

Council

Agenda and Reports

For consideration on

Tuesday, 17th July 2012

In the Council Chamber, Town Hall, Chorley

At 6.30 pm



PROCEDURE FOR PUBLIC QUESTIONS/SPEAKING AT COUNCIL MEETINGS

- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Council meeting to allow time to prepare appropriate responses and investigate the issue if necessary (12 Noon on the Friday prior to the meeting).
- 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 ordinary Council meeting, excluding the Annual 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.

09 July 2012

Dear Councillor

COUNCIL - TUESDAY, 17TH JULY 2012

You are invited to attend a meeting of the Chorley Borough Council to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 17th July 2012 commencing at 6.30 pm for the following purposes.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary 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.

3. **Minutes of the Annual Council meeting held on Tuesday, 15 May 2012 (Pages 1 - 14)**

4. **Mayoral Announcements**

5. **Public Questions**

Members of the public who have requested the opportunity to ask question(s) on any item(s) on the agenda will be asked to put their question(s) to the Council. Members of the public will be allowed to ask one supplementary question within their allocated 3 minutes.

6. **Executive Cabinet (Pages 15 - 18)**

General report of the Executive Cabinet meeting held on 21 June 2012, attached.

7. **Capital Programme Provisional Outturn 2011/12 and Monitoring 2012/13 to 2014/15 (Pages 19 - 36)**

To approve the attached report agreed at Executive Cabinet on 21 June 2012.

8. **Overview and Scrutiny Committee and Task Groups (Pages 37 - 40)**

To receive the attached general report of the meeting held on 16 April 2012.

The report of the Committee meeting to be held on 9 July 2012 will follow.

9. **Scrutiny Reporting Back: Annual Report for 2011/12 (Pages 41 - 46)**

To receive the attached Annual Report of the Overview and Scrutiny Committee for 2011/12.

10. **Annual Report 2011/12 (Pages 47 - 56)**

To receive the attached Annual Report of the Council for 2011/12.

11. **Core Strategy Adoption (Pages 57 - 64)**

A report of the Executive Member (Planning and LDF) is attached regarding the adoption of a revised Core Strategy.

A copy of the text of the final version of the Core Strategy to be adopted is included separately with your agenda.

A copy of the Publication Version of the Core Strategy - with the changes highlighted between that version and the final version above will be available in the Members Room.

12. **Community Infrastructure Levy (Pages 65 - 68)**

To consider the attached report of the Executive Member (Planning and LDF).

13. **National Planning Policy Framework and Localism Act Enforcement and Neighbourhood Plans (Pages 69 - 84)**

To consider the attached report of the Executive Member (Planning and LDF).

14. **Revision of Street Trading Consent Conditions (Pages 85 - 96)**

To consider the attached report of the Executive Member (Places).

15. **Governance Committee (Pages 97 - 102)**

To receive the attached general report of the meeting held on 28 June 2012.

16. **The Standards Regime after 1 July 2012 (Pages 103 - 126)**

To endorse the recommendations contained in the attached report of the Monitoring Officer agreed by Executive Cabinet on 21 June 2012.

In addition to the report, a schedule is attached which lists disclosable pecuniary interests as defined under the Regulations. DCLG guidance on those Regulations has not yet been issued but Members will be advised when this becomes available and a new declaration of interest form will be produced.

17. **Amendment to the Constitution (Pages 127 - 130)**

To consider the attached report of the Monitoring Officer.

18. **Appointments to Committees and Outside Bodies**

To agree the following additional appointments:

1. To appoint Councillor Julia Berry to the role of Lead Member for Health and Well Being Initiatives.
2. To add the following three Councillors to the membership of the Overview and Scrutiny Committee:
 - Councillor Roy Lees (to also become Vice Chair of the Committee) Matthew Crow and Ralph Snape
3. To confirm the following appointments to outside bodies:
 - Three Tier Forum – Councillors A Gee, J Molyneaux, J Cronshaw and H Khan; plus 3 Conservative Members to be nominated at the meeting.
 - Runshaw Quarry Liaison Meeting – Councillor Danny Gee
 - Groundwork Trust Wigan and Chorley – Councillor Hasina Khan to replace Councillor Kim Snape
 - LCC Pensions Committee - Councillor Paul Leadbetter as Chair of Governance Committee
 - 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

19. **Questions Asked under Council Procedure Rule 8 (if any)**

20. **To consider any Notices of Motion given in accordance with Council Procedure Rule 10**

21. **Change of date of Council Meeting**

To confirm a change in date for the Council meeting in April 2013, from 9th to 16th April 2013.

22. **Any other item(s) the Mayor decides is/are urgent**

Yours sincerely



Gary Hall
Chief Executive

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

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

01257 515823 کیجئے:

Annual Council**Tuesday, 15 May 2012**

Present: Councillor Pat Case (Mayor), Councillor June Molyneaux (Deputy Mayor) and Ken Ball, Eric Bell, Julia Berry, Alistair Bradley, Terry Brown, Henry Counce, Jean Cronshaw, Matthew Crow, Magda Cullens, John Dalton, David Dickinson, Doreen Dickinson, Graham Dunn, Dennis Edgerley, Robert Finnamore, 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, Pauline Phipps, Alan Platt, Dave Rogerson, Geoffrey Russell, Rosie Russell, Joyce Snape, Kim Snape, Ralph Snape, John Walker, Paul Walmsley and Peter Wilson

12.C.286 APOLOGIES FOR ABSENCE

The Mayor, Pat Case welcomed all Councillors, particularly those newly elected to the Council, to the Annual Meeting of the Council. Apologies for absence were submitted on behalf of Gary Hall, Chief Executive.

12.C.287 DECLARATIONS OF ANY INTERESTS

Councillors Mark Perks and Keith Iddon declared a personal and prejudicial interest in one of the two additional items, a Proposed Chorley Career and Sixth Form Academy.

12.C.288 MINUTES OF LAST MEETING ON TUESDAY, 3 APRIL 2012

RESOLVED – that the minutes of the last meeting of the Council held on 3 April 2012 be confirmed as a correct record for signature by the Mayor.

12.C.289 RETURNING OFFICER'S REPORT

The Director of People and Places presented the Returning Officer's report on Ward Councillors elected at the borough elections held on 3 May 2012, as follows:

Peter Wilson (Labour) and Graham Dunn (Labour) - Adlington and Anderton
David Dickinson (Conservative) - Brindle and Hoghton
Julia Berry (Labour) - Chorley East
Adrian Lowe (Labour) - Chorley North East
Joyce Snape (Independent) - Chorley North West
Alistair Bradley (Labour) - Chorley South East
Anthony Gee (Labour) - Chorley South West
Jean Cronshaw (Labour) - Clayton le Woods North
John Walker (Conservative) - Clayton le Woods and Whittle le Woods
Robert Finnamore (Labour) - Coppull
Henry Counce (Conservative) - Eccleston and Mawdesley
Danny Gee (Labour) - Euxton North
Kim Snape (Labour) – Heath Charnock and Rivington
John Dalton (Conservative) – Lostock
Chris France (Labour) – Wheelton and Withnell

Councillor Peter Goldsworthy welcomed all newly elected Members to the Council and paid tribute to the work of those Members who had not been re-elected this year.

12.C.290 ELECTION OF THE MAYOR FOR THE COUNCIL YEAR 2012/2013

It was moved by Councillor Peter Wilson and seconded by Councillor Dennis Edgerley that Councillor June Molyneaux be elected as Mayor of the Borough of Chorley for the forthcoming Council Year.

RESOLVED – That Councillor June Molyneaux be elected Mayor for the Borough of Chorley for the forthcoming Council Year.

Councillor Molyneaux in the Chair

The Mayor thanked all present for her election as Mayor and advised Members that she would be undertaking fundraising activities throughout her Mayoral Year in support of St Catherine's Hospice; Home Start; Shopmobility; and Chorley Mencap. She introduced her mother, Mrs Florence Molyneaux as her Mayoress for the year.

12.C.291 ELECTION OF THE DEPUTY MAYOR FOR THE COUNCIL YEAR 2012/2013

It was moved by Councillor Eric Bell and seconded by Councillor Greg Morgan that Councillor John Walker be elected as Deputy Mayor of the Borough of Chorley for the forthcoming Council Year.

RESOLVED – That Councillor John Walker be elected Deputy Mayor for the Borough of Chorley for the 2012/13 Council Year.

The Deputy Mayor introduced Mrs Marie Walker as his Deputy Mayoress for 2012/13.

12.C.292 PRESENTATION AND VOTE OF THANKS TO THE RETIRING MAYOR

The Mayor presented the former Mayor, Pat Case with a portrait of herself in the Mayoral Insignia and past Mayor's badge of office and a plaque bearing the Council's Coat of Arms as tokens of their past year of office as Mayor of Chorley.

Political Group Leaders paid tribute to Pat Case who had not stood for re election this year. They referred to the major contributions which Pat had made to the work of the Council and the County Council over the last 20 years and in particular her ward of Heath Charnock and Rivington. Other councillors joined in support of the tributes and passed on their best wishes to Pat for the future.

Pat Case responded with her congratulations to the new Mayor and Mayoress on their appointment. She had thoroughly enjoyed her year as Mayor, finding it both humbling and uplifting and had been astounded by the many individuals and organisations in the Borough who dedicated themselves to helping others.

Pat referred to her political career both at Chorley Council, the County Council and with the Health Authority and her pleasure in supporting her ward residents in Heath Charnock and Rivington. She also reported on her allocation of charitable funding for the year as follows:

- Derian House £1000
- St Catherine's Hospice £1000
- Homestart £1000
- Young Oncology Unit at Christies £500
- Rosemere Unit at Preston Hospital £500
- Barnardos £300
- Runshaw College "Give a Dam" Campaign £400
- Help the Homeless £300
- Army Cadet £100 towards a fundraising parachute jump which then raised £2500

She thanked all concerned for their support over her 20 years in office and in her Mayoral year, particularly during her recent illness. She presented the gift of a watercolour of Rivington Pike to the Council.

12.C.293 EXECUTIVE LEADER

Councillor Peter Wilson proposed, Councillor Dennis Edgerley seconded and it was **RESOLVED – that Councillor Alistair Bradley be appointed Executive Leader for the forthcoming Council Year.**

Councillor Alistair Bradley responded to his appointment by outlining the plans of the new administration under a ten point plan which focussed on the following priorities:

1. Tackling unemployment
2. Increasing volunteering
3. Improving neighbourhood working
4. Tackling housing and homelessness issues
5. Improving the economy
6. Developing the town centre
7. Business start up grants and support
8. Open and accessible government
9. Increasing consultation and engagement
10. Campaign to publicise what actions the Council is taking

The Executive Leader proposed and Councillor Peter Wilson seconded, a proposal to provide funding for a further ten apprenticeships and it was **RESOLVED – that funding for a further 10 apprenticeships be approved at a cost of £110,000 to be found from forecasted underspend within the current budget framework.**

12.C.294 APPOINTMENT OF THE DEPUTY EXECUTIVE LEADER AND EXECUTIVE MEMBER POSITIONS FOR 2012/13.

The Executive Leader, Councillor Alistair Bradley reported that he had made the following appointments to the Executive Cabinet:

- As Executive Leader he would also have portfolio responsibility for Economic Development and Governance
- Deputy Leader and Executive Member (Resources, Policy and Performance) – Councillor Peter Wilson
- Executive Member (People) – Councillor Bev Murray
- Executive Member (Places) – Councillor Terry Brown
- Executive Member (LDF and Planning) - Councillor Dennis Edgerley

- Executive Member (Homes and Business) – Councillor Adrian Lowe

RESOLVED – that the Executive Leader’s appointments to the Executive Cabinet for 2012/13 be noted.

12.C.295 APPOINTMENTS TO COMMITTEES AND OTHER COUNCIL POSITIONS FOR 2012/2013

The Council considered a schedule of nominations for the appointment of committees, working groups and panels in accordance with the political balance rules, together with respective Chairs and Vice Chairs for the forthcoming Council year. The list also contained a list of shadow portfolio and support members.

Councillor Peter Goldsworthy, Leader of the Conservative Group expressed his disappointment that the ruling administration had not offered the Chair of the Overview and Scrutiny Committee to the opposition, in line with the practice in recent years. The Executive Leader reported that his Group were looking to improve engagement with residents and it was proposed that overview and scrutiny would have a role in this.

Councillor Peter Goldsworthy proposed an amendment, seconded by Councillor Greg Morgan, that the Conservative Group be offered the Chair of the Overview and Scrutiny Committee.

On being put to the vote, the amendment was LOST and Councillor Goldsworthy then withdrew his Group’s membership of the Overview and Scrutiny Committee.

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

1. That the following appointments be approved for 2012/13:

OVERVIEW AND SCRUTINY COMMITTEE	DEVELOPMENT CONTROL COMMITTEE
S Holgate (Chair) G Dunn R Finnamore C France H Khan M Lowe J Berry J Snape K Snape	P Walmsley (Chair) D Rogerson (Vice Chair) K Ball H Counce J Cronshaw J Dalton David Dickinson D Edgerley C France D Gee H Heaton S Holgate R Lees G Morgan G Russell
<p><i>The Conservative Group have withdrawn their membership of this committee.</i></p>	Substitute Members: M Crow R Finnamore

	A Hansford M Muncaster
<p>LICENSING AND PUBLIC SAFETY COMMITTEE</p> <p>M Lowe (Chair) A Gee (Vice Chair) J Cronshaw M Crow David Dickinson Doreen Dickinson G Dunn K Iddon H Khan P Leadbetter A Lowe M Muncaster S Murfitt P Phipps A Platt R Snape J Walker</p> <p>Substitute Members: J Berry D Gee</p>	<p>GENERAL PURPOSES COMMITTEE</p> <p>J Berry (Chair) D Gee (Vice Chair) E Bell T Brown M Crow J Cronshaw P Goldsworthy H Heaton K Joyce H Khan P Leadbetter A Lowe J Molyneaux G Morgan B Murray R Snape J Walker</p>
<p>GOVERNANCE COMMITTEE</p> <p>P Leadbetter (Chair) A Hansford (Vice Chair) J Berry G Dunn A Gee M Gray J Molyneaux A Platt</p>	<p>APPOINTMENTS PANEL</p> <p>A Bradley (Chair) P Goldsworthy A Lowe G Morgan S Murfitt R Snape J Walker P Wilson</p> <p>Plus relevant portfolio holder.</p>
<p>CHIEF EXECUTIVE'S PERFORMANCE REVIEW PANEL</p> <p>A Bradley (Chair) P Goldsworthy G Morgan P Walmsley P Wilson</p>	<p>HUMAN RESOURCES APPEALS COMMITTEE (Panels taken from 9 Members)</p> <p>M Lowe (Chair) J Dalton G Dunn A Gee M Muncaster B Murray P Phipps R Russell J Walker</p>

<p>EQUALITY FORUM</p> <p>H Khan (Chair) J Cronshaw A Hansford S Holgate S Murfitt R Russell</p>	<p>LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP</p> <p>A Bradley (Chair) H Caunce D Edgerley R Fynamore D Gee P Goldsworthy H Heaton R Lees G Morgan D Rogerson G Russell P Walmsley</p>
<p>BOROUGH/PARISH LIAISON</p> <p>All Executive Cabinet Members</p>	<p>LICENSING LIAISON</p> <p>M Lowe (Chair) A Gee (Vice Chair)</p>
<p>CHORLEY PARTNERSHIP</p> <p>Executive Leader, Cabinet Members for Children’s Trust (People) and Community Safety (Places), Leader of Opposition</p>	<p>SHARED JOINT SERVICES COMMITTEE</p> <p>A Bradley K Joyce P Wilson</p>
<p>MEMBERS SUPPORT WORKING GROUP</p> <p>J Molyneaux (Chair) D Rogerson (Vice Chair) S Holgate P Leadbetter M Muncaster K Snape</p>	

2. That the following shadow positions for 2012/13 be noted:

Leader of the Conservative Group	P Goldsworthy	
Deputy Leader of the Conservative Group	G Morgan	
SHADOW PORTFOLIO POSITIONS	LEAD	SUPPORT
Economic Development and Governance	P Goldsworthy	A Platt
Resources, Policy and Performance	K Joyce	G Morgan
People	J Walker	R Russell
Places	E Bell	P Leadbetter
LDF and Planning	G Morgan	G Russell
Homes and Business	H Heaton	M Gray
SHADOW LEAD MEMBERS	LEAD	

LICENSING	K Iddon	
DEVELOPMENT CONTROL	G Russell	

12.C.296 **LANCASHIRE POLICE AND CRIME PANEL**

Members considered a report of the Chief Executive on the creation of a Lancashire Police and Crime Panel as a result of the introduction of elected Police and Crime Commissioners under the Police Reform and Social Responsibility Act 2011.

Under the new arrangements, Lancashire County Council would be the authority charged with the establishment of a Police and Crime Panel for Lancashire and appended to the report was information from Lancashire County Council on the Panel responsibilities; how it would operate; and proposed membership. Chorley Council was being asked to nominate one representative. There were still discussions taking place on the political balance of the Panel and how it reflected the political makeup of Councils across Lancashire.

The Deputy Leader, Councillor Peter Wilson proposed, Councillor Dennis Edgerley seconded and it was **RESOLVED –**

- 1. That the establishment of a Police and Crime Panel for Lancashire as a Joint Committee of the 15 local authorities for the Lancashire Police force area be agreed;**
- 2. That the Panel Arrangements proposed in Appendix B to the Lancashire County Council Report titled “Lancashire Police and Crime Panel Establishment: Panel Arrangements, Terms of Reference and Rules of Procedure” be agreed; and**
- 3. That Councillor Alistair Bradley, Executive Leader be appointed as Chorley Council’s representative on the Police and Crime Panel for Lancashire.**

12.C.297 **TOWN CENTRE TEAM**

Members considered a report of the Head of Economic Development recently approved by the Chorley Partnership Executive proposing that the Town Centre Workshop be replaced by a Town Centre Team which would support the delivery of the economic regeneration strategy and report to the Local Strategic Partnership by feeding into the “You and Chorley” strand.

It was proposed by the Executive Leader, Councillor Alistair Bradley, seconded by the Deputy Leader, Peter Wilson and **RESOLVED –**

- 1. That a Town Centre Team be established to support the Local Strategic Partnership by feeding into the “You and Chorley” strand;**
- 2. That it be chaired by the Executive Leader as the lead Member on economic development;**

3. That there be a total of 18 representatives as outlined in the report but with additional representation from Chorley Little Theatre and Runshaw College; and
4. That the Town Centre Workshop be disbanded – including the cancellation of the meeting scheduled for 24 May 2012.

12.C.298 APPOINTMENTS TO OUTSIDE BODIES FOR 2012/2013

A schedule of nominations for the appointment of Council representatives on outside bodies for the forthcoming Council Year 2012/13 was circulated.

Councillor Goldsworthy indicated that he felt that nominations to the Heapey and Wheelton Village Hall Committee should be the ward councillors for Wheelton and Withnell. He then proposed an amendment, seconded by Councillor Greg Morgan, that Councillor Alison Hansford rather than Councillor Kim Snape should be a representative on the Heapey and Wheelton Village Hall Committee.

On being put to the vote, the amendment was LOST.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED – that the following appointments to outside bodies be approved for 2012/13:**

NAME OF BODY	NO OF REPS	REPRESENTATIVES
Adlington Community Association	2	Councillor June Molyneaux and Mrs Florence Molyneaux (Labour Nominee)
Armed Force Champion (Preston, Chorley and South Ribble CVS)	1	Executive Member for People (Councillor Beverley Murray)
Brindle Village Hall Management Committee (Observer position)	1	Councillor David Dickinson
Chorley Age Concern	2	Councillors Rosemary Russell and Jean Cronshaw
Chorley and District Neighbourhood Watch Association	1	Executive Member for Places (Councillor Terry Brown)
Chorley and District Sports Forum	2	Executive Member for People (Councillor Beverley Murray) and Councillor Mick Muncaster
Chorley and South Ribble Citizens Advice Bureau Management Committee	1	Councillor Hasina Khan
Council for Voluntary Service Central Lancashire	1	Councillor Jean Cronshaw
Chorley and South Ribble Disability Forum	1	Councillor Steve Holgate

NAME OF BODY	NO OF REPS	REPRESENTATIVES
Chorley and South Ribble MIND	1	Councillor Rosemary Russell
Chorley and South Ribble Shopmobility	1	Councillor June Molyneaux
Chorley Churches Together	1	Councillor Matthew Crow
Chorley Community Housing Board	4	Councillors Daniel Gee, Marie Gray, Harold Heaton and Steve Murfitt
Chorley Consolidated Charity and Chorley Relief Fund	3	Councillor Anthony Gee (Appointed May 2010) Councillor Marie Gray (Appointed May 2010) Councillor Doreen Dickinson (Appointed July 2011) (NB Appointments are for a 5 year period and cannot be changed mid-period)
Chorley Domestic Violence Forum	2	Councillors Julia Berry and Hasina Khan
Chorley Local Children's Trust Partnership	1	Executive Member (People) Councillor Beverley Murray
Chorley Women's Centre	1	Councillor Julia Berry
Clayton-le-Woods Community Centre Management Committee	1	Councillor David Rogerson
Cuerden Valley Trust	1	Councillor Mick Muncaster
District Councils' Network	1	Executive Leader (Councillor Alistair Bradley)
Eccleston Maintained Youth Centre Management Committee	2	Councillors Henry Counce and Kevin Joyce
Groundwork Trust Wigan and Chorley	1	Councillor Kim Snape
Heapey and Wheelton Village Hall Committee	2	Councillors Chris France and Kim Snape
Heskin Village Hall Management Committee	1	Councillor Paul Leadbetter
Hoghton Village Hall Management Committee	1	Councillor David Dickinson
Home-Start Chorley and South Ribble	1	Councillor Pauline Phipps
Lancashire County Council Health Scrutiny Committee (Co-opted member)	1	Councillor Julia Berry (Substitute Member - Councillor Jean Cronshaw)
Lancashire Neighbourhood Watch Forum	1	Councillor Jean Cronshaw

NAME OF BODY	NO OF REPS	REPRESENTATIVES
Lancashire Teaching Hospitals NHS Trust - Governing Council	1	Councillor Julia Berry
Lancashire Valuation Tribunal	1	Mr Jon Davies (Labour nominee)
Lancashire Waste Management Strategy Group	1	Executive Member for Places (Councillor Terry Brown)
Local Development Framework Joint Advisory Committee	3	Executive Member for LDF and Planning (Councillor Dennis Edgerley), Councillors Harold Heaton and Paul Walmsley. (Substitutes Councillors Alistair Bradley, Greg Morgan and Dave Rogerson)
Local Government Association General Assembly	2	Executive Leader (Councillor Alistair Bradley) and Executive Member for LDF and Planning (Councillor Dennis Edgerley)
Local Government Association Rural Commission	2	Executive Leader (Councillor Alistair Bradley) and Executive Member for LDF and Planning (Councillor Dennis Edgerley)
Local Government Association Urban Commission	2	Executive Leader (Councillor Alistair Bradley) and Executive Member for LDF and Planning (Councillor Dennis Edgerley)
Local Government Association Lancashire Branch	3	Executive Leader (Councillor Alistair Bradley), Executive Member for LDF and Planning (Councillor Dennis Edgerley) and Leader of the Opposition (Councillor Peter Goldsworthy)
Mawdesley Millennium Trust	1	Councillor Kevin Joyce
Mawdesley Village Hall Management Committee	1	Councillor Keith Iddon
North Western Local Authorities' Employers Organisation	1	Executive Member for Resources, Policy and Performance (Councillor Peter Wilson) An employee of: (i) an organisation represented on the Trade Union Side of the Joint Council; or (ii) a local or Joint Authority and whose conditions of employment are within the scope of the Joint Council shall not be appointed as an Employers' representative (or substitute representative) on the Employers' Organisation. (Rule 5(d))

NAME OF BODY	NO OF REPS	REPRESENTATIVES
PATROL Adjudication and Bus Lane Adjudication Joint Committee Service	1	Executive Member for Places (Councillor Terry Brown)
Preston and Western Lancashire Racial Equality Council	1	Councillor Steve Murfitt
Rivington Heritage Trust	1	Councillor Kim Snape
Rivington and Brinscall Advisory Group	3	Councillors Marie Gray, Chris France and Kim Snape
Runshaw College Community Liaison Group	4	Councillors Matthew Crow, Robert Finnamore and Geoff Russell and Sarah Ainsworth (Labour Nominee)
Safer Chorley and South Ribble Partnership (Responsible Authorities Group)	1	Executive Member for Places (Councillor Terry Brown)
St John Ambulance Association	1	The Mayor (Councillor June Molyneaux)
The North West of England and the Isle of Man Reserved Forces and Cadets Association	1	Councillor Graham Dunn
West Pennine Moors Area Management Committee	2	Councillors Marie Gray and Julia Berry

The appointment of the Mayor in a Honorary Capacity for the following bodies:

- Chorley & District Choral Society
- Chorley Athletic Club
- St Catherine's Hospice
- Chorley Civic Society
- Royal British Legion

12.C.299 PROGRAMME OF COUNCIL MEETINGS FOR 2012/2013

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

1. That the Council meetings take place on the following dates:
 - 17 July 2012
 - 25 September 2012
 - 6 November 2012 – Policy Council
 - 8 January 2013
 - 28 February 2013 – Budget Council
 - 9 April 2013
2. That future meetings of the Executive Cabinet, Informal Cabinet and the Governance Committee would commence at 6.00pm; and any

further minor changes to meetings and meeting dates would be reported to members through intheknow.

