

# COUNCIL

**Tuesday, 6 December 2011**

**Present:** Councillor Pat Case (Mayor), Councillor June Molyneaux (Deputy Mayor), Councillors Ken Ball, Eric Bell, Julia Berry, Alistair Bradley, Terry Brown, Henry Caunce, Matthew Crow, Alan Cullens, Magda Cullens, David Dickinson, Doreen Dickinson, Dennis Edgerley, Christopher France, Anthony Gee, Peter Goldsworthy, Marie Gray, Harold Heaton, Steve Holgate, Catherine Hoyle, Keith Iddon, Kevin Joyce, Hasina Khan, Paul Leadbetter, Roy Lees, Adrian Lowe, Marion Lowe, Greg Morgan, Simon Moulton, Mick Muncaster, Steve Murfitt, Beverley Murray, Mark Perks, Alan Platt, Debra Platt, Pauline Phipps, Dave Rogerson, Geoffrey Russell, Rosie Russell, Joyce Snape, Ralph Snape, John Walker, Stella Walsh, Paul Walmsley and Peter Wilson

## **11.C.241 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Alison Hansford. It was reported that Councillor Hansford's son Matthew was making a slow recovery and whilst he still needed maximum support, his condition was improving.

## **11.C.242 MINUTES OF SPECIAL COUNCIL HELD ON TUESDAY, 15TH NOVEMBER 2011**

**RESOLVED – that the minutes of the Special Council meeting held on 15 November 2012 be confirmed as a correct record for signature by the Mayor.**

## **11.C.243 DECLARATIONS OF ANY INTERESTS**

In relation to the motion about Free Schools (item 14) Councillors Mark Perks and Alan Cullens declared personal and prejudicial interests and left the room during the debate and vote on this item. In addition Councillor Keith Iddon declared a personal interest in this matter.

In relation to the motion on the NHS (item 14) Councillors Joyce and Ralph Snape declared personal interests and left the room for the debate and vote on this item.

In relation to the Executive Cabinet report of 20 October 2011 (item 6a - Allotments) Councillor Eric Bell declared a personal interest in the matter.

## **11.C.244 MAYORAL ANNOUNCEMENTS**

The Mayor circulated a copy of her announcements. She referred to her attendance at a number of award ceremonies including the UCLAN degree ceremony and high school awards which celebrated the academic achievements of young people. She also referred to the very successful Christmas Lights Switch On and wished all Members a Happy Christmas.

The Leader of the Council then made a statement to all Members of the Council regarding the recent planning application for the redevelopment of the Carrington Centre in Ecclestone and associated housing development.

The planning application had been refused by the Development Control Committee and the developers had appealed against the decision. The Council now faced

defending the appeal, however legal advice on the matter from the Monitoring Officer had evidenced that the grounds for refusal determined by the Committee were not valid planning considerations and therefore were extremely difficult to defend. This was supported in the difficulties in getting legal representation for the case.

In the light of this, and the fact that defending the appeal could cost the Council £180,000 - £200,000, the Executive Leader had made the decision not to contest the appeal. He had wished to advise Members as soon as possible and would attend the next meeting of the Development Control Committee to answer any questions from Members of that Committee.

#### **11.C.245 PUBLIC QUESTIONS**

There had been no requests received from members of the public.

#### **11.C.246 EXECUTIVE CABINET**

##### **(a) General report of the meeting held on 20 October 2011**

Members considered a general report of the Executive Cabinet meeting held on 20 October 2011

Members raised comments on the value of the rural housing needs survey and whether affordable housing to be built on Parcel 10, Gillibrands by Adactus would be included in the overall target for their development of affordable housing.

It was moved by the Executive Leader, Councillor Peter Goldsworthy and seconded by the Deputy Leader, Councillor Ken Ball and **RESOLVED – that the report be noted.**

##### **(b) General report of the meeting held on 24 November 2011**

Members considered a general report of the Executive Cabinet meeting held on 24 November 2011.

Members commented on recycling targets in the Borough and the increasing amounts going to landfill.

It was moved by the Executive Leader, Councillor Peter Goldsworthy and seconded by the Deputy Leader, Councillor Ken Ball and **RESOLVED – that the report be noted.**

##### **(c) Designated Public Places Order Review**

Members considered a report of the Director of People and Places supported by Executive Cabinet at their meeting on 20 October 2011, presenting the results of the Chorley Town Centre and Astley Park Designated Public Place Order (DPPO) Review. The Order had been created in May 2010 under section 13 of the Criminal Justice and Police Act 2001.

The report recommended the continuation of the DPPO in its current form and provided evidence from the review that since the Order, alcohol related crime and anti social behaviour within the DPPO zone had reduced and there was no statistical evidence to suggest that it had been displaced into other areas. The evidence showed that the police were enforcing the Order and 100% of respondents to the consultation were supportive of the DPPO remaining in place.

