



Executive Cabinet

Agenda and Reports

For consideration on

**Thursday, 15th December
2011**

In the Council Chamber, Town Hall, Chorley

At 5.00 pm

PROCEDURE FOR PUBLIC QUESTIONS/SPEAKING AT EXECUTIVE CABINET MEETINGS

- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Executive Cabinet meeting to allow time to prepare appropriate responses and investigate the issue if necessary.
- A maximum period of 3 minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each meeting.
- The question to be answered by the Executive Member with responsibility for the service area or whoever is most appropriate.
- On receiving a reply the member of the public will be allowed to ask one supplementary question.
- Members of the public will be able to stay for the rest of the meeting should they so wish but will not be able to speak on any other agenda item upon using their allocated 3 minutes.

PROCEDURE FOR 'CALL-IN' OF EXECUTIVE DECISIONS

- Each of the executive decisions taken at the Executive Cabinet meeting are subject to the adopted 'call-in' procedure within 10 working days of the Executive Cabinet meeting at which the decision is made, unless the decision has been implemented as a matter of urgency.
- Guidance on the 'call-in' procedure can be accessed through the following internet link:
<http://www.chorley.gov.uk/index.aspx?articleid=1426>
- If you require clarification of the 'call-in' procedure or further information, please contact either:
Ruth Rimmington (Tel: 01257 515118; E-Mail: ruth.rimmington@chorley.gov.uk) or
Carol Russell (Tel: 01257 515196, E-Mail: carol.russell@chorley.gov.uk)
in the Democratic Services Section.

06 December 2011

Dear Councillor

EXECUTIVE CABINET - THURSDAY, 15TH DECEMBER 2011

You are invited to attend a meeting of the Executive Cabinet to be held in the Council Chamber, Town Hall, Chorley on Thursday, 15th December 2011 at 5.00 pm.

AGENDA

1. **Apologies for absence**

2. **Minutes (Pages 1 - 10)**

To confirm as a correct record the minutes of the meeting of the Executive Cabinet held on 24 November 2011 (enclosed).

3. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

4. **Public Questions**

Members of the public who have requested the opportunity to ask a question(s) on an item(s) on the agenda will be asked to put their question(s) to the respective Executive Member(s). Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

ITEM OF EXECUTIVE MEMBER (PARTNERSHIPS AND PLANNING) (INTRODUCED COUNCILLOR ALAN CULLENS)

5. **Localism Act 2011 and transitional arrangements for Planning (Pages 11 - 14)**

To receive and consider the report of the Director of Partnerships, Planning and Policy (enclosed).

6. **Community Infrastructure Levy (Pages 15 - 38)**

To receive and consider the report of the Director of Partnerships, Planning and Policy (enclosed).

ITEM OF EXECUTIVE MEMBER (PEOPLE) (INTRODUCED BY COUNCILLOR JOHN WALKER)

7. **Health and Wellbeing Local Partnership Arrangements (Pages 39 - 44)**

To receive and consider the report of the Director of People and Places (enclosed).

ITEM OF EXECUTIVE MEMBER (PLACES) (INTRODUCED BY COUNCILLOR ERIC BELL)

8. **Charging policy for Housing Act 2004 immigration inspections and enforcement notices and orders (Pages 45 - 48)**

To receive and consider the report of the Director of People and Places (enclosed).

9. **Sunbed (Regulations) Act 2010 (Pages 49 - 50)**

To receive and consider the report of the Director of People and Places (enclosed).

ITEM OF EXECUTIVE MEMBER (RESOURCES) (INTRODUCED BY COUNCILLOR KEVIN JOYCE)

10. **Budget principles (Pages 51 - 56)**

To receive and consider the report of the Statutory Finance Officer (enclosed).

11. **The Localism Act: Key Provisions (Pages 57 - 62)**

To receive and consider the report of the Monitoring Officer (enclosed).

12. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

ITEM OF EXECUTIVE MEMBER (RESOURCES) (INTRODUCED BY COUNCILLOR KEVIN JOYCE)

13. **Revenue and Benefits Restructure Report**

To receive and consider the report of the Chief Executive (to be tabled at the meeting).

14. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Gary Hall
Chief Executive

Ruth Rimmington
Democratic and Member Services Officer
E-mail: ruth.rimmington@chorley.gov.uk
Tel: (01257) 515118
Fax: (01257) 515150

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ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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Executive Cabinet

Minutes of meeting held on Thursday, 24 November 2011

Present: Councillor Peter Goldsworthy (Executive Leader in the Chair), Councillor Ken Ball (Deputy Leader of the Council) and Councillors Eric Bell, Alan Cullens, Kevin Joyce and John Walker

Also in attendance:

Lead Members: Councillors Harold Heaton, Rosie Russell and Stella Walsh

Other Members: Councillors Anthony Gee, Paul Leadbetter, Adrian Lowe, Marion Lowe, June Molyneaux and Peter Wilson

11.EC.44 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Greg Morgan (Executive Member Policy and Performance) and Henry Counce.

11.EC.45 MINUTES

RESOLVED - The minutes of the meeting of the Executive Cabinet held on 20 October 2011 were confirmed as a correct record for signature by the Executive Leader.

11.EC.46 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct Councillor Eric Bell declared a personal interest in respect of item 9: Allotments Update.

11.EC.47 PUBLIC QUESTIONS

The Executive Leader reported that there had been no requests from members of the public to speak on any of the meeting's agenda items.

11.EC.48 FUNDING THE INDEPENDENT DOMESTIC VIOLENCE ADVOCACY (IDVA) SERVICE

The Chair of the Overview and Scrutiny Committee, Councillor Adrian Lowe, presented a report outlining the results of the Committee's scrutiny of the Independent Domestic Violence Advocacy Service for Chorley and South Ribble.

The purpose of the scrutiny was to understand the value of the service to residents of Chorley and South Ribble and to look at future delivery of the service. The Committee had heard from a number of partners from the Community Safety Partnership.

The Committee found that the IDVA service was highly valued not only in supporting victims of domestic abuse but also in preventing repeat cases. In doing so it was of benefit to all partners and would, in the long term, mean savings within each organisation.

There was no clear commitment on funding from partners. Members felt that one organisation should take the lead by making a financial commitment and then work with the other partners through the Community Safety Partnership to urge them to contribute and ensure the continuation of the IDVA service. The Committee felt Chorley Council should take that lead.

Whilst ideally the Committee wanted to see the service mainstreamed, they would like the Cabinet to make a three year commitment to part fund the IDVA service subject to an annual review of the service.

Members discussed the value of the service and supported the recommendations.

Decision made

1. To consider making some provision for funding for the Independent Domestic Violence Advocacy Service for Chorley and South Ribble in the 2012/13 budget and that Chorley lead the way in seeking funding from the other key partners who benefit from the service, namely the Police, South Ribble Borough Council, Lancashire County Council, the PCT and CCH and other social landlords.
2. To consider a three year commitment to fund the service from March 2012 to March 2015 (with annual review) during the budget process, and that a similar commitment be sought from other partners through the Community Safety Partnership.

Reason for decision

To ensure that the IDVA service continued to be available to victims of domestic violence from across Chorley and South Ribble once the area based grant came to an end in March 2012 and to encourage other partners to contribute towards the funding over the next three years.

Alternative option(s) considered and rejected

If funding cannot be sourced, the IDVA service was likely to cease in the Chorley area leaving victims without the support network provided by the service – and this might well lead to an increase in the number of domestic violence cases.

11.EC.49 PLANNING REVIEW - FEES

The Executive Member for Partnerships and Planning presented a report requesting approval to amend and introduce new changes to the planning fee schedule.

The majority of the fee proposals related to commercial developers and those relating to householders were optional services. This meant that the impact on Chorley residents would be minimal.

Decision made

The proposed changes and additions to the planning fee model be approved for implementation from 1 January 2012.

Reason for decision

To improve and extend the services provided to customers whilst covering some of the outstanding costs.

Alternative option(s) considered and rejected

To not extend the services to customers which some other authorities are currently providing.

11.EC.50 SAFEGUARDING POLICY - REVIEW AND UPDATE

The Executive Member for People presented a report advising of a review of the Councils child protection policy and arrangements for dealing with safeguarding issues that might arise through contact with children and young people.

The Councils current Policy was drafted in 2009 and the arrangements for dealing with safeguarding issues had altered due to senior management restructures in late 2010.

The review resulted in minor alterations to policy and procedure as set out in the report.

A future Members Learning Hour would be arranged to provide detailed information on the policy and procedures as well as Members responsibilities with regard to safeguarding. Training for frontline staff would be provided to ensure they were fully conversant with their responsibilities and understood the procedures for raising safeguarding concerns arising from their work activities.

Decision made

1. **The review of the Council's safeguarding policy and arrangements be noted.**
2. **The revised policy document (attached at Appendix A of the report) be approved.**

Reason for decision

To ensure the Council's safeguarding arrangements were up to date and reflected the responsibility on everyone to ensure the protection of children and young people.

Alternative option(s) considered and rejected

None.

11.EC.51 UPDATE ON LONDON 2012 PROGRESS IN CHORLEY

The Executive Member for People introduced a report which highlighted current progress of initiatives and work to promote and link Chorley to the London 2012 Olympic and Paralympics Games.

The report included an update on the implications for the Olympic Torch Relay passing through Chorley centre, Euxton and Croston. The Council had the responsibility for facilitating the Olympic Torch's safe arrival; ensuring the Olympic Torch Relay Route was dressed for the occasion; encouraging local people to get involved including lining the route and liaising with local partner agencies, such as the police, to enable the Olympic Torch to pass through the borough.

In response to queries from Members a further report would be presented outlining the detailed costs of this.

Decision made

1. **The current progress against the action plan previously reported to Members be noted.**
2. **A budget provision of £40,000 be made to support the activities and initiatives planned for the Torch Relay and Olympiad period.**

Reasons for decision

To ensure that the work of the Council and its supporting partners took full advantage of the opportunity's that London 2012 brought for Chorley residents and business.

Alternative option(s) considered and rejected

To do nothing more and stop current activity regarding the Olympics and links into other opportunity's.

11.EC.52 ALLOTMENTS UPDATE REPORT

(Councillor Eric Bell declared a personal interest in this item).

The Executive Member for People presented a report updating Members on progress with The Common, Adlington element of the allotments project.

The Common was one of three sites identified to be taken forward for development of new allotments.

Initial consultation with 37 neighbouring properties was undertaken in May 2011. Further consultation was carried out as part of the planning application for the provision of a car park on the site. Opposition had been expressed by local ward councillors, Adlington Town Council, and residents including a 52 signature petition and 179 letters of objection.

Other local potential sites had been identified, including Harrison Road. All of the sites presented further issues including access, ecological impact and/or did not offer good value for money.

Decision made

- 1. To defer delivery of allotments at The Common, Adlington.**
- 2. To withdraw the planning application for on site car parking.**
- 3. Officers to identify alternative sites in the Borough for allotment plots.**

Reasons for decision

Following consultation and submission of the planning application there had opposition from local residents, the Town Council and ward councillors, including a signed petition.

Alternative option(s) considered and rejected

No other options considered.