The Mayor reported that she had accepted the following two items of business requiring urgent action.

12.C.300 PROPOSED CHORLEY CAREER AND SIXTH FORM

At this point in the meeting Councillors Perks and Iddon left the meeting following their declaration of personal and prejudicial interest in this item.

Councillor Alistair Bradley tabled a report regarding the proposed Chorley Career and Sixth Form Academy. The report had been drawn up in response to recent consultation which had formally closed on 28 April 2012 and to enable the Council to agree and put forward a late submission of views on the free school proposal for Chorley. The report listed reasons why it was felt that a free school in Chorley would have a negative impact on current education arrangements in Lancashire and in particularly Chorley. In summary these related to:

- The plans for the Chorley Career and Sixth Form Academy appear under developed and require more extensive consultation;
- If successful, there will be additional, surplus secondary school places. Whilst an increased demand for secondary school places is forecasted in the longer term, this is at least 5 years away. This impacts on the financial and educational viability of existing secondary schools.
- Chorley has very good secondary school provision with two schools with Academy status. All secondary schools are rated good or outstanding by Ofsted.
- There is evidence that parental choice over secondary school places is satisfied by existing provision.
- Sixth form entry requirements for the proposed school are high (minimum 5 A* - C grade GCSEs, including English and Maths) and therefore at odds with its aim of reducing those who are not in education, employment or training (NEETs).
- The existing sixth form provision at Runshaw is high performing with an extensive range of subject choices. Rathbone in Chorley town centre also offer foundation learning for 16 to 18 year olds and apprenticeships for 16 to 24 year olds.

RESOLVED – that the detailed comments set out in paragraphs 7 (a to j) of the report be agreed as a basis for a formal response from the Council to the Department of Education on the proposed establishment of the Chorley Career and Sixth Form Academy.

12.C.301 PROPOSED CLOSURE OF THE YOUTH COURT

Councillor Peter Wilson, Deputy Executive Leader referred to a report in that day's Lancashire Evening Post on the proposed closure of the Youth Court at Chorley. The Council had not yet formally been notified of the proposals but it was suggested that strong objections be put made to the closure on the basis that local justice will not be served locally; local magistrates gain knowledge and insight into young people, their families and communities; and that the decision

was being taken on financial grounds rather than what was best for local people. There were further concerns regarding the future of Chorley Magistrates Court.

RESOLVED – that on receipt of the formal consultation documents, the Council make formal objections to the Secretary of State asking that the closure of the Youth Court be reconsidered and seeking assurances to the long term future of the Magistrates Court in Chorley.

Chair

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REPORT OF EXECUTIVE CABINET**GENERAL REPORT – 21 JUNE 2012**

1. The Cabinet's recommendations on the reports that require Council decisions appear as separate items on the agenda.

Update - Chorley Remembers Heritage Lottery Fund Project

2. Three members of the public asked questions in relation to this item and 20 members of the public were in attendance at the meeting.
3. The Executive Member for People presented the report which updated us on the Chorley Remembers Heritage Lottery Fund (HLF) project. An artists impression of an alternative proposal was circulated at the meeting for information.
4. We clarified that a consultation exercise has been undertaken and that the Welsh Guards / Falkland's Stone will feature in the enhanced Chorley Cenotaph. The stone will be moved by a specialist contractor.
5. We discussed the impact delays could have on the project, including loss of funding and the potential for the building work at the Cenotaph not to be completed in time for Remembrance Day.
6. We agreed to approve the recommendations in principle, subject to myself undertaking further consultation with interested parties and undertaking slight amendments to the proposed Scheme, if required.

Final Report of the Overview and Scrutiny Task Group - Private Rented Housing Inspection

7. Councillor Bev Murray presented the report as the Chair of the Task Group and thanked the Members and officers who contributed to the inquiry.
8. The Task Group considered the problem of poor housing conditions in some private rented property in the Borough. The 2010 Housing Stock Conditions Survey identified that there were approximately 4100 private rented properties in the borough which represents 10% of the housing stock. Many of the low cost private rented properties are thought to have poor housing standards with some tenants afraid to complain because of the fear of eviction.
9. In looking at this issue, the Task Group focussed on three streams: identifying where the private rented housing stock is located in the borough, looking at current and potential housing condition inspection regimes; and potential landlord accreditation schemes and what they might bring towards the overall objective of improving private rented housing accommodation.
10. The recommendations proposed the introduction of a more proactive inspection regime providing expertise and capacity to undertake housing inspections on a more programmed basis.
11. We received and accepted the findings and recommendations of the Task Group for consideration, with a view to our recommended response to the recommendations being reported to a future meeting.

Final Report of the Overview and Scrutiny Task Group - Tourism and Promoting Chorley

12. Councillor Peter Wilson presented the report as the Chair of the Task Group. He thanked the Task Group Members, Officers and external representatives who contributed to the report.
13. The Task Group collected evidence from a number of different sources including officers and representatives from external organisations to find out what they do, compare areas of best practice and find out how the Council can best work together in the future.
14. The findings and recommendations of the Town Centre Vitality Scrutiny Review were revisited, particularly in relation to attracting more visitors to the town centre and its markets. The Group identified Chorley's main assets for tourism around the Borough and the key events in the calendar that might attract people to visit Chorley.
15. We noted that there will shortly be a catering facility at Yarrow Valley Country Park and queried the possibility of utilising some of the treasures owned by Astley Park more.
16. We received and accepted the findings and recommendations of the Task Group for consideration, with a view to our recommended response to the recommendations being reported to a future meeting.

Land rear of 52-78 Fairview Drive, 3 and 4 Barn View and 11-17 Fairview Drive, Adlington - Notification of One Objector to Disposal of Open Space

17. I presented a report updating Members on a report considered in March 2012. One objection had been received to the disposal of open space as garden extensions from a local dog-walker.
18. All residents at the location have responded requesting to purchase a parcel of land. Where a resident has not responded or did not wish to acquire a garden extension, neighbouring residents with appropriate access had requested to buy the relevant parcel instead. A notice advertising the disposal of the open space had been posted on the site and in the local press in order to give any potential objectors the opportunity to object.
19. We agreed to progress the decision and note the one objection.

Chorley Council Fourth Quarter Performance Report 2011/12

20. The Executive Member for Resources, Policy and Performance presented the report setting out the performance against the delivery of the Corporate Strategy and key performance indicators during the fourth quarter of 2011/12, 1 January to 31 March 2012.
21. We raised several queries, particularly in relation to the website refresh which has been rated red due to on-going delays. Final deployment is due by the end of the second quarter 2012/13.
22. The performance on Town Centre visits is noted as being slightly below target, although plans are being formulated to remedy this.

23. We noted that Selectmove is being reviewed as part of a wider issue. Chorley was leading a Lancashire wide project prior to signing up for the government sponsored "No Second Night Out" programme. This will involve a package of service Lancashire wide.
24. It was clarified that, in total, there are 20 NEETs which are employed by the Council. The information about the number of NEETs is collected on a register by LCC's Children and Young People's Service on a monthly basis.

Chorley Partnership Annual Report 2011/12

25. The Executive Member for Resources, Policy and Performance presented the report providing a summary of the progress made by the Chorley Partnership throughout 2011/12. The report includes partnership performance information, projects delivered in 2011/12 and the work being undertaken to deliver the Sustainable Community Strategy.
26. We discussed the issue of Domestic Violence and the need for a partnership approach moving forward to tackle this.
27. The pedestrian access from Euxton Lane to the railway station on Buckshaw Village was discussed. A planning application is anticipated that will resolve this issue, include landscaping and lighting in the area of the pedestrian access.
28. The first meeting of the Chorley Partnership will be held shortly where the Annual Report and the priorities and projects going forward will be discussed.

Provisional Revenue Outturn 2011/12

29. The Executive Member for Resources, Policy and Performance presented the report setting out the provisional revenue outturn figures for the Council as compared against the budgets and efficiency savings targets it set itself for the financial year 2011/12.
30. The accounts are provisional at this stage, subject to final checking and scrutiny by the Council's external auditor. If there are any significant changes to the outturn as a result of this process a further report will be submitted to Executive Cabinet.
31. It was clarified that the Council does not have any investments in Santander and so is not affected by the current issues being experienced by that bank.
32. Members noted there remained uncertainty for the Council's income streams following the implementation of the local Business Rates retention scheme from April 2013 and that it is prudent at this time to maintain balances at a higher level to help mitigate this risk. There is continuing instability in the banking system and it is prudent for the Council to guard against any potential losses that may occur from its investment portfolio. Whilst the risk is low, there is an expectation that the Council will be able to cover any such losses should they occur.
33. We approved the slippage requests and transfer of balances as recommended.

Clean Environment and Neighbourhoods Act 2005 - Dog Control Orders

34. The Executive Member for Places presented a report seeking approval for the introduction of three new Control Orders relating to the control of dogs in public places.

35. We discussed the level of the fine and noted that enforcement will be undertaken by Neighbourhood Officers, PCSO's and Park Rangers. For the initial three months that the Orders come into force there will be a light touch approach with high profile patrols in areas where the Orders have effect, advising dog walkers of the impact of the new Orders. Following this it is intended to use a high profile media campaign to advise dog owners of the effect of the Orders and that enforcement by way of fixed penalty notice will take place.
36. We agreed to note the results of the consultation and statutory notification period in relation to the introduction of the Control Orders and to approve the making of The Dogs on Leads (Chorley Council) Order 2012, The Dogs on Leads By Direction (Chorley Council) Order 2012 and The Dogs Exclusion (Chorley Council) Order 2012

Animal Welfare Act 2006 - Authorisation of Inspectors

37. The Executive Member for Places presented a report seeking the adoption of powers available under the Animal Welfare Act 2006 to authorise appropriately trained and competent officers as 'inspectors' under the Act.
38. Historically whilst lower tier local authorities have had powers to deal with stray dogs and informally provide support to other agencies in cases of welfare, the role of enforcement has been with upper tier authorities, departments within DEFRA and the RSPCA. The legislation makes provision for district councils to appoint inspectors who can act in cases of animal maltreatment.
39. We approved the adoption of the authorisation powers and inspector appointment powers within the Animal Welfare Act 2006.

Review of Disabled Facilities Grant (DFG) Policy

40. The Executive Member for Homes and Business presented the report setting out the results of a review of the DFG Policy.
41. The Private Sector Housing Assistance policy has been reviewed and approved by Executive Cabinet in February 2012. The section of the policy which relates to DFGs had not been included in the revised policy as further work was needed with regard to consulting with Registered Providers of Social Housing (RPs) and developing the principles of an agreement to allow RPs access to the DFG budget.
42. In February Executive Cabinet approved the start of negotiations with RPs to develop an agreement whereby the Council and RPs share the cost of major adaptations on a 50/50 basis. The report details progress in relation to negotiations with RPs, as well as providing options with regard to the funding required to deal with the resulting additional demands on the DFG budget.
43. We approved the revised policy and the principles of the local agreement to be entered into with the Registered Providers.

Recommendation

44. That the report be noted.

COUNCILLOR ALISTAIR BRADLEY
Executive Leader

RR



Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Resources, Policy and Performance)	Executive Cabinet	21 June 2012

CAPITAL PROGRAMME PROVISIONAL OUTTURN 2011/12 AND MONITORING 2012/13 – 2014/15

PURPOSE OF REPORT

1. To present the provisional outturn figures for the 2011/12 Capital Programme, which at this stage is subject to scrutiny by the Council's external auditor.
2. To update the Capital Programmes for financial years 2011/12 to 2013/14 to take account of rephasing of expenditure and other budget changes.
3. To report the receipt and use of contributions from developers for the period 2011/12 to 2014/15.

RECOMMENDATION(S)

4. That the Council be recommended to approve the financing of the 2011/12 Capital Programme as presented in Appendix 1.
5. That the Council be recommended to approve the rephasing of capital budgets between 2011/12 and 2012/13, as presented in column (2) of Appendix 2.
6. That the Council be recommended to approve the other amendments to the Capital Programmes for 2012/13 and 2013/14, as presented in columns (3) and (6) of Appendix 2.

EXECUTIVE SUMMARY OF REPORT

7. Council of 28th February 2012 approved amendments to the 2011/12 Capital Programme, which reduced the programme to £5,771,100. The provisional outturn is £4,363,274, which is £1,407,826 less than the revised estimate. Of this variance, £1,414,810 is the net rephasing of budgets between 2011/12 and 2012/13; and £6,984 is a net increase in resources plus minor roundings.
8. Of the rephased budgets total, £592,370 is in respect of Buckshaw Railway Station, which Executive Cabinet had been forewarned about on 23rd February 2012. The budget for Strategic Land Assembly should also be rephased. It was added to the programme only on 28th February 2012, leaving insufficient time to complete land acquisition negotiations before year-end.
9. In 2012/13, it is recommended that the programme should be reduced by £8,430 to reflect a small reduction in resources; and that the £5,000 budget for Performance Management should be transferred to the revenue budget. Column (3) of Appendix 2 reflects the proposed

transfer of rephased project design budgets to the budget for improvements to fixed assets, and the reallocation of housing budgets.

10. It is recommended that two budgets to be financed with developers' contributions totalling £249,620 should be added to the 2012/13 and 2013/14 Capital Programmes, as indicated in columns (3) and (6) of Appendix 2.
11. Appendix 3 presents the actual use of developers' contributions in 2011/12 and the proposed budgeted use from 2012/13 to 2014/15. The balance of uncommitted contributions is indicated to total approximately £391,000.
12. Capital receipts totalling £150,000 were applied as budgeted to reduce debt in 2011/12. This was required to achieve the saving in capital financing costs chargeable to the 2012/13 revenue budget. There are not any usable capital receipts held as at 31st March 2012 and none are budgeted to be received during 2012/13. It is likely that some receipts from asset sales will be obtained, and proposals for their use would be presented in future reports.

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)

13. It is necessary for Council to approve the financing of the 2011/12 Capital Programme, and to approve the rephasing of budgets between financial years.
14. It is also necessary to update the current 2012/13 Capital Programme to take account of the rephasing of budgets, changes to resources, and proposed use of uncommitted budgets.
15. Adding a new budget to be financed with developers' contributions to the 2013/14 Capital Programme helps People and Places directorate to plan the implementation of projects and confirms the balance of contributions that is not committed at present.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

16. None

CORPORATE PRIORITIES

17. 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

18. The revised Capital Programme for 2011/12 to 2013/14 totalling £10,310,120 was presented to the Executive Cabinet meeting of 23rd February 2012. When reported to Special Council of 28th February 2012, the total was increased to £17,460,120 by the addition of budgets for Strategic Land Assembly in Chorley Town Centre (£500,000 in 2011/12), and Chorley East Health Centre (£6,650,000 in 2012/13). In addition, provisional budgets for the 2014/15 Capital Programme totalling £836,250 were approved.
19. This report presents provisional outturn variances from the 2011/12 revised estimate of £5,771,100, and identifies the effect of slippage etc. on the 2012/13 to 2014/15 Capital programme total of £12,525,270.

PROVISIONAL OUTTURN 2011/12

20. Subject to audit, the provisional outturn for 2011/12 is £4,363,274, which is £1,407,826 less than the revised estimate. This variance is made up as follows:

	£	£
Rephased to 2012/13		
- Buckshaw Railway Station	(592,370)	
- Strategic Land Assembly	(500,000)	
- Other budgets	<u>(344,120)</u>	
		(1,436,490)
Rephased from 2012/14		21,680
Net increase in resources & roundings		6,984
Total variance 2011/12		<u><u>(1,407,826)</u></u>

21. The likelihood of slippage in respect of the Buckshaw Railway Station project was discussed in the report of 23rd February 2012. Though the station has been operational since October 2011, Network Rail has not finalised payments to the main contractor. The 2011/12 provisional outturn for the project of £2.763 million is based on Network Rail's estimate of outstanding payments to the contractor, but not all payments had been made by 31st March 2012. In theory, the sum of £592,370 would be available for further improvements to the station in 2012/13, but it should not be committed until the original scheme has been finalised.
22. A budget of £500,000 for Strategic Land Assembly in Chorley Town Centre was added to the 2011/12 programme at Special Council of 28th February. This ensured that the revenue consequences were reflected in the revenue budget for 2012/13. However, a month was

insufficient time to complete negotiations to purchase the land and vacant properties on the corner of Market Street and Gillibrand Street, so the budget should be rephased to 2012/13.

23. Appendix 1 identifies the rephasing of other budgets to 2012/13, which total £344,120. In addition, £21,680 budget provision has been brought forward from 2012/13, to cover overspending on a small number of budgets in 2011/12. In general, the overspending arose because too much budget provision had been rephased to 2012/13 in previous reports.
24. The final variation of £6,984 takes account of roundings and a net increase in resources. Additional grants and contributions totalling £10,075 were received to finance Disabled Facilities Grants, but proceeds from the sale of scrap market stalls were £3,070 less than anticipated.
25. Column (3) of Appendix 1 shows the reallocation of budgets for ICT salaries, project design and asset improvements to specific schemes.

REVISED ESTIMATE 2012/13

26. The Capital Programme for 2012/13 should be increased from £10,866,240 to £12,371,040 to take account of the £1,414,810 net rephasing of projects from 2011/12; the addition of the Adlington Play Facilities scheme (£103,420 financed by developer contribution); the transfer of the remaining £5,000 of the Performance Management budget to revenue; and an £8,430 estimated reduction in resources. The reduction relates mainly to capital receipts not yet achieved. Once receipts from disposal of surplus assets have been received, the programme could be increased again, or the receipts could be used to reduce financing by borrowing.
27. The changes to individual budgets are presented in Appendix 2.
28. It is recommended that VAT Shelter Income (revenue financing) that had been earmarked to finance project design fees in 2011/12 should be used to finance improvements to the Council's fixed assets now that the resource has been carried forward to 2012/13. Details of the specific projects to be implemented in 2012/13 will be reported at a later date. It is not certain that all improvements recommended by Liberata could be included in the capital programme. Any improvements that did not qualify as capital expenditure would have to be charged to the revenue account budget, but the capital budget and use of revenue financing would be reduced to match to ensure that the impact would be neutral.
29. When the 2012/13 Capital Programme was approved on 28th February 2012, the uncommitted Housing Renewal budget totalling £657,610 was rephased from 2011/12, pending further consideration of its use and phasing. The budget has been reduced by £5,600 to £652,010 because of overspending in 2011/12. The Head of Housing has recommended use of £52,780 in 2012/13 for Home Repair Grants, which is slightly less than actual expenditure in 2011/12 of £57,409. It is also recommended that £4,000 of the Housing Renewal budget should be used to provide a safe play area at Cotswold House. After adding £5,280 slippage from 2011/12, the Energy Efficiency Grants budget would be more than is estimated as necessary, so it is recommended that £5,000 be added back into the uncommitted Housing Renewal total.
30. The uncommitted Housing Renewal total for 2012/13 would be £600,230 if these proposals are approved. Though this resource is included in the 2012/13 programme, it is unlikely that it would all be spent this year. Apart from Disabled Facilities Grants funded with Government grant, estimated to continue at £269,000 per year, there are no other Housing

Renewal budgets in the 2013/14 and 2014/15 programmes. Rephrasing of the uncommitted Housing Renewal budget from 2012/13 to these future years would be one option to address the issue, without resorting to prudential borrowing to finance housing expenditure such as grants.

31. In a report on this agenda proposing changes to the Council's Disabled Facilities Grants policy, the Director of Partnerships, Planning and Policy indicates that use of most of the uncommitted Housing Renewal budget would be required to top up the current DFG budgets for 2012/13 to 2014/15. If the changes are approved, the impact on the budget would be reflected in the next capital programme monitoring report.
32. Budget provision of £592,370 in respect of Buckshaw Railway Station has been rephased from 2011/12. The expenditure charged to 2011/12 included an estimated figure to finalise the contract, based on information from Network Rail and Lancashire County Council. The 2012/13 budget would be financed with two sums (£562,370 and £30,000) received from developers, and would be applied to benefit Buckshaw Village in accordance with the agreements with the developers.
33. Budget provision for improving the access road to Duxbury Park Golf Course has been carried forward from 2011/12. However it is unlikely that the scheme would proceed until additional external funding has been secured. Negotiations are in progress and it is intended that the tendering process should begin in July.