Members were supportive of the continuation of the Order but raised concerns about other areas of the Borough, in particular Coronation Recreation Ground in Chorley.

It was proposed by Councillor Eric Bell, Executive Member (Places), seconded by Councillor Peter Goldsworthy, Executive Leader and **RESOLVED – that the Chorley Town Centre and Astley Park Designated Public Place Order continue in its current form.**

**(d) Treasury Strategies and Prudential Indicators 2011/12 to 2013/14**

Members considered a report of the Statutory Finance Officer reviewing the Treasury and Investment Strategies approved by the Council on 1 March 2011 and reporting on performance in the first half of the year and compliance with prudential indicators.

The review was part of the Code of Practice for Treasury Management and was reported to Council for information.

It was proposed by Councillor Kevin Joyce, Executive Member (Resources), seconded by Councillor Peter Goldsworthy, Executive Leader and **RESOLVED – That the report be noted, including the fact that the maximum period for deposits with institutions, other than nationalised banks, is currently restricted to 3 months.**

**(e) Capital Programme Monitoring 2011/12 - 2013/14**

Councillor Kevin Joyce, Executive Member for Transformation presented a report of the Chief Executive updating the capital programme for financial years 2011/12 to 2013/14 to take account of rephrasing of expenditure and other budget changes.

Councillor Kevin Joyce, Executive Member (Resources) proposed, the Executive Leader seconded and it was **RESOLVED –That the changes to the capital programme for 2011/12 to 2013/14 be approved as detailed in Appendix 1 to the report.**

**(f) Revenue Budget Monitoring 2011/12, Report 2 (End of September 2011)**

Councillor Kevin Joyce, Executive Member (Resources) presented a report of the Chief Executive seeking approval to the setting aside of £150,000 to meet potential planning appeal costs.

Members raised questions regarding the level of balances and when the Council could expect the return of the Landsbankii investment.

Councillor Kevin Joyce, Executive Member (Resources) proposed, the Executive Leader seconded and it was **RESOLVED –That approval be given to a sum of £150,000 being set aside from the current year general revenue fund savings to meet potential planning appeal costs.**

**11.C.247 OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS**

Members considered a general report of the work of the Overview and Scrutiny Committee and its Task Groups from meetings held on 3 October and 7 November 2011.

It was moved by Councillor Adrian Lowe, Chair of the Committee and seconded by Councillor Debra Platt, Vice Chair and **RESOLVED – that the report be noted.**

#### 11.C.248 **AUDIT COMMITTEE**

Members considered a general report of the meeting of Audit Committee held on 29 September 2011.

Councillor A Gee, Chair of the Committee proposed, Councillor Julia Berry, Vice Chair seconded and it was **RESOLVED – That the report be noted.**

#### 11.C.249 **THE LOCALISM ACT - IMPACT ON THE STANDARDS REGIME**

The Monitoring Officer submitted a report informing Members that the Localism Act had now received Royal Assent and it introduced significant changes to the standards regime for elected members.

In summary, the changes included:

- The Standards Board for England ceasing to exist after 31 March 2012.
- The current model code of conduct is revoked. Councils will still be required to adopt a code of conduct based on the Nolan principles of public life and to set up their own schemes for enforcement.
- Predetermination is given a statutory definition, recognising that councillors may be predisposed to approach some definitions on a declared footing and this provision comes into force on 15 January 2012.
- Changes to the role and involvement of independent members in standards committees.
- The Act criminalises some actions around failure to declare and register pecuniary interests.
- Parish Councils are still required to have a code of conduct and District/Unitary Councils to keep the register of interest of parish councillors.
- A detailed timetable for implementation is not yet available but it is thought that most provisions will be in force by the end of March 2012.

It was moved by the Executive Leader Councillor Peter Goldsworthy and seconded by the Deputy Leader, Councillor Ken Ball and **RESOLVED – that the report be noted.**

#### 11.C.250 **PROPOSED DEDICATION OF RIGHT OF WAY UNDER S 25 HIGHWAYS ACT 1980 NEAR FAIRVIEW COMMUNITY CENTRE, ADLINGTON**

Members considered a report on a request received from Lancashire County Council to create a right of way over land owned by Chorley Council near Fairview Farm Community Centre, Adlington running in a south westerly direction from Highfield Road North to join with Public Footpath No. 5 at the pedestrian level crossing over the Manchester – Preston railway line.