11.EC.53 WASTE CONTRACT UPDATE

The Executive Member for Places introduced a report updating Members on the performance of the waste contract and made recommendations on how the Council introduced food waste collections. LCC no longer required separate food waste collections from all properties as part of the current cost sharing agreement.

Veolia had continued to meet their monthly performance targets and Chorley achieved a recycling rate of 48.55% in 2010/11, which was the best in Lancashire.

It was proposed to start collections of co-mingled food and garden waste from all properties with a brown bin from March 2012. Other than initial publicity costs, there were no additional costs for vehicles or containers. As the Farington Waste Technology Park (WTP) only passed the acceptance tests for food waste in September it was prudent to wait until after the winter period before fully introducing comingled food and garden waste collections. Introducing the new changes in March 2012, at the start of the growing season, would ensure that residents had significant amounts of garden waste to mix their food waste with and the service was unlikely to be disrupted by severe winter weather.

The deferral of separate food waste collections from properties without gardens followed the results of the trials collecting food waste separately from terraced properties undertaken by South Ribble Borough Council and Preston City Council. The participation rate was 35% for South Ribble and 40% for Preston City Council. As participation rates were lower when compared to properties with gardens the cost per tonne of food waste collected was significantly more expensive for these property types. Pendle Council suspended their separate food waste in October 2011 to 7,000 terraced properties partly because of the high cost of collection.

Officers clarified that residents retained the option to dispose of food waste in their domestic bin.

Decision made

1. To introduce food waste collections to those properties (37,500) with a garden waste collection (brown bin) in March 2012.
2. To defer separate food waste collections from properties without gardens (8,500) are for the duration of the contract (2019) which would save £70,000 per year.

Reason for decision

1. By starting co-mingled food and garden waste collections to properties with gardens in March 2012 the reputational risk to the Council would be reduced compared to starting these collections now when garden waste tonnages diminish over the winter months. There was the possibility we could experience disruption to collections if there was another period of severe winter weather. There were no additional costs, apart from initial publicity, in providing comingled food and garden waste collections and it had the potential to increase the recycling rate.
2. Lancashire County Council had indicated that separate food waste collections are no longer a requirement of the current cost sharing agreement. Therefore, by deferring food waste collections from properties without gardens for the remaining seven years of the contract the council would save £70,000 per annum (plus RPIX).

Alternative option(s) considered and rejected

1. To introduce co-mingled food and garden waste collections now. There is the possibility of disruption due to severe weather and operational issues at Farington WTP over the winter months. It would seem prudent to delay the introduction of co-mingled food and garden waste collections until spring (March 2012) to ensure the scheme has a successful start.
2. Lancashire County Council do not require diversion all food waste for composting. Leaving some food waste in the residual waste will assist with energy generation at Farington WTP.

11.EC.54 SECOND QUARTER COUNCIL PERFORMANCE REPORT 2011/2012

The Chief Executive introduced a report setting out the performance of the Council against the delivery of the Corporate Strategy and key performance indicators during the second quarter of 2011/2012, 1 July to 30 September 2011.

Overall performance of key projects remained good, with the vast majority of the projects either completed, or on track. The timescales to deliver the project to refresh the Council's website had slipped for several reasons. However, the live site was expected to go live in quarter 4.

Overall performance on the key measures in the Corporate Strategy and key performance indicators was strong, with 83% of the Corporate Strategy measures performing above target or within the 5% tolerance. Two key performance indicators within the Corporate Strategy were below target: % of health checks resulting in a referral and the % of 16-18 year olds who are not in education, Employment or training (NEET).

The health checks service team were planning to take the health checks into communities and work with employers going forward. On the NEET indicator the figures followed a national trend, but the Council was looking at ways to reverse this trend.

One of the key service delivery measures was below target, namely the number of families owed a statutory duty in temporary accommodation. In this case, an action plan had been developed to outline what action would be taken to improve performance.

Decision made**To note the report.****Reason for decision**

To facilitate the ongoing analysis and management of the Council's performance in delivering the Corporate Strategy.

Alternative option(s) considered and rejected

None.

11.EC.55 SECOND QUARTER CHORLEY PARTNERSHIP PERFORMANCE REPORT 2011/2012

The Chief Executive presented a report updating Members on the performance of the Chorley Partnership during the second quarter of 2011/2012, from 1 July to 30 September 2011.

Performance was assessed on the delivery of partnership projects, against measures in the delivery plan and key service delivery measures. Performance in achieving the key performance targets remained good, although overall crime in quarter two had increased by 3% compared to this period last year, the year to date figure showed a reduction of 4.6%. Accidental Dwelling Fires figures were lower than anticipated.

Generally performance on the key projects / priorities in the Chorley Partnership delivery plan was strong, with 89% rated green as was performance on the key projects of the Chorley Partnership, with all five of the projects currently rated 'green'.

Concerns were raised about the impact of cuts within the Police force on levels of crime in Chorley going forward.

Decision made**To note the report.****Reason for decision**

To facilitate the ongoing analysis and management of the Chorley Partnership's performance and delivery of funded projects.

Alternative option(s) considered and rejected

None.

11.EC.56 CAPITAL PROGRAMME MONITORING 2011/12 - 2013/14

The Chief Executive introduced a report updating the Capital Programmes for financial years 2011/12 to 2013/14 to take account of rephasing of expenditure and other budget changes.

The meeting of Council in September approved revisions to the 2011/12 to 2013/14 Capital Programme, to increase the current estimate to £10,220,550.

The principal changes to the programme were the increase to the Disabled Facilities Grant budget to reflect estimated grant receivable in 2012/13 and 2013/14 and the increase to the Play and Recreation Fund budget financed by developers' contributions receivable during 2011/12.

It was proposed that the three-year Capital Programme should be increased by a net total of £89,040, which increased the total to £10,309,590. Of the £89,040 increase, £34,700 was to be financed with additional external contributions, £39,340 was to be financed with revenue budget virements already approved by Council in September and £15,000 additional revenue budget virements requested in the revenue budget

monitoring report. Rephasing of £40,000 of the 2012/13 ICT budget for Citrix was also approved in September and this would be financed by borrowing in 2011/12 rather in 2012/13.

Decision made

That the Council be recommended to approve the changes to the Capital Programme for 2011/12 to 2013/14 as presented in Appendix 1.

Reason for decision

It was necessary to update the capital programme figures for 2011/12 to 2013/14 to add ICT projects previously approved by Council and Executive Cabinet; to transfer £18,000 of the budget for Planned Improvements to Fixed Assets to the budget for ICT enhancements; to confirm use of part of the uncommitted Housing Renewal budget; and to reflect changes to the resources estimated to be available to finance the programme.

Alternative option(s) considered and rejected

None.

11.EC.57 REVENUE BUDGET MONITORING 2011/12, REPORT 2 (END OF SEPTEMBER 2011)

The Chief Executive introduced a report setting out the current financial position of the Council as compared against the budgets and efficiency savings targets it set itself for the financial year 2011/12.

The Council expected to make overall target savings of £358,000 in 2011/12 from management of the establishment, a reduced pension rate from the draft budget, and review of the Car Leasing scheme. A total of £309,000 had already been achieved, leaving £49,000 remaining for this target to be achieved for the year.

The overall projected outturn currently showed a forecast underspend of around £391,000 against the budget. There were a number of areas that would be monitored closely as the year progressed, including contributions to corporate savings and efficiency targets, major income streams (in particular car parking fees, planning/building control fees, and markets rents) and Housing and Council Tax Benefits.

Members noted that the Council was currently involved in a number of current and potential planning appeals and the full costs and implications would not be known for some time. In light of the current forecast outturn position and level of balances it was prudent to set aside a sum of money in the current year to mitigate against potential costs arising from planning appeals.

In response to a query it was confirmed that the estimated income from parking fees was currently on track.

Decision made

- 1. To note the report.**
- 2. Council be recommended to set aside a sum of £150,000 from current year general revenue fund savings to meet potential planning appeal costs.**

Reasons for decision

To ensure the Council's budgetary targets were achieved.

Alternative option(s) considered and rejected

None.

11.EC.58 GRANT OF A LEASE - LAND AT BALSHAW LANE, EUXTON

The Executive Member for People introduced a report seeking approval for the terms agreed for the grant of a 25 year lease to Euxton Parish Council on land at Balshaw Lane, Euxton for the creation of a skate park.

The Council owned land at Balshaw Lane Euxton. The land currently provided car parking, amenity open space and access to Yarrow Valley Country Park. A consultation exercise carried out by Euxton Parish Council identified a lack of leisure facilities and activities for young people in the village of Euxton. As a result, further public consultation was carried out and it had been suggested that a skate park would meet the needs of young people in Euxton.

Terms had been proposed, and accepted for the grant of a 25 year lease to enable the creation of a skate park by Euxton Parish Council.

Decision made

1. **To approve terms provisionally agreed for a Lease of land at Balshaw Lane Euxton to Euxton Parish Council for the provision of a skate park.**
2. **To authorise Liberata Property Services to instruct the Head of Governance (Legal Services) to proceed with the drafting of the Lease, with the Lease to be signed once the Parish Council had secured full funding for the project.**

Reason for decision

1. To enable the delivery and continued provision of recreational facilities for the people of Chorley.
2. The site was ideally located to provide the facilities for the young people of Euxton and in doing so met an identified need for recreational activity.
3. The location was easily accessible to residents of Chorley as it was on a main road with existing car parking facilities and a bus stop adjacent to allow access via public transport.
4. The site was in a good location away from residential properties but safe and protected for young people to use.

Alternative option(s) considered and rejected

If the site were not made available to the Parish Council, they would have to search for an alternative site, which might not provide as well in terms of location and accessibility.

11.EC.59 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting for the following items of business on the ground that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

11.EC.60 RESULTS OF A JOINT INSURANCE PROCUREMENT EXERCISE IN CONJUNCTION WITH SOUTH RIBBLE BOROUGH COUNCIL

At the June meeting of the Executive Cabinet Members approved a joint procurement exercise, in conjunction with South Ribble Borough Council, for the renewal of the current insurance covers in place at both Councils under existing Long Term Agreements (LTAs) that were due to expire on 31/12/2011.

Members also approved the contract award procedure and tender evaluation criteria and agreed that South Ribble Borough Council would act as the lead body for the joint procurement and conduct the exercise in compliance with its Contract Procedure Rules and Procurement Guidance.

The joint exercise had now been undertaken and a detailed Tender Evaluation Report had been provided by the Councils' common insurance brokers.

Decision made

To agree that Risk Management Partners (RMP), Zurich Municipal (ZM) and ACE European Group Limited be appointed to provide insurance cover for the respective classes of insurance noted in the report.

Reason for decision

The following objectives have been achieved by the joint tender exercise:

- Obtaining volume discounts from insurers by providing them with a larger overall offer.
- Sharing procurement costs by arranging one tender exercise rather than two.
- Rationalising the current insurance portfolios thereby providing ongoing administrative efficiencies.

Alternative option(s) considered and rejected

Prior to undertaking the joint procurement exercise some research into alternatives to the traditional tender approach were undertaken, for example the possibility of joining some form of consortium.

During the appointment process for the insurance brokers to both Councils the opportunity was taken to question all 3 candidates on their views as to the alternatives on offer. All were quite dismissive about those alternatives, including consortia due to their fledgling nature and also that procurement savings from this route would probably be modest. The consensus was to arrange a joint tender for new LTA's commencing 1/1/2012.