REVISED ESTIMATE 2013/14

34. The revised Capital Programme for 2013/14 would be £968,980 after the addition of a scheme to be financed from developers' S106 contributions.
35. Developers' S106 contributions for Play and Recreation facilities and Public Open Space enhancements totalling £146,200 have been received, but these may be restricted to use in specific vicinities rather than Borough-wide use. This budget would be allocated to projects when they are closer to implementation, generally after sites have been identified and relevant parties consulted.

CAPITAL PROGRAMME 2014/15

36. There are no changes to the Capital Programme for 2014/15 at this stage.

DEVELOPERS' CONTRIBUTIONS

37. Actual use of developer's contributions in 2011/12 and budgeted use from 2012/13 to 2014/15 is shown in Appendix 3.
38. At present, only £27,000 uncommitted Borough-wide S106 contributions are available for play and recreation schemes, which could include making contributions to projects implemented by other organisations. However, it is likely that contributions would continue to be received throughout the year, and the total available for allocation to projects would be updated in further monitoring reports.
39. Approximately £364,000 of the contribution received for purposes including highway improvements, community safety and recreation facilities in the vicinity of the former Lex site on Pilling Lane is uncommitted at present.
40. Further contributions are receivable as development of Buckshaw Group 1 and Group 4 North proceeds. Affordable housing and other facilities would be provided on site by the

developers, but the Council would receive contributions to provide affordable housing, community facilities, playing fields and public open space, public infrastructure, and public transport improvements.

DEBT REDUCTION STRATEGY

41. The report to Executive Cabinet of 23rd February indicated that the revenue budget strategy for 2012/13 required debt reduction of £400,000 in 2011/12, of which £250,000 would be from revenue budget savings and £150,000 from capital programme resources. Debt was reduced as budgeted in 2011/12, but the use of £150,000 capital receipts is not reflected in Appendix 1 showing the financing of the capital programme.
42. The budgeted and actual use of capital receipts in 2011/12 and 2012/13 is as follows:

	Budget £	Actual or Revised £	Variance £
<u>2011/12</u>			
Balance 1/4/11	40,730	40,731	1
Receipts in year	180,770	172,328	(8,442)
Total available	221,500	213,059	(8,441)
Capital financing	(53,270)	(63,059)	(9,789)
Debt reduction	(150,000)	(150,000)	0
Total applied	(203,270)	(213,059)	(9,789)
<u>2012/13</u>			
Balance 1/4/12	18,230	0	(18,230)
Receipts in year	0	0	0
Total available	18,230	0	(18,230)
Capital financing	(18,230)	0	18,230
Total applied	(18,230)	0	18,230
Balance 31/3/13	0	0	0

Capital receipts obtained in 2011/12 were slightly lower than expected. The 2012/13 programme has been reduced to match, rather than increasing borrowing to make up for the reduced resource. It is anticipated that further capital receipts would be achieved during 2012/13. Such capital receipts could be used for further debt reduction or to reduce budgeted borrowing, in order to produce revenue budget savings, or to finance additional capital expenditure.

IMPLICATIONS OF REPORT

43. 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

44. Financial implications are set out in the body of the report.

COMMENTS OF THE MONITORING OFFICER

45. The Monitoring Officer has no comments.

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Michael Jackson	5490	24 th May 2012	Capital Programme Outturn 2011-12 & Monitoring 2012-13 – 2014-15 Jun 2012.doc

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Capital Programme - Provisional Outturn

Scheme	2011/12 Current Estimate (1) £	Rephased (2) £	Reallocated (3) £	Other (4) £	2011/12 Provisional Outturn (5) £
<u>Chief Executive</u>					
<u>Head of Policy</u>					
Performance Management	10,000	(5,000)			5,000
<u>Head of Policy Total</u>	10,000	(5,000)	0	0	5,000
<u>Head of Customer, ICT & Transactional Services</u>					
Website Development (incl. ICT salary capitalisation)	20,000		(20,000)		0
Thin Client/Citrix Virtual Desktop Infrastructure	146,000	(22,030)	13,300	1	137,271
Unified Intelligent Desktop (externally funded)	122,510	(59,970)	6,700		69,240
UID / Asidua Mobile	23,330	(23,330)			0
Replacement Benefits System	46,500				46,500
<u>Head of Customer, ICT & Transactional Services Total</u>	358,340	(105,330)	0	1	253,011
<u>Head of Governance</u>					
Planned Improvements to Fixed Assets	139,670	(98,300)	(35,770)	0	5,600
Strategic Land Assembly Chorley Town Centre	500,000	(500,000)			0
<u>Head of Governance Total</u>	639,670	(598,300)	(35,770)	0	5,600
<u>Chief Executive Total</u>	1,008,010	(708,630)	(35,770)	1	263,611

Capital Programme - Provisional Outturn

Scheme	2011/12 Current Estimate (1) £	Rephased (2) £	Reallocated (3) £	Other (4) £	2011/12 Provisional Outturn (5) £
<u>Director of Partnerships, Planning & Policy</u>					
<u>Head of Economic Development</u>					
Chorley Market Improvements	130,720	(41,070)	850	(3,072)	87,428
Climate Change Pot	31,770	(10,000)		(5)	21,765
<u>Head of Economic Development Total</u>	162,490	(51,070)	850	(3,077)	109,193
<u>Head of Housing</u>					
Affordable Housing New Development Projects	158,000				158,000
Disabled Facilities Grants	351,150	8,750		10,076	369,976
Housing Renewal					
- Home Repair Grants/Decent Homes Assistance	52,780	4,630		(1)	57,409
- Energy Efficiency Grants	12,940	(5,280)			7,660
- Miscellaneous Renewal Schemes	16,590	970		0	17,560
Cotswold House Refurbishment (PRG/RHP grant funded)	9,500	(8,700)	31,990	(5)	32,785
Project Design Fees	41,440	(41,440)		0	0
<u>Head of Housing Total</u>	642,400	(41,070)	31,990	10,070	643,390
<u>Head of Planning</u>					
Buckshaw Village Railway Station (S106 financed)	3,355,320	(592,370)		(1)	2,762,949
Buckshaw Village Cycle Network (S106 financed)	77,360	(11,150)		(4)	66,206
<u>Head of Planning Total</u>	3,432,680	(603,520)	0	(5)	2,829,155
<u>Director of Partnerships, Planning & Policy Total</u>	4,237,570	(695,660)	32,840	6,988	3,581,738

Capital Programme - Provisional Outturn

Scheme	2011/12 Current Estimate (1) £	Rephased (2) £	Reallocated (3) £	Other (4) £	2011/12 Provisional Outturn (5) £
<u>Director of People and Places</u>					
<u>Head of Streetscene & Leisure Contracts</u>					
Leisure Centres/Swimming Pool Refurbishment	100,000	3,520		2	103,522
Duxbury Park Golf Course/Access Rd capital investment	5,940				5,940
Replacement of recycling/litter bins & containers	121,740	2,160		(4)	123,896
Highway improvements - Gillibrand estate/Southlands	44,000				44,000
Astley Park Improvements	5,300		530	(2)	5,828
Play and Recreation Fund projects	88,990	(3,930)	8,510	(3)	93,567
YVCP Natural Play Zone (S106/Grant funded)	109,430	(3,820)	10,560	(3)	116,167
Car Park Pay and Display Ticket Machines	20,250				20,250
Rangleys Recreation Ground/Duke Street Field (S106 funded)	0	1,650	170	3	1,823
Tatton Community Centre Roof (2010/11 scheme)	0		2,930	2	2,932
Project Design Fees	29,870	(10,100)	(19,770)	0	0
<u>Head of Streetscene & Leisure Contracts Total</u>	525,520	(10,520)	2,930	(5)	517,925
<u>Director of People and Places Total</u>	525,520	(10,520)	2,930	(5)	517,925
<u>Capital Programme Total</u>	5,771,100	(1,414,810)	0	6,984	4,363,274

Capital Programme - Provisional Outturn

Scheme	2011/12 Current Estimate (1) £	Rephased (2) £	Reallocated (3) £	Other (4) £	2011/12 Provisional Outturn (5) £
<u>Financing the Capital Programme</u>					
Prudential Borrowing	757,060	(548,040)		2	209,022
Unrestricted Capital Receipts	53,270	9,810		(21)	63,059
Revenue Budget - VAT Shelter income	542,930	(182,840)		3	360,093
Revenue Budget - virement from revenue budgets	59,980	(28,450)		968	32,498
Chorley Council Resources	1,413,240	(749,520)	0	952	664,672
Ext. Contributions - Developers	3,698,060	(605,690)		(12)	3,092,358
Ext. Contributions - Other	218,440	(68,670)		1,386	151,156
Government Grants - Disabled Facilities Grants	311,330	5,280		4,663	321,273
Government Grants - Housing Capital Grant	130,030	3,790		(5)	133,815
External Funding	4,357,860	(665,290)	0	6,032	3,698,602
Capital Financing Total	5,771,100	(1,414,810)	0	6,984	4,363,274

Capital Programme - 2012/13 to 2014/15

Scheme	2012/13			2012/13	2013/14		2013/14	2014/15	Total
	Current Estimate (1) £	Rephased (2) £	Other (3) £	Revised Estimate (4) £	Current Estimate (5) £	Other (6) £	Revised Estimate (7) £	Current Estimate (8) £	2012/13 to 2014/15 (9) £
Chief Executive									
<u>Head of Policy</u>									
Performance Management	0	5,000	(5,000)	0			0		0
<u>Head of Policy Total</u>	0	5,000	(5,000)	0	0	0	0	0	0
<u>Head of Customer, ICT & Transactional Services</u>									
Website Development (incl. ICT salary capitalisation)	20,000			20,000			0		20,000
Thin Client/Citrix Virtual Desktop Infrastructure	24,800	22,030		46,830			0		46,830
Unified Intelligent Desktop (externally funded)	0	59,970	(10)	59,960			0		59,960
UID / Asidua Mobile	0	23,330		23,330			0		23,330
<u>Head of Customer, ICT & Transactional Services Total</u>	44,800	105,330	(10)	150,120	0	0	0	0	150,120
<u>Head of Governance</u>									
Planned Improvements to Fixed Assets	450,000	98,300	43,120	591,420	200,000		200,000	200,000	991,420
Strategic Land Assembly Chorley Town Centre	0	500,000		500,000			0		500,000
Chorley East Health Centre - land purchase/construction	6,650,000			6,650,000			0		6,650,000
<u>Head of Governance Total</u>	7,100,000	598,300	43,120	7,741,420	200,000	0	200,000	200,000	8,141,420
<u>Head of Human Resources & Organisational Development</u>									
Integrated HR, Payroll and Training System	15,000			15,000			0		15,000
<u>Head of HR & Organisational Development Total</u>	15,000	0	0	15,000	0	0	0	0	15,000
Chief Executive Total	7,159,800	708,630	38,110	7,906,540	200,000	0	200,000	200,000	8,306,540

Capital Programme - 2012/13 to 2014/15

Scheme	2012/13			2012/13	2013/14		2013/14	2014/15	Total
	Current Estimate (1) £	Rephased (2) £	Other (3) £	Revised Estimate (4) £	Current Estimate (5) £	Other (6) £	Revised Estimate (7) £	Current Estimate (8) £	2012/13 to 2014/15 (9) £
<u>Director of Partnerships, Planning & Policy</u>									
<u>Head of Economic Development</u>									
Chorley Market Improvements	6,670	41,070		47,740			0		47,740
Climate Change Pot	27,530	10,000		37,530			0		37,530
<u>Head of Economic Development Total</u>	34,200	51,070	0	85,270	0	0	0	0	85,270
<u>Head of Housing</u>									
Affordable Housing New Development Projects	509,630			509,630			0		509,630
- Long-Term Empty Homes	25,000			25,000			0		25,000
Disabled Facilities Grants	424,330	(8,750)		415,580	269,000		269,000	269,000	953,580
Housing Renewal	657,610	(5,600)	(51,780)	600,230			0		600,230
- Home Repair Grants/Decent Homes Assistance	0		52,780	52,780			0		52,780
- Energy Efficiency Grants	10,000	5,280	(5,000)	10,280			0		10,280
Cotswold House Refurbishment	130,750	8,700	4,000	143,450			0		143,450
Project Design Fees	41,440	41,440	(41,440)	41,440			0		41,440
<u>Head of Housing Total</u>	1,798,760	41,070	(41,440)	1,798,390	269,000	0	269,000	269,000	2,336,390
<u>Head of Planning</u>									
Eaves Green Link Road - contribution to LCC scheme	80,000			80,000			0		80,000
Chorley Strategic Regional Site	391,200			391,200			0		391,200
Highway Improvements Pilling Lane area (S106 funded)	150,000			150,000			0		150,000
Puffin Crossing Collingwood Rd/Letchworth Drive (S106 funded)	47,820			47,820			0		47,820
Buckshaw Village Railway Station (S106 financed)	0	592,370		592,370			0		592,370
Buckshaw Village Cycle Network (S106 financed)	0	11,150		11,150			0		11,150
<u>Head of Planning Total</u>	669,020	603,520	0	1,272,540	0	0	0	0	1,272,540
<u>Director of Partnerships, Planning & Policy Total</u>	2,501,980	695,660	(41,440)	3,156,200	269,000	0	269,000	269,000	3,694,200

Capital Programme - 2012/13 to 2014/15

Scheme	2012/13	Rephased	Other	2012/13	2013/14	Other	2013/14	2014/15	Total
	Current			Revised	Current		Revised	Current	2012/13 to
	Estimate	(2)	(3)	Estimate	Estimate	(6)	Estimate	Estimate	2014/15
	(1)			(4)	(5)		(7)	(8)	(9)
	£	£	£	£	£	£	£	£	£
Director of People and Places									
<u>Head of Streetscene & Leisure Contracts</u>									
Leisure Centres/Swimming Pool Refurbishment	510,600	(3,520)		507,080	268,780		268,780	282,250	1,058,110
Duxbury Park Golf Course/Access Rd capital investment	80,620			80,620			0		80,620
Replacement of recycling/litter bins & containers	97,830	(2,160)		95,670	85,000		85,000	85,000	265,670
Eaves Green Play Development (S106 funded)	189,480			189,480			0		189,480
Play and Recreation Fund projects	54,540	3,930		58,470			0		58,470
Common Bank - Big Wood Reservoir	11,520			11,520			0		11,520
Rangleys Recreation Ground/Duke Street Field (S106 funded)	230,000	(1,650)		228,350			0		228,350
YVCP Natural Play Zone (S106/Grant funded)	0	3,820		3,820			0		3,820
Adlington Play Facilities (Grove Farm S106)	0		103,420	103,420	0		0		103,420
Play, Recreation and Public Open Space projects (S106)	0			0	0	146,200	146,200		146,200
Project Design Fees	29,870	10,100	(10,100)	29,870			0		29,870
<u>Head of Streetscene & Leisure Contracts Total</u>	1,204,460	10,520	93,320	1,308,300	353,780	146,200	499,980	367,250	2,175,530
<u>Director of People and Places Total</u>	1,204,460	10,520	93,320	1,308,300	353,780	146,200	499,980	367,250	2,175,530
<u>Capital Programme Total</u>	10,866,240	1,414,810	89,990	12,371,040	822,780	146,200	968,980	836,250	14,176,270
<u>Financing the Capital Programme</u>									
Prudential Borrowing	1,429,170	548,040	0	1,977,210	553,780		553,780	567,250	3,098,240
Prudential Borrowing - Chorley East Health Centre	6,650,000			6,650,000			0		6,650,000
Unrestricted Capital Receipts	18,230	(9,810)	(8,420)	0			0		0
Revenue Budget - VAT Shelter income	266,390	182,840	(5,000)	444,230			0		444,230
Revenue Budget - virement from revenue budgets	7,920	28,450		36,370			0		36,370
Chorley Council Resources	8,371,710	749,520	(13,420)	9,107,810	553,780	0	553,780	567,250	10,228,840
Ext. Contributions - Developers	1,297,790	605,690	103,420	2,006,900		146,200	146,200		2,153,100
Ext. Contributions - Other	116,920	68,670	(10)	185,580			0		185,580
Government Grants - Disabled Facilities Grants	274,280	(5,280)		269,000	269,000		269,000	269,000	807,000
Government Grants - Housing Capital Grant	805,540	(3,790)		801,750			0		801,750
External Funding	2,494,530	665,290	103,410	3,263,230	269,000	146,200	415,200	269,000	3,947,430
Capital Financing Total	10,866,240	1,414,810	89,990	12,371,040	822,780	146,200	968,980	836,250	14,176,270

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S106 and Similar Developers' Contributions

	Balance 2011/12		Balance 2012/13		Balance 2013/14		Balance 2014/15		Balance					
	1/4/11	Receipts	Use	1/4/12	Receipts	Use	1/4/13	Receipts	Use	1/4/14	Receipts	Use	1/4/15	Notes
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Budgeted use of developers' contributions														
Affordable Housing	579	0	(134)	445	90	(535)	0			0			0	(1)
Transport	3,477	48	(2,873)	652	80	(732)	0			0			0	
Play/Recreation Facilities	335	181	(83)	433	103	(363)	173		(146)	27			27	(1) (2)
Various Purposes	744		(2)	742		(378)	364			364			364	(3)
Total	5,135	229	(3,092)	2,272	273	(2,008)	537	0	(146)	391	0	0	391	

(1) Further contributions may be receivable between 2012/13 and 2014/15

(2) In addition to Chorley Council schemes included in the capital programme, Play and Recreation Fund grants to support other schemes are included in the revenue budget.

(3) This contribution can be used for purposes including highway improvements, community safety and recreation facilities. Use of the contribution will be proposed in future reports.

S106 contributions are expected from the Buckshaw Group 1 and Group 4 North developments over the next few years. A total of £6,115,000 plus index linking is due in instalments as the sites are developed, to provide affordable housing, community facilities, playing fields and public open space, public infrastructure, and public transport improvements. In addition, affordable housing and other facilities would be provided on site by the developers.

Use of Contributions Receivable from Developers 2011/12 to 2014/15

	2011/12	2012/13	2013/14	2014/15
	£'000	£'000	£'000	£'000
Affordable Housing New Development Projects	134	535		
Eaves Green Link Road - contribution to LCC scheme		80		
Buckshaw Village Railway Station (S106 financed)	2,763	593		
Buckshaw Village Cycle Network	66	11		
Eaves Green Play Development (S106 funded)		189		
Common Bank - Big Wood Reservoir		11		
Play and Recreation Fund projects	64	55		
YVCP Natural Play Zone	19	4		
Rangleetts Recreation Ground	2	228		
Adlington Play Facilities (Grove Farm S106)		104		
Play, Recreation & Public Open Space projects (S106)			146	
Highway Improvements Collingwood Road	44			
Highway Improvements Pilling Lane area		150		
Puffin Crossing Collingwood Rd/Letchworth Dr.		48		
	3,092	2,008	146	0

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REPORT OF OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS

1. This report summarises the business transacted at the meeting of the Overview and Scrutiny Committee held on 16 April 2012 and the work of the Task and Finish Groups

OVERVIEW AND SCRUTINY COMMITTEE

Annual Scrutiny Reporting Back 2011/12 Report

2. Members considered the Overview and Scrutiny Annual Report that detailed the work of the Committee in 2011/12, including the specific outcomes from the Task Groups and the Committee's role in finance scrutiny, other performance and holding the Executive to account. The report was noted and agreed to be submitted to full Council in July.

Final Report of the Overview and Scrutiny Task Group – Tourism and Promoting Chorley

3. The Committee received the Final Report of the Overview and Scrutiny Task Group – Tourism and Promoting Chorley. The main objective of the review was to further develop Chorley as a tourist destination by promoting the Borough's key assets and events and identifying other opportunities for making the Borough more attractive to outside visitors.
4. The 21 recommendations made, had the capacity to increase visitors to Chorley and improve partnership working within the industry and were around the following headings; Town Centre/Markets, Astley Hall, Promotional and Partnership Working.
5. By improving the content and providing better links, it was anticipated that the current redevelopment of the Council's website would help to improve our relationships with external providers and organisations that held a key stake in tourism within the Borough. It would also help to build on and create new partnerships to better work together to promote Chorley.
6. The Committee approved the report and agreed to its submission to the next meeting of the Executive Cabinet for consideration.

Final Report of the Overview and Scrutiny Task Group – Private Rented Housing Inspection

7. The Committee received the Final Report of the Overview and Scrutiny Task Group – Private Rented Housing Inspection. The Group's aim had been to identify and tackle poor housing standards in some private rented properties in the Borough, to improve housing conditions for those tenants.
8. The Group recommended that the Executive Cabinet consider the introduction of a partially proactive scheme of inspection which would use current intelligence and

data sources. The scheme would be reactive to tenant complaints and would provide a base service from which a full inspection programme could be developed.

9. In putting forward the recommendation for an increased resource to inspect private sector rented properties, the Task Group felt there would be a strong message going to those landlords who didn't address housing problems and that ultimately this should lead to improvements in the condition of private rented housing in the borough. The proposal put forward provided an enhanced service with reasonable financial implications. The Committee approved the report and agreed for its submission to the next meeting of the Executive Cabinet for consideration.

Independent Domestic Violence Advocacy Service Funding Update

10. The Committee received a report updating them of the funding arrangements being sought for the Independent Domestic Violence (IDVA) service in 2012/13 and beyond.
11. Following the review of the service that had been undertaken by the Committee the Council's Executive Cabinet had accepted the recommendations of the Committee that focussed on the provision of budgetary support for IDVA and sought to ensure that partners made appropriate contributions in order for the service to continue.
12. A recent study commissioned by Lancashire County Council had identified that, the level of IDVA service needed to increase to meet demand across the Chorley and South Ribble footprint in 2012/13 with a cost in the region of £89,000, which was twice the current level of funding provided by partners.
13. It was proposed that for 2012/13 the level of IDVA service be increased to meet the demand and that 50% of the funding would come from the Safer Lancashire Board with the remaining funding to be provided by the partner agencies on a scale that identified the percentile benefit they received through the operation of the service. As a result Chorley Council's contribution for 2012/13 would amount to only £1700.
15. In 2013/14, the funding from the Safer Lancashire Board would cease and the service would have to source the full cost of the service from its constituent partner agencies, that would mean a commitment to the doubling of their contribution. This would mean that Chorley Council's contribution for 2013/14 would be £3,400.
16. The Chair of the Chorley and South Ribble Community Safety Partnership had written to all the Responsible Authorities Group agencies outlining the funding models and seeking their support in making the appropriate budgetary provision as apportioned to them. It was anticipated that the final funding arrangements would be agreed by June 2012 and Members would be updated accordingly.
17. Members were further informed that using the extra resources that Chorley Council had originally allocated within the budget, additional work was underway to identify how agencies might better tackle issues at an early stage to prevent domestic violence situations escalating to the point where the IDVA service was needed.

