

# Council

**Tuesday, 17 July 2012**

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

## **12.C.302 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Ken Ball, Henry Counce, Graham Dunn and Robert Fynamore.

## **12.C.303 DECLARATIONS OF ANY INTERESTS**

The Mayor referred to changes in standards processes from 1 July 2012, including the need to declare pecuniary rather than personal and prejudicial interests.

There were no interests declared for this meeting.

## **12.C.304 MINUTES OF THE ANNUAL COUNCIL MEETING HELD ON TUESDAY, 15 MAY 2012**

**RESOLVED – that the minutes of the Annual Meeting of the Council held on 15 May 2012 be confirmed as a correct record and signed by the Mayor.**

## **12.C.305 MAYORAL ANNOUNCEMENTS**

The Mayor congratulated Bradley Wiggins on his outstanding success at this stage in the Tour de France. On behalf of all Members she passed on her best wishes to all local athletes taking part in the Olympic and Paralympic Games.

The Mayor referred to some forthcoming fundraising activities including a Christmas Fayre and an opportunity for Members to take part in a sponsored fast with Councillor Hasina Khan during Ramadan.

The Mayor announced that the Council was again celebrating Green Flag success with Tatton Recreation Ground, Withnell Nature Reserve and Yarrow Valley Country Park being again awarded Green Flags for high quality and well managed green spaces with excellent facilities. Astley Park had also received a Green Flag for the first time this year.

## **12.C.306 PUBLIC QUESTIONS**

Heather Clipston, Chairperson of Chorley Moor Residents Group and a Gillibrand's resident asked the following question of the Leader of the Council:

"What measures can the Council take to ensure the council tax payers on non adopted estates receive the services we are entitled to for example lights working, planted and landscaped areas maintained and to ensure the developers meet those expectations. How long after a development has been completed should residents have to wait? It would seem that the developers are no longer interested in maintaining the sites as it is no longer in their interests they are no longer selling properties. Is it the case that the bonds are not in place therefore there is no incentive for the developers to aim for adoption. As the council will not adopt the estates until they are of 'an adoptable standard' as time goes by this seems more unlikely".

In response, the Leader of the Council referred to a revised section 106 agreement which was now in place for the Gillibrand Estate which would make it easier to adopt elements of that agreement earlier. The Council had a corporate policy of trying to adopt estates as soon as possible and this was an area which the Council would be focussing on in future. However there were other aspects where the Council had no direct control - highways and street lighting were the responsibility of Lancashire County Council and United Utilities need to adopt the sewers and provide other utility services. The Council would work with these other agencies and housing developers to improve and speed up adoption processes.

#### **12.C.307 EXECUTIVE CABINET**

Members considered a general report of the Executive Cabinet held on 21 June 2012.

The Leader of the Council provided an update on the Chorley Remembers Heritage Lottery Fund Project which had been the subject of a meeting with interested parties the evening before. A slightly amended project had been agreed in relation to the relocation of the Falklands Stone. On this basis the project would continue with no loss of funding and an implementation date in time for Remembrance Sunday.

Members raised questions in relation to IT performance and the implementation of dog control orders.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED – that the report be noted.**

#### **12.C.308 CAPITAL PROGRAMME PROVISIONAL OUTTURN 2011/12 AND MONITORING 2012/13 TO 2014/15**

The Council considered a report introduced by the Executive Member for Resources, Policy and Performance on the Capital Programme provisional outturn for 2011/12 and Capital Monitoring information for 2012/13 to 2014/15.

The report had previously been approved at Executive Cabinet on 21 June 2012 and approval was now sought from Council to the financing of the 2011/12 capital programme; the rephasing of capital budgets between 2011/12 and 2012/13; and other consequential changes including the creation of a new budget from developer contributions to finance People and Places directorate projects.

Councillor Peter Wilson, Executive Member for Resources, Policy and Performance proposed, Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED** –

1. **That the financing of the 2011/12 Capital Programme as presented in Appendix 1 of the report be approved;**
2. **That the rephrasing of capital budgets between 2011/12 and 2012/13, as presented in column (2) of Appendix 2 of the report be approved; and**
3. **That the other amendments to the Capital Programmes for 2012/13 and 2013/14, as presented in columns (3) and (6) of Appendix 2 of the report be approved.**

#### **12.C.309 OVERVIEW AND SCRUTINY COMMITTEE AND TASK GROUPS**

The Council considered general reports of meetings of the Overview and Scrutiny Committee held on 16 April and 9 July 2012.

Questions were raised regarding the future funding of the IDVA service and anticipated expenditure on rebranding.

Councillor Steve Holgate, Chair of the Overview and Scrutiny Committee proposed, Councillor Roy Lees seconded and it was **RESOLVED – that the reports be noted.**

#### **12.C.310 SCRUTINY REPORTING BACK: ANNUAL REPORT FOR 2011/12**

Members considered the annual report of the work of the Overview and Scrutiny Committee during 2011/12, entitled Scrutiny Reporting Back.