11.EC.61 PLANNING REVIEW AND RESTRUCTURE REPORT

The Director of Planning, Partnerships and Policy presented a report detailing the results of an in-depth review of the planning service which had been carried out during the last six months.

The review had already resulted in numerous process improvements in the service, which could be measured through improved performance in planning processing times and more improvements were planned.

In addition to these improvements the review identified areas where the service could be improved and strengthened through restructuring.

Decision made

1. **The proposed structure, as detailed in the report, be approved for consultation.**
2. **To delegate authority for approval of the final structure to the Executive Member for Partnerships and Planning.**

Reason for decision

1. The Council was constantly striving to improve services to the customer and to maximise the use of new technology to achieve efficiencies and service improvements.
2. The demands upon the planning service fluctuate. However, it was recognised in the sub region that the demands upon Chorley's service was currently significant and likely to continue in the foreseeable future. With this in mind the report sought to put in place a structure that was fit for purpose to meet future pressures placed upon the Council.

3. As a consequence, the restructure enabled all services currently provided to continue, however some would transfer to other service areas. It also moved further towards generic posts to provide greater flexibility and cover within the service, while also achieving savings of £57,774 staffing and £20k from IT and process changes. A total of £77,744.

Alternative option(s) considered and rejected

Consideration was given to out sourcing work and/or developing shared services with neighbouring authorities. However, given this was a high profile front line service, it was felt that the Council would want to maintain full control over delivery.

Executive Leader



Report of	Meeting	Date
Director of Partnerships, Planning and Policy (Introduced by the Executive Member for Partnerships and Planning)	Executive Cabinet	15 December 2011

LOCALISM ACT 2011 AND TRANSITIONAL ARRANGEMENTS FOR PLANNING

PURPOSE OF REPORT

- To update members on the Localism Act in so far as it relates to progressing the LDF, and to seek authority to enter into discussions about transitional arrangements.

RECOMMENDATION(S)

- That the Executive Member (Partnerships & Planning) and Director be authorised to enter into discussions with partner authorities and the DCLG about transitional arrangements for plan making.

EXECUTIVE SUMMARY OF REPORT

- The report summarises the current position for plan making in relation to the Localism Act 2011, and seeks authority to enter into discussions on transitional arrangements.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- To ensure that resources expended to date on plan making are not lost, and to ensure a robust platform for future decision making.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Abandon the Core Strategy - in the absence of a plan, the draft NPPF provides for a presumption in favour of development. It is likely that RSS policies would retain reasonable weight in the absence of any other policy, especially as they had been subject to independent examination, were adopted, and also if they are considered to be based upon the most recent evidence.

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			/

BACKGROUND

7. The Localism Bill received Royal Assent 15 November 2011. It is regarded as a core piece of legislation to deliver the government’s intention to “rapidly abolish regional spatial strategies and return decision-making powers on housing and planning to local councils”. The Secretary of State published a Strategic Environmental Assessment (SEA) of the intended revocation of the North West Regional Strategy (NWRS) on 20 October 2011. The SEA is subject to 12 weeks consultation, with a closing date of 20 January 2012. It is expected that at the end of this period that the Secretary of State will issue a revocation order.
8. The effect of a revocation order will be to remove Regional Spatial Strategy (RSS) as part of the statutory development plan, leaving the following:
 - Chorley Borough Local Plan Review – Saved Policies
 - Sustainable Resources DPD
 - JLSP Saved Policy 29 – Gypsy and Traveller Provision
9. The coalition government intends to introduce a National Planning Policy Framework (NPPF) to replace existing national planning guidance/statements. Consultation on a draft NPPF closed 17 October. The draft NPPF seeks to expand the presumption in favour of development to include circumstances where the plan is absent, silent, indeterminate or out of date. Plans progressing to adoption are at risk of being considered not in conformity with the new NPPF.

CURRENT SITUATION FOR CHORLEY

10. The Central Lancashire Core Strategy (CLCS) is currently in examination stage, with the examination scheduled to re-open 06 March 2012, following the publication of revisions to policy 4 on housing growth, which are currently out to public consultation until 13 December. Previously the policy sought a 20% reduction in housing requirements and an early review of the core strategy to enable the production of new local housing requirements in the light of the intention to revoke RSS and to take account of the current economic climate.

11. The intention to revoke RSS and how that intention should be considered in planning decisions was subject to challenge in the courts. It was ruled lawful to take account of the intention to revoke as a material consideration in the determination of a planning application, but unlawful to take account of the intention in preparing a development plan. Following the passage of this challenge through the courts, the CLCS inspector took the view that the CLCS would be “unsound” in terms of housing requirements. The three Councils have subsequently modified policy 4 to take account of current RSS requirements. This decision was made based on the assessment of risks, including the possibility of having a policy vacuum. The intention to review the core strategy remains, and indeed, the revisions to chapter 8 of the CLCS clearly state that

“It is intended that the Central Lancashire authorities will as a matter of urgency, partially review this Core Strategy in respect of housing requirements!”

12. Clearly, national planning policy is in a transitional phase, and it is apparent that the timing of the revocation of the North West RSS and the introduction of the final NPPF will be highly material to the progress of the CLCS at examination and through to adoption – currently scheduled for May 2012. Aside from the risks involved in not having an up to date development plan, there are the reputational and financial risks relating to the resources already expended in preparing this plan. Another consideration would be the impact of delay on the currency of the evidence base used to inform plan making, where new evidence may be necessary leading to further expenditure.
13. Section 235 of the Localism Act gives a general power to the Secretary of State to make transitional arrangements. Transitional powers were exercised for plan making in relation to the formation of unitary Councils in the later 1990s, where arrangements were made for Councils at an advanced stage of plan-making, so that they could progress plans to adoption. It is considered appropriate that the Secretary of State/DCLG should be approached to consider appropriate transitional arrangements for Chorley &/or Central Lancashire to allow the LCS to proceed on an exceptional basis towards adoption.

IMPLICATIONS OF REPORT

14. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

15. Although the matter is currently the subject of consultation on the Environmental Impact of the decision there is a reasonable expectation that the Secretary of State will revoke the RSS by Order some time after 20 January. However, it should be recognised that the consultation exercise may raise a matter which will impact on any decision in that regard. The comments within the report therefore should be seen against that background.
16. It is proper however, for this Authority to consider the potential impacts of any changes as contained within this report.

LESLEY-ANN FENTON
 DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jennifer Moore	5571	30/11/2011	***



Report of	Meeting	Date
Director of Partnerships, Planning and Policy (Introduced by the Executive Member for Partnerships & Planning)	Executive Cabinet	15 December 2011

COMMUNITY INFRASTRUCTURE LEVY

PURPOSE OF REPORT

1. To present the background and rationale for pursuing the Community Infrastructure Levy (CIL) and gain approval to consult on preliminary draft charge rates.

RECOMMENDATION(S)

2. To approve the attached Preliminary Draft CIL Charging Schedule for consultation.

EXECUTIVE SUMMARY OF REPORT

3. CIL has the potential to unlock funding additional to that which has been previously secured under Section 106 planning obligations and will enable authorities to better forecast the amount of funding that will arise from developer contributions and so better plan infrastructure delivery. This should mean that new developments are better accommodated within existing communities and serviced by the necessary infrastructure such that there are overall benefits for residents and businesses alike. The commissioned viability research takes into account the proportions of affordable housing sought from market residential developments as set by policy in the Core Strategy, the wide variability in the economic viability of non-residential developments and recommends draft charge rate levels to consult on.
4. CIL rates are set through the preparation of Charging Schedules. Across Central Lancashire each District Council will need a separate Schedule as each will be a separate CIL Charging Authority. However it is appropriate to prepare the Schedules jointly and the consultants' work assists with that process. The approach required to setting charge levels is a strategic one taking account of overall development viability and how this might vary from development type and from place to place compared with what funding is required to make up at least part of the infrastructure funding gap. The Government expects the outcome of the process will be the achievement of an 'appropriate balance' of charging developments and funding infrastructure such that there will be an overall positive economic effect on development across the area in the medium to long term.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 5. To gain approval to consult.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 6. The only option to pursuing CIL is to just rely on Section 106 planning obligations to secure developer contributions but as these provisions are being progressively curtailed by regulations so in relation to infrastructure provision this source of funding is reducing.

CORPORATE PRIORITIES

- 7. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

- 8. Chorley Council’s Local Development Framework Working Group and the Central Lancashire Joint Advisory Committee have received reports on progressing CIL that have explained how Section 106 provisions for funding off-site infrastructure are being reduced. In contrast CIL can be applied to a wider range of developments than has been the past practice for Section 106 planning obligations and the monies collected can spent more freely. Adopting CIL is not mandatory for authorities but councils will almost certainly lose out on infrastructure funding from developer contributions if CIL is not pursued. CIL can provide a predictable ready source of funding that will greatly enable infrastructure planning and delivery.
- 9. The Joint Advisory Committee may come to have a role in coordinating the setting of infrastructure priorities and the spending of CIL monies across Central Lancashire as numerous projects will have wider than District benefits and some will coincide with County Council responsibilities. However the District Councils collect the CIL monies and have full control on how they are spent, infrastructure agencies cannot demand such funds are passed to them. It will also be important for the three District authorities to collaborate on setting charge rates so that these are complementary rather than conflicting otherwise developers' location choices could be inappropriately skewed by CIL charge rates.
- 10. Because of this it is appropriate for the three District Councils to work together to collect the development viability evidence that will inform what charge rates can reasonably be levied.

However as the Councils will be separate CIL Charging Authorities each will need to adopt separate schedules of charge rates. Despite this a joint examination of two or more Charging Schedules is permitted under the CIL Regulations.

11. Consultants Roger Tym and Partners have been appointed to draw together the development viability evidence across Central Lancashire and help prepare a first stage (Preliminary Draft) Charging Schedule for each District Council. These consultants are leading experts on CIL having been appointed to head up the Planning Advisory Service's national training programme and are assisting front runner local authorities implement CIL. As a result we are benefiting from the very latest CIL thinking and experience as this is a new planning area; the first few authorities are just bringing in their charges. The per metre squared charges endorsed by examining Inspectors at the first three authorities to pursue CIL are summarised below.

- Newark and Sherwood – residential £0-75, business £0-20, retail £100-125
- Shropshire – residential £40-80, all other uses nil
- London Borough of Redbridge – all uses £70

12. The stages of preparation for CIL Charging Schedules are similar to LDF documents. The envisaged timetable for each authority is as follows.

Consultation – 6 weeks	Jan – Feb '12
Publication – 4 weeks	April '12
Submission	June '12
Joint Examination	August '12
Examiner's Report	September '12
Adoption	November '12

This timetable is deliberately planned to follow behind the envisaged adoption of the Core Strategy. The Core Strategy informs the setting of CIL charges because it establishes the broad location of development (a factor in assessing development viability) and is itself informed by infrastructure planning.

13. The viability consultants' brief includes assisting with the key aspect of engaging with landowners and developers on the Preliminary Draft Charging Schedules and to complete their study taking into account the outcomes of this. The consultation stage will also involve the appropriate range of other consultees, including Parish Councils as the Government intend these to be responsible for spending a proportion of CIL monies in local neighbourhoods experiencing development.