18. It was noted that the scrutiny of the service that had taken place towards the end of last year had helped to trigger activity across Lancashire and may ultimately lead to a more comprehensive IDVA service for Chorley and South Ribble residents.

Key Partnerships Mid Year Report

19. The Committee considered a confidential report of the Chief Executive on the performance of the Council's key partnership arrangements. The report had been produced in accordance with the requirements of the Council's Framework for Partnership Working and any performance or risk issues identified were drawn to the attention of the Committee.

Recommendation

20. The Council are recommended to note this report

COUNCILLOR STEVE HOLGATE
Chair of Overview and Scrutiny Committee

There are no background papers to this report.
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Scrutiny Reporting Back

Chorley Council's Annual Report on Overview and Scrutiny in 2011 / 12



CONTENTS

1. Foreword by the Chair and Vice Chair of Overview and Scrutiny Committee
2. The Year Ahead
3. Key messages from Scrutiny Reviews in 2011/12
 - Lancastrian Room
 - Private Rented Housing Conditions
 - Tourism and Promoting Chorley
4. Crime and Disorder
5. Challenging the Executive
6. Challenging Performance
7. Financial Scrutiny
8. Conclusion

1. FOREWORD BY THE CHAIR AND VICE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE

Chair of Overview and Scrutiny Committee 2011/12



Vice Chair of Overview and Scrutiny Committee 2011/12

Overview and Scrutiny Committee now meets around two weeks after the Executive Cabinet meetings to enable the scrutiny of Executive Cabinet decisions and to enable the relevant Executive Member to be invited to attend.

The Committee still continues to receive six monthly monitoring reports following the Executive's response on the implementation of outcomes from scrutiny reviews. These take place, for a period of up to two years following the implementation of decisions and this year we have received reports for the following past reviews:

- Town Centre Vitality
- Allotments
- Asset Management
- Highways

In 2011/12 we have undertaken three reviews, one that was continued from the previous year on the Lancastrian Suite and two reviews at the request of Council Members on Private Rented Housing Conditions and Tourism and Promoting Chorley. The Committee also scrutinised the funding of the Independent Domestic Violence Advocacy service under its requirement to scrutinise crime and disorder. To date, all the recommendations put forward to the Executive Cabinet in relation to the Lancastrian and IDVA reviews have been accepted and implemented.

The Committee also continues to monitor departmental performance, along with the Council and Local Strategic Partnership's key projects. We again scrutinised the Executive Cabinets budget principles and this year supported the other scrutiny committee's in Lancashire regarding Lancashire County Council's decision to remove the Bus Information Displays at Chorley Interchange.

2. THE YEAR AHEAD

Although the Committee has not yet formally decided the Task Group topics for 2012/13, Members had previously requested a review around Play Area provision. This was delayed pending the outcome of the Open Spaces Study and Playing Pitch and Open Spaces Assessment, two pieces of work that are now both nearing completion.. The Committee will also once again scrutinise an area relating to crime and disorder to fulfil our legal requirement. All Members of the Council will also be invited to put forward any suggestions for the Committee to consider at its first meeting of the new municipal year when the Committee will draw up its Work Programme for 2012/13.

3. KEY MESSAGES FROM SCRUTINY REVIEWS IN 2011/12

3.1 Lancastrian Suite

The need for a scrutiny review of the future use of the Lancastrian Suite was a recommendation of the Asset Management Scrutiny Review undertaken in 2010. The issues which arose were felt to be significant enough to require a separate scrutiny review. The Task Group was established earlier in 2011 and was chaired by Councillor Debra Platt.

The Task Group was asked to undertake a review of how the Lancastrian Room could be better utilised to contribute to maximising the use of the Council's assets, with more effective and economic use of the facility.

The Task Group considered both external and internal management of the Lancastrian Suite, undertook soft marketing testing with local event management companies and surveyed regular users. They also attended a site visit to South Ribble's Hospitality Suite and met with their catering team.

The key recommendation of the review was that the resource provided by the Lancastrian Suite is highly valued for its internal needs. There is also however the need to maximise its use by commercial and community organisations. The Group put forward recommendations that would try to achieve its overall objective of increasing the use of the facility for all sections of the community and in doing so, increase income. These focused on a revised pricing structure and the return of private party bookings on a trial basis and complying with specific conditions.

3.2 Private Rented Housing Conditions

Suggested by a Member of the Council and Chaired by Councillor Beverley Murray, the Group aimed to identify and tackle poor housing standards in some private rented properties in the Borough, to improve housing conditions for those tenants.

The Group received information with regards to the compilation of a register of private rented accommodation in the Borough, options for the introduction of a private rented housing inspection regime, consideration of a housing conditions policy and options around a landlord accreditation scheme.

The final report received by the Executive Cabinet in June 2012 asked them to consider the introduction of a partially proactive scheme of inspection which would use current intelligence and data sources - ie councillor and officer knowledge; estate agents; housing register etc. The scheme would be reactive to tenant complaints and would provide a base service from which a full inspection programme could be developed. The scheme would not capture all poor housing standards but would target bedsit and multi occupied property and poor housing hotspots. We await their response with interest.

3.3 Tourism and Promoting Chorley

Chaired by Councillor Peter Wilson, the main objective of the review was to further develop Chorley as a tourist destination by promoting the Borough's key assets and events and identifying other opportunities for making the Borough more attractive to outside visitors.

We collected evidence from a number of different sources including interviewing internal officers about Chorley Council's assets and events which contribute to the promotion of tourism within Chorley. We also spoke to representatives from external organisations to find out what they do in this area, to compare areas of best practice and find out how we could best work together in the future.

The Executive Cabinet received the final report of the Group in June and we await their response to the 21 recommendations that were made. They have the capacity to increase visitors to Chorley and improve partnership working within the industry and are around the following headings:

- Town Centre/Markets
- Astley Hall
- Promotional
- Partnership Working

By improving the content and providing better links, it is anticipated that the current redevelopment of the Council's website will help to improve our relationships with external providers and organisations that have a key stake in tourism within the Borough and help us to build on and create new partnerships to better work together to promote Chorley.

4. CRIME AND DISORDER

The Committee is required to scrutinise the work of the Community Safety Partnership through at least one meeting a year. This year we chose to scrutinise the Independent Domestic Violence Advocacy (IDVA) service, to understand the value of the service to the residents of Chorley and South Ribble and to look at future delivery of the service.

The cost of providing the IDVA service in its current form across Chorley and South Ribble, was a total of £47,000 per annum. The Committee received a detailed presentation about the service and heard from a number of partners from the Community Safety Partnership, around three key themes:

- What value did they put on the IDVA service in the context of their organisation?
- How would they plug the gap if the IDVA service ceased when the area based grant ended?
- Would their organisation be prepared to contribute to funding if other partners did?

Having listened to the comments of each of the partners, the Committee agreed 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 had been no clear commitment on funding from partners but 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 that Chorley Council should take the lead and requested that the Executive Cabinet considered making a provision for funding for the Independent Domestic Violence Advocacy Service for Chorley and South Ribble in the 2012/13 budget and for Chorley to lead the way in seeking funding from the other key partners who benefited from the service, namely the Police, South Ribble Borough Council, Lancashire County Council, the PCT and CCH and other social landlords.

Lancashire County Council have since determined the service needs in the Chorley and South Ribble Community Safety Partnership area in relation to the IDVA service as amounting to £89,600 for 2012/13. This level of service effectively doubles our current service provision and will be funded by a 50% contribution from the Safer Lancashire Board with the remaining funding coming from both local authorities and county wide partner organisations. These contributions have been determined on a percentage benefit basis that the contributing organisations are deemed to be receiving from the provision of the service.

Both Chorley Council and South Ribble Borough Council have made budget provision for their contributions and LCC are currently discussing with the countywide organisation their contributions which will make up the difference.

5. CHALLENGING THE EXECUTIVE

The following areas are Executive Cabinet items that we have considered at scrutiny and made recommendations in 2010/11

- Community Safety and Crime and Disorder
- Update Report on Section 106 monies
- Key Partnerships Mid Year progress
- Budget Principles

6. CHALLENGING PERFORMANCE

Scrutiny continues to challenge directorate and service performance, through the reporting of monitoring information on a six monthly basis. Members receive:

- Business plan monitoring and performance information for each of the three directorates:
 - Partnerships, Planning and Policy
 - People and Places
 - Transformation
- Project updates under the Corporate Strategy; and
- Monitoring information from Chorley Partnership, including projects being run by the Partnership.

7. FINANCIAL SCRUTINY

The Executive Member for Resources has attended Committee to answer Members questions about the Executives budget principles for 2012/13.

8. CONCLUSION

2011/12 has been an interesting and productive year for scrutiny, resulting in some key recommendations on topics which fully engaged Councillors. Challenges ahead are to continue to scrutinise areas of interest and concern to Councillors and their constituents; to follow up on the implementation of scrutiny recommendations; to work more effectively with our partners on scrutiny and to continue to challenge our Executive Members in a constructive way with recommendations that result in positive outcomes for the residents in Chorley.

Chief Executive (Introduced by the Leader)	Council	17 th July 2012
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CHORLEY'S ANNUAL REPORT 2011/12

PURPOSE OF REPORT

1. To provide a summary of the progress made by Chorley Council during 2011/12 and identify areas for improvement and challenge for 2012/13.

RECOMMENDATION(S)

2. That the report be noted.

EXECUTIVE SUMMARY OF REPORT

3. The performance of the Council in 2011/12 has been good with many of the Council's key measures performing at or above target. However there are numerous challenges and areas for improvement which include a high level of households in temporary accommodation, the number of young people not in education employment or training (NEET) and the need to strengthen the local economy and the town centre.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. N/A

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. N/A

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 Annual Report is produced by Chorley Council to present our key successes, and challenges. The Annual Report is a key mechanism for presenting information on the Council's performance to residents, partners and key stakeholders.

SUMMARY OF REPORT

8. The Chorley Council Annual Report is attached to this report as an appendix. The key headlines from the report are:
 - Sickness Absence has been reduced to an average of 5.44 FTE days per employee.
 - Median workplace earnings were up 1 per cent on 2010/11 but residents working in the borough are still paid less than those who commute outside of the borough.
 - There are still less jobs per head in Chorley at 0.66 jobs per resident aged 16-64, than in Lancashire, where there are 0.73 per resident.
 - 70 new business start-ups were supported in 2011/12 and 95 per cent of new businesses are surviving after 12 months.
 - 170 additional affordable homes were delivered last year but the average house price is still over six times the average resident's income, one of the highest rates in Lancashire.
 - The number of households in temporary accommodation increased from 12 at the end of 2010/11 to 22 at the end of March 2012, exceeding the target of 13.
 - 98 per cent of streets inspected were clear of litter and 96% were clear of detritus (leaves and dirt).
 - Crime is down by 0.9 per cent compared with last year, however domestic abuse and violent crimes are on the up.
 - 6.8 per cent of town centre floor space was vacant in March 2012, which is better than our target of 7.5 per cent, however, more action is still needed to support the town centre.
 - Green Flag Awards were recieved for Yarrow Valley Country Park, Withnell Local Nature Reserve and Tatton Recreation Ground.
 - Chorley won the 'best town centre' and a silver gilt medal in the 'best small city/large town in the North West in Bloom Awards.' Category
 - Chorley's recycling rate has increased to 48.8 per cent.
9. Numerous challenges and areas for improvement are identified for 2012/13. These include the high level of households in temporary accommodation, reducing the number of young people not in education employment or training (NEET) and the need to strengthen the local economy and the town centre.

IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	✓

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
David Wilkinson	5248	02 nd July 2012	Annual Report 2012 Covering Report

Your Council's Performance

2011 – 2012



Message from the Leader of Chorley Council

Welcome to Chorley Council's Annual Report. Overall, the Council's performance against the key measures in our Corporate Strategy has been good in 2011/12. However, there are some areas where we need to improve and challenges to be faced in 2012/13.

These are challenging times for the UK and Chorley is no exception to this. The ratio of total jobs to population in Chorley is 0.66 per resident aged 16-64, which is lower than the Lancashire figure of 0.73. This means there are less local employment opportunities than there could be. We will be seeking help more businesses to invest in the borough and the town centre to strengthen the local economy and create a vibrant and growing town centre where people want to invest. We will support local businesses through the purchase of the old McDonalds site on Market Street, the development of Pall Mall and Market Street, and a new business advisor post which will aim to help 80 new business start-ups in 2012/13. We will also be seeking to set up more apprenticeships to reduce the number of young people not in education employment or training (NEET). These people are the future of Chorley and we will create additional apprenticeships with the council and other local employers to help them.

We also aim to open up the Town Hall to greater public scrutiny, do more to provide affordable housing and tackle homelessness, as well as improve services and the environment by targeting grot spots and dog fouling.

Our strategic objectives will be:

- Involving residents in improving their local area
- Clean, safe and healthy communities
- An ambitious council that does more to meet the needs of residents and the local area
- A strong local economy
- Equality of opportunity and access for all

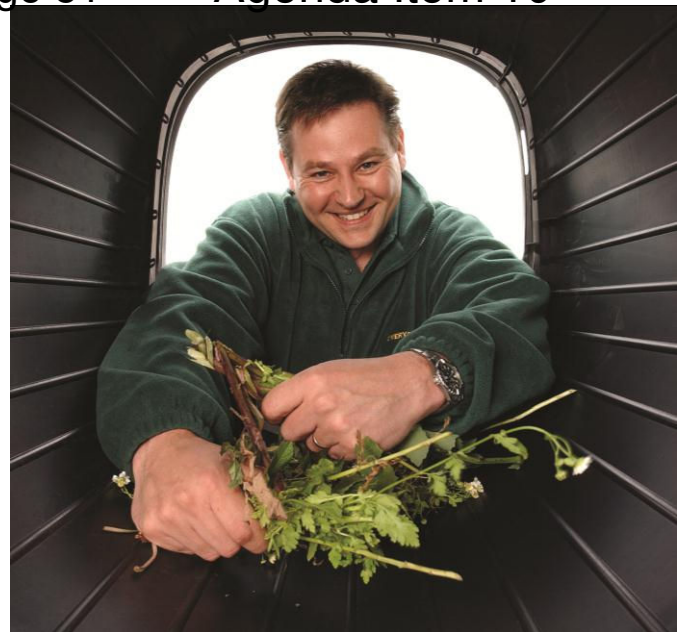
Finally, we will aim to deliver high levels of performance while dealing with Government spending cuts and policy changes, such as key changes to the welfare and benefits system like the planned introduction of Universal Credit and managing a 10% reduction in the level of Government funding for council tax benefit in 2013.



A handwritten signature in black ink that reads "A. W. Bradley".

Cllr Alistair Bradley
Leader of Chorley Council

Our Performance in 2011/12



48.78 per cent of your waste was recycled in 2011/12, up from 46.67 per cent in 2010/11.



98.15 per cent of streets inspected were clear of litter in 2011/12, up from 96 per cent in 2010/11.

96.3 per cent of streets were clear of dirt, leaves and plants, up from 94 per cent in 2010/11.

Less than 1 per cent of streets had graffiti.

However, there is still more work to do. This year we will be working on a campaign to tackle the issue of dog fouling in some areas and targeting grot spots.

The proportion of vacant town centre shops in 2010/11 was 6.8 per cent against our target of 7.5 per cent. However there is still a lot more work to do. This year we will seek support the town centre including revising our town centre grants programme to enable more shops in other areas to access the grants and increase the amount of grant offered; we will also trial free parking in some of the town centre car parks and pilot the re-opening of Market Street. The Leader of the council will also be taking a lead on economic regeneration and the town centre.



Median workplace earnings were up 1% on 2010/11 and are now above the regional average. But we need to secure more and better jobs as residents still need to commute out of Chorley to earn higher wages as jobs within the borough are paid at less than in neighbouring areas so more work is needed to develop the local economy.



Permission was granted for the development of a new Asda in 2011/12, securing the redevelopment of the Pall Mall Triangle and Market Street Public Realm. Construction is due to commence shortly with a view to opening in 2013. The development should create up to 400 new jobs for local people.



North West in Bloom success. Chorley won the 'Best Town Centre' and a silver gilt medal in the 'Best Small City/Large Town' category.

The number of households in temporary accommodation increased from 12 at the end of 2010/11 to 22 in March 2012 exceeding our target of 13. This is worse than in other similar areas and we are investigating the causes and learning from other councils so we can try to improve the situation in the coming year.

We helped 214 people at risk of homelessness last year but changes in housing benefits system may have an impact in 2012/13 while mortgage repossessions also rose by 12 per cent last year so more work is needed to support those at risk of homelessness.



170 more affordable houses were provided in 2011/12 but there is still a shortage. Chorley's average house price is still over six times the average resident's income, one of the highest rates in Lancashire making it hard for people to own their home. We want to do more in 2012/13 to increase provision.

We achieved Three Green Flag awards for Yarrow Valley Country Park, Withnell Local Nature Reserve and Tatton Recreation Ground.



20,326 young people took part in a range of sports, arts, music, dance and drama as part of the Get Up and Go programme in 2011/12.

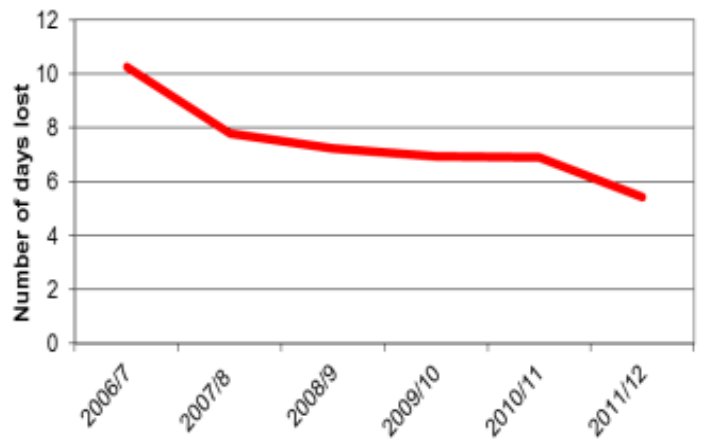


CUSTOMER SERVICE EXCELLENCE

We retained our Customer Service Excellence status in 2011/12. 98.3 per cent of customers were satisfied with the way they were treated by the Council. 97.7 per cent were satisfied with Waste collection, 90.8 per cent with Environmental services, 95.8 per cent with Benefits and 98 per cent with Council Tax.

We succeeded in reducing the average number of sickness days per employee from 6.9 days in 2010/11 to 5.44 days in 2011/12 - the best rate in Lancashire.

This has been achieved by taking a tough line on absence and a Health and Well-being Programme which included out of work sporting activities, health walks and a pedometer and cycle challenges.





400 health checks were provided at the one-stop health shop in Chorley town centre to catch future problems early.

35 per cent of visits resulted in a referral to further health services and led to a range of interventions including, smoking and weight management and exercise.

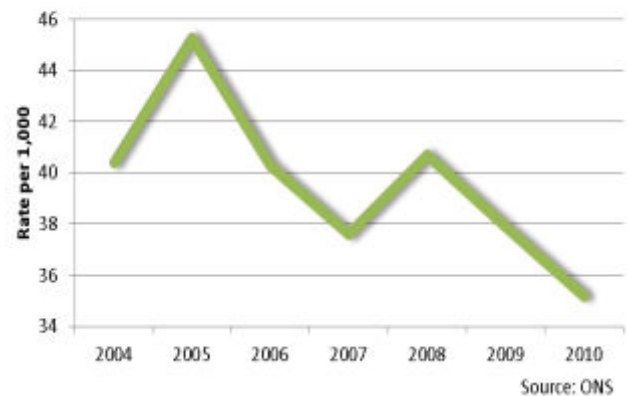
However there are still some serious challenges to be faced. Life expectancy is 9.8 years lower for men and 6.5 years lower for women in the most deprived areas of Chorley than in the least deprived areas. 19.2 per cent of adults smoke and 23.1 per cent are obese as are 15.1 per cent of Year 6 children. Less children spend at least three hours each week on school sport than the national average.



Alcohol is still a big issue in the borough. The rate of alcohol related admissions decreased of 4 per cent since 2010/11 but it still stands at 562 per 100,000 residents in 2011/12.

Projects to tackle teenage pregnancy by providing funding to set up the Girls Allowed and Boys Own projects in Chorley have helped to reduce the level of teenage pregnancies. It's now 35.2 per 1,000 – down from 38.7 last year which is below the Regional and North West averages.

Under 18 Conceptions



Overall crime is down by 0.9 per cent in 2011/12 when compared with 2010/11. However some crimes are on the up. Domestic abuse and violent crimes are two of those and we will continue to work with the police and other partners to try and achieve reductions, for example by supporting the IDVA scheme for victims of domestic violence.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515151 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

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

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Report of	Meeting	Date
Executive Member for Planning and LDF	Council	17 July 2012

CORE STRATEGY ADOPTION

PURPOSE OF REPORT

- The final report of the Inspector, Mr Richard Hollox BA (Hons) BSc (Hons) MPHIL FRTPI FRICS, following the Examination of the Central Lancashire Core Strategy was submitted on 7 June 2012. The three Central Lancashire Authorities specifically requested that the Inspector recommended any modifications necessary to make the plan sound and enable them to adopt it. Subject to two main modifications that are discussed in this report, the Inspector has found the Core Strategy to be sound. This report summarises his conclusions and makes recommendations for the adoption of the Core Strategy.

RECOMMENDATION(S)

- Council is recommended to adopt the Central Lancashire Core Strategy with the main modifications made by the Examination Inspector and upon adoption the Core Strategy shall then be used for Development Control decision making purposes

EXECUTIVE SUMMARY OF REPORT

- The report sets out the key findings from the Inspector’s final report following the Examination in Public into the Central Lancashire Core Strategy. In particular, it sets out the seven main and complementary issues upon which the soundness of the local plan depends and concludes that the plan in regard to these issues is found to be sound.
- The report also outlines the two modifications required to the plan which were agreed by the Council at its meeting in September 2011..