Councillor Peter Goldsworthy, Leader of the Conservative Group thanked everyone involved in the work of the Overview and Scrutiny Committee in 2011/12.

Councillor Steve Holgate, Chair of the Overview and Scrutiny Committee proposed, Councillor Roy Lees seconded and it was **RESOLVED – that the report be noted.**

#### **12.C.311 ANNUAL REPORT 2011/12**

Members considered the Annual Report of the Council for 2011/12 providing an overview of the Council's progress in the previous 12 months including identifying areas for improvement and challenge for 2012/13.

Questions were raised regarding the support for those seeking work but outside the criteria for NEETs and the need for business support in rural areas. The Leader of the Council reported that the borough's economic development strategy would be reviewed to providing more a dynamic approach to engaging with young people; improving support for existing businesses; and building new business

space in Chorley to provide a more joined up approach to economic regeneration which would do more than just attract people to the town.

Councillor Peter Goldsworthy, Leader of the Conservative Group referred to the recent high success rate in start up businesses and the need to concentrate on SME's as the driver to economic regeneration. His Group would support a sensible approach to reviewing the economic development strategy.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED – that the report be noted.**

#### **12.C.312 CORE STRATEGY ADOPTION**

The Executive Member for Planning and LDF presented a report seeking approval to the adoption of a Central Lancashire Core Strategy, a copy of which had been circulated to all Members.

The report summarised the Inspector's comments following his formal examination of the Core Strategy and its submission to the three authorities on 7 June 2012. This included his judgement on the seven main and complementary issues on which the soundness of the local plan depended and details of the two main modifications required to the plan which had been agreed by the Council in September 2011. These were detailed under MM1 and MM2 in the report.

There was general support for the adoption of the Core Strategy with questions regarding how far the current proposals for more car parking for employees working in Chorley and the reopening of Market St in Chorley town centre to traffic, fit with elements of section 7 of the Core Strategy relating to public transport and managing car use.

The Executive Member reported that full consultation would take place regarding the proposal to open up Market St to traffic.

Councillor Dennis Edgerley, Executive Member (Planning and LDF) proposed, Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED – that the Central Lancashire Core Strategy be adopted with the modifications made by the Examination Inspector as set out in the report and that upon adoption, the Core Strategy be used for development control decision making processes.**

#### **12.C.313 COMMUNITY INFRASTRUCTURE LEVY**

The Executive Member for Planning and LDF presented a report seeking Council approval to draft charging schedules to be levied on new development under the new Community Infrastructure Levy.

Consultation and engagement on the preliminary draft charging schedules had been completed as the first stage in determining the charge rates to be levied on new development. Community Infrastructure Levy charges were set in advance of planning applications and were charged on a per square metre of new floor space basis. Charge rates would differ for different types of development, based on the varying economic viability of developments.

There had been widespread consultation with engagement meetings taking place with developers, parish and town councils, neighbouring councils, infrastructure providers and Lancashire County Council.

Councillor Dennis Edgerley, Executive Member (Planning and LDF) proposed, Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED - that the charging schedules set out below be approved for the next stage of consultation and then submitted for examination:**

**All residential development £65 sq.m with the exception of:**

- **Sites in inner Preston - £35 per sq.m**
- **Apartments - £10 per sq.m**

**Convenience Retail**

- **Stores less than 280 sq.m - £40 per sq.m**
- **Stores 280 sq.m and above - £160 per sq.m**

#### **12.C.314 NATIONAL PLANNING POLICY FRAMEWORK AND LOCALISM ACT ENFORCEMENT AND NEIGHBOURHOOD PLANS**

The Executive Member for Planning and LDF presented a report on issues resulting from the enactment of various provisions of the Localism Act 2011 and the National Planning Policy Framework including consequential changes required to the Council's scheme of delegation; the provision of a Local Enforcement Plan; and the Council's approach to Neighbourhood Planning.

Councillor Dennis Edgerley, Executive Member (Planning and LDF) proposed, Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED -**

- 1. That the Council adopt the approach within PPG18: Enforcement, as an interim approach to planning enforcement;**
- 2. That a Local Enforcement Plan be prepared within 12 months for consideration by the Council; and**
- 3. That Members note the enactment of the powers defined in the Localism Act 2011 to decline to determine planning applications on sites previously subject to enforcement notices, together with the provisions and regulations for neighbourhood planning; and authorise the Head of Governance to make detailed amendments to the Constitution and Scheme of Delegation in accordance with the report.**

#### **12.C.315 REVISION OF STREET TRADING CONSENT CONDITIONS**

The Executive Member for Places presented a report seeking approval to changes to the conditions attached to the Street Trading Consent scheme operated in the Borough under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

The key change being recommended was in relation to the permitted hours for street trading. It was proposed that the hours for street trading be revised to between 0730 hours and 2300 hours on any day of the week. The revised conditions were appended to the report.