14. Members are reminded of the key features of CIL:

- a. It applies to most types of built development over 100 square metres in floor area (and any new dwellings smaller than this)
- b. Exceptions include social housing and developments by charities
- c. Apart from such exceptions most other uses are potentially liable to pay CIL
- d. The charge is levied at a rate set per square metre of new floorspace
- e. The level of charge levied can vary for different uses, types of development and locations but these variations must be related to differences in development economic viability
- f. For situations where a CIL charge would be likely to render a development unviable a nil charge can be levied but these circumstances must be decided in advance in the Charging Schedule, once set the charges are not negotiable on a case by case basis
- g. The levy is normally payable on commencement of the development but payments by instalments can be made subject to the authority's policy

- h. The charges are adjusted each year by being linked with a build costs index
 - i. The money collected is not limited to being spent on infrastructure related to the donating development (unlike Section 106 contributions)
 - j. The levy can be used to increase the capacity of existing infrastructure or to repair failing infrastructure, if that is necessary to support development
 - k. The charging authority is free to set the published infrastructure spending priorities unfettered by the Schedule setting process and can update these priorities whenever it wishes
 - l. However developments must not be charged twice (ie through CIL and S.106) for the same items of infrastructure. To avoid this happening a list of those infrastructure items or types to be funded through CIL should be published (the Regulation 123 list). Also certain development sites (typically large strategic sites) can be exempt from CIL (in highly exceptional circumstances) if they are to provide (through S.106 obligations) on-site infrastructure and where an additional CIL charge would render the development unviable.
 - m. In-kind contributions – such as the donation of land for infrastructure – can be used to off-set CIL liabilities
 - n. CIL monies can be passed, with the consent of the Charging Authority, to other agencies/infrastructure providers (such as Lancashire County Council) and be spent on infrastructure provided outside the Charging Authority's area, provided it benefits the latter.
15. The Localism Act is proposing that a 'meaningful proportion' of CIL monies raised in a neighbourhood is spent in that neighbourhood – just how this will be done remains to be decided at the national level (current consultation).
16. The charging authorities have discretion as to what the levels (rates) of charge will be set at but these must be subject to consultation and examination before Charging Schedules can be adopted. The overall justification for the level of charges to be levied is based on an approach that would still facilitate rather than discourage development (through high charges) and achieve an 'appropriate balance' between the infrastructure funding gap and what is reasonable for developments to contribute to financially taking account of their economic viability. It is however a strategic approach, it is not necessary to prove that all developments will still be viable, some, for particular site specific reasons, may not be.
17. At the time of a Charging Schedule being brought into force, there will be numerous developments already with planning permission that are subject to S.106 obligations. CIL will not apply to these developments unless the permissions expire and even then their on-site infrastructure requirements may be re-negotiated under a new planning application and S.106 obligation. In any event total monies collected through CIL will start off from a low level and build up over time as more newly permitted development occurs and is implemented.
18. The whole process of implementing CIL will necessitate a new revenue collection, enforcement of non-payment, holding of monies and payments system that will need to be audited and reported on each year. This will all need to feed into a step changed approach to infrastructure delivery management. At the outset there should be a list of infrastructure funding priorities that will guide decisions on how CIL monies are allocated. Over time as infrastructure schemes are implemented and/or new infrastructure needs arise authorities are free to revise their infrastructure spending priorities without the necessity to consult any parties. Although locally, work with other Central Lancashire authorities, other neighbouring councils, the County Council and other infrastructure providers, will continue to be appropriate.

PRELIMINARY DRAFT CHARGING SCHEDULE

19. A pre-requisite of being able to adopt CIL is that there is a funding gap between the cost of necessary infrastructure and the other (non-developer contributions) funding sources available and this must be demonstrated on a District by District basis. So the previously published Central Lancashire Infrastructure Delivery Schedule is being split into separate components to reveal the individual District level overall funding shortfalls. See Appendix A. Also some narrative will be added to explain the situation for each type of infrastructure.
20. There is however not a requirement for expected CIL revenues to make up all of the funding gap in the District. It is appropriate to assume that some other funding streams will arise over the next 15 years or so that cannot be quantified in advance.
21. The consultants have researched the viability of residential and a range of non-residential uses. They have taken due account of the previous housing viability work done primarily to inform the scope to secure affordable housing from market housing schemes through a policy in the Core Strategy. They have also considered (as they were required to do) a wide range non-residential types of development as set out below as CIL is applicable to all types of uses.
22. The profitability of the various non-residential uses varies widely and to an extent is influenced by the scale and location of the developments. This is especially true of retail schemes – large food based superstores which tend to be located in edge of centre sites are the most profitable/viable and hence have the greatest ability to pay CIL charges.
23. For market housing developments a key issue is the effect on the rate of CIL that can be charged by also seeking a proportion of affordable housing which would be secured through a separate S106 agreement. Affordable housing at present is not classed as infrastructure for CIL purposes although the Government is currently consulting on funding the provision of affordable housing through CIL. The present position is that not only are the two aspects funded separately but the proportion of affordable housing actually achieved on a site is subject to negotiation (the starting point being the policy target) whereas the CIL charge is fixed from the outset. Our consultants have taken full account of the proportions of affordable housing sought from market residential development set in the relevant Core Strategy policy. High CIL charges for residential development may impact on affordable housing delivery although in practice this will probably vary on a site by site basis depending on a site's attractiveness to the market much as it does now without a CIL charge being in place.
24. To assess the overall economic viability of all types of developments the consultants have taken account of all the costs involved in implementing schemes including costs of construction, financing and any other likely residual (eg site specific) S.106 contributions in addition to affordable housing.
25. At the present time the economic viability of all forms of development is depressed by the wider state of the economy. The availability of finance for developers is still restricted following the recession. Lenders, such as banks, are cautious in supporting only the most profitable schemes, interest rates remain high so the rates of return on capital investment have to be high to make the loans affordable.
26. A factor that also affects development viability is the level of effective demand from occupiers. Most residential schemes are speculative (built in advance of knowing who will occupy the homes) and depend heavily on the ability of the future owners to be able to secure mortgages. Many non-residential schemes are built for occupier clients and this significantly enhances the economics of the development so the risk for the developer is greatly reduced. However CIL charges cannot be varied for speculative compared to 'built to order' schemes. Speculative non-residential development is particularly depressed at the present time.

27. CIL charges can be varied from place to place if the viability of development also varies according to location. However as with the previous affordable housing work clear cut geographical boundaries of differing degrees of viability can be difficult to define (as they have fuzzy edges) and especially hard to use when built up areas are close together as they are locally. As it is the consultants have found broadly similar extents of economic viability across Central Lancashire bearing in mind the main locations envisaged for development in the Core Strategy.
28. Nil CIL charges for community uses are likely to be appropriate as of course the profitability/viability of these developments is very low or negative and many such schemes amount to infrastructure in their own right. However a nil charge for some commercial types of development (such as industrial and warehouse uses) could also be justifiable, especially at the present time as their economic viability is typically marginal. However by the same token a modest CIL charge would make little difference to the economic prospects of individual schemes but given the large number of the business developments envisaged over the next 15 years could raise a significant amount of money.
29. As with most courses of action there are choices to be made in setting CIL charges; there are a number of questions that need to be considered. How close to the point of viability should charges be set bearing in mind the risk in discouraging development altogether? What overall proportion of the infrastructure funding gap should CIL be expected to meet? Are there clearly definable sub-areas that ought to have different CIL rates based on localised viability variances? At the initial (Preliminary Draft Charging Schedule) consultation stage these sorts of issues can be considered as part of the engagement process. At the following stage (Publication) a further draft Schedule is produced with any appropriate revisions reflecting the earlier consultation. At the Publication stage formal representations can be made and those received are submitted to an examining Inspector for consideration alongside the Schedule.
30. As it is, for the initial preparatory stage, our consultants have proposed rates to feed into a Preliminary Draft Charging Schedule for each District for consultation purposes. The draft rates proposed for the Chorley Borough are shown in Appendix B; reflecting the similar economic conditions elsewhere in Central Lancashire, the same draft rates are proposed in the other two Districts.
31. In the future although the charge rates levied will be annually linked to a build cost index the viability of developments locally may change significantly over time. In which case a new Charging Schedule will need to be produced. The first authority nationally to adopt CIL charges envisages a review will be necessary after two or three years of operating the rates.

IMPLICATIONS OF REPORT

32. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

33. Clearly the scale of the potential infrastructure schemes and the investment in the Borough is of vital importance as we move forwards. The numbers included in the report are of

course indicative and based upon a number of assumptions in terms of the infrastructure projects in the pipeline.

34. The new system however is more transparent and understandable for both developers and the Council alike. Fixing the CIL charges at the appropriate level is key and the consultation will seek views from the various stakeholders on that point.
35. As the recommendation is to approve the document for consultation, there are now immediate financial implications for the Council.

LESLEY-ANN FENTON
PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Julian Jackson	01772 536774	22/11/2011	***

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Appendix A

Explanation of CIL and S106 contributions

CIL	S106
<p>Transport infrastructure New roads, junctions, bus services, railway services, public transport improvements, walking and cycling initiatives E.g. New Coppull Railway Station Creation of Chorley Railway Station car parking, Friday Street Euxton, Wigan Road and School lane cycle lane improvements</p>	<p>Transport Infrastructure 'On site' roads, junctions, footpaths, bus facilities, and cycleways E.g. mini bus interchanges: Clayton Green and Bolton Road, Asda</p>
<p>Education Infrastructure Contributions to off site school building schemes E.g. Clayton-le-Woods 1 form entry</p>	<p>Education Infrastructure Contribution to 'on site' school provision on larger/strategic sites E.g. Group 1 site, 1 form entry primary school, Buckshaw</p>
<p>Public Utilities Contributions to strategic water, gas, electricity, and telecommunications</p>	<p>Public Utilities 'On site' provision of water, gas, electricity and telecommunications (Standard charges for new property connections)</p>
<p>Health – Primary Improvements to or provision of new health care facilities E.g. extension to Euxton medical centre and enhancement of Eccleston medical centre</p>	<p>Health – Primary Larger sites – 'on site' provision of new health centre building and/or land to construct it on. E.g. Land provided developer for New Buckshaw village surgery</p>
<p>Green Infrastructure/Public Realm Improvements to strategic open space, playing pitches etc. to meet any shortfall as identified in Open Space Study and Playing Pitch Strategy E.g. Chorley Town Centre enhancements</p>	<p>Green Infrastructure/Public Realm Provision of 'local' green space and developer contributions to cover maintenance cost. Provision of playspace. E.g. Market Street enhancements directly related to Asda scheme</p>
	<p>Affordable Housing Provision of affordable housing in accordance with Planning Policy</p>

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Appendix B



Local Development Framework

Central Lancashire Core Strategy

Infrastructure Delivery Schedule

Chorley

November 2011



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The purpose of this Infrastructure Delivery Schedule is to itemise infrastructure projects already envisaged or probably needed after taking account of the quantity and broad location of development proposed by the Central Lancashire Core Strategy and to record their likely implementation timescale, cost and sources of funding and the current deficits – funding shortfalls after taking account of monies already secured. This Schedule covers the infrastructure projects that are only specific to locations in Chorley Borough. Projects that extend across Central Lancashire or are not locationally specific are contained in a separate Central Lancashire Schedule.