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- 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

- 6.. The Central Lancashire Core Strategy which was jointly prepared by Chorley Borough Council, Preston City Council, and South Ribble Borough Council, was subject to an independent Examination in Public between 28 June 2011 and 12 July 2011. Following concerns expressed by the Inspector about the proposed housing numbers a further examination hearing was held on 6 March 2012. Subsequently to that a period of consultation took place to consider the implications of the National Planning Policy Framework which was published on the 27 March 2012 and also the Planning Policy for Traveller Sites which the Government also published at that time. The Inspector then issued his final report.
7. This report summarises the Inspector's comments and recommends adoption of the Central Lancashire Core Strategy.
8. Members will be aware of the importance that the Government places on up to date local plans, which is reiterated in the National Planning Policy Framework. The first Core Planning Principal set out in the National Framework is that plans should be kept up to date and be based on joint working and co-operation to address larger than local issues. The National Framework also indicates that, inter alia, where plans are not up to date planning permission should be granted unless either there are material considerations indicating otherwise; or any adverse impacts of granting permission would outweigh the benefits assessed against the framework as a whole; or there are specific policies in the National Framework that indicate permission should be refused.
9. The Inspector's Final Report following the Examination in Public into the Central Lancashire Core Strategy was submitted to the three authorities on 7 June 2012. It concludes that the Central Lancashire Publication Core Strategy Local Development Framework Development Plan Document provides an appropriate basis for planning of Central Lancashire over the next 15 years provided that a number of modifications are made to the Plan. The Inspector has recommended, at the request of the three Central Lancashire Authorities, two modifications necessary to enable them to adopt the Plan. With the inclusion of these modifications, the Inspector's opinion is that the Core Strategy satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness set out in the National Planning Policy Framework. These modifications comprising 2 Main Modifications (MM) are summarised below. There are in addition a number of minor modifications which provide updating and clarification – a significant number of these involve removing references to Planning Policy Statements and Guidance Notes, which were abolished with the publication of the National Planning Policy Framework.
10. The main modifications are:

MM1

- The adoption of RS annual average housing requirements, being 507, 417 and 417 for Preston City, and Chorley and South Ribble Boroughs respectively
- The identification of Cottam as a Strategic Site with site plan, instead of as a Strategic Location
- The identification of 2 additional Strategic Locations, namely North West Preston including Higher Bartle & Broughton/Land at Eastway and at South of Penwortham & North of Farington
- Table 1 setting out the Predicted Proportions of Housing Development by Location, thereby indicating the scale of development in the main locations during the periods 2010-16, 2016-21 and 2021-2026

- Associated explanation and description of the Strategic Sites and Locations
- Explanation of the monitoring and contingency arrangements, particularly the role of the Performance Monitoring Framework should housing delivery fall below 80% of the housing requirements over a 3 year rolling average
- Greater emphasis on financial viability, site by site assessment and the seeking of planning obligations particularly with regard to affordable housing.

MM2

- A policy concerning the presumption in favour of sustainable development. The Planning Inspectorate have produced a model policy to be included in Development Plan Documents, which is set out below

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in the neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;*
- specific policies in that Framework indicate that development should be restricted”*

- The National Planning Policy Framework introduced re-naming of documents such as the Core Strategy as “Local Plans”. Therefore the ‘Core Strategy’ is referred to as the Local Plan in the rest of this report in accordance with the terminology in the Inspector’s report.
- Summary of the Inspector’s Report**
The Inspector’s report states that having taken account of all the representations including the written evidence, the discussions at the examination hearings as well as site inspections throughout the plan area, he has identified 7 main and complementary issues upon which the soundness of the Local Plan depends.
- These 7 issues are discussed below.

Issue 1 – Whether the Local Plan’s vision and proposals for sustainable growth are clear, effective, deliverable and consistent with all national policy

The Inspector describes the Local Plan as setting out the key spatial challenges facing Central Lancashire succinctly and convincingly. In his opinion the vision for the plan area in

2026 is explained lucidly and his conclusion is that the Local Plan is clear in terms of its vision and proposals.

14. The strategy in the Local Plan accords with national policy and therefore accords with the purpose of planning to help achieve sustainable development. The general approach of the Local Plan, its vision and proposals are justified, effective and accord with national policy. The Inspector's conclusion is that the Local Plan has been positively prepared and, in these respects is sound
15. **Issue 2 – Whether the Local Plan provides satisfactorily for the delivery of development, particularly its required infrastructure, and convincingly demonstrates adequate monitoring of its provision and measures designed to rectify any shortcomings**

The Inspector concludes that the Infrastructure Delivery Schedule, part of the evidence base accompanying the Local Plan, takes a pragmatic approach in uncertain times and is clear, comprehensive and convincing. His opinion is that there is a realistic prospect of necessary infrastructure being in place in a timely fashion to support the Local Plan strategy. The provisions for the delivery of infrastructure, supported by the infrastructure Delivery Schedule and Performance Monitoring Framework accompanying the Local Plan are justified, effective and comply with national policy. In these respects the Local Plan is aspirational but realistic and sound
16. **Issue 3 – Whether the Core Strategy is effective in meeting local housing needs, including the provision of an appropriate mix of housing of suitable quality and at suitable densities**

The Inspector in his letters to the Central Lancashire authorities in July 2011, required changes to the housing numbers set out in the Local Plan. His view was that the provision in the submitted Local Plan providing for a short term reduction in housing numbers made the plan unsound. The proposed changes in the Local Plan set out in the Main Modification (MM1) restoring the annual minimum Regional Strategy requirements are in accordance with Regional Strategy housing requirements and the intention of the National Planning Policy Framework to boost significantly the supply of housing. In these ways they serve to make the Local Plan sound.
17. The Inspector has made a number of constructive comments in his report around the provision of housing. Firstly he noted that the Local Plan makes no allowance for windfalls in the supply of housing and has suggested that the Councils may wish to take into account windfall sites that are coming forward and make realistic allowance for them in the preparation of their Site Allocations DPD's. This would accord with the Framework provided that there is compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply.
18. The requirement as set out in the National Planning Policy Framework for a buffer of 5% in addition to the five year supply of housing land and a 20% buffer where there has been a record of persistent under delivery of housing is also discussed. His view in this regard is that under provision would be better addressed through treating the annual requirement as a minimum rather than bring forward a buffer of 20%.
19. The Inspector's overall conclusion is that the amount of housing proposed, through MM1, together with policies that seek suitable densities and high quality design and other relevant policies accord with Government policy as set out in the National Planning Policy Framework. In these respects the Local Plan is sound.
20. **Issue 4 – Whether the Local Plan is effective in meeting special housing needs, including affordable homes, accommodation for the elderly and for gypsies and travellers**

On the provision of affordable housing the Inspector concludes that the policy (Policy 7) as amended through the examination to emphasise the importance of financial viability, site by site assessment and the need to seek and negotiate in the provision of affordable housing accords with the National Planning Policy Framework. Policy 8 concerned with Gypsy and Traveller and Travelling Show people accommodation comprises relevant criteria and accords with national policy as set out in the National Planning Policy Framework.

21. The Inspector concludes that Policy 7 as proposed to be changed and Policy 8 together with their supporting texts are effective, justified and in accordance with national policy and that therefore in these respects the Local Plan is sound.
22. **Issue 5 – Whether the Local Plan’s approach to economic development and the protection of employment land is clearly articulated, sufficiently justified and in line with national policy**
The Inspector refers to the Government’s Plan for Growth and written Ministerial Statement of Planning for Growth published in March 2011. Both indicated the pressing need of the planning system to contribute to securing a swift return to economic growth. The Local Plan anticipates much of this initiative by acknowledging the growth potential of Central Lancashire and by promoting long term sustainable economic growth.
23. The policy protecting existing sites and premises to ensure the future sustainable economic growth during the plan period (Policy 10) is regarded as firm but sufficiently flexible allowing that some sites may be suitable for alternative uses subject to identified criteria being met. As such the policy is regarded as being in accordance with the National Planning Policy Framework’s requirement to avoid the long term protection of sites allocated for business use where there is no reasonable prospect of a site being used for that purpose. The Inspector does caution, however, that some sites and premises, which appear to be of poor quality may be of value to starter businesses and that protecting some of these sites through the Site Allocations process would not necessarily conflict with the National Framework. The Inspector concludes that with regard to economic development and protection of employment land the Local Plan is sound.
24. **Issue 6 – Whether the Local Plan convincingly sets out the role of Preston City Centre, suitably protecting and enhancing its vitality and viability without serious detriment to other town centres, and whether suitable provision for other centres is being made**
The Inspector concludes that policies relating to City, Town and District Centres are founded on a robust and credible evidence base. The policies set out the role of each centre in the hierarchy and serve to enhance their vitality and viability; there is no convincing evidence to demonstrate serious harm to any other centres. The Local Plan is therefore sound in these respects.
25. In coming to his conclusion the Inspector has taken into account the evidence presented through the Central Lancashire Retail and Leisure Review, which he describes as providing a thorough and comprehensive assessment of the future quantitative capacity and qualitative need for new retail and commercial leisure provision within the principal centres in Central Lancashire
26. **Issue 7 – Whether the Local Plan provides sufficient protection, preservation and enhancement of the built and natural environment and introduce measures of sufficient force to mitigate any potentially adverse effects upon these interests**
Policies in the Local Plan for protecting and enhancing the heritage assets and ensuring that retail and town centre uses respect the character of a centre, including its special architectural and historic landscape are in accordance with the National Planning Policy Framework, which recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. The Inspector considers that such policies provide a firm foundation for the protection and enhancement of Listed Buildings and Conservation Areas.

- 27. With regard to green infrastructure and the natural environment the Inspector indicates that the extent of green belt should remain as indicated in the Local Plan and envisaged.
- 28. On areas of open space and major open space, the Inspector describes the purpose of Policy 19, which is to ensure that places that are at greatest risk of merging will be protected from doing so, and in this sense compares it to Green Belt Policy, but notes that in practice Policy 19 may be more restrictive than Green Belt Policy.
- 29. He notes other related matters like the quality of landscape, the protection of natural resources and various other aspects of sustainability are suitably accommodated in such policies as Policy 20: Countryside Management and Access and Policy 21: Landscape Character Areas. Policy 22: Biodiversity and Geodiversity and Policy 31: Agricultural Land. Furthermore, he notes the Plan relies on a comprehensive Revised Habitat Regulations Assessment Screening Report (March 2011)

Legal Matters

- 30. The Inspector has assessed that the legal requirements of preparing the plan, including sustainability appraisal and habitats regulations assessment have been complied with. He also considers that the plan is in general conformity with the Regional Strategy, which remained part of the Development Plan at time of the Examination, and that it complies with national policy.

Duty To Co-operate

- 31. The Duty to Cooperate was introduced in the Localism Act 2011 (S110) and is referenced in the National Planning Policy Framework with regard to local planning authorities working collaboratively on plan preparation. It is also included, implicitly, in the additional test of soundness relating to plans being positively prepared, which is introduced in the National Framework.
- 32. The Inspector states that the duty did not apply when this Local Plan was submitted to the Secretary of State in March 2011 but that he is satisfied that neighbouring authorities have been involved in the preparation of the Local Plan to the extent that was reasonable and beneficial at the time.

IMPLICATIONS OF REPORT

- 33. 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

- 34. No comments.

COMMENTS OF THE MONITORING OFFICER

- 35. Due to the Inspectors comments at paragraph 30 I have no comments.

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Steven Brown	5229	28 June 2012	

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Report of	Meeting	Date
Executive Member for Planning and LDF	Council	17 July 2012

COMMUNITY INFRASTRUCTURE LEVY

PURPOSE OF REPORT

1. To present the revisions to the Preliminary Draft Community Infrastructure Levy Charging Schedules for approval by the Council which will then be taken forward to the Draft Charging Schedules stage for further consultation.

RECOMMENDATION(S)

2. That the Charging Schedules set out in paragraph 22 be approved for the next stage of consultation and then submitted for examination

EXECUTIVE SUMMARY OF REPORT

3. An extensive consultation and focused engagement process has been carried out in relation to the Preliminary Draft Charging Schedules. This consultation resulted in 61 formal representations. Our consultants, Roger Tym and Partners were asked to consider the main viability points raised by the representations and report back on whether the recommended charge rates and their application should be amended as a result for the next stage of consultation, which is that on Draft Charging Schedules.
4. This further work concluded that the Draft Charging Schedules should be slightly amended to be taken forward to the next stage of consultation. The original and suggested revised rates are set out in this report

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 support the revised Charging Schedules to allow a further period of consultation to take place and then for the schedules proceed onto the examination stage prior to adoption.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None.

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. Consultation and engagement on the Preliminary Draft Charging Schedules is the first stage of establishing the charge rates to be levied on new development. This stage has been completed and covered the development viability and infrastructure funding gap justifications for the levy as well as various discretionary elements associated with its operation. The consultation material asked consultees to consider and respond to a series of questions. Not all those making representations offered answers to all the questions, the main focus for developers in particular, was the viability reports produced by our consultants and the proposed charge rates themselves.

9. The charge rates set out in the consultation were as below:

- Residential (Dwellings) £70 per sqm
- Convenience Retail £160 per sqm
- Retail Warehouse £ 40 per sqm
- Non-Residential Institutional Uses Nil
- All other uses 0-10 per sqm

10. Over 1000 local organisations were directly contacted and the wider public were invited to take part through public notices in local newspapers. Engagement meetings/workshops were organised with the following groups:

- Developers
- Parish and Town Councils
- Neighbouring local authorities
- Infrastructure providers
- Lancashire County Council

11. A total of 61 parties made formal representations. The following main issues were raised. Housing developers – queried the method of development viability appraisal and cost/value assumptions used by the consultants; claiming this over-states the developer's ability to afford the proposed levy charge rates. The house builders also pointed to spatial variations in residential viability across Central Lancashire.
12. Commercial developers- challenged the contended difference in viability between small and large format convenience (food) stores. There were also points raised about the viability of employment and agricultural developments.
13. Parish and Town Councils- the leading questions raised related to what was the 'meaningful proportion' of CIL monies handed over by the District Councils to the Parish Councils as required by the CIL Regulations
14. Neighbouring authorities- were supportive of the process being undertaken and for their part they all intend to introduce the levy locally, however few at this stage have a clear timescale for doing so.
15. Infrastructure providers- those responding/attending the engagement event were in support of the levy proposals, a few queried the presentation of the infrastructure needs and several sought for their areas of provision to be more specifically included.
16. Lancashire County Council- fully recognised the need for levy expenditure in their service areas, particularly transport and education plus to a lesser extent green infrastructure. LCC expressed a concern about the potential impact of the levy being applied in the Salmesbury part of the Enterprise Zone

Issues Raised

17. Our consultants, Roger Tym and Partners have been asked to consider the main viability points raised by the representations and report back on whether the recommended charge rates should be amended as a result for the next stage of consultation.
18. This further work has now been completed and revised assessment has been received with changes that respond to the comments received as part of the consultation on the Preliminary Draft Charging Schedule and additional information that has emerged since their publication.
19. In particular, the changes seek to address the following points raised in relation to residential development
 - That different sizes, types and locations of site should be considered;
 - That the assumed sales values did not take account of price discounting by developers and as such were too high;
 - That the land values assumed were too high;
 - That the assumed benchmark profit levels are lower than being sought by residential developers;
 - That all assessments should take account of the policy level of affordable housing and the level at which sales transactions take place between developers and housing associations
20. Additionally the consultants have produced a new 'reference case' viability assessment, which relates to a hypothetical 1ha site; and assessed a higher value site; an inner Preston brownfield site; a large and very large 'strategic site'.

21. Consideration has also been given to points raised in relation to the non-residential development assessments, but other than creating a distinction between larger retail stores and a store under 280 sq.m (Sunday trading hours threshold size) this has not resulted in any suggested changes to the non-residential categories. Therefore the position in respect of employment uses and agricultural developments that were challenged by the representations will remain unchanged and be subject to the base charge (£10 per square metre) set out in the Preliminary Draft Schedule.
22. On the basis of the assessments above the consultants are suggesting changes to the charging schedule into the area as set below:

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

23. It should be noted that the setting of the charge rates is only part of the preparatory work that is necessary to locally introduce the levy. A pan-Central Lancashire joint officer group has been established to scope the procedural aspects of setting up the levy collection mechanisms in the authorities, this will also cover the accounting approach for the expenditure.

IMPLICATIONS OF REPORT

23. 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

24. The amendments made to the CIL rates will probably result in slightly less yield, but that will ultimately be dependant on the amount of development, the individual rate changes are minimal in this context.

COMMENTS OF THE MONITORING OFFICER

25. There are no comments.

LESLEY-ANN FENTON
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Steven Brown	5229	08/06/12	



Report of	Meeting	Date
Executive Member (Planning and LDF)	Council	17 July 2012

NATIONAL PLANNING POLICY FRAMEWORK & LOCALISM ACT 2011: ENFORCEMENT & NEIGHBOURHOOD PLANS

PURPOSE OF REPORT

1. To seek approval for various matters arising as a result of the enactment of various provisions of the Localism Act 2011 and the National Planning Policy Framework (The Framework), including consequential provisions to the Scheme of Delegation and matters for the provision of a Local Enforcement Plan and the Council’s approach to Neighbourhood Planning.

RECOMMENDATION(S)

2. That the Executive Cabinet/Council adopt the approach within PPG18: Enforcement as an interim approach to planning enforcement;
3. That a Local Enforcement Plan be prepared within 12 months for consideration by the Council.
4. 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 this report.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

5. 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

6. Certain provisions within The Localism Act 2011 have recently been enacted and regulations published by the Secretary of State, including the power to decline to determine planning applications that have been subject to enforcement notices; and arrangements for neighbourhood planning.
7. The Framework (NPPF) was published in late March 2012. The previous drafts made no reference to matters relating to enforcement, but the published version requires a proportionate response to be made to suspected breaches of planning control, and for local planning authorities to consider publishing a local enforcement plan.
8. This reports sets out how the Council should respond to these matters.

ENFORCEMENT: LOCAL ENFORCEMENT PLAN

9. A single paragraph (207) in the Framework details the national policy approach to enforcement as follows: *“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”*
10. The Framework does not cancel the existing circulars (C10/97: Enforcing Planning Control; and 0C02/05: Temporary Stop Notices which also provides guidance. There is a need to have and provide guidance upon which to base decisions about enforcement cases. Planning Policy Guidance Note 18 provides a policy framework that has been used for a number of years and provides a sound basis upon which to continue to make decisions until such time that formal approval of a Local Enforcement Plan can be made, but PPG18 is no longer extant following the Framework.
11. It is considered appropriate to adopt the previous approach in PPG18 (attached) and to continue the constitutional arrangements whereby the Development Control Committee decide whether it is expedient to take enforcement action. In addition, it is considered appropriate for officers be tasked to prepare a local enforcement plan within the next 12 months, under the guidance of the Executive Member, with reference to the Development Control Committee, and that the plan be considered for approval by the Council at a future date.

ENFORCEMENT: POWER TO DECLINE TO DETERMINE

12. Section 123 of the Localism Act 2011 makes provision to decline to determine a retrospective planning application if an enforcement notice has been issued in relation to any part of the development. This is a fairly significant piece of legislation that would have a great impact upon an applicant. The exercise of this power would need to be very carefully considered – the presence of a previous enforcement notice by itself would not be sufficient on its own to decline to determine. The nature of the proposed/retrospective development, the nature of previous breaches and notices, together with the development plan etc. would all need to be carefully considered.
13. Procedurally, an officer report will be prepared explaining the facts of the matter, together with the rationale for declining to determine such applications for consideration by the responsible officers and members.
14. As this is a technical judgement, it is recommended that the decision to decline to determine applications under such circumstances be delegated to the Director for Partnerships, Planning & Policy and the Head of Governance (who currently has the delegated authority to issue enforcement notices), in consultation with the Executive Member for Planning and the Chair and Deputy Chair of the Development Control Committee.

15. A record of the decision will be duly made and the applicant will be informed of the decision to decline to determine. If that decision is challenged, then the matter constitutionally should rest with the Chief Executive and Head of Governance in the usual way. The decision would be reported in the usual weekly lists of decisions made.

NEIGHBOURHOOD PLANNING

16. The Localism Act 2011 (Part 6, Chapter 3, Sections 116-121; and schedules 9-10) introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans and to permit development through neighbourhood development orders.
17. It is recognised that not all areas will want to undertake neighbourhood planning, and, therefore, there is not a statutory duty to prepare Neighbourhood Plans or Orders – but there will be a right to do so.
18. The Neighbourhood Planning (General) Regulations 2012 (SI 2012, No.637) have since been published and are reported as ‘light touch’ which allows processes to be developed to reflect local circumstances. The regulations do not detail how local authorities should make decisions and this is for the Council to decide, and therefore some matters could be delegated to officers or a committee, or the Executive Member, or be decided by Full Council. This report seeks to determine the decision making framework and the authority for appropriate amendments to be made to the constitution accordingly.
19. Neighbourhood plans have to meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy):
 - they must have regard to national planning policy
 - they must be in general conformity with strategic policies in the development plan for the local area (i.e. such as in a core strategy)
 - they must be compatible with EU obligations and human rights requirements.
20. The Framework, Core Strategy and Site Allocations & Development Management DPD will still maintain their primary roles e.g. in respect of housing targets, an NDP cannot have less housing but it can have more. There are presently no restrictions as to what kind of content can be in a NDP; apart that it may not include provision about development that is excluded as set out in the Localism Act 2011. This includes development that is a County Matter, e.g., schools, colleges, minerals and waste etc.; and development that consists (whether wholly or partly) of a nationally significant infrastructure project.
21. The Council has certain responsibilities in relation to these new rights and powers, which can be summarised as follows:
 - Determining applications to designate a Neighbourhood Area – this is the area to which the Plan or Order will relate.
 - Determining applications to designate Neighbourhood Forums – these are the bodies permitted to prepare the Plans or Orders
 - Checking that the plan complies with all legal requirements
 - Publicising the plan and receiving representations
 - Organising and paying for the examination including appointing an
 - inspector
 - Organising and paying for the referendum
 - Providing technical advice and support to qualifying bodies.

Designation of Neighbourhood Area

22. The body preparing the plan must submit an application to the Council to determine the area that the plan will relate to – this must include a map identifying the area, an explanatory statement that the applicant is a “relevant body” i.e. a Parish Council or Neighbourhood Forum. The Neighbourhood Area could relate to the entire Parish area or a part of it, or any part of the area of another Parish Council if the other Parish Council has given their consent. Parish Councils could also agree to prepare joint plans.
23. The Council must publicise the application on its website and in ‘any such other manner as they consider is likely to bring the area application to the attention of people who live work

or carry on business in the area to which the application relates'. This application must be open to consultation for at least 6 weeks.

