executive Member for Environment and Community Services presented a report authorising that under the Food Safety Act 1990 provision was made under various regulations in order to enforce food safety requirements on food businesses. Whilst these provisions remain for food standards work and hence save enforcement activity undertaken by the Environmental Services Unit there had been a fundamental change to the source of food hygiene legislation.

The new Food Hygiene (England) Regulations 2006 had been enacted under European Directive and hence under the European Communities Act 1972. These

regulations revoke all previous food hygiene related legislation made under the Food Safety Act 1990.

The Council's constitution and the delegation available to the Head of Environmental Services required amendment to reflect these changes in food hygiene legislation.

RESOLVED – That:

Whereas the exercise of those functions of the Council under the European Communities Act 1972 here specified are an Executive function by virtue of Part A of Appendix 2 of the Council's Constitution and to enable the Head of Environmental Services to appoint and authorise the necessary staff to undertake these functions:

The following Executive Functions be allocated to the Head of Environmental Services under Executive Arrangements made pursuant to Section 15 of the Local Government Act 2000 and be discharged by them under that Section:

The functions of:

- i) deciding applications for authorisations, registration, consent, licences or certificates of approval;**
- ii) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;**
- iii) issuing formal cautions;**
- iv) recommending to the Director of Legal Services the institution of legal proceedings; and**
- v) authorising officers to exercise statutory powers of entry (including obtaining warrants).**

Pursuant to the Food Safety Act 1990 (as amended) and;

- (a) any Orders or Regulations made thereunder or relating to the foregoing or by virtue of the European Communities Act 1972; and**
- (b) any modification or re enactment to the foregoing.**

Mayor