INTRODUCTION

1. Infrastructure planning is essential in achieving an appropriately spatially located and well planned approach to new development and is a key aspect of the Core Strategy. This Infrastructure Delivery Schedule aims to identify the essential strategic infrastructure already planned together with those that are likely to be required to help deliver the Core Strategy Strategic Sites and Locations as well as residential and commercial development in other areas. The Schedule represents work in progress but is essential supporting material for the Inspector's examination of the Core Strategy and ultimately delivering infrastructure by helping to attract or direct funding.
2. It has been difficult to reach a clear understanding with all the various infrastructure providers concerning future requirements. Now with public sector financial cuts and changing funding schemes it is less certain what resources will be available from national and local funding sources. However a likely outcome is a greater reliance than previously on developers to fund infrastructure. The Core Strategy proposes a levy type approach to securing developer contributions for infrastructure partly with this in mind but also as a lead into the effective introduction of the Community Infrastructure Levy (CIL). On the 18 November 2010 the Government confirmed that CIL (first introduced by the previous Government) would, with a few changes, be continued as a national approach to collecting developer contributions. The Central Lancashire authorities have agreed to pursue the CIL approach and this Schedule is part of the evidence base for the Community Infrastructure Levy.
3. The Schedule takes account of existing spare capacity and underlying demand trends before considering additional development requirement needs. It has been completed following extensive liaison with the infrastructure providers. Such agencies typically do not consider infrastructure provision in spatial terms, nor plan ahead more than just a few years. Hence it has been necessary to build up an understanding with providers to consider infrastructure delivery in those ways.
4. The Schedule identifies the approximate likely cost, timescales and sources of the essential types of infrastructure required. It is important to appreciate that some infrastructure providers are public sector agencies (such as those concerned with education and health service provision) that are supported to an extent by government funding however this is normally geared to 'natural' growth in demand rather than development-led demand. However other agencies, such as the utility providers, are commercial companies that charge for their services and connections thereto. These providers already have direct funding relationships with developers seeking extra infrastructure capacity to service their developments. The utility companies also have capital programmes of their own that are subject to approval of the relevant industry regulator.

INFRASTRUCTURE TYPES COVERED IN THE SCHEDULE

5. There are many forms of infrastructure but only the most essential types more directly related to new development are included in this Schedule with an emphasis on those projects that help to underpin the policies and broad principles of the Core Strategy. However many of the projects will be given more detailed attention and enabling measures in subsequent Site Allocations work.

Transport

6. Transport scheme funding is normally secured through Lancashire County Council, the Highways Agency, Department for Transport and Network Rail. For major schemes, national Government funding bids are made, however there remains some uncertainty concerning the administration and availability of several of these national funding programmes. In the past there has normally been some degree of dependence on developer contributions for transport projects ranging from new roads and junctions through to traffic control measures and additional bus services. A partial switch from highway works to investment in public transport improvements as well as walking and cycling initiatives is envisaged by the Schedule in line with the sustainable transport proposals in the Core Strategy. Transport scheme funding particularly lends itself to a broadly applied approach as the projects can have wide scale benefits.

Education – Primary and Secondary

7. The main educational organisation locally is Lancashire County Council which normally underwrites the costs of new school place capital provision with national funding revenue support. The church authorities contribute 10% of capital costs for faith schools but increasingly developers are being required to contribute monies for school building schemes in line with a nationally set funding formula.

Public Utilities

8. The main public utilities are water, gas, electricity and telecommunications. The principal companies are United Utilities, National Grid, Electricity North West, British Telecom and Virgin Media. These are all companies that aim to operate at a profit through charging users for their services.

Health – Primary

9. The Central Lancashire NHS Primary Care Trust (PCT) is responsible for commissioning primary health care locally (although this is planned to be changed to commissioning by GP groups). Improvements to or provision of new health care facilities can sometimes be funded through the PCT's capital programme, however this funding is limited. Many health centres in Central Lancashire are in need of renovation and some services require new premises. There is some dependence on developer contributions for renovation and extension works to existing health centres. For some of the larger housing development sites a new health centre building and the land to construct it on would need to be provided by developer contributions.

Green Infrastructure

10. Major Green Infrastructure provision in Central Lancashire is usually funded by Lancashire County Council or the District Councils. For most residential development there is usually a requirement imposed by the local planning authority on the developer to provide local green space and also a degree of dependence on developer contributions to cover maintenance costs. However the Schedule relates to wider strategic Green Infrastructure schemes which in future developers will also be expected to contribute funding towards.

Infrastructure type	Transport
Provider(s)	Network Rail, Highways Agency, Lancashire County Council
Existing capacity and recent provision	Some overcrowding of rail services between Preston and Manchester. Localised problems of road traffic congestion in many areas throughout Central Lancashire but particularly getting in and out of Preston which also holds up bus services.
Specific provision initiatives	Lancashire Local Transport Plan 3 (LTP) Network Rail – station improvements Department for Transport (DfT) – rail electrification, new lines Bus Rapid Transit System – specific bid for government funding envisaged
Underlying demand trend	Some evidence of a dip in demand (slight reduction in road congestion) due to the recession but generally long term trend for increased demand on road usage and for public transport services.
Non-developer funding sources	Various national and regional funds as well as Lancashire County Council's own resources but all are limited and subject to financial reviews.
Developer funding arrangements in place	None, individual negotiations on planning applications.

Public Transport Schemes

Project	Timing	Cost Estimate £m	Potential Funding Sources	Deficit £m
New Coppull Railway Station	2014-2024	8	Developer Contributions	8
Mini interchange: Clayton Green, Asda	2010-2015	0.2	Developer Contributions	0.2
Railway Station Car Park at Adlington (25 spaces)	2012-2015	0.75	Developer Contributions	0.75
Chorley Railway Station car parking - Friday St (110 spaces)	2012-2015	0.8	Developer Contributions	0.8
Total Funding Gap				9.75

Cycle Schemes

Project	Timing	Cost Estimate £m	Potential Funding Sources	Deficit £m
Clayton Le Woods cycling improvements on Lancaster Lane/ Moss Lane/Lydiat Lane and Town Brow to cycle links to Cuerden Valley Park, including toucan crossings on A49 by Moss Lane, Lancaster Lane and also on Bryning Brook Bridge	2015-2020	0.2	Developer Contributions	0.2
Clayton Brook and Whittle-le-Woods to Chorley (A6) with links to the canal and Cuerden Valley Park.	2015-2020	0.5	Developer Contributions	0.5
Canal towpath from Botany to Blackburn	2015-2020	0.5	Developer Contributions	0.5
Chorley to Abbey Village old railway	2015-2020	1	Developer Contributions	1
Cycle schemes near Wheelton on the A676	2015-2020	0.125	Developer Contributions	0.125
Chorley North East - Harpers Lane, Railway Rd, Bengal St, Water S, Hollinshead Rd, Union Street and Park Rd.	2015-2020	0.3	Developer Contributions	0.3
Cycle link from Croston, Ulnes Walton to Leyland	2015-2020	0.15	Developer Contributions	0.15
Euxton - Wigan Rd and School Lane cycle path improvements.	2015-2020	1.5	Developer Contributions	1.5
Buckshaw - to Chancery Lane via Alker Lane to Cuerden Valley Park via Dawson Lane, Park Saddle bridge to Runshaw College and Southport Road via Eastway.	2015-2020	0.6	Developer Contributions	0.6
Chorley East - canal, Eaves Lane, Lyons Lane, Yarrow Gate, to Carr Lane and Myles Standish Way.	2015-2020	0.25	Developer Contributions	0.25
Improvements to cycle links in and around Adlington	2015-2020	0.34	Developer Contributions	0.34
Chorley South to Coppull via Bolton Rd, Pilling Lane, Eaves Green Rd, Lower Burgh Way and Burgh Hall Lane.	2015-2020	0.4	Developer Contributions	0.4
Cycle improvements from Ecclestone to Chorley via Back Lane.	2015-2020	0.15	Developer Contributions	0.15
Total funding gap				6.015

Infrastructure type	Public utilities – electricity, gas, telecommunications, water supply and waste water treatment.
Provider(s)	Electricity North West Ltd (ENWL), National Grid, British Telecom, Virgin Media, United Utilities
Existing capacity and recent provision	<p>Electricity – a primary substation has been provided at Buckshaw Village however further reinforcement of the network will be needed</p> <p>Gas – no known capacity issues</p> <p>Telecommunications – main capacity limitation is high speed broadband access in rural areas</p> <p>Water supply – no overall capacity issues</p> <p>Waste water treatment – main outstanding constraint relates to the treatment works at Walton-le-Dale and Leyland (these serve parts of Chorley Borough as well South Ribble)</p>
Specific provision initiatives	<p>Infrastructure provision for each service is subject to controls by the official regulator who determines how providers will be allowed to fund programmed works through capital reserves, service charges and/or borrowing.</p> <p>Typically funding programmes are for five year periods and are largely aimed at providing for overall demand trends and current shortfalls rather than advance provision of capacity to cater for planned development.</p> <p>British Telecom is pursuing a national programme of upgrading rural telephone exchanges to higher broadband speeds.</p>
Underlying demand trend	Although commercial use fluctuates in relation to the state of the wider economy the long term trend of overall demand is increasing for all public utility services. However envisaged future energy and water use efficiencies along with increased use of decentralised sources of energy generation should reduce dependence on large scale stand alone facilities and major network improvements.
Non-developer funding sources	Providers own capital reserves, future revenues and borrowing.
Developer funding arrangements in place	Standard charges are in place for new property connections to the service network, together with developers being required to pay for site specific infrastructure and any existing service diversion/protection works. On occasions providers also seek to recoup/reapportion costs from developers of already provided major off-site infrastructure that benefits new development.

Project	Timing	Cost £m	Likely funding sources	Funding shortfall £m
Potential electricity reinforcement scheme for Chorley.	2015–2020	4	ENWL	Nil
Total funding gap				Nil

Infrastructure type	Education – primary and secondary
Provider(s)	Lancashire County Council, church authorities
Existing capacity and recent provision	Primary –Expected shortfalls in Chorley Town, Chorley North and limited capacity in Coppull. Secondary Limited capacity in Chorley.
Specific provision initiatives	Building Schools for the Future/Primary Capital Programme now abandoned. Vocational training for 14 - 19 Year olds, national funding to be matched by private sector and existing school/college accommodation likely to be used.
Underlying demand trend	Primary – increasing demand through rising birth rate Secondary – falling numbers for a few years before picking up from primary growth and increased compulsory learning to 17yrs by 2013 and 18yrs by 2015
Non-developer funding sources	National government derived funding 10% top up funding from church authorities for denominational schools
Developer funding arrangements in place	Standard formulae with government provision costs meets about half to two thirds of actual cost Primary – 0.35 children per dwelling x £11,031 per school place Secondary – 0.25 children per dwelling x £16,622 per school place

Project	Timing	Cost £m	Likely funding source(s)	Deficit £m
Phase 2 Primary School 1 form extension to Buckshaw Primary School	2011-16	3.4	LCC /Developer contribution	3.4
Group 1 site, 1 form entry primary school, Buckshaw Village	2016-21	5.5	LCC /Developer contribution Sought developer contribution of site land plus £3.0m	2.5
Adlington half form entry primary places	2016-21	2.0	Developer contribution, LCC	2.0
Clayton-le-Woods 1 form entry	2016-21	3.5-5	Developer contribution, LCC	3.5 - 5
Eccleston half a form entry primary places	2016-21	2.0	Developer contributed £0.28m secured	1.72
Total funding gap				13.12 – 14.62 Average 14

Infrastructure type	Health – primary care
Provider(s)	NHS/Central Lancashire Primary Care Trust (PCT)/GPs
Existing capacity and recent provision	Planned health centre at Friday Street will be able to cope with most of the development and increased capacity around Chorley. However Euxton and Eccleston Health Centre's will need to be extended and/or refurbished to cope with the extra demand.
Specific provision initiatives	PCT capital programme mainly targeted at improving substandard accommodation, exceptionally new build schemes are pursued in areas of greatest need. Capital provision due to be replaced by commissioning through GP groups.
Underlying demand trend	Projected increase in and aging population will put pressure on local GP practices.
Non-developer funding sources	PCT has very limited capital resources, on new build schemes aims to use lease back arrangements.
Developer funding arrangements in place	No standard formula in place.