It was moved by the Executive Leader, Councillor Peter Goldsworthy and seconded by the Deputy Leader, Councillor Ken Ball and **RESOLVED – that the Head of Governance be authorised to agree and complete a Deed of Dedication with Lancashire County Council to create a public right of way over the land between the points marked on the plan appended to the report.**

## 11.C.251 REVIEW OF MEMBERS' ALLOWANCES - INDEPENDENT REMUNERATION PANEL

Members considered a report of the Independent Remuneration Panel recommending changes to the Members Allowances Scheme.

The current Members Allowances Scheme was agreed in 2007 and the relevant regulations state that schemes should be reviewed at least every 4 years by an Independent Remuneration Panel. Members are not required to agree with their recommendations, but to take them into account.

The Panel's recommendations included the deletion of some allowances; a reduction in some other allowances: the introduction of a dependent carers allowance; and a suggestion that the potential for a merging of the Overview and Scrutiny and Audit Committees be considered.

Members were broadly in agreement with the proposal but expressed concern at the suggestion of the merging of the two committees.

It was moved by the Executive Leader Councillor Peter Goldsworthy and seconded by the Deputy Leader, Councillor Ken Ball and **RESOLVED –**

1. That a revised Members' Allowances Scheme be approved, with effect from 15 May 2012, with the following detailed changes:
  - 1.1 To define a medium Group as between 6 and 12 Members and to propose an Allowance of £1848.30 for their Leader (previously the amount was not specified).
  - 1.2 To define a small Group as between 2 and 5 Members and to propose an Allowance of £924.15 for their Leader (previously £1848.30).
  - 1.3 Secretary allowances: to delete all secretary allowances as these are viewed as a political role.
  - 1.4 Chair of the Equalities Forum: not to pay this allowance where it is held by an Executive Member (previously £1414.40).
  - 1.5 Vice-Chair of the Overview and Scrutiny Committee: To reduce to £1414.40 in line with other Vice-Chair allowances.
  - 1.6 To continue to increase allowances in line with any annual officer pay increases.
  - 1.7 To continue to increase travel and subsistence allowances in line with officer payments.
  - 1.8 To introduce a dependant carers allowance based on the following conditions:
    - To be payable when a Councillor is undertaking "Council approved duties" according to Chorley Council guidance notes on approved duties:
      - For the independent care of a child, who is resident with the Councillor, aged 15 years and under
      - For the professional care of a dependant relative. A dependant relative is defined as where the Councillor is the main carer and one of the following categories apply:
        - Elderly relative requiring constant care,
        - Disabled relative requiring constant care,
        - Relative with learning disabilities requiring constant care

### Qualifying Situation

- The child or foster child of a Councillor (one payment per household in the case of a spouse or partner)
- Dependant relative of a Councillor (one payment per household in the case of a spouse or partner)

### Rates of Payment

National Minimum Wage, unless there were specific circumstances.

1.9 To recommend that Members should not be able to join the Local Government Pension Scheme.

2. That in relation to considering a merger of the Overview and Scrutiny and Audit Committees, a report be drawn up for consideration by the All Party Leaders Liaison Group for consideration and a further report to Council for decision.

#### **11.C.252 CHANGE OF POLLING STATIONS**

The Council considered a report of the Chief Executive proposing two changes to polling stations.

Information had been sent to all polling stations to confirm that they would be required for the Police and Crime Commissioners Elections on 15 November 2012 in addition to 3 May 2012 for the Local Elections. A number of schools had expressed concern and attempts had been made to find alternative venues. Two changes were proposed and the relevant ward councillors had been consulted.

It was moved by the Executive Leader, Councillor Peter Goldsworthy and seconded by the Deputy Leader, Councillor Ken Ball and **RESOLVED that the following two changes to polling stations be agreed:**

- **Trinity Methodist Church Hall, Gregson Lane, Houghton to replace Brindle Gregson Lane Primary School (Brindle and Houghton ward); and**
- **Bateman Hall off Sagar Street, Ecclestone to replace Ecclestone St Mary's Primary School (Ecclestone and Mawdsley ward).**

#### **11.C.253 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8 (IF ANY)**

There had been no requests for questions from Members under Procedure Rule 8.

#### **11.C.254 TO CONSIDER THE NOTICES OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10**

**The Council considered four motions submitted in accordance with Procedure Rule 10, by Councillor Peter Wilson:**

##### **1. Youth Unemployment**

"This council recognises the growing problem of youth unemployment within the borough of Chorley. The council expresses alarm at the 243% increase in long term youth unemployment since January this year. In response to this trend the council pledges to invest £400,000 to create employment and training opportunities for young people within the borough."

Councillor Alistair Bradley proposed and Councillor Peter Wilson seconded this motion.

