

Council

Tuesday, 3 April 2012

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

12.C.270 APOLOGIES FOR ABSENCE

Apologies for absence were received for Councillors Steve Holgate, Simon Moulton and Dave Rogerson.

On behalf of all Council Members, the Mayor welcomed back Councillor Harold Heaton after his recent illness and also sent best wishes to Councillor Steve Holgate who was currently in hospital following surgery.

12.C.271 MINUTES OF SPECIAL COUNCIL HELD ON TUESDAY 28 FEBRUARY 2012

RESOLVED – that the minutes of the last meeting of the Council held on 28 February 2012 be confirmed as a correct record for signature by the Mayor.

12.C.272 DECLARATIONS OF ANY INTERESTS

Councillor Hasina Khan declared a personal interest in the General Report of the Executive Cabinet held on 29 March 2012 in relation to the item on Core Funding.

12.C.273 MAYORAL ANNOUNCEMENTS

The Mayor circulated a copy of her announcements which referred to her attendance at a number of school events including the Council's own Democracy Day for primary schools and the Chorley Rotary/British Aerospace technology competition for schools, both of which were held in the Lancastrian Suite. The Mayor also attended the blessing of the new standard of the Royal British Legion for the Branch covering the Chorley Rural Areas at St Barnabas Church, Heapey.

The Mayor hosted a tour of the Borough for other Lancashire Mayors and Mayoresses included visits to Astley Hall, the new high tech Trinity School in Buckshaw and the Cruck Barn at Rivington.

12.C.274 COUNCILLOR RESIGNATION

The Mayor reported that further to the resignation of Cath Hoyle as a Councillor for the Adlington and Anderton Ward, the vacancy would be filled at the forthcoming local elections on 3 May 2012.

The Mayor and all the Political Group Leaders paid tribute to the work of Cath Hoyle as a councillor for 14 years for Adlington and Anderton. She had made a considerable contribution to the work of the Council and would be missed by all parties.

There was further tribute paid to Councillor Simon Moulton who would not be standing for re election as a councillor for the Lostock ward in May.

12.C.275 PUBLIC QUESTIONS

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

12.C.276 GENERAL REPORT OF EXECUTIVE CABINET MEETINGS HELD ON 15 DECEMBER 2011 AND 23 FEBRUARY 2012

Members considered a general report of Executive Cabinet meetings held on 15 December 2011 and 23 February 2012.

In response to a question regarding the need for an enforcement plan under the requirements of the Localism Act 2011, the Executive Member (Partnerships and Planning) indicated that a proposed enforcement plan would be coming to Executive Cabinet for approval early in the new Council year.

The Executive Leader, Councillor Peter Goldsworthy proposed, the Deputy Leader, Councillor Ken Ball seconded and it was **RESOLVED – that the report be noted.**

12.C.277 GENERAL REPORT OF THE EXECUTIVE CABINET MEETING HELD ON 29 MARCH 2012

Members considered a general report of the Executive Cabinet meeting held on 29 March 2012.

Councillor Steve Murfitt raised the issue of homelessness identified in Clayton Brook by the Clayton Brook Community House project and the need for a local solution as most of those concerned wanted to stay in the Clayton area. The Executive Member (Partnerships and Planning) stated that the Council was working with Lancashire County Council and other agencies to address this and related issues.

The Executive Leader, Councillor Peter Goldsworthy proposed, the Deputy Leader, Councillor Ken Ball seconded and it was **RESOLVED – that the report be noted.**

12.C.278 SUNBED (REGULATIONS) ACT 2010: CHANGE TO THE SCHEME OF DELEGATION

Consideration was given to a report approved by the Executive Cabinet on 15 December 2011 which sought approval to a change to the scheme of delegation to authorise officers under the Sunbeds (Regulation) Act 2010 and any associated regulations.

The Executive Leader, Councillor Peter Goldsworthy proposed, the Deputy Leader, Councillor Ken Ball seconded and it was **RESOLVED – that the scheme of delegation within the Constitution be revised to allow the Director of People and Places authority to appoint authorised officers under the Sunbeds (Regulation) Act 2010, and any associated regulations, with the powers as set out within the report and any such other powers as may be considered by the Director of People and Places to be appropriate under any subsequent regulation made under the Act.**

12.C.279 REVIEW OF COMMITTEES AND NEW STANDARDS REQUIREMENTS

Members considered a report of the Monitoring Officer proposing changes to the Committee structure as a result of the new standards regime. The Independent Remuneration Panel had asked that the Council consider merging the Overview and Scrutiny and Audit Committees, however this did not comply with CIPFA guidance which recommended maintaining the independence of scrutiny from the audit function.

The report further looked at the new standards requirements as far as they had been published under the Localism Act and it was proposed that there would no longer be a need for a full Standards Committee. It was therefore recommended that because of the links to the Council's ethical framework, the Audit and Standards Committees be merged to form a Governance Committee which would establish Sub Committees or panels to hear any standards cases. The report also suggested measures to deal with a new Code of Conduct scheme being established in readiness for the 1 July 2012 deadline.