Project	Timing	Approx Cost £m	Likely funding sources	Deficit £m
New Friday Street Health Centre, Chorley	2012	6.7	PCT revenue	nil
Extension to Euxton Medical Centre*	2021-26	0.15	PCT/developer contributions	0.15
Enhancement of Eccleston Medical Centre*	2011-26	0.5	PCT/developer contributions	0.5
New Buckshaw Village surgery*	2012	3.5	Land provided by the developer. PCT funded scheme.	nil
Total funding gap				0.65

*Schemes about to start November 2011

Infrastructure type	Green Infrastructure/Public Realm (including outdoor sports and townscape)
Provider(s)	Various including Local, County and Parish Councils, other public sector, voluntary and private organisations
Existing capacity and recent provision	Urban areas tend have a shortfall of green infrastructure and some of that which exists needs improving. However, on the whole, Central Lancashire has a large amount of good quality green infrastructure provision.
Specific provision initiatives	Local authorities' and health agencies' agendas are advocating healthy lifestyles and encouraging people to participate in active pursuits.
Underlying demand trend	Participation rates in active sports remain quite low but many more people engage in informal recreation and raising the awareness of healthy lifestyles is likely to increase demand for all forms of physical exercise.
Non-developer funding sources	Include; REMADE/LCC, Local Council initiatives, Lancashire Sport and other national/regional grants from EU funding sources.
Developer funding arrangements in place	No standard formula to calculate exact cost of infrastructure but commuted sums in lieu of provision and maintenance of play space provision are routinely sought from housing developers.

Project	Timing	Cost £m	Likely funding sources	Funding shortfall £m
Market Street, Chorley enhancement	2011-2016	1.25	Developer contributions (including ASDA permission provides for approximately two thirds of Market Street Scheme)	0.5
Public Art, Chorley	2011-2016	0.1	Public Partnership External Funding	nil
Chorley Flat Iron enhancements	2011 - 2016	0.3	Capital programme Bid CBC and developer contributions	0.3
Total funding gap				0.8

Chorley's total funding gap = c£31million

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Appendix C

COMMUNITY INFRASTRUCTURE LEVY

RECOMMENDED PRELIMINARY DRAFT CHARGE RATES FOR CONSULATION

Development Type	CIL Charge
Residential (dwellings)	£70 Sq m
Convenience retail	£160 Sq m
Retail warehouse	£40 Sq m
All other uses	£0 - £10 Sq m
D1 Non-residential institutional uses	£0 Sq m

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Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for People)	Executive Cabinet	15 December 2011

HEALTH AND WELLBEING LOCAL PARTNERSHIP ARRANGEMENTS

PURPOSE OF REPORT

1. To advise Members of activity to date relating to changes to the delivery of public health services in light of Government changes to health service delivery across England.

RECOMMENDATION(S)

2. Members are asked to approve the establishment of a local Health and Wellbeing Partnership with South Ribble Borough Council on the basis outlined in this report.
3. To approve the Member appointment to the partnership as the Executive Member (People)

EXECUTIVE SUMMARY OF REPORT

4. Arrangements are underway to provide the new commissioning and delivery framework for primary health care and public health services in Chorley. Following the recent publication of the Governments update on 'Healthy Lives, Healthy People' it is now a little clearer how delivery structures will be formed and the delivery timetable has been extended with a phased implementation date commencing April 2013.
5. Appendix 1 illustrates the complex functional inter relationships that exist and how they are envisaged in the new health service delivery framework.
6. Within this framework the upper tier authority (Lancashire County Council) will have the primary responsibility for delivering public health improvement and will be a significant budget holder, it is essential that there are local arrangements in place to ensure health and wellbeing issues are addressed and they feed into the wider Lancashire health and wellbeing structures.
7. It is proposed that a health and well being partnership is formed with South Ribble Borough Council to primarily mirror the GP Clinical Commissioning Group (GPCCG) footprint. The GPCCG will be a key partner.
8. Other representation at the partnership will be Member input from both Chorley and South Ribble Councils and it is proposed that the Executive Member (People) fulfils that role for Chorley Council.
9. Other key partners will include Lancashire County Council representation, PCT representation as well as representation from the Voluntary Community and Faith Sector.

- 10. An initial meeting, subject to approval, is planned in January when terms of reference, key objectives and a medium term plan will be determined. It is envisaged that any existing health and wellbeing strategies, health inequality strategies and their associated action plans will be combined in order to produce a coherent and comprehensive public health plan for our communities health and wellbeing.
- 11. It has to be appreciated that these arrangements will have to be fluid in order to respond to changes in public health delivery structures at a national and regional level and therefore the partnership arrangements should not be too prescriptive in the initial stages.
- 12. Further update reports on progress will be provided for Members throughout the year.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 13. To ensure there is a local partnership established to address health and wellbeing issues across the GP Clinical Commissioning Group footprint

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 14. Carry on the current arrangements on an individual Council basis and await the higher level County structures to be established.

CORPORATE PRIORITIES

- 15. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy	X	Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

IMPLICATIONS OF REPORT

- 16. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

17. No budget implications are anticipated at present.

COMMENTS OF THE MONITORING OFFICER

18. No comments necessary.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

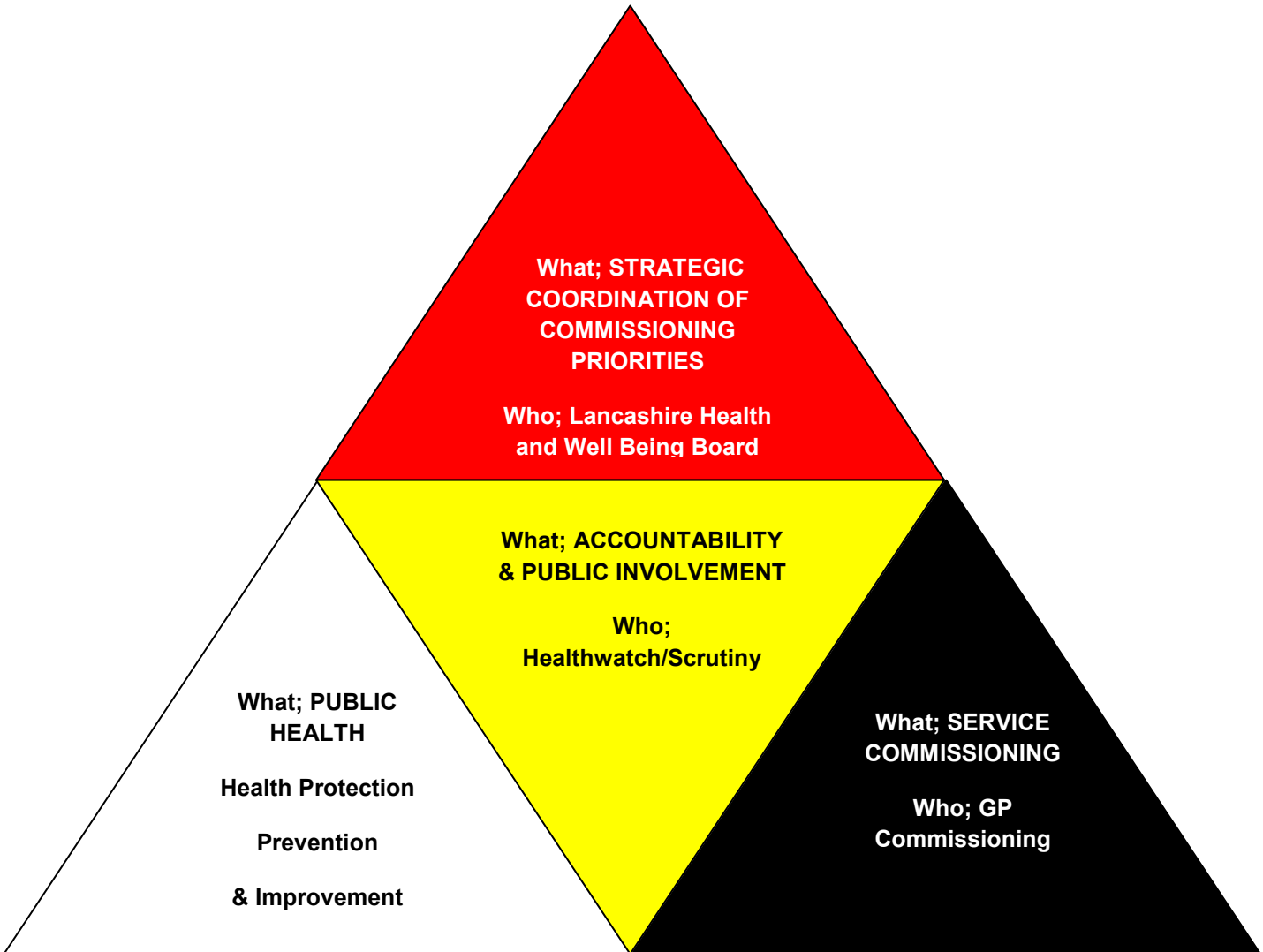
There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	29 November 2011	HWBPartnership

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APPENDIX 1

THE NEW HEALTH AND WELLBEING SYSTEM



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Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for Places)	Executive Cabinet	15 December 2011

CHARGING POLICY FOR HOUSING ACT 2004 IMMIGRATION INSPECTIONS AND ENFORCEMENT NOTICES AND ORDERS

PURPOSE OF REPORT

1. To advise Members of the provisions within the Housing Act 2004 for Local Authorities to charge for enforcement notices and orders and for immigration inspections.
2. To seek approval to introduce a charging system for such work.

RECOMMENDATION(S)

3. Members are asked to approve the making of reasonable charges as appropriate for the purposes of recovering the administrative and other costs when the Council takes enforcement action under the Housing Act 2004 and the inspection of properties for immigration applications.
4. The recommended charging structure is contained within the main body of this report.