24. In determining the application the Council must ensure that the area is appropriate and that Neighbourhood Areas do not overlap. The Council will be responsible for publishing a map setting out the areas that are designated as Neighbourhood Areas.
25. At the same time as the Council is deciding whether to designate a Neighbourhood Area, the Council must consider whether the area should be designated as a business area (one which is wholly or predominantly business in nature), and if so, an additional referendum is required to allow non-domestic ratepayers to vote on whether a neighbourhood development order should be approved.
26. It is recommended that the designation of Neighbourhood Areas is delegated to the Director of Planning & Partnerships in consultation with the Executive Member for Planning where no objections received. This is a technical exercise and delegation would allow a quicker response. If there are objections it is recommended that the designation is determined by Executive Cabinet.

Designation of Neighbourhood Forums

27. In areas where there are Parish Councils, then Parish Councils are the relevant body for preparing plans. In non-parished areas, community groups can form neighbourhood forums to prepare NDPs. Applications for such forums to the Council must include the name of the proposed forum; a copy of the written constitution; the name and a map of the neighbourhood area; the contact details of at least one member to be made public and a statement which explains how the forum meets the conditions of the Act.
28. The Council must publicise the application on our website and in 'any such other manner as they consider is likely to bring the area application to the attention of people who live work or carry on business in the area to which the application relates'. This application must be open to consultation for at least 6 weeks.
29. In determining the application the Borough Council must ensure that the group meets the conditions of the Act and that there is only one Forum for each area. The Forum must meet the following conditions:
 - Be established for the express purpose of promoting or improving the social, economic and environmental well-being of the area
 - Its membership is open to individuals who live or work in the area or are elected members of a County or District Council for the area
 - Includes a minimum of 21 individuals each of whom live or work in the area or is an elected member
 - Have a written constitution
30. It is recommended that the designation of Neighbourhood Forums is delegated to the Director of Planning & Partnerships in consultation with the Executive Member for Planning where no objections received. If there are objections it is recommended that the designation is determined by Executive Cabinet.

Requirements check

31. When the body submits the plan to the Council, the Council is required to check that the plan and all accompanying documents comply with legal requirements. These require the plan to be in accordance with national policies and the strategic policies in the development plan and that they do not breach any EU obligations including those relating to habitats, equalities, human rights etc. This is essentially a technical exercise, and it is therefore recommended that the carrying out of such checks is delegated to the Director of Partnerships, Planning & Policy in consultation with Head of Governance, in consultation with the Executive Member for Planning.

Publicising the plan and receiving representations

32. As soon as possible after receiving the plan, the Council is required to publicise details of it on its website and in 'any such other manner as they consider is likely to bring the area application to the attention of people who live work or carry on business in the area to which the application relates'. The plan must then be made available for a minimum of 6 weeks for

consultation. Any representations will be sent to the Council. It is recommended that the programme for consultation is delegated to the Director of Partnerships, Planning & Policy in consultation with the Executive Member for Planning.

Examination

33. The Council has a duty to organise and fund the examination. The Council must appoint an independent person to carry out the examination with the agreement of the body preparing the plan. After the appointment the Council must send the independent person copies of all the relevant documents and any representations received as part of the consultation.
34. The LPA must also advise the examiner on representations received and other matters.
35. The person appointed to undertake the examination is responsible for how the examination will be carried out. It is expected that this will normally be through consideration of written responses, but the examiner could hold hearings if they felt this was necessary. The examiner will consider whether the plan meets the basic conditions set out in the Act and if this is the case recommend the plan proceeds to a referendum.
36. It is recommended that the Director of Partnerships, Planning & Policy is given delegated authority to appoint the independent person and seek with agreement of the preparing body; to organise the examination; – all in consultation with the Executive Member for Planning. The response to representations received will be reported for approval by Full Council.

Referendum & Duty to Adopt

37. The referendum gives the Community the final say on whether a plan should come into force in their area. The Council has a duty to make all the necessary arrangements for and the referendum and its funding. Separate regulatory provision applies to referendums. If a majority vote in favour of the plan in the referendum then the Council must bring it in to force and it will become part of the formal development plan for the area.
38. It is recommended that the Chief Executive is given delegated authority make arrangements for the referendum; and that were the outcome is positive, the adoption of the plan be considered by Full Council.

Provide technical advice and support

39. Schedule 4B(3) of the Localism Act states that the local planning authority must *'give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of or in connection with, facilitating the making of proposals for neighbourhood development order (or plans) in relation to neighbourhood areas within their area. Nothing in this paragraph is to be read as requiring the giving of financial assistance'*.
40. Assistance is likely to include:
 - meeting local communities interested in neighbourhood planning at an early stage, setting out the general scope/areas of support that can be provided
 - advising &/or assisting local communities to prepare a plan that will be fit for independent examination
 - attending briefings and meetings
 - advising on consultation and engagement
41. Technical assistance is likely to include the following, which could be subject to administrative or printing charges:
 - area and site plans
 - technical reports/extracts
 - technical information held on sites
 - any other information that is in the public domain
42. The cost and funding of Neighbourhood Planning has been the subject of much debate. The DCLG provided some funding to LPAs for a pilot programme at £20,000 per plan. The impact assessment for the Localism Bill noted that plans were anticipated to cost between £17,000 and £63,000 to prepare. The impact assessment anticipated the following average costs for local authorities:
 - Examination costs - £5,000 - £10,000

- Referendum costs - £7,000 - costs could be reduced if undertaken with other elections
 - Other (unquantified) costs of officer time in respect of defining neighbourhood area and providing expertise and advice to neighbourhood planning groups
43. The ideas being promoted by the government for funding the preparation of plans include the use of New Homes Bonus, Community Infrastructure Levy or even third party developer contributions towards the costs of a plan that includes their development. This incentive based financing is clearly a signal that government is expecting plans to address housing growth. It is also anticipated that councils may get some allocation through formula grant from 2013/14.
44. No formal applications have been made, nor have any formal approaches been made by Parishes or community groups, but interest has been expressed by a community group in relation to Whittle-le-Woods, who were advised to liaise with their Parish Council.
45. Once the Core Strategy is adopted it is possible that some parishes could come forward with requests for NDPs. There is a question however as to how much support and assistance the Council can provide in terms of officer time, materials and resources to Neighbourhood Plans. It is therefore recommended that the resource implications of any such requests are considered by the senior management team of the Council in consultation with the Executive Members for Planning, and Corporate Resources.

IMPLICATIONS OF REPORT

46. 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

47. The constitution and scheme of delegation can be appropriately amended in accordance with this report and the approval of the Council.

COMMENTS OF THE STATUTORY FINANCE OFFICER

48. At this stage it is impossible to predict the likely cost of developing neighbourhood plans as clearly it is dependent on the appetite of the community to engage in the process. That said, the costs are potentially significant and it is clear that the Government is expecting Council's to make their own local agreement to finance such costs, even though there is the potential for some grant in future years?
50. At this stage, I would recommend that no funding is earmarked for any potential plans that may come to fruition, but this may change if the new system develops and I will advise members accordingly.

LESLEY-ANN FENTON
 DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jennifer Moore	5571	06 July 2012	

Background Papers			
Document	Date	File	Place of Inspection
Localism Act 2011 SI 2012 No 637 National Planning Policy Framework, 2012 & PPG18			www.legislation.gov.uk or Planning/Legal Services www.dclg.gov.uk or Planning Services
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Report Author	Ext	Date	Doc ID
Jennifer Moore	5571	06 July 2012	

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PLANNING POLICY GUIDANCE:

ENFORCING PLANNING CONTROL

1. New and substantially improved powers to enforce planning control are given to local planning authorities (LPAs) by the Planning and Compensation Act 1991. The enforcement provisions of the Act are based on the main recommendations of the report by Robert Carnwath QC, entitled "Enforcing Planning Control" (HMSO, February 1989). The report also recommended (Recommendation No. 14) that current Ministerial policy guidance about enforcement, in DOE/WO Circulars, should be revised, taking account of the concern expressed about certain aspects of the current guidance. This Note gives revised guidance.

THE NEW ENFORCEMENT RÉGIME

2. The new and improved enforcement powers provided by the 1991 Act are:-

(1) the power to serve a "planning contravention notice" where it appears that there may have been a breach of planning control and the LPA require information about activities on the land, or the nature of the recipient's interest in the land (new section 171C of the Town and Country Planning Act 1990);

(2) the power to serve a "breach of condition notice" where there is failure to comply with any condition or limitation imposed on a grant of planning permission (new section 187A of the 1990 Act);

(3) the ability to seek an injunction, in the High Court, or County Court, to restrain any actual or expected breach of planning control (new section 187B of the 1990 Act);

(4) the power to serve a stop notice to prohibit the use of land as the site for a caravan occupied as a person's only or main residence, and to make a stop notice immediately effective where special reasons justify it (amended sections 183 and 184 of the 1990 Act); and

(5) improved powers of entry on to land for the LPA's authorised officer to obtain information required for enforcement purposes (new sections 196A, 196B and 196C of the 1990 Act).

3. The penalty provisions for enforcement offences have also been revised. The maximum summary penalty on conviction of the offence of contravening the requirements of an effective enforcement notice, or the prohibition in a stop notice, is increased from £2,000 to £20,000. And, when sentencing a convicted person for an enforcement notice or stop notice offence, the Court is to have regard to any financial benefit which has accrued, or appears likely to accrue, to him in consequence of the offence. These exceptional summary maxima are intended to signal clearly how seriously Parliament regards this type of offence. The increased penalties are consistent with Government policy stated in the White Paper entitled "Crime, Justice and Protecting the Public" (Cm 965), published in February 1990. Chapter 5 of the White Paper acknowledges that there is increasing

public concern about activities which damage the quality of people's lives (paragraph 5.8). It states:-

"If people ignore or flout laws and regulations designed to protect the public from serious harm, they should be properly punished, and the punishment should take account of the resulting profits or savings..."

4. During consideration of the Bill in Parliament, amendments to impose a general duty on LPAs to ensure compliance with planning control were proposed. Although these amendments were not accepted (because the Government considers that enforcement action should remain within the LPA's discretion), the Government's view is that the integrity of the development control process depends on the LPA's readiness to take effective enforcement action when it is essential. Public acceptance of the development control process is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the LPA to intervene before serious harm to amenity results from it. Enactment of the new and improved powers summarised in paragraph 2 gives LPAs a wider choice of available enforcement options. Authorities will therefore need to assess, in each case, which power (or mix of powers) is best suited to dealing with any particular expected, or actual, breach of control, to achieve a satisfactory, lasting and cost-effective remedy. Rapid initiation of enforcement action is usually vital to prevent a breach of control from becoming well established and more difficult to remedy.

THE GENERAL APPROACH TO ENFORCEMENT

5. Nothing in this Note should be taken as condoning a wilful breach of planning law. LPAs have a general discretion to take enforcement action, when they regard it as expedient. They should be guided by the following considerations:-

(1) Parliament has given LPAs the primary responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative area (the private citizen cannot initiate planning enforcement action);

(2) the Commissioner for Local Administration (the local ombudsman) has held, in a number of investigated cases, that there is "maladministration" if the authority fail to take effective enforcement action which was plainly necessary and has occasionally recommended a compensatory payment to the complainant for the consequent injustice;

(3) in considering any enforcement action, the decisive issue for the LPA should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest;

(4) enforcement action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site); and

(5) where the LPA's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop (LPAs should bear in mind the statutory time limits for taking enforcement action).

WHERE DEVELOPMENT IS CARRIED OUT WITHOUT PERMISSION

6. In assessing the need for enforcement action, LPAs should bear in mind that it is not an offence to carry out development without first obtaining any planning permission required for it. New section 73A of the 1990 Act specifically provides that a grant of planning permission may relate to development carried out before the date of the application. Accordingly, where the LPA's assessment indicates it is likely that unconditional planning permission would be granted for development which has already taken place, the correct approach is to suggest to the person responsible for the development that he should at once submit a retrospective planning application (together with the appropriate application fee). It may also be appropriate to consider whether any other public authority (eg the highway or environmental health authority) is better able to take remedial action.

7. While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought. In such circumstances, LPAs should consider using the new "planning contravention notice" to establish what has taken place on the land and persuade the owner or occupier to seek permission for it, if permission is required. The owner or occupier of the land can be told that, without a specific planning permission, he may be at a disadvantage if he subsequently wishes to dispose of his interest in the land and has no evidence of any permission having been granted for development comprising an important part of the valuation. As paragraph 14 of DOE Circular 2/87 (WO 5/87) points out, it will generally be regarded as "unreasonable" for the LPA to issue an enforcement notice, solely to remedy the absence of a valid planning permission, if it is concluded, on an enforcement appeal to the Secretary of State, that there is no significant planning objection to the breach of control alleged in the enforcement notice. Accordingly, LPAs who issue a notice in these circumstances will remain at risk of an award against them of the appellant's costs in the enforcement appeal.

WHERE UNAUTHORISED DEVELOPMENT CAN BE MADE ACCEPTABLE BY THE IMPOSITION OF CONDITIONS

8. A LPA may consider that development has been carried out without the requisite planning permission, but the development could be made acceptable by the imposition of planning conditions (for example, to control the hours, or mode, of operation; or to carry out a landscaping scheme). If so, the authority may invite the owner or occupier of the land to submit an application, and pay the appropriate application fee, voluntarily. It can be pointed out to the person concerned that the authority do not wish the business, or other activity, to cease; but they have a public duty to safeguard amenity by ensuring that development is carried out, or continued, within acceptable limits, having regard to local circumstances and the relevant planning policies. LPAs should bear in mind the need to consult on such applications in the normal way and the possible effect of such development on the functions of statutory undertakers.

9. If, after a formal invitation to do so, the owner or occupier of the land refuses to submit a planning application in these circumstances, the LPA should consider whether to issue an enforcement notice. Section 173(4)(b) of the 1990 Act (as amended by the 1991 Act) provides that one of the purposes for which the LPA may, in an enforcement notice, require remedial steps to be taken is for "removing or alleviating any injury to amenity which has been caused by the breach". For that purpose, section 173(5) of the 1990 Act provides that an enforcement notice may require, among other things, "the carrying out of any building or other operations" (paragraph (b)); or "any activity on the land not to

be carried on except to the extent specified in the notice;" (paragraph (c)). Accordingly, where an owner or occupier of land refuses to submit a planning application which would enable the LPA to grant conditional planning permission, the authority would be justified in issuing an enforcement notice if, in their view, the unauthorised development has resulted in any injury to amenity, or damage to a statutorily designated site, which can only be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission for the development. If an enforcement notice is issued to enable the LPA to grant conditional planning permission, they should explain clearly (in their statement of reasons for issuing the notice) what injury to amenity, or damage to the site, has been caused by the unauthorised development and how their conditional grant of permission will effectively remedy it. The owner or occupier will then have no doubt about the purpose of the enforcement action, or what he is required to do in order to remove or alleviate the perceived injury to amenity.

WHERE THE UNAUTHORISED DEVELOPMENT IS UNACCEPTABLE ON THE SITE BUT RELOCATION IS FEASIBLE

10. It is not the LPA's responsibility to seek out and suggest to the owner or occupier of land on which unauthorised development has taken place an alternative site, to which the activity might be satisfactorily relocated. But if, as part of their economic development functions, the authority are aware of a suitable alternative site, it will usually be helpful to suggest it, and to encourage removal of the unauthorised development to it.

11. If an alternative site has been suggested, the LPA should make it clear to the owner or occupier of the site where unauthorised development has taken place that he is expected to relocate to the alternative site (or some other site he may prefer). The LPA should set a reasonable time-limit within which relocation should be completed. What is reasonable will depend on the particular circumstances, including the nature and extent of the unauthorised development; the time needed to negotiate for, and secure an interest in, the alternative site; and the need to avoid unacceptable disruption during the relocation process. If a timetable for relocation is ignored, it will usually be expedient for the LPA to issue an enforcement notice. In that event, the compliance period in the notice should specify what the LPA regard as a reasonable period to complete the relocation.

WHERE THE UNAUTHORISED DEVELOPMENT IS UNACCEPTABLE AND RELOCATION IS NOT FEASIBLE

12. Where, in the LPA's view, unacceptable unauthorised development has been carried out, and there is no realistic prospect of its being relocated to a more suitable site, the owner or occupier of the land should be informed that the authority are not prepared to allow the operation or activity to continue at its present level of activity, or (if this is the case) at all. If the development nevertheless provides valued local employment, the owner or occupier should be advised how long the LPA are prepared to allow before the operation or activity must stop, or be reduced to an acceptable level of intensity. If agreement can be reached between the operator and the LPA about the period to be allowed for the operation or activity to cease, or be reduced to an acceptable level, and the person concerned honours the agreement, formal enforcement action may be avoided. But LPAs should be aware of the possibility of intensification of the development after expiry of the statutory period for enforcement action. If no agreement can be reached, the issue of an enforcement notice will usually be justified, allowing a realistic compliance period for the unauthorised operation or activity to cease, or its scale to be acceptably reduced. Any difficulty with relocation will not normally be a sufficient reason for delaying formal enforcement action to remedy unacceptable unauthorised development.

WHERE THE UNAUTHORISED DEVELOPMENT IS UNACCEPTABLE AND IMMEDIATE REMEDIAL ACTION IS REQUIRED

13. Where, in the LPA's view, unauthorised development has been carried out and the LPA consider that:-

- (1) the breach of control took place in full knowledge that planning permission was needed (whether or not advice to this effect was given by the LPA to the person responsible);
- (2) the person responsible for the breach will not submit a planning application for it (despite being advised to do so); and
- (3) the breach is causing serious harm to public amenity in the neighbourhood of the site,

the LPA should normally take vigorous enforcement action (including, if appropriate, the service of a stop notice) to remedy the breach urgently, or prevent further serious harm to public amenity.

UNAUTHORISED DEVELOPMENT BY SMALL BUSINESSES OR SELF-EMPLOYED PEOPLE

14. Although some breaches of control are clearly deliberate, the LPA may find that an owner or operator of a small business, or a self-employed person, has carried out unauthorised development in good faith, believing that no planning permission is needed for it. The cost of responding to enforcement action may represent a substantial financial burden on such a small business, or self-employed person. LPAs should consider this in deciding how to handle a particular case.

15. The initial aim should be to explore - in discussion with the owner or operator - whether the business can be allowed to continue operating acceptably on the site at its current level of activity, or perhaps less intensively. The LPA should carefully explain the planning objections to the current operation of the business and, if it is practicable, suggest ways to overcome them. This may result in the grant of a mutually acceptable conditional planning permission, enabling the owner or operator to continue in business at the site without harm to local amenity. If the site's owner or occupier is at first reluctant to negotiate with the LPA, the service of a "planning contravention notice" may help to convey the LPA's determination not to allow the development to go ahead by default.

16. If a mutually satisfactory compromise cannot be reached, and formal enforcement action is essential, the LPA should make their intentions clear, at the outset, to the owner or operator of a small business or a self-employed person. Unless it is urgently needed, formal enforcement action should not come as a "bolt from the blue" to a small business or self-employed person. It should be preceded by informal discussion about possible means of minimising harm to local amenity caused by the business activity; and, if formal action will clearly be needed, by discussion of the possible relocation of the business to another site. As explained in paragraph 10, it is not the LPA's responsibility to take the initiative in finding or providing a suitable alternative site. If formal enforcement action is likely to compel a small business or self-employed person to relocate their trading activities, the LPA should aim to agree on a timetable for relocation which will minimise disruption to the business and, if possible, avoid any permanent loss of employment as a result of the relocation. Once an enforcement notice has taken effect, LPAs should bear in mind that, where the circumstances justify it, new section 173A of the 1990 Act enables them to withdraw the notice; or to waive or relax any requirement in it, including the compliance period. A reasonable compliance period, or an extension of the initial period, may make the difference between enabling a small

business or self-employed person to continue operating, or compelling them to cease trading.

17. The Government remains committed to fostering business enterprise, provided that the necessary development can take place without unacceptable harm to local amenity. LPAs should bear this in mind when considering how best to deal with unauthorised development by small businesses. Nevertheless, effective enforcement action is likely to be the only appropriate remedy if the business activity is causing irreparable harm.

UNAUTHORISED DEVELOPMENT BY PRIVATE HOUSEHOLDERS

18. When they are considering the possibility of enforcement action involving unauthorised development by a private householder, LPAs should bear in mind that independent professional advice about whether planning permission was needed for the development may sometimes not have been readily available, or affordable. This is particularly true where the householder may have relied on "permitted development" rights in the General Development Order (the GDO) as authorisation for the development, but a specified limitation has been exceeded in carrying it out. In these circumstances it is inappropriate to initiate a prosecution of a householder, under new section 187A(9) of the 1990 Act (prosecution for the offence of failure to secure compliance with the limitation imposed on a grant of planning permission by virtue of the GDO), unless the breach of condition notice served on the householder includes a full explanation of the allegedly unauthorised development and he has failed to take satisfactory steps to regularise it, despite being allowed adequate time to do so. In considering whether it is expedient to take enforcement action against development carried out in excess of the permission granted by the GDO, the LPA should have full regard to what would have been permitted if the development had been carried out in strict accordance with the relevant provisions. LPAs should not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by virtue of the GDO provisions.

ENFORCEMENT OF PLANNING CONTROL OVER MINERAL WORKING

19. Minerals planning control is well established as part of the general planning system and there are no separate enforcement powers for unauthorised minerals working. The general policies and principles applicable to enforcement apply equally to minerals cases. Nevertheless, unauthorised minerals working sometimes poses particular enforcement problems, both in terms of the occasionally irremediable nature of the working and the speed at which damage can be caused. Certain of the new powers in the 1991 Act should therefore be helpful to mineral planning authorities (MPAs), to prevent damage which would otherwise be virtually or totally irremediable, either to the site itself or to its surroundings.

20. It is clearly preferable for effective liaison and contacts between MPAs and minerals operators to be sufficiently good for contraventions of planning conditions to be avoided, and for any problems to be resolved through discussion and co-operation. In cases where formal enforcement proceedings are necessary, it is important to ensure that action is taken quickly. MPAs need to be able to stop an unauthorised activity as soon as it is detected. Examples are where a mineral operator is moving soil materials in contravention of clear planning conditions, so as to jeopardise the restoration and aftercare of the site; or where unauthorised excavation outside the permitted boundary causes irremediable damage, or endangers the safety and stability of the surrounding land. Section 183 of the 1990 Act (as amended by section 9 of the 1991 Act) enables a stop notice to be served at the same time as the copy of an enforcement notice; and section 184(3) (as amended) now enables a stop notice to take effect before the expiry of 3 days, or immediately, where special reasons justify it - for example to prevent irremediable damage. The planning injunction provisions of section 187B are also

available in respect of unauthorised minerals development.

21. Further guidance on any more detailed aspects of enforcement of planning control over mineral working will be included, where necessary, in revisions to the relevant Minerals Planning Guidance Notes (MPGs).