The Executive Leader, Councillor Peter Goldsworthy proposed, the Deputy Leader, Councillor Ken Ball seconded and it was

RESOLVED –

- 1. That the Independent Remuneration Panel's request that a merger of the Overview and Scrutiny and Audit Committees be considered, be not pursued in order to maintain compliance with CIPFA (Chartered Institute of Public Finance and Accountancy) best practice recommendations that scrutiny and audit should remain independent of each other.**
- 2. That the Audit and Standards Committees be merged to form a Governance Committee overseeing the Council's ethical framework. Under the new standards requirements the Council could operate both functions through one decision making body with Sub Committees established to deal with any standards cases.**
- 3. That in view of the fact that the Council is awaiting further Government guidance on the introduction of a new standards regime, the Council agree that the Monitoring Officer should submit a report to the Executive Cabinet meeting on 21 June which proposes a new Code of Conduct and supporting standards regime in order for there to be a scheme in place for 1 July 2012 as required under the Localism Act 2011. This would require endorsement by Council on 17 July 2012.**

12.C.280 OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS

A general report of the Overview and Scrutiny Committee meetings held on 12 December 2011, 3 January and 12 March 2012 was considered, including a summary of Task Group business activity.

Councillor Adrian Lowe, Chair of the Overview and Scrutiny Committee proposed, Councillor Debra Platt, Vice Chair seconded and it was **RESOLVED - that the report be noted.**

12.C.281 AUDIT COMMITTEE

A general report of the Audit Committee meetings held on 19 January and 15 March 2012 was considered.

Councillor Anthony Gee, Chair of the Audit Committee proposed, Councillor Julia Berry, Vice Chair seconded and it was **RESOLVED - that the report be noted.**

12.C.282 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8 (IF ANY)

There were no questions under Procedure Rule 8.

12.C.283 NOTICES OF MOTION IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10

The following notice of motion had been submitted by Councillor Alistair Bradley and was seconded by Councillor Chris France.

“This Council expresses its disappointment at the decision taken by the Leader of Chorley Council not to participate in the Jobs Fair held at Chorley Town Hall on Wednesday 28 March 2012.

The Council recognises that the purpose of the Jobs Fair was to help young people from the Borough find employment opportunities, apprenticeship schemes, and careers advice and would have been an ideal opportunity for the Council to promote the 10 apprenticeships made available in the Council’s budget, and to promote wider opportunities for young people from the various schools who took part.

It also asks the Council Leader to explain to all councillors why the decision was taken not to participate in this event which was attended by a number of major local employers, Lancashire County Council and various Housing Associations and Training Providers.”

The Leader of the Council responded to the motion as requested highlighting the lack of information about the event, the late request to attend and the fact that the 10 apprenticeships had already been filled.

12.C.284 TREE MAINTENANCE IN CLAYTON LE WOODS AND CLAYTON BROOK: TO CONSIDER A PETITION IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 23

In accordance with procedure rule 23, it was reported that in response to the receipt of a petition regarding the lack of tree maintenance in the Clayton Brook area, a decision of Councillor Eric Bell, Executive Member (Places) had been published setting out actions taken. This included work undertaken by Chorley Council and the co-ordination of further work between Lancashire County Council, Chorley Community Housing and Places for People for the remaining maintenance required. The Council would continue to lobby to ensure all outstanding work was undertaken.

Councillor Eric Bell, Executive Member for Places proposed, the Executive Leader seconded and it was **RESOLVED – that the receipt of the petition and action taken by the Council be noted.**

12.C.285 DELEGATION OF AUTHORITY TO MAKE MINOR AMENDMENTS TO PLANNING DECISIONS FOLLOWING THE ISSUE OF THE NPPF

The Mayor indicated that this additional item of business had been included on the agenda as a matter of urgency because of the need to deal with outstanding planning decision notices in the light of the recently published National Planning and Policy Framework.

Members considered a report of the Monitoring Officer indicating that the National Planning and Policy Framework document had been published on 27 March 2012 and required that it be taken into consideration in any planning decision. Whilst most planning decision notices were issued immediately, there were a number that were outstanding because of the need to make section 106 agreements. These would need to be reviewed to ensure compliance with the new framework and it was suggested that a delegation be granted to the Director of Partnerships, Planning and Policy and Chair of the Development Control Committee to agree minor amendments. Any more major changes would be brought back to the Committee for consideration.

Councillor Alan Cullens Executive Member for Planning and Partnerships proposed, the Executive Leader seconded and it was **RESOLVED –**

1. That authority be delegated to the Director of Partnerships, Planning and Policy, to be exercised in consultation with the Chair of the Development Control Committee, the power to make minor amendments to conditions attached to decisions taken by the Development Control Committee that are not in accordance with the National Planning and Policy Framework.

2. That the delegated authority be limited to minor amendments only, the assessment of the seriousness of the amendment to be made by the Director of Partnerships, Planning and Policy and the Chair of the Development Control Committee.

3. That the Director of Partnerships, Planning and Policy report for information, any minor amendments undertaken and the reasons for those amendments; and

4. That any amendments to the decision of the Development Control Committee which are not deemed by the Director of Partnerships, Planning

and Policy and the Chair of the Development Control Committee to be minor, should be brought back to the Committee for reconsideration.

Chair