EXECUTIVE SUMMARY OF REPORT

5. Provisions within the Housing Act 2004 allow local authorities to make a financial charge for enforcement action they may be required to take. The charges apply specifically to the issue of a Housing Improvement Notice, a Housing Prohibition Order, a Housing Hazard Awareness Notice, a Housing Emergency Remedial Action, a Housing Emergency Prohibition Order and a Housing Demolition Order.
6. In accordance with the Councils Enforcement Policy, other than for Emergency Remedial Works or Emergency Prohibition Orders, landlords will be given an opportunity to resolve the hazards and deficiencies at their properties informally before the service of a formal Notice or Order.
7. In addition council officers also carry out immigration inspections. All properties intended for the receipt of certain non-EU visitors must be inspected to ensure that space and decency standards are met in accordance with the occupation provisions of the Housing Act 2004. Prior to the visitor entering the country the immigration service require an official confirmation from the Council that the intended residence for the duration of the stay will not become overcrowded and has adequate facilities to accommodate the visitors. There is provision within legislation to make a charge for this.
8. The recovery of charges will follow the Councils normal financial procedures i.e. invoicing of the person(s) on whom the Notice or Order was served, followed by standard recovery procedures and the Local Authority registering a land charge on the property, where the debt is not paid.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 9. The relevant housing legislation allows for the recovery of reasonable costs incurred by the Local Authority for taking enforcement action against landlords who allow their tenants to live in hazardous conditions.
- 10. Neighbouring local authorities make charges for enforcement actions taken under the Housing Act 2004. Chorley Council would set charges comparable to those in other Lancashire Authorities in order to ensure equity across the County.
- 11. There is provision to make a charge for the administrative function associated with an immigration inspection.
- 12. Neighbouring local authorities already make charges for this service. Chorley Council would set charges comparable to those in other Lancashire Authorities in order to ensure equity across the County.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 13. Continue to carry out chargeable enforcement actions under the Housing Act and absorb the cost within existing resources.
- 14. Continue to offer a free immigration inspection service and absorb the costs within existing resources.

CORPORATE PRIORITIES

- 15. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

BACKGROUND

- 16. Chorley Council is responsible for the enforcement of housing standards within its area. This responsibility is undertaken by responding to complaints from private tenants regarding their living conditions and the inspection of private owned rented properties within the borough.
- 17. Where hazards and deficiencies in the safety of the properties are identified, the landlord is responsible for carrying out the necessary remedial works to return the property to a safe state for the protection of the occupants.
- 18. In accordance with the Councils Enforcement Policy, other than for Emergency Remedial Works or Emergency Prohibition Orders, landlords are given an opportunity to resolve any identified hazards and deficiencies at their properties informally before the service of formal Notices and Orders.
- 19. Enforcement actions taken by the Local Authority require the collation of large quantities of evidence, the preparation of complex notices and the drafting of schedules specifying all the works required to remedy identified hazards.

20. The Housing Act 2004 gives local authorities the power to charge for enforcement action. The charges apply specifically to the issue of a Housing Improvement Notice, a Housing Prohibition Order, a Housing Hazard Awareness Notice, a Housing Emergency Remedial Action, a Housing Emergency Prohibition Order and a Housing Demolition Order.
21. The legislation allows for the recovery of reasonable costs incurred by the Local Authority for taking enforcement action against landlords who allow their tenants to live in hazardous conditions.
22. Neighbouring local authorities already make charges for enforcement actions taken under the Housing Act 2004. Chorley Council would set charges comparable to those in other Lancashire Authorities in order to ensure equity across the County, but also to ensure that the costs of enforcement action are met by those responsible rather than the Chorley tax payer.
23. Chorley Council Neighbourhood Quality Team have served a number of Improvement Notices, Prohibition Orders and carried out Emergency Remedial Actions, as a result there is now sufficient information on which to base the proposed charges. It is clear from recent experience that serving enforcement notices and orders is very resource intensive for the Neighbourhood Quality Team.
24. The Neighbourhood Quality Team also carry out immigration inspections. All properties intended for receipt of certain non-EU visitors must be inspected to ensure that space and decency standards are met in accordance with the occupation provisions of the Housing Act 2004. Prior to the visitor entering the country the immigration service require an official confirmation from the Council that the intended residence for the duration of the stay will not become overcrowded and has adequate facilities to accommodate the visitors. There is provision to make a charge for this administrative function.

PROPOSED CHARGES- BASED ON OFFICER TIME/COSTS

25. The following table identifies the activities, officer time and costs associated with enforcement actions under Housing Act 2004.

Activity	Officers Involved	Hourly Rate	Hours to complete task	Total Cost
Collation of evidence and hazard scoring	Investigating Officer	£16.25	6	£97.50
Review Meeting to determine course of action	Investigating Officer	£16.25	0.75	£12.19
	Supervising Officer	£17.80	0.75	£13.35
Drafting of Notice	Investigating Officer	£16.25	2.5	£40.63
Drafting of Schedule of works to rectify hazards	Investigating Officer	£16.25	4	£65.00
Finalise, proofing and revision	Investigating Officer	£16.25	1.5	£24.38
	Supervising Officer	£17.80	1.5	£26.70
Service of Notices/Orders	Investigating Officer	£16.25	1	£16.25
Total Hours and Costs			18	£296.25
Total costs including 20% On-costs				£355.50

26. The proposed charge of **£355.50** is comparable to the charges made by other Northwest local authorities, e.g. the three Fylde coast authorities charge £362.56, Bolton MBC charge £432.00 and Wigan MBC £332.00.

27. The table below shows the cost of undertaking an inspection and preparing a report for immigration purposes:

Activity	Officers Involved	Hourly Rate	Hours to complete task	Total Cost
Inspect premises and draft report	Inspection Officer	£16.25	4	£65.00

28. The proposed charge of **£65.00** for carrying out an immigration inspection and providing the appropriate report letter for the Immigration Service is comparable to the charges made by other neighbouring Local Authorities, who charge between £54.40 and £119.16. The average charge being £60-£75.

29. On the basis of current work streams in this area the income generated could amount to as much as £5000.00 although with regard to the charging for Statutory Notices, Members should be aware that the threat of the charge to property owners and managers may persuade them to undertake the work informally rather than await the formal action and respective Notices to be served. In which case the expected income would not be realised.

IMPLICATIONS OF REPORT

30. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	y	Customer Services	
Human Resources		Equality and Diversity	
Legal	y	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

31. The effect of the introduction of these charges has been considered through the Councils Integrated Impact Assessment process which indicates that there are no negative impacts anticipated should the policy to charge be introduced.

COMMENTS OF THE STATUTORY FINANCE OFFICER

32. As these will be new income streams, designed to recover the cost the Council incurs in providing the services, they are currently unbudgeted and will therefore be added to future budget forecasts.

COMMENTS OF THE MONITORING OFFICER

33. The report accurately sets out the legal framework and there are no additional comments.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Lesley Miller	5732	27 November 2011	housecharge



Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for Places)	Executive Cabinet	15 December 2011

SUNBEDS (REGULATION) ACT 2010

PURPOSE OF REPORT

1. To consider the delegation, to officers, of powers under the Sunbeds (Regulation) Act 2010.

RECOMMENDATION(S)

2. To delegate to the Director of People and Places the power to appoint authorised officers under the Sunbeds (Regulation) Act 2010, and any associated regulations, with the powers as set out within this 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.
3. To inform Council of this change to the scheme of delegation within the Constitution.

EXECUTIVE SUMMARY OF REPORT

4. The Sunbeds (Regulation) Act 2010 came into force earlier this year and provides for the prohibition of sale or hire of sunbeds to under 18s.
5. In addition the Act gives the Secretary of State powers to make regulations for further control of the sale, hire and use of sunbeds. To date no Regulations have been made under the Act in England.
6. The enforcing authority for the Act is the District Council and as such officers taking action pursuant to the provisions of the Act need to be duly authorised.
7. In order to facilitate authorisation of appropriate officers, delegated powers are sought for the Director of People and Places to make such authorisations.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

8. The Authority has a statutory duty to enforce the provisions of the Act and Regulations and the delegation of powers to officers is necessary for the efficient discharge of the Authority's responsibilities. Enforcement of the provisions is consistent with the Authority's corporate aims.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9. None

CORPORATE PRIORITIES

10. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy	✓	Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			✓

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

12. Enforcement of the provisions of the Act would be accommodated within existing resources. As a consequence, there are no financial implications at present.

COMMENTS OF THE MONITORING OFFICER

13. A consequence of the approval of the report will be the amendment of the scheme of delegation within the constitution and this will be done under delegated powers.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	30 November 2011	sunbeds



Report of	Meeting	Date
Statutory Finance Officer (Introduced by the Executive Member for Resources)	Executive Cabinet	15 December

2012/13 BUDGET PRINCIPLES

PURPOSE OF REPORT

1. To advise members of the aspirations of the Executive Cabinet in relation to the 2012/13 budget and the budget principles upon which the budget will be built.

RECOMMENDATION(S)

2. That the information and budget principles be approved for consultation/discussion.

EXECUTIVE SUMMARY OF REPORT

3. Last year the Executive considered the Council's budget based upon a set of core principles, which were discussed and agreed by members. For 2012/13 the Executive are again seeking members' views as to the relevance of these principles prior to more detailed proposals coming before the Council in March 2012. The key principles to be adopted are similar to the last financial year in that they represent the essence of what the Council wants to achieve, but they have been adapted to reflect the current issues facing the Borough and represent the key areas for investment:
 - To continue to be a high performing Council
 - To freeze Council Tax for 2012/13
 - Continuing to provide value for money
 - To continue to provide assistance to those wishing to start up businesses in Chorley to create investment and engagement
 - To develop schemes to assist the NEETS in our Borough into work or education
 - Develop programmes to support the current health reforms
 - Safeguarding front line services, particularly to continue to support the voluntary sector and PCSO's and focusing on the removal of bureaucracy and managerial posts
 - Looking for opportunities to share services and generate additional revenue
 - Preparing for the future and the uncertainty over public finances
 - To look to reduce debt and the consequent financing charges

Confidential report Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 4. To support the development of the Council's budget for 2012 / 13.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5. None.

CORPORATE PRIORITIES

- 6. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			√

BACKGROUND

- 5. In the last two financial years the Executive Cabinet have presented for debate and consultation a set of budget principles. These principles clearly set out the Executive's aspirations for both efficiencies and growth as a precursor to the detailed budget being agreed. The intention is to promote debate and feedback.
- 6. In terms of context, the principles reflect the ambitions of the Executive but until final figures and grants are available, it will not be possible to agree the final details but the direction of travel is indicated.
- 7. The Overview and Scrutiny Committee will be consulted at their meeting on the 3 January 2012 and our intention is to undertake an active consultation as was like last year when we received the highest number of responses recorded.

BUDGET PRINCIPLES

- 8. Set out below are the key principles which the Executive will seek to adopt in constructing its budget for 2012/13.

CONTINUING TO BE A HIGH PERFORMANCE COUNCIL

- 9. The Council's new Corporate Strategy sets out the Council's aspirations in terms of deliverables. The targets and measures if achieved will ensure the Council's performance comparatively speaking continues to place is amongst the better Local Authority nationally.