THE ORGANISATION OF THEIR ENFORCEMENT FUNCTIONS BY LPAS

22. How LPAs organise the administrative function of enforcing planning control is for each authority to decide. The organisation should correspond to the volume and complexity of enforcement casework in each LPA's area and be sufficiently flexible to adapt to short-term increases in the demand for enforcement. All authorities should ensure that there is a close and co-operative working relationship between the Planning Department and the Solicitor's (or Secretary's or Chief Executive's) Department. Without such an effective working relationship, formal enforcement action (which depends for its success upon speed of assessment and process) may be hampered by poor communications and misunderstandings. Public criticism is then likely, especially if statutory time-limits for taking enforcement action are allowed to expire because of administrative delay. Unless they have done so recently, all LPAs are recommended to carry out a thorough review of the effectiveness of their procedural arrangements for planning enforcement; and, where necessary, to introduce revised arrangements.

23. When complaints about alleged breaches of planning control are received from parish or community councils, or members of the public, they should always be properly recorded and investigated. If the LPA decide to exercise their discretion not to take formal enforcement action, following a complaint, they should be prepared to explain their reasons to any organisation or person who has asked for an alleged breach of control to be investigated.

CANCELLATION OF ADVICE

24. The following PPGs are cancelled:-
PPG 1 (January 1988) - paragraphs 30 and 31;
PPG 4 (January 1988) - paragraph 19.
Paragraphs 15 and 16 of, and Annex B to, DOE Circular 22/80 (WO 40/80) are also cancelled.

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Report of	Meeting	Date
Executive Member for Places	Council	17 July 2012

REVISION OF STREET TRADING CONSENT CONDITIONS

PURPOSE OF REPORT

1. To seek approval of the changes to the conditions attached to the Street Trading Consent scheme operated within Chorley under the provisions of Local Government (Miscellaneous Provisions) Act 1982.

RECOMMENDATION(S)

2. It is recommended that Council approve the changes to the conditions of the Councils Street Trading Consent scheme as contained in this report.
3. If approved the new conditions will have immediate effect.

EXECUTIVE SUMMARY OF REPORT

4. The current conditions attached to the Street Trading Consent Scheme operated within Chorley Borough area contain a condition that street trading cannot commence before 0900 hours on any weekday and Saturday and must cease by midnight on those days.
5. Furthermore no trading other than ice cream vending is permitted on Sundays.
6. It is believed that the conditions relating to the times of trading have not been reviewed since the Street Trading Consent Scheme was adopted in the mid 1980s.
7. A full set of existing conditions are appended at Appendix A to this report.
8. During the past 25 years both customer and trading practices have changed significantly with the growth of fast food takeaways operating on a 24 hour basis. Therefore street traders who retail fast foods such as breakfast type meals are currently having to operate in contravention of the time condition to compete or are unable to operate at times when trade is most likely to be fruitful.
9. It is proposed to amend the time condition to enable street traders to operate from 0730 hours up to 2300 hours on any day of the week.
10. Furthermore it is proposed to allow street traders the opportunity to seek alternative trading hours which may be granted as a condition of an individual street trading consent at officers discretion.
11. There is one additional minor alteration to the conditions proposed, requiring traders to liaise with the relevant highways authority/agency before trading from a site on any adopted roadside or layby.
12. The draft revised conditions are appended as Appendix B to this report.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

13. 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	X	Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

14. The Councils Public Protection Team issue Street Trading Consents for a period of 12 months under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

15. There are currently 28 consents that are on issue and relate, in the main, to owners of mobile catering units.

16. The power to impose conditions on a street trading consent is contained in Schedule 4 Paragraph 7(4) of the Local Government (Miscellaneous Provisions) Act 1982 and provides that:

“When granting or renewing a street trading consent the Council may attach such conditions to it as they consider reasonably necessary.”

And paragraph 7(6) provides that:

“the Council may at any time vary the conditions of a street trading consent”.

There is no provision for consultation or right of appeal by consent holders.

17. The current conditions were adopted in the mid 1980’s and place a restriction on the hours of operation as follows:

“Trading may only take place between the hours of 9.00am and midnight on Monday to Saturday inclusive, except that a vendor of refreshments, ice cream and ice lollies only, may also trade between the hours of noon and midnight on Sundays.”

18. Current trading practices are very different to those when the conditions were first approved 25 years ago and officers are aware that a majority of the traders operate before these hours without causing any annoyance or nuisance to anyone and therefore have not prioritised the breach of condition for enforcement action.

19. In addition customer preferences have changed with an established market for fast food breakfast type food available in many fixed retail outlets from early morning.

20. Many of the street traders offer a “breakfast service” to members of the public and start trading daily at approximately 07.30hours in contravention of the current conditions.

- 21. The time conditions are therefore being revised to reflect this and it is recommended that trading times be amended to allow street traders to operate on any day of the week from 0730 hours to 2300 hours.
- 22. It is also proposed that a provision for traders to apply for alternative hours to trade outside these times which may be granted on a case by case basis subject to officers being satisfied that no undue nuisance is caused.
- 23. The majority of the street traders operate on private land or in commercial setting where there are no sensitive residential properties. However, there is provision within the conditions to revoke the consent where traders are deemed to be causing a nuisance or annoyance to persons using the street or otherwise. This provision will be retained.
- 24. Some traders choose to operate from a main highway or layby and currently are advised to seek advice on the siting of the mobile vehicle from the highways authority/agency.
- 25. A new condition is being proposed which requires the trader to liaise with such an authority or agency prior to commencing trading. Officers will seek some evidence that such liaison has taken place in order to be satisfied that the condition has been met.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 27. The changes recommended do not require any additional resources there is no financial impact on the Council's budget.

COMMENTS OF THE MONITORING OFFICER

- 28. The powers which the Council can exercise to vary conditions are addressed within the body of the report.

JAMIE CARSON
DIRECTOR OF PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Paul Carter	5738	4 July 2012	streetconsent

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONDITIONS

The Council has adopted a system of street trading comprising of designated “prohibited streets” and “consent streets”.

1. PROHIBITED STREET

A “prohibited street” means a street or area in which street trading is prohibited. In Chorley the prohibited streets with are:

- (i) All land and streets in the open air, generally in the areas known as Rivington and Anglezarke within the Borough of Chorley. (Signs mark the approximate boundary of this area, further details are available from the Public Protection Team, People & Places Directorate, telephone 01257 515151).
 - (a) There are three sites in this area where trading is permitted, these sites are let on a twelve month licence by Tender from United Utilities, Andertons Yard, Horwich - a street trading consent is also needed from Chorley Council.
- (ii) The area of land adjacent to the Market Walk Development in Chorley bounded by the Market Walk Development, the car park and New Market Street, Chorley.
- (iii) Streets in the area of the General Market, Chorley

Cannon Street	High Street
Chapel Street	Market Place
Cleveland Street	Market Street
Clifford Street	New Market Street
Fazakerley Street	Union Street
- iv) The M6 Services at Charnock Richard and the M61 Bolton West Services.

2. CONSENT STREET

A “consent street” means a street or area where trading is not allowed without the consent of the Council. A consent is a document issued by the Council.

In Chorley all streets other than prohibited streets are designated “consent streets”. This means that a person wishing to trade in those streets must obtain the consent of the Council.

A “street” includes any road, footway or other area to which the public have access without payment. Therefore, the Act can apply to public and private car parks, shopping centres and leisure areas. However, to trade in a private area you still need the permission of the landowner as well as a street trading consent from the Council.

There have been different interpretations as to what constitutes a “street” for a number of years. The law was clarified in 2009 by the case heard in the High Court, of West Berkshire District Council v Simon Paine [2009] EWHC 422 (Admin). The essential point from the case is that a “street” can include private land such as a private car park, even though the public might not be expected to enter the land, they can do so, without payment. It does not just mean land which is part of a highway. This means that a number of activities that have not previously been considered to require a Street Trading Consent,

will require one from now on. For example, parking on the private car parks of businesses, and selling goods to the employees, requires a Street Trading Consent.

You might also need planning permission if you want to trade from the same place on a regular basis or if you want to trade from a Council owned car park - contact the Council's Planning Section, Civic Offices, Union St, Chorley, telephone number (01257) 515151.

Exemptions

Street Trading means that selling or exposing or offering for sale of any article (including a living thing) in a street but this does not include:

- (a) trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant, enactment or order;
- (c) trading in a trunk road picnic area provided under the Highways Act 1980;
- (d) trading as a news vendor;
- (e) trading as:
 - (i) a petrol filling station
 - (ii) at a shop or on a street adjoining premises so used and as part of the business of the shop;
- (f) selling things, or offering or exposing them for sale as a roundsman. This means purely delivering goods which have been pre-ordered before you arrive at the premises, or delivering a regular order, such as with a milk round. Delivering a small amount of pre-ordered goods, when the majority of your business is to offer a range of goods for customers to choose from on site, does not qualify you as a roundsman.

3. GENERAL CONDITIONS TO A TRADING CONSENT

The Council may in granting or renewing a consent impose such conditions as it considers reasonable.

The following standard conditions will apply:

- (a) A street trader shall not trade within 50 metres of a fixed retail shop selling similar goods as its principal business, during the shop opening hours for the particular shop.
- (b) Only those goods originally nominated by the applicant to be sold. Any changes to be notified to the Proper Officer by the consent holder before sales commence.
- (c) Nuisance or annoyance shall not be caused (whether to persons using the street or otherwise).
- (d) No obstructions of any street or persons using it shall be caused.
- (e) The trader shall display his name and consent number in a prominent position on the vehicle, cart, barrow or portable stall at all times when trading.

- (f) The trader shall produce, on the request of an authorised officer of the Council, evidence of his identity. A passport size photograph must accompany the application form which will be used for this purpose if a consent is granted.
- (g) The trader shall at all times ensure compliance with all legislation relevant to the conduct of the business, in particular:
- (i) any vehicle used must be in roadworthy condition, taxed and insured.
 - (ii) any vehicle used shall not be sited in contravention of parking restrictions.
 - (iii) any loudspeaker may only be used in accordance with Section 62 of the Control of Pollution Act 1974, and,
 - (iv) any vehicle or stall used for the sale of food shall comply at all times with the Food Hygiene (England) Regulations 2006 and Regulation 852/2004 *Annex II* Chapter III.
- (h) The trader shall provide adequate receptacles for rubbish and remove all rubbish deposited in the vicinity of the vehicle or stall.
- (i) Trading may only take place between the hours of 9.00am and midnight on Monday to Saturday inclusive, except that a vendor of refreshments, ice cream and ice lollies only, may also trade between the hours of noon and midnight on Sundays.

NOTE The Council may vary these conditions at any time. The holder of any consent may employ any other person to assist him without a further consent being required. Such assistants to be nominated and their photographs to be supplied with the application.

4. APPLICATIONS

Applications must be submitted on the official application form and be accompanied by the appropriate fee (See below). A passport size photograph of the licence holder should be included with the completed application form.

A consent will not be granted to any person under 17 years of age.

A consent may be granted for any period not exceeding 12 months, but can be revoked at any time.

5. FEES & CHARGES PAYABLE

Applicant residing within the Borough	£440.50 per annum
Applicant residing outside the Borough	£562 per annum

If a consent is surrendered or revoked during the 12-month period, the Council will charge an administration fee of £62. Surrendered consents will be charged for whole and part months when trading has taken place.

6. PENALTIES FOR NON-COMPLIANCE

It is an offence to:

- (a) Engage in street trading in a prohibited street.

- (b) Engage in street trading without consent in a street.
- (c) Make any false statement in an application for consent.
- (d) Engage in Street Trading from a vehicle, cart, barrow or portable stall without a consent permitting it.
- (e) Contravene conditions relating to the time and place of trading from a vehicle, cart, barrow or portable stall.

The maximum fine on summary conviction is £1,000.

Further advice and information is available from the Public Protection Team, People & Places Directorate, Tel: (01257) 515151.

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will require one from now on. For example, parking on the private car parks of businesses, and selling goods to the employees, requires a Street Trading Consent.

You might also need planning permission if you want to trade from the same place on a regular basis or if you want to trade from a Council owned car park - contact the Council's Planning Section, Civic Offices, Union St, Chorley, telephone number (01257) 515151.

You should also contact Lancashire Highways Agency (Tel: 0845 0530011) to establish whether they have any comments regarding the proposed location of trading.

Exemptions

Street Trading means that selling or exposing or offering for sale of any article (including a living thing) in a street but this does not include:

- (a) trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
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- (h) The trader shall provide adequate receptacles for rubbish and remove all rubbish deposited in the vicinity of the vehicle or stall.
- (i) Trading may only take place between the hours of 07.30am and 11pm on any day. Consent holders may apply to the Council for consideration to be able to trade outside of these hours. The Council reserve the right to revise any extended operation hours at any reasonable time.

NOTE The Council may vary these conditions at any time. The holder of any consent may employ any other person to assist him without a further consent being required. Such assistants to be nominated and their photographs to be supplied with the application.

4. **APPLICATIONS**

Applications must be submitted on the official application form and be accompanied by the appropriate fee (See below). A passport size photograph of the licence holder should be included with the completed application form.

A consent will not be granted to any person under 17 years of age.

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REPORT OF GOVERNANCE COMMITTEE

GENERAL REPORT

This report summarise briefly the items that were considered and decisions taken by the Governance Committee at its meeting on 28 June 2012.

Statement of Accounts 2011/12

1. Members received a report of the Chief Executive giving them sight of the Statement of Accounts (SOA) for 2011/12 that would be signed and authorised for issue by the Chief Financial Officer at the end of June. The report also gave advice on the processes leading up to their formal submission for the approval of Members following completion of the external inspection by the Audit Commission in September 2012.
2. This Committee was not required to approve the SOA by 30 June before inspection of the external auditors, but would give them final approval prior to 30 September as they have done previously.
3. The Movement in Reserves Statement showed a surplus of £1.2m for the year compared to a breakeven position assumed in the original budget approved for 2011/12, reasons for the surplus were contained within the report.
4. The balance sheet and cash flow statements showed the turnover of cash and final cash position as at 31 March 2012. The Councils Treasury Management Strategy was the key document for the effective day to day management of cash resources and set out policies for the investment of surplus cash.
5. During the year the external borrowings had reduced from £8.872 to £7.822m and no new borrowings were made. The Council's general balance at year end was £2.264m which was in line with the Authority's Medium Term Financial Strategy that specifies they should be no lower than £2.0m. The Chief Executive explained that this amount was a judgement based upon a set of assumptions and took into account the Council's previous good reputation for making efficiencies and savings.
6. One of the areas of difference between accounting requirements and council tax regulations concerned pensions. The difference resulting from this was held in the Pensions Reserve. During 2011/12 this deficit on reserves had grown by £6.7m. The accumulated pension fund deficit now stood at £34.0m and Members were advised that the statutory position was that this deficit would be made good through future changes in contributions.
7. There had been a significant reduction in debtors form £6.5m to £4.0m and Members were provided with a detailed analysis. The Collection Fund also showed a healthy surplus that was consistent with estimates and had been allowed for in the fixing of the 2012/13 Council Tax.

8. Members noted the report and asked if comparative information could be provided at future meetings so that they could measure the authorities' performance and success against other district councils.

Treasury Management Out-Turn 2011/12

9. The Committee received and considered the report of the Chief Executive updating Members on the Council's treasury management strategy. Part of the changes in the regulatory environment, concerning treasury management was a greater onus on Members to scrutinise policy and activity.
10. The report updated on the prudential and treasury Indicators. The Capital Financing Requirement was significantly below that estimated in the Strategy as a voluntary provision for debt repayment had been made as part of the budget strategy. Borrowing had also remained within the limits set.
11. Members noted the positive treasury position and that the return on investments had gained interest of 1.07% compared to a bench mark of 0.43%.
12. In relation to Icelandic banks, court proceedings had been successfully concluded during the year with the confirmation of the priority status of the Council's debt and a first repayment of £596k had been received in February. A further payment of £248k had since been received and it was now expected that 100% of the claimed amount would be received.

Annual Governance Statement

13. The Head of Shared Assurance presented a report to remind the Committee of the regulatory framework requiring the Council to continuously review its system of governance and to formally publish an annual governance statement alongside its annual financial statements.
14. Members considered the draft annual government statement which had been produced in accordance with guidelines issued by the Chartered Institute of Public and Accountancy (CIPFA) and the Society of Local Authority Chief Executive (SOLACE).
15. It was explained what arrangements the Council would take in the forthcoming financial year to build and strengthen our corporate governance arrangements and particular attention was made to the undertaking of a members' skills analysis to update the member development programme to cater for the needs of new members to the Council and those Councillors taking on new roles.
16. Members requested that they be involved in the reviewing and re-issuing of a Protocol on Member/Officer relations and agreed for the Annual Governance Statement be formally signed off by the Leader and Chief Executive before being submitted for external audit alongside the 2011/12 financial statements.

Governance Committee Update

17. The Committee received a report of the Audit Commission providing the Committee with a progress report in delivering their responsibilities as our external auditors. The teams continued to work closely together around technical issues, closedown timetable and audit requirements to minimise the likelihood of any unexpected significant accounting issues and Members were informed that the audit of the Councils financial statements would commence in July and the criteria against which the assessment of our Value for Money (VFM) arrangements would be made.
18. In April 2012 the Audit Commission had published its work programme and scale of fees for 2012/13. The fees set, represented a 40% reduction on previous years and had been set for the next five years. The reductions in fee had resulted from the significant reductions in the Audit Commission's costs following internal efficiencies and the savings achieved from the outsourcing of its in-house audit practices.
19. Members were informed what procedures would be put into place to ensure that external groups/projects delivered the work they had promised, when they were funded by the Council and assurances were given that the allocation of the Core Grants had moved to a commissioning model, whereby a funding agreement would be in place that set out targets and was closely monitored by the relevant Executive Member.

Data Quality Policy 2012/13

20. The Committee received a report of the Chief Executive that presented the Council's refreshed Data Quality Policy, recently approved by the Executive Member for Resources, Policy and Performance for information.
21. The Policy had been reviewed to ensure that it aligned to the Council's new data quality strategy and reflected the organisations increasing reliance on data from IT systems. The report summarised the key changes from the previous policy and outlined the new arrangements that would be put in place to ensure greater control.

Internal Audit Annual Report

22. The Head of Shared Assurance Services presented the internal audit annual report 2011/12 which summarised the work undertaken by the service during the 2011/12 financial year and gave an opinion on the adequacy and effectiveness of the control environment in the Council as a whole and individual service areas.
23. A detailed schedule of the work undertaken by the Internal Audit team had been provided and gave individual opinions on the adequacy control for each of the areas audited during the year, as the majority of the reviews received a substantial or adequate controls assurance rating, it was the Internal Audit's opinion that the

Council continues to operate in a strong control environment. Only four out of fourteen reviews had been given a 'limited' rating, two had since been fully implemented and actions had been put into place to resolve the remaining two.

24. Key performance data indicated that the majority of indicators were on or above target and the team were pleased to report that the average customer satisfaction for Chorley and Shared Services was 91%. Only four areas had varied significantly from the agreed targets and an explanation was provided for Members.
25. Members requested if they could explore some joint arrangements with their counterparts at South Ribble Council, particularly in relation to the sharing of information and best practice.
26. Four members of the Audit Team had been successful in obtaining further qualifications and the team were also pleased to report that they had identified an unpaid debt of £20,000 whilst completing a recent audit review at Astley Hall and now had a formal agreement for an external contract of their services for St Catherine's Hospice that had resulted in additional income to the Council.

Compliance with International Auditing Standards

27. The Head of Shared Assurance Services presented a report comprising information to enable 'those charged with governance' and 'management/section 151 officer' to provide assurances being sought by the Audit Commission in respect of fraud and corruption as part of the Council's 2011/12 accounts.
28. In March 2012, the Audit Commission had written to the Chief Executive and Chairman of the then Audit Committee requesting information to assist with their audit of the Council's 2011/12 financial statements. Given the assurances requested were similar to the evidence being collated by Internal Audit to support the Governance Statement and in the interest of transparency, it was agreed with the Audit Commission that responses to their letters would be provided following consideration at this meeting.
29. Members noted that Internal Audit, having reviewed specific information was satisfied that the Council's arrangements were such that positive assurances could be given in the response to the Audit Commission.

The Standards Regime after 1 July 2012

30. Members received a report of the Head of Governance and Monitoring Officer for Chorley Council advising Members of the proposed Code of Conduct and complaints procedure to be adopted by the Council from 1 July 2012. The report had been submitted for Members information as it had been considered at Executive Cabinet on 21 June with a view to being approved at Council.

31. Members clarified that the membership of any Hearing Sub Committee's would be drawn from Members of the Governance Committee and that the Council were looking to appoint three Independent Members to provide advice and support in this process. Members also noted that the terms of reference for the Governance Committee would change after Council on 17 July 2012.

Guidance to Councillors sitting on outside bodies

32. The Head of Governance presented a report to Members that sought approval of a guidance document for councillors serving on outside bodies. The guidance document provided a generic approach to be followed by Members and would be used as a steer on what considerations a Chorley Councillor sitting on an outside body should have when discharging that function.

Recommendation

33. The Council is recommended to note this report.

COUNCILLOR PAUL LEADBETTER
Chair of Governance Committee

There are no background papers to this report
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Report of	Meeting	Date
Monitoring Officer (Introduced by the Executive Leader)	Executive Cabinet	21 June 2012

THE STANDARDS REGIME AFTER 1 JULY 2012

PURPOSE OF REPORT

1. To advise Members of the proposed Code of Conduct and complaints procedure to be adopted from 1 July 2012.

RECOMMENDATION(S)

2. That the Executive Cabinet adopt the draft Code of Conduct attached at Appendix 1 to this report for the Council to comply with from 1 July 2012, such adoption to be ratified by Full Council on 17 July.
3. That the Executive Cabinet adopt the proposed complaints procedure attached at Appendix 2 to this report for the administration of complaints made to the Council from 1 July 2012, such adoption to be ratified by Full Council on 17 July.
4. That the Executive Cabinet delegate to the Executive Leader the authority to amend the Code of Conduct to reflect any alteration, addition or amendment introduced by Regulations issued under the Localism Act 2011.
5. That the recruitment procedure for Independent Members to the Standards Sub-Committees be noted.