Councillor Terry Brown, Executive Member (Places) proposed, Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED – that the changes to the Council’s Street Trading Consent scheme be approved as contained in the report for implementation with immediate effect.**

#### **12.C.316 GOVERNANCE COMMITTEE**

Members considered a general report of the first meeting of the Governance Committee held on 28 June 2012.

Councillor Paul Leadbetter, Chair of the Governance Committee proposed, Councillor Alison Hansford Vice Chair, seconded and it was **RESOLVED – that the report be noted.**

#### **12.C.317 THE STANDARDS REGIME AFTER 1 JULY 2012**

Further to a decision of the Council Meeting on 3 April 2012, the Monitoring Officer submitted a report which had previously been approved at Executive Cabinet agreeing arrangements for the new standards regime under the Localism Act 2011, taking effect on 1 July 2012.

The Localism Act 2011 revoked the existing standards regime and replaced it with a lighter touch more locally based scheme. The report proposed:

- a new Code of Conduct
- revised arrangements for dealing with complaints about the conduct of Members
- a new hearings procedure
- a schedule of disclosable pecuniary interests under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

It had previously been agreed that the Governance Committee would include responsibility for the standards regime and would be the committee from which Members would be drawn should any standards complaints result in a hearing.

It was reported that a recruitment exercise had been undertaken for independent persons to support the standards process and that following interviews, the Council was being recommended to appoint one person at this stage.

Councillor Peter Goldsworthy, Leader of the Conservative Group expressed concern about the Code of Conduct being recommended for adoption, on the basis that there was little change from the current scheme. Whilst he acknowledged the adoption of a new regime was a legal requirement, he would be looking to review the new arrangements after a period of six months to assess the results.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED -**

- 1. That the Council confirm adoption of the new Code of Conduct and associated procedures as detailed in the report and appendices, with effect from 1 July 2012, as agreed by Executive Cabinet on 21 June 2012.**
- 2. That the new arrangements be reviewed after a period of 6 months.**

3. **That following interviews held on 16 July 2012, Mr Peter Ripley be appointed as an independent person to support the new standards regime and that further recruitment be undertaken to appoint up to two other independent persons.**

#### **12.C.318 AMENDMENT TO THE CONSTITUTION**

The Monitoring Officer presented a report which sought agreement to changes to the Council's Constitution as a result of the establishment of the new Governance Committee following the merger of the audit and standards functions of the Council.

The report proposed new terms of reference for the Committee and referred to other consequential changes required in the Constitution following implementation of the Governance Committee.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED – that the revised terms of reference for the Governance Committee be approved as detailed in the report along with other consequential amendments to the Constitution.**

#### **12.C.319 APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES**

Members considered a number of additional appointments to Committees and outside bodies.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED - that the following appointments be agreed:**

- **Three Tier Forum – Councillors A Gee, J Molyneaux, J Cronshaw, H Khan, Doreen Dickinson, Marie Gray and Alison Hansford**
- **Runshaw Quarry Liaison Meeting – Councillor Danny Gee and Geoff Russell**
- **Groundwork Trust Wigan and Chorley – Councillor Hasina Khan to replace Councillor Kim Snape**
- **LCC Pensions Committee - Councillor Paul Leadbetter as Chair of Governance Committee be nominated to represent Lancashire District Councils**
- **LGA appointments - Councillor Peter Wilson to replace Councillor Dennis Edgerley on all the LGA appointments**
- **Lancashire Tourism Forum - Councillor Alistair Bradley with Councillor Adrian Lowe as his substitute member.**

#### **12.C.320 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8**

The Mayor reported that one question had been received under Procedure Rule 8 from Councillor John Walker for the Executive Leader, as follows:

“Does the Leader of the Council agree with me that the Olympic sports and cultural programme, including the school torch relay for all the schools in Chorley has been a great success and encouraged many young children to be involved with new sporting activities.

As the school close for the summer holidays before the Olympic Games commence, and do not reopen until after the Para Olympic games have finished, what will be done to make sure the legacy of the Olympic/Para Games continues in schools for the benefit of children in the future months and years.”

In response the Executive Leader and Councillor Bev Murray, Executive Member for People reported on the success of the schools torch relay; Active Generation projects; the Sporting Life exhibition at Astley Hall; plus funding for local sports clubs.

In addition there was summer projects organised under the Get Up and Go scheme; activities listed in the What’s On guide and a number of sports clubs offering taster sessions. There was a reported 12% increase in the use of the Leisure Centres locally and the Council was working with Active Nation to bring in free swimming for all children in the Borough over the summer school holiday period. The hope was that the legacy of the Olympics would continue far beyond the summer period.

**12.C.321 TO CONSIDER ANY NOTICES OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10**

There were no notices of motion to be considered.

**12.C.322 CHANGE OF DATE OF COUNCIL MEETING**

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED - that it be confirmed that the Council meeting scheduled during April 2013 be changed from 9 April to 16 April 2013.**

Chair