The motion was put to the vote and the votes were recorded as follows:

FOR: Councillors J Berry, A Bradley, T Brown, M Crow, D Edgerley, C France, A Gee, S Holgate, C Hoyle, H Khan, R Lees, A Lowe, M Lowe, J Molyneaux, S Murfitt, B Murray, P Phipps, D Rogerson, J Snape, R Snape, P Walmsley and P Wilson.

AGAINST: Councillors K Ball, E Bell, H Caunce, A Cullens, M Cullens, David Dickinson, Doreen Dickinson, P Goldsworthy, M Gray, H Heaton, K Iddon, K Joyce, P Leadbetter, G Morgan, S Moulton, M Muncaster, M Perks, A Platt, D Platt, G Russell, R Russell, J Walker, S Walsh, the Mayor, Councillor P Case.

**The motion was declared LOST.**

Councillors Mark Perks and Alan Cullens declared personal and prejudicial interests in the following item and left the room during the debate and vote.

## **2. Free School Proposal**

“This council recognises the excellence of Primary, Secondary, Sixth Form, Further and Adult Education together with the comprehensive Vocational Training supplied by schools and colleges both within, and specifically sited on the boundaries of the Borough for the young people of Chorley.

This is evidenced by the significantly above average exam and inspection results obtained by our local education providers. This Council will write to the Secretary of State for Education asking him to identify which of these existing facilities he believes is failing and which would necessitate the requirement for a free school in Chorley, which by its very nature will take valuable and scarce resources away from the existing establishments and threaten their future.”

Councillor Peter Wilson proposed and Councillor Dave Rogerson seconded this motion.

The motion was put to the vote and the votes were recorded as follows:

FOR: Councillors J Berry, A Bradley, T Brown, M Crow, D Edgerley, C France, A Gee, S Holgate, C Hoyle, H Khan, R Lees, A Lowe, M Lowe, J Molyneaux, S Murfitt, B Murray, P Phipps, D Rogerson, J Snape, R Snape, P Walmsley and P Wilson.

AGAINST: Councillors K Ball, E Bell, H Caunce, M Cullens, David Dickinson, Doreen Dickinson, P Goldsworthy, M Gray, H Heaton, K Iddon, K Joyce, P Leadbetter, G Morgan, S Moulton, M Muncaster, A Platt, D Platt, G Russell, R Russell, J Walker, S Walsh, the Mayor, Councillor P Case.

**The Mayor declared there was an equal number of votes for and against the motion and she then used her casting vote against. The motion was then declared LOST.**

## **3. BBC Radio Lancashire**

“This council recognises the importance of regional radio broadcasting and pays tribute to the work done by BBC Radio Lancashire in providing quality local news throughout our county, actively helping to identify and express our local identity. The council expresses concern over the proposed budget cuts in local radio and in particular the job cuts proposed at BBC Radio Lancashire. Therefore the council pledges to write to BBC Radio Lancashire in support of their objections to the extent of the cuts being imposed and express clearly our support for this valuable media outlet.”

Councillor Julia Berry proposed and Councillor Matthew Crow seconded this motion.

**The motion was put to the vote and LOST.**

Councillors Joyce and Ralph Snape declared personal interests in the following item and left the room during the debate and vote.

#### **4. NHS Re-organisation**

“Chorley Council expresses alarm at the decision taken by the Tory-led government to impose NHS re-organisation through the Health and Social Care Bill which will cost Central Lancashire Primary Care Trust £29,591,614. The council recognises that this money has to be drawn from existing budgets and therefore would be better spent on patient care rather than a top-down re-organisation which the government promised it would not carry out.

The council notes that since May 2010 the number of patients in the Central Lancashire PCT area waiting for 18 weeks or more for NHS treatment has increased by 56%.

Therefore the Council supports the campaign backed by the British Medical Association to drop the Health and Social Care Bill in order to protect our NHS and ensure that scarce resources are directed towards patient care rather than unnecessary and damaging reorganisations.”

Councillor Peter Wilson proposed and Councillor Alistair Bradley seconded this motion.

The motion was put to the vote and the votes were recorded as follows:

FOR: Councillors J Berry, A Bradley, T Brown, M Crow, D Edgerley, C France, A Gee, S Holgate, C Hoyle, H Khan, R Lees, A Lowe, M Lowe, J Molyneaux, S Murfitt, B Murray, P Phipps, D Rogerson, P Walmsley and P Wilson.

AGAINST: Councillors K Ball, E Bell, H Caunce, A Cullens, M Cullens, David Dickinson, Doreen Dickinson, P Goldsworthy, M Gray, H Heaton, K Iddon, K Joyce, P Leadbetter, G Morgan, S Moulton, M Muncaster, M Perks, A Platt, D Platt, G Russell, R Russell, J Walker, S Walsh, the Mayor, Councillor P Case.

**The motion was declared LOST.**

Mayor