EXECUTIVE SUMMARY OF REPORT

6. The Localism Act 2011 revokes the existing standards regime and replaces it with a lighter touch more localist scheme. The model Code of Conduct which Councils were obliged to adopt has gone, Councils are required only to have a code of conduct which is compliant with the Nolan Principles.
7. Standards for England has been closed and there is no longer a central body who co-ordinates standards matters, the localist agenda dictating this is a matter for each authority to consider themselves.
8. These changes have been reported to Council before and some action has already been taken on them with the Standards Committee merging with the Audit Committee to become the Governance Committee. Standards will largely be the dealing of complaints only and this will be a function of a sub-committee of Governance.
9. There are a number of issues however which have been delayed in their progress or indeed remain outstanding and for which we have yet to have definitive guidance or Regulations issued by Central Government. We have recently been issued with a draft Code of Conduct which has been prepared by the LGA. However, the Regulations concerning what constitutes a pecuniary interest remain outstanding.
10. Neither has any guidance been issued on an appropriate approach to the administration of complaints.
11. The documents appended for approval are done so to ensure compliance with the legislation, and should be adopted prior to the 1 July. This is however, a Council decision and is subject to ratification at Full Council on 17 July next. It has to be noted that the issue of Regulations will impact on these document and the resolution to delegate authority to the

Executive Leader to make consequential amendments will ensure the continued compliance by the Council.

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)

- Under the terms of the Localism Act 2011 and Statutory Instruments issued under it the Council are obliged to adopt a Code of Conduct that is compliant with the Nolan Principles and a process for the administration of complaints made under the code.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- That the form of Code of Conduct issued by the Department of Communities and Local Government be adopted. This is not felt appropriate as the form of this code is directive in nature, it is in terms of “you will do” as opposed to “I will do”. This makes it less personal to the Members having the appearance of being imposed.

CORPORATE PRIORITIES

- 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

- It has previously been reported to Council that it will be obliged to adopt a new Code of Conduct and process for the administration of complaints by 1 July 2012. It was accepted by all members that whilst the approval of a Code of Conduct was a Full Council decision given the timings it would be appropriate for this to be considered by the Executive, with a view to the decision being endorsed by Full Council in July.
- The Code of Conduct attached at Appendix 1 is in the form of a declaration by each member to uphold the Nolan Principles of Selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It goes on to specifically explain how the member will discharge these obligations.
- It is recommended that this Code of Conduct is preferable to the one issued by the Department for Communities and Local Government (attached at Appendix 3). By making the Code a personal commitment by the Member it is seen as an obligation being taken on rather than a burden being imposed.
- That is not to say the CLG code should be wholly dismissed. The wording relating to the registration of interests has been adapted and used within the body of the Code at Appendix 1.
- At present the definition of “pecuniary interest” has not been provided by regulation. This will be circulated to Members as soon as it is received.

20. The procedure for administering complaints contained at Appendix 2 mimics in part the current process. There is still an initial assessment process undertaken by the Council's Monitoring Officer in consultation with an Independent Member, although this assessment is within a defined framework.
21. There is a discretion for the Monitoring Officer and Independent Member to elect to deal with minor matters at this stage, and again the considerations to be taken into account are prescribed within the procedure. It should be noted though that where the Monitoring Officer and Independent Member disagree, the view of the Independent Member is paramount as they are intended to be the views of the public.
22. The complainant may request that their complaint be anonymised. These requests will only be entertained on limited grounds relating to any risk to the complainants health, safety or employment. In assessing this the Monitoring Officer will be reluctant to pass an anonymous complaint without very compelling evidence of need.
23. If a matter is referred for investigation, this will be undertaken by an officer of this Council who will undertake a proportionate but thorough investigation. The investigating officer will prepare a report which will make a finding as to whether there was a breach and provide copies to the subject of the complaint and the complainant for comment.
24. The final report will be forwarded to the Monitoring Officer. Where the report makes a finding of no breach, the MO will consider the report and if it is found to be satisfactory make a Confirmation Decision and notify the subject of the complaint and complainant. If the report is not found to be satisfactory, the MO will refer it back to the investigating officer for reconsideration.
25. Where the report finds there was a breach of the Code, the MO will consider the severity of the breach. If the breach is minor, the MO may in consultation with the Independent Member seek a Local Resolution. This will require the engagement of the complainant and the subject of the complaint and may be in the form of an apology or other remedial action. All parties must agree to the process and undertake any agreed action at its conclusion. Failure to do so will mean the matter is referred to a Hearing Sub-Committee.
26. If the breach is sufficiently severe this will also warrant referral by the MO to a Hearing Sub-Committee.
27. The Hearing Sub-Committee will be drawn from Members of the Governance Committee. There will be at least 2 groups represented on each sub-committee. Although political balance is not required, as a members duty when serving on the sub-committee is to compliance with the Code of Conduct, every effort will be made when assembling a sub-committee to ensure all political views are represented. An Independent Member will also be invited to sit with the Hearing Sub and their views must be taken into account when a decision is reached, both in connection with the determination on breach and on sanction.
28. Independent Members must not have served on the Council in the preceding 5 years either as a Member, a co-opted Member or an officer.
29. If the Hearing Sub-Committee find that there was no breach then no further action will be taken and all parties will be notified of this. If the finding is that the subject of the complaint breached the code of conduct then they will consider the severity of the breach found and consider the appropriate sanction to attach.
30. If a finding of breach of the code of conduct is made it will be usual for the Hearing Sub to publish this finding in a local newspaper and to report it to the Governance Committee for reporting to Full Council. It is open for the Hearing Sub-Committee to conclude that the finding and reporting is sanction enough.
31. Under the regime the sanctions which may be imposed will be less onerous than those under the previous scheme. The Hearing Sub may
 - a. Recommend to a group leader that the subject of the complaint is removed from any or all committees or sub-committees of the Council;
 - b. Recommend that the member be removed from the Executive or lose any portfolio responsibilities;
 - c. Instruct the MO to arrange training for the member;
 - d. Remove the member from all outside body appointments;
 - e. Withdraw Council facilities such as access to a computer, email or intranet be for a period of time; or

- f. Exclude the member from Council offices or other premises other than for the purposes of attending Council, Committee and Sub-Committee meetings for a period of time.
32. Members are asked to note that they are not obliged to adopt all the sanctions available and are not required to adopt them all. However, Members are reminded that these are intended as a sanction for behaviour that has fallen below the adopted standard. The harsher sanctions that interfere with the Members ability to discharge their democratic duties (sanctions e and f above) are only likely to be used for the more serious matters.
 33. Sanctions (a) and (b) can only be recommendations as these are matters for the groups and the Executive Leader, however, there is an expectation that unless there is a good reason the recommendations will be adopted. The remaining matters are for full council and can properly be delegated to the Hearing Sub-Committee for a binding decision.
 34. There is a right of appeal against a finding of the Hearing Sub-Committee. The process is set out in the Arrangements document. Any challenge to the appeal decision should be by way of Judicial Review or to the process a complaint should be made to the Local Government Ombudsman. This is to try to ensure that the complaints are dealt with quickly and there is certainty at the outcome.
 35. The Council are responsible for receiving standards complaints relating to the Parish Councils within the Borough. Whilst each Parish may adopt their own code of conduct it is expect this will mirror the code adopted by this Council. The process for dealing with the complaints will be the same. It is not envisaged that any Parish Members will be appointed to sit on the Standards Sub-Committees this will be reviewed to ensure they process and systems are sufficient to meet the Council's needs.
 36. Complaints that do not progress through initial assessment will be reported (in an anonymised form) to Governance Committee. This is to enable feedback to be provided on the approach taken by the MO and the Independent Member and ensure that the complaints are being properly dealt with.
 37. There has been no guidance issued by central government either on the nature of pecuniary and special interests nor on the expected process to be followed when a complaint is received. The complaints process is therefore subject to amendment if such regulation is issued.
 38. It should be noted that recently the LGA have made representations to the CLG concerning the commencement date of the new standards regime. As no guidance has been given concerning the definition of pecuniary interest it is unreasonable to expect members to be bound by a code which references them. No response has yet been received to this representation and at present the timetable to the 1 July stands.

CRIMINAL LIABILITY

39. Whilst this does not form part of the new Code of Conduct, members should be aware of the criminal liability imposed in connection with failure to comply with their obligations in relation to the disclosure of pecuniary interests and their participation in relation to matters in which they have a pecuniary interest. The following are offences punishable by summary conviction:-
 - a. Failing to
 - i. **Register** a disclosable pecuniary interest with the MO within 28 days of election
 - ii. **Disclose** an none registered pecuniary interest in an issue being considered at a meeting of the Council
 - iii. **Register** a disclosable pecuniary interest within 28 days of its disclosure at a Council meeting
 - iv. **Register** a disclosable pecuniary interest within 28 days of it becoming apparent to the member that the interest exists.

It is also an offence, to knowingly or recklessly provide information a member knows to be false in registering or disclosing a pecuniary interest.
 - b. Participating in a discussion and/or vote at a Council meeting on an issue in which the member has a disclosable pecuniary interest.

- c. Taking any steps in relation to a matter in which the member has a disclosable pecuniary interest.
 - i.

40. The Council will not pursue these criminal matters under the standards regime (although they will pursue standards complaints on these issues) but will refer any such complaint to the police for investigation.

PREDETERMINATION

- 41. Predetermination is not a standards issue and does not fall to be regulated by the Code of Conduct. The Localism Act has however, extinguished the common law rule and introduced a statutory approach. Members are entitled to have a predisposition to an issue. It is recognised that in many matters it would be impossible not to form your own view and indeed, some decisions may relate to specific issues a member has campaigned on to be elected in the first place.
- 42. A Member is not entitled to have a closed mind on an issue. In other words, they are not allowed to approach any decision in a frame of mind where nothing would change their view.
- 43. Further guidance will be provided to Members on this matter.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

45. There are no financial implications in budgetary terms associated with this report.

COMMENTS OF THE MONITORING OFFICER

46. As per the report. Since the drafting of the report, draft regulations concerning pecuniary interests has now been circulated. Additional information will be provided to members in the near future.

CHRIS MOISTER
MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Monitoring Officer	5160	28 May 2012	***

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Code of Conduct

As a member or co-opted member of Chorley Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

As a Member of Chorley Council, my conduct will in particular address the statutory principles of the code of conduct by:

Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.

Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Borough or the good governance of the authority in a proper manner.

Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.

Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.

Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

Always treating people with respect, including the organisations and public I engage with and those I work alongside.

Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

I will also comply with my obligations under the Act in relation to the registration and disclosure of interests and in Chorley Council this will be done as follows:

I will, within 28 days of taking office as a member or co-opted member, notify Chorley Council's Monitoring Officer of any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is mine, my spouse's or civil partner's or is a pecuniary interest of someone with whom I am living as husband and wife or as if we were civil partners.

In addition, I will, within 28 days of taking office as a member or co-opted member, notify Chorley Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which Chorley Council has decided should be included in the register.

If an interest has not been entered onto Chorley Council's register, then I will disclose the interest to any meeting of the authority at which I am present, where I have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, I will notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, I will not participate in any discussion of, vote on, or discharge any function related to any matter in which I have a pecuniary interest as defined by Regulations made by the Secretary of State. Additionally, I will observe the restrictions Chorley Council place on my involvement in matters where I have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

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CHORLEY BOROUGH COUNCIL**ARRANGEMENTS FOR DEALING WITH COMPLAINTS
ABOUT THE CONDUCT OF MEMBERS****Introduction**

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the relevant Code of Conduct for Members.
2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”
3. No Member or Officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

4. Making a complaint

A complaint must be made in writing by post or email to: –

The Monitoring Officer
Chorley Council
Town Hall
Market Street
Chorley
PR7 1DP

OR

chris.moister@chorley.gov.uk

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Subject Member with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The Subject Member may, within 5 working days of receipt, make written representations to the Monitoring Officer which he must take into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued his Initial Complaint Assessment.

5. Complaint Initial Assessment

The Monitoring Officer will review the complaint and, after consultation with the Independent Person, take a decision (a Complaint Initial Assessment) as to

whether it merits formal investigation, or another course of action. This decision will normally be taken within 21 days of receipt of a complaint.

If the complaint fails one or more of the following tests, it will be rejected:

- The complaint must be against one or more named Members or co-opted Members of the Council or a parish council within its district;
- The Subject Member must have been in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code of Conduct under which the subject Member was operating at the time of the alleged misconduct.

If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the Complainant, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
 - (i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
 - (ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint although in itself minor in nature suggests that there is a wider problem throughout the authority;

- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction;

- Whether training or conciliation would be the appropriate response;

6. Additional Information

The Monitoring Officer may obtain additional factual information to come to a decision and may request information from the Subject Member. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council or the complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation or other action. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of Local Resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

7. Confidentiality

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage.

As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complainant may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member

8. Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be a Council officer, an officer of another Council, or an external investigator.

The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of Council resources and shall be interpreted in line with these principles.

The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to a Monitoring Officer decision on Confidentiality.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

9. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is satisfactory, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.

The Monitoring Officer will write to the Complainant and the Subject Member (and to the Parish Council, where the complaint relates to a Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report.

If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, he may ask the Investigating Officer to reconsider their report and conclusion.

10. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek Local Resolution.

11. Local Resolution

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering

an apology, and/or other remedial action. If the Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Parish Council (if appropriate) for information, but will take no further action. If the Complainant or the Subject Member refuses Local Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Local Hearing without further reference to the Complainant or the Subject Member.

12. Local Hearing

Where, in the opinion of the Monitoring Officer, Local Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a Local Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Council has agreed a procedure for local hearings, which is attached as Appendix A to these arrangements.

13. Constitution of the Hearings Panel

The Hearings Panel is a Sub-Committee of the Council's Governance Committee. The Council has decided that a Hearings Panel will be comprised of a maximum of three Members, and comprising Members should be drawn from at least 2 different political parties. There is no requirement for political proportionality and Members who sit on a Hearings Panel have a duty to the Council's Code of Conduct and will be expected to consider matters accordingly.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and must be taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Hearings Panel are not bound by the views of the Independent Member but where they depart from the view their decision should contain reasons why.

14. Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the Members of Council.

A person cannot be "independent" if he/she –

14.1 Is, or has been within the past 5 years, a Member, co-opted Member or officer of the authority;

14.2 Is or has been within the past 5 years, a Member, co-opted Member or officer of a parish council within the authority's area, or

14.3 Is a relative, or close friend, of a person within paragraph 14.1 or 14.2 above. For this purpose, "relative" means –

14.3.1 Spouse or civil partner;

14.3.2 Living with the other person as husband and wife or as if they were civil partners;

14.3.3 Grandparent of the other person;

14.3.4 A lineal descendent of a grandparent of the other person;

14.3.5 A parent, sibling or child of a person within paragraphs 14.3.1 or 14.3.2;

14.3.6 A spouse or civil partner of a person within paragraphs 14.3.3, 14.3.4 or 14.3.5; or

14.3.7 Living with a person within paragraphs 14.3.3, 14.3.4 or 14.3.5 as husband and wife or as if they were civil partners.

15. Action the Hearings Panel may take where a Member has failed to comply with the Code of Conduct

Where a Hearings Panel find that a member has failed to comply with the Code of Conduct, the Council has delegated to the Hearings Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

15.1 Publish its findings in respect of the Member's conduct;

15.2 Report its findings to Council (or to the Parish Council) for information;

15.3 Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

15.4 Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities;

15.5 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;

15.6 Remove (or recommend to the Parish Council that the Member be removed) from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council);

15.7 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

15.8 Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

16. Revision of these arrangements

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

17. Appeals

The subject of the complaint has the right to appeal both against findings of breach of the code and against sanction.

The appeal must be in writing and received by the Monitoring Officer within 7 days of the date of the Hearing Sub-Committee decision being made. The appeal must state whether the challenge is against the finding of breach or against the sanction imposed only.

The Monitoring Officer will arrange for an Appeal Sub-Committee to be convened within 7 days of the receipt of any appeal. The Appeal Sub-Committee comprising of 3 Members will be drawn from the Governance Committee and will not include Members who sat on the Hearing Sub-Committee. A different Independent Member will also be used. The Appeal will follow the procedure used for Hearing Panels.

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no further right of appeal against a decision of the Monitoring Officer or of the Appeals Panel.

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Stage 1: Setting the scene

1. After all the everyone involved has been formally introduced, the Chair will explain how the Committee is going to run the hearing.
2. The Chair will introduce the Independent Member and advise the Member that whilst they do not have a decision making role they are present to provide an independent view which the Committee are obliged to consider.
3. The Chair will ensure that the Member is ready and happy to proceed. If the Member indicates that they are not ready, they must give reasons why. The Committee will decide whether the hearing should proceed and must act reasonably in coming to that decision. Where the Member has indicated they are not ready but the Committee decide to proceed they should given reasons why.

Stage 2: Making findings of fact

4. The Committee will ask the Member whether there are any significant disagreements about the facts contained in the Investigating Officer's report. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
5. If there is a disagreement, the Investigating Officer, will be invited to make representations on the challenged facts, but these are to be confined to matters contained within the report.
6. The Member will then have the opportunity to make representations to support their stated position.
7. At any time, the Committee may question the Investigating Officer or the Member.
8. If the Member disagrees with most of the facts, the Committee may invite the Investigating Officer to make representations on all the relevant facts, instead of discussing each fact individually.
9. If the Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing.
10. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:
 - continue with the hearing, relying on the information in the Investigating Officer's report
 - allow the Member to make representations about the issue, and invite the Investigating Officer to respond
 - postpone the hearing to allow the Investigating Officer to consider and investigate the new issue.
11. The Committee will usually move to another room to consider the representations and evidence in private also present will be the clerk to the Committee and the Independent Member. On their return, the Chair will announce the Committee's findings of fact.

Stage 3: Did the Member fail to follow the Code of Conduct?

12. Having made the finding on the facts the Committee will then consider whether the Member has failed to follow the Code.
13. The Member should be invited to give relevant reasons why the Committee should decide that they have not failed to follow the Code.
14. The Committee should then consider any verbal or written representations from the Investigating Officer.
15. The Committee may, at any time, question anyone involved on any point they raise on their representations.
16. The Member should be invited to make any final relevant points.

17. The Committee will then move to another room to consider the representations. The Independent Member will accompany them and their views should be sought and considered by the Committee. Where the Committee depart from the view of the Independent Member they should record the reasons why.
18. On their return, the Chair will announce the Committee's decision as to whether the Member has failed to follow the Code.

If the Member has not failed to follow the Code of Conduct

19. If the Committee decides that the Member has not failed to follow the Code, the Committee will notify the Member accordingly and record the decision.

If the Member has failed to follow the Code of Conduct

20. If the Committee decides that the Member has failed to follow the Code, it will consider any verbal or written representations from the Investigating Officer and the Member as to:
 - whether the committee should apply a sanction
 - what form any sanction should take
21. The Committee may question the Investigating Officer and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
22. The Committee will then deliberate with the Independent Member in private to consider whether to impose a sanction on the Member and, if so, what sanction it should be. As previously the Independent Member will not be able to participate in making the decision (ie vote) but their views must be considered by the Committee. Where the Committee depart from the Independent Members views they must record reasons why.
23. The Committee will be limited to the sanctions listed in the procedure for the administration of complaints. The Committee must ensure that any sanction is reasonable and proportionate to the breach.
24. On their return, the Chair will announce the Committee's decision.

Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

<i>The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012</i>	
Subject	<i>Prescribed description (M – means a member of a relevant authority)</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

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Report of	Meeting	Date
Monitoring Officer	Council	17 July 2012

AMENDMENT TO THE CONSTITUTION

PURPOSE OF REPORT

- To seek approval of consequential amendments to the Councils Constitution as a result of the decision to merge Audit Committee and Standards Committee and the changes to the Standards Regime.

RECOMMENDATION(S)

- That the amendments detailed in the body of the report be approved.

EXECUTIVE SUMMARY OF REPORT

- At the Council's Annual Meeting it was agreed that due to the impending changes to the Standards Regime the Council's Audit and Standards Committee should be merged to form a Governance Committee. This would fulfil the duties of Audit Committee and in addition take on the functions of receiving and hearing investigations into standards complaints.
- The impact of these changes needs to be incorporated into the Councils Constitution to reflect changes to the Committees terms of reference and to the Council's Code of Conduct.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

- 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

- Pursuant to the Localism Act the Council are obliged to adopt a new code of conduct for members. As a result of the removal of a national standards regime and the reduction of duties for the Standards Committee, Chorley Council decided to merge the Audit and Standards Committee to create a Governance Committee.

- 7. This change to our Committee structure requires an amendment to our Constitution as does the adoption of the new Code of Conduct. The introduction of a new code and standards regime is the subject of another report on the Council agenda.
- 8. The Council’s Constitution will be amended on approval of the new code and the adoption of revised terms of reference for the Governance Committee. The majority of amendments are simply consequential changes as a result of the new standards regime. However, the significant changes are as follows:-

PART 2 SECTION 9

- 9. This section relating to the operation of the Standards Committee is being deleted. It will not be replaced however, the Council will adopt a Procedure for the Processing of Standards Complaints which will serve the same purpose.

APPENDIX 2 PAGE 14

- 10. The Terms of Reference for Governance Committee have been amended to include responsibility for reviewing and updating the Code of Conduct and Procedure for Processing of Complaints; to receive and hear investigated complaints; to receive and hear appeals; and to report to Council any sanctions imposed on breaches. Revised terms of reference are attached as Appendix 1 to this report.

APPENDIX 6

- 11. Will be deleted in its entirety and replaced with the new Code of Conduct for Members adopted at this meeting.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 13. There are no financial implications.

COMMENTS OF THE MONITORING OFFICER

- 14. The amendments are required to give effect to the changes to the Council caused by the merging of the Audit and Standards Committees and adoption of a new Code of Conduct for Members.

**CHRIS MOISTER
MONITORING OFFICER**

Report Author	Ext	Date	Doc ID
Chris Moister	5160	June 2012	

APPENDIX 1**TERMS OF REFERENCE for GOVERNANCE COMMITTEE****MEMBERSHIP**

Members of the Executive shall not be eligible to be appointed to the Governance Committee and the Chair and Vice Chair of the Overview and Scrutiny Committee shall not be eligible to be Chair or Vice Chair of the Governance Committee.

Part B – Council Functions which the Council has delegated to a Committee of the Council under Section 101 of the Local Government Act 1972.

AUDIT ACTIVITY

To consider the Head of Internal Audit's Annual Report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider the external auditor's annual audit letter, relevant reports and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with the Audit Commission over the appointment of the council's external auditor.

To commission work from the internal and external audit.

REGULATORY FRAMEWORK

To maintain an overview of the Council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.

To review any issue referred to it by the Chief Executive or a Director, or any council body.

To monitor the effective development and operation of risk management and corporate governance in the Council.

To monitor Council policies on 'raising concerns at work' and the anti-fraud and corruption strategy and the Council's complaints process.

To oversee the production of the authority's Statement on Internal Control and to recommend its adoption,

To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council's compliance with its own and other published standards and controls.

(a) To approve the annual statement accounts and report of this Council (with delegated power). To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

(b) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

STANDARDS

To review and recommend amendments to the Council's Code of Conduct for Members and procedure for dealing with complaints.

To receive and hear and make decisions on standards complaints following investigation.

To hear appeals against decisions made at a hearing of a standards complaint.

To report sanctions imposed on Members to full Council.