COUNCIL TAX

10. The Executive have as an overriding principle of each of its budgets over the last three years aimed to contain Council Tax increases. Council Tax has been frozen in 3 of the last 5 years.
11. **For 2012 the Executive will be recommending the freezing of Council Tax in 2012/13.**

PROTECTING THE CHORLEY COMMUNITY FROM THE IMPACT OF THE RECESSION

12. Again over subsequent budgets the Executive have aimed to protect business in Chorley by where ever possible restricting increase in car parking charges and market rents, despite this source of funding being a key increase stream for the Council. For 2011/12 the Council agreed to allocate resources to new business start ups and for 2012/13 we will look to continue this support.
13. In terms of investment there are two further areas that have been developed as priorities for 2012/13. These two areas are finding some solutions to the current issue in relation to youth unemployment and responding to the current health reforms. In both these circumstances the Executive's intention will be to recommend that the Council looks to put resources into developing programmes to deal with the particular issues.

PROVIDING BETTER VALUE SERVICES

14. The Executive approach has traditionally, been to provide value for money to the tax payer of Chorley. The efficiencies and savings made historically and the recent use of resources and organisational assessment score provide some evidence that has been achieved successfully. Our Place Survey results indicate that the taxpayer of Chorley believe the Council provides value for money, and this is something the Executive would want to continue. For 2012/13 the reengineering of services, alternative delivery mechanisms and increasing productivity of staff will continue.
15. **Over the coming financial planning period 2012/13-2014/15 this approach will be continued.**

SAFEGUARDING FRONTLINE SERVICES

16. The Executive is clear on this point that savings and efficiencies should wherever possible come from managerial and administrative costs, better procurement and non priority areas rather than services the taxpayer values.
17. As the overarching budget approach has been to reduce managerial and administration costs, eliminate waste and smarter working by design, the budget for 2012/13 will look to maintain spending in key priority areas which will mean:
 - Maintaining support for the voluntary sector and PCSO's
 - Driving out in efficiency and cost that do not add value
 - Ensuring our workforce is productive
 - Focusing on the key priorities of the Chorley citizens and business community
 - Living within our means as available resources diminish

LOOKING FOR OPPORTUNITIES TO SHARE SERVICES AND GENERATE ADDITIONAL REVENUE

18. The Authority has a history of a mixed economy approach to service delivery. However, the opportunities for in particular sharing of services to provide a more efficient and effective service will become more prevalent during the next financial planning period. The Executive are committed to looking at all options in this respect and to continue looking for opportunities to generate additional revenue into the Council by selling the services and products we have to others when that opportunity arises and if it is appropriate to do so. In 2011/12 further progress was made on revenues and benefits with our partners at South Ribble. Further income was generated from repeat business at Council's we were supporting.

REDUCING DEBT AND FINANCING CHARGES

19. At present the Council sets aside significant sums from its revenue budget to repay debt. The Executive will look for opportunities to reduce this rather than always looking for additionality in terms of capital resources. The prudential code which has been adopted by the Council require the Council to only spend what it can afford, so it is prudent financial management to look at opportunities to reduce the ongoing debt burden.

PREPARTING FOR THE FUTURE

20. Post 2012/13 the support the Council will receive from Government will reduce. Current forecasts indicate there may be cuts in government support of up to 30% over that period for formula grant, but other forms of incentive may benefit the Council.

In terms of proposals for the future the Executive will seek to:

- Balance the budget over the financial planning period 2012/13-2014/15
- Continue to change the shape and scale of the organisation to drive through on the efficiencies agenda, through adopting different delivery models.
- Focus on the priorities of the citizens and business community of Chorley
- Continue to invest in technology and schemes that generate savings
- Look to consolidate the Councils debt position and reduce it wherever possible

21. The 2012/13 budget will therefore with this in mind look to prepare the Council for continuing difficult financial challenges ahead, whilst continuing to prioritise the resources it puts into delivering the aspirations in the Corporate Strategy.

IMPLICATIONS OF REPORT

22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	√	Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

23. There are no comments.

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Gary Hall	5104	1 December 2011	Budget Principles Report

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Report of	Meeting	Date
Monitoring Officer (Introduced by the Executive Member for Resources)	Executive Cabinet	15 December 2011

THE LOCALISM ACT: KEY PROVISIONS

PURPOSE OF REPORT

1. To inform the Executive Cabinet of the implications of the Localism Act 2011.

RECOMMENDATION(S)

2. That the Executive Cabinet note the content of the report.

EXECUTIVE SUMMARY OF REPORT

3. The Localism Act 2011 received royal assent on 15 November 2011. The stated intent of the Act is to provide Councils with a licence to innovate and to decentralise power back to communities and locally elected councillors.
4. The provisions of the Act are wide ranging and cover a number of different subject heads. This report will touch on the main provisions so far as they directly affect this Authority. Members are asked to note that at present many of the provisions set out principles or a framework for an approach and will need further subordinate legislation to detail how they will operate in practice. It is not intended that this report provide a comprehensive description of the provisions of the Act only a brief overview.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. There are no actions to be taken at present following the Localism Act becoming law.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Strong Family Support	X	Education and Jobs	X
Being Healthy	X	Pride in Quality Homes and Clean Neighbourhoods	X
Safe Respectful Communities	X	Quality Community Services and Spaces	X
Vibrant Local Economy	X	Thriving Town Centre, Local Attractions and Villages	X
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

BACKGROUND

- 8. The Localism Act was the major piece of legislation relating to Local Government introduced by the current national administration. The Act has had a long progress through Parliament, but given its sometimes contentious nature the final document was produced broadly by consensus across all parties.
- 9. The Act is presented in 10 Parts, not all of them relevant to this Authority and this report will present the new provisions in the same way.

PART 1: LOCAL GOVERNMENT

The General Power of Competence

- 10. The Act enables Local Authorities to do anything that an individual generally may do. The power cannot be exercised contrary to current or future legislation. So that the Authority are preventing from doing anything that the law says they cannot do. There are further limitations on charging for exercising this power or for exercising the power in a commercial manner.
- 11. This provision in effect changes the question local authorities are to ask themselves before acting. Instead of asking “Have we the power?”; we should now ask “Why not?”. It is a significant change in approach. There will always be other factors to consider, but local authorities no longer have to try to fit their actions within existing powers.
- 12. This provision will be brought into force by an order of the Secretary of State. There is no date as yet fixed for this commencement.

Transfer and Delegation of Functions to Certain Authorities

- 13. This was described in the House of Lords by Lord Beecham as the “most localist part of the entire Bill”. The power is exercisable by the Secretary of State and enables the transfer of a ‘public function’ from central government to a county or district council. The Secretary of State can only make such an order where the effect would be to promote economic development or wealth creation or to increase local accountability for the function transferred.
- 14. Local Authorities can make proposals for the transfer of functions to the Secretary of State who must then consider them and decide what action to take. Any transfer of functions must be made by statutory instrument which will be considered by both houses of parliament.
- 15. It is envisaged that this power will promote community budgeting and partnering between public service partners.

Predetermination and Standards

16. A full report has been provided to Council on 6 December and as a result this topic is not being considered further here.

PART 5: COMMUNITY EMPOWERMENT**Council Tax**

17. The Act introduces a new procedure to be used where the Council intend to make an “excessive increase” to the level of basic council tax. What constitutes an excessive increase will be determined by the Secretary of State annually and is likely to reflect the current economic conditions.
18. Where an excessive increase is proposed the Council will be required to hold a referendum on the increase. The results of the referendum will then need to be reported to the Secretary of State who will then consider the proposed increase.

Community Right to Challenge

19. These provisions enable relevant bodies (as defined in the Act) to make expressions of interest to the Council to provide or assist in providing a relevant service. The Council are obliged to consider the expressions of interest although not to accept it.
20. This is akin to the provisions relating to the transfer and delegation of functions from central government to local.

Assets of Community Value

21. Local Authorities will be required to maintain a list of land of community value within their area. The definition of land of community value is quite detailed but essentially, the primary use should be for the social well-being or interest of the local community. The asset does not need to be owned by the Local Authority. In order to be listed the land of community value should be nominated by the community or be prescribed by regulation.
22. The effect of being on the list will be felt when the owner intends to undertake a relevant disposal of the land, most likely a sale. Prior to agreeing any disposal the owner must notify the Council of their intent and there will follow a moratorium to allow expressions of interest from any community interest group.

PART 6: PLANNING**Plans and Strategies**

23. The Act provides the power to the Secretary of State to revoke, by order, Regional Strategies. It is unlikely that this power will be exercised before 20 January as the impact of any decision to revoke is currently undergoing a consultation exercise on the environmental impact.
24. In order to address any concerns over regional co-ordination on planning issues the Act provides a duty on local authorities and relevant bodies to co-operate. This co-operation should be in the form of active, constructive engagement in the preparation of development plan documents or other local development documents.

Community Infrastructure Levy

25. The Act amends the earlier legislation and intends to provide a greater clarity and consistency in the cost of developments. It requires that a ‘meaningful proportion’ of the levy be used in the neighbourhood of the development.
26. The amendments to the provisions for CIL do not spell the end of section 106 planning obligations which will still be used when the development has site specific needs that will not be covered by the levy.

Neighbourhood Planning

27. Neighbourhood Plans and Neighbourhood Development Orders are new powers for communities, acting through parish councils or neighbourhood forums, to steer development in their areas. A Neighbourhood Plan will provide the policies relating to the development of a particular area. A Neighbourhood Development Order will grant planning permission for a specified development or class of development in a particular area.
28. The powers are permissive in nature and do not provide an opportunity to limit development. Neither can the policies proposed within the Neighbourhood Plan be incompatible with the local development plan.

Consultation

29. A new process of community consultation by developers with local residents is introduced. Many developers already undertake a consultation exercise, however this will be a requirement for proposed developments specified in a development order (as yet not produced). The process undertaken will need to be compliant with the Act and there is also a duty to take account of the consultation responses.

PART 7: HOUSING**Allocations**

30. Subject to exclusions within the Act it is for Council's to decide what categories of persons qualify for allocation of housing accommodation. Councils now have to have an allocations scheme that determines the priority of those persons. The scheme must allow the qualifying person to have either the choice of accommodation or to express a preference. There is guidance within the Act as to prioritisation both concerning the individual circumstances and financial resources.

Homelessness

31. The Council's duty to persons in priority need who are not intentionally homeless have changed. The Council may under this provision discharge their duty by the offer of private rented accommodation. Formerly, the person was able to wait in temporary accommodation for a social home.

COMMENCEMENT

32. Throughout this report the reference to the changes and new powers have been in the present tense. Members are asked to note that the majority of the provisions will be brought into force by order of the Secretary of State or a Minister. There is no published timetable for this although the expectation is that most of the sections will be commenced by Order prior to 1 April 2012.
33. It is important however, that the Council ready themselves for these provisions becoming effective as early as possible.

CONCLUSION

34. Chorley Council are an organisation that seeks to innovate and embraces change and always endeavours to engage with residents. The new powers will enable this approach to continue and should be welcomed.

IMPLICATIONS OF REPORT

35. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	y	Customer Services	
Human Resources		Equality and Diversity	
Legal	y	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

36. No comments.

COMMENTS OF THE MONITORING OFFICER

37. None save in the body of the report.

CHRIS MOISTER
 HEAD OF GOVERNANCE / MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	***	***

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