

19 December 2013

# Council

You are invited to attend a meeting of the Council to be held in Council Chamber, Town Hall, Chorley on Tuesday, 7th January 2014 commencing at 6.30 pm.

## AGENDA

1. **Apologies for absence**
2. **Minutes of the last meeting of the Council held on Thursday, 28 November 2013 (enclosed) (Pages 5 - 8)**
3. **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.

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 have three minutes to put their question(s) to the relevant Councillor. Members of the public will be allowed to ask one short supplementary question.

6. **Executive Cabinet (Pages 9 - 18)**

To consider a general report of meetings of the Executive Cabinet held on 24 October, 21 November and 12 December 2014 (enclosed).

7. **Scrap Metal Dealers Act 2013 (Pages 19 - 26)**

To consider a report of the Director of People and Places, approved by Executive Cabinet on 24 October 2013. Recommendation 2d requires Council approval (enclosed).

8. **Revenue and Capital Budget Monitoring 2013/14 Report 2 (End of September 2013) (Pages 27 - 44)**

To consider a report of the Chief Executive approved by Executive Cabinet on 21 November 2013 (enclosed).

9. **Overview and Scrutiny (Pages 45 - 50)**

To consider a general report of meetings of the Overview and Scrutiny Committee and the Performance Panel held on 26 September, 10 October and 5 December 2013 (enclosed).

10. **Parish Council Speaking Rights at Development Control Committee (Pages 51 - 54)**

To consider a report of the Director of Partnerships, Planning and Policy, approved by Development Control Committee on 10 December 2013 (enclosed).

11. **Proposed Diversion of Public Footpath No. 4 Chorley (Pages 55 - 66)**

To consider a report of the Head of Governance (enclosed).

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

13. **To consider the Notices of Motion (if any) given in accordance with Council procedure Rule 10**

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

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act.

15. **Local Development Framework : Local Plan Update**

To receive a verbal report of the Executive Member for Planning and LDF.

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

Yours sincerely



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Chief Executive

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### **Distribution**

1. Agenda and reports to all Members of the Council for attendance.

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#### **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.

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**Special Council****Thursday, 28 November 2013**

**Present:** Councillor John Walker (Mayor), Councillor Roy Lees (Deputy Mayor) and Councillors Ken Ball, Eric Bell, Julia Berry, Alistair Bradley, Terry Brown, Henry Caunce, Jean Cronshaw, Matthew Crow, John Dalton, Doreen Dickinson, Graham Dunn, Dennis Edgerley, Robert Finnamore, Anthony Gee, Danny Gee, Peter Goldsworthy, Alison Hansford, Harold Heaton, Steve Holgate, Keith Iddon, Kevin Joyce, Hasina Khan, Paul Leadbetter, Adrian Lowe, Marion Lowe, June Molyneaux, Mick Muncaster, Steve Murfitt, Beverley Murray, Mark Perks, Alan Platt, Dave Rogerson, Geoffrey Russell, Rosie Russell, Joyce Snape, Kim Snape, Ralph Snape, Paul Walmsley and Peter Wilson

**Also in attendance**

**Officers:** Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jamie Carson (Director of People and Places), Chris Moister (Head of Governance) and Carol Russell (Democratic Services Manager)

**13.C.90 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Magda Cullens, David Dickinson, Chris France, Marie Gray, Greg Morgan and Pauline Phipps.

**13.C.91 MINUTES OF THE COUNCIL MEETING HELD ON TUESDAY, 17 SEPTEMBER 2013**

**RESOLVED – that the minutes of the Council meeting held on 17 September 2013 be approved and signed as a correct record.**

**13.C.92 MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON MONDAY, 11 NOVEMBER 2013**

**RESOLVED –**

- 1. That the minutes of the Special Meeting of the Council held on 11 November 2013 be approved and signed as a correct record with the inclusion of, at the request of Councillor Joyce, the following sentence at the end of the fourth paragraph of Minute No 13.C.89  
“There is no mitigation should those risks occur.”**
- 2. It was noted that the purchase of the Market Walk Shopping Centre had now been completed and the Market Walk Steering Committee would meet again in the new year.**

**13.C.93 DECLARATIONS OF ANY INTERESTS**

Councillor Kim Snape declared a non pecuniary interest in the item - Public Footpath No. 6 Adlington: Public Path Diversion Order 2013.

**13.C.94 MAYORAL ANNOUNCEMENTS**

The Mayor thanked everyone who attended the Remembrance Sunday Parade and service at St Laurence and the Cenotaph. The turnout by local people was greater than ever for the Service of Remembrance around the Cenotaph.

The Mayor updated on his forthcoming fundraising events, the Charity Ball on 14 February and a Cabaret Night hosted by Dave Spikey on 28 March 2014. He also referred to other fundraising opportunities including his Christmas Raffle and donations instead of sending Christmas Cards.

**13.C.95 PUBLIC QUESTIONS**

There were no public questions to be considered.

**13.C.96 CORPORATE STRATEGY 2013/14 - 2016/17**

Members considered a report of the Chief Executive presented by Councillor Peter Wilson, Executive Member for Resources, Policy and Performance, seeking approval to a refresh of the Council's Corporate Strategy for 2013/14 to 2016/17.

The report summarised the performance of the Corporate Strategy in 2012/13 and proposed changes for 2013/14. Over 70% of projects were completed or nearing completion with the rest set to deliver by March 2014.

The proposals for 2013/14 retained the current priorities but with 20 new projects to support those priorities. These were contained within a schedule along with what the projects expected to achieve and the measures which would demonstrate success. The proposed new Corporate Strategy diagram was appended to the report.

In presenting the report, Councillor Peter Wilson, said that the proposals built on work carried out in the last 12 months with the key themes remaining in place, targeting resources where they were needed. Councillor Alistair Bradley, Executive Leader reported that resident satisfaction had increased and remained highest in the rural areas. There was, however, a need to tackle problems in some rural areas with, for example, initiatives to deal with social isolation, working with key partners from the LSP.

Members also considered a report from the Conservative Group containing their proposals for Corporate Strategy Development, presented by Councillor Paul Leadbetter, Deputy Leader of the Conservative Group. This contained proposals for a new vision and values and four strategic priorities with associated objectives. Councillor Leadbetter reported that the focus of the strategy was on value, delivering for a cost that was affordable.

Members debated both sets of proposals with questions on proposals to reduce debt; comments on the purchase of Market Walk Shopping Centre; measures to tackle the high rate of alcohol consumption by young people; the plight of "the working poor"; and the merits of a shop local campaign.

**Councillor Paul Leadbetter, Deputy Leader of the Conservative Group proposed, and Councillor Kevin Joyce seconded, an amendment to adopt the Conservative Group proposals for a Corporate Strategy as set out in the**

report circulated at the meeting. On being put to the vote, the motion was **LOST**.

**Councillor Peter Wilson, Executive Member for Resources, Policy and Performance proposed, Councillor Alistair Bradley, Executive Leader seconded and it was RESOLVED – that the Corporate Strategy for 2013/14 to 2016/17 be approved as set out in the report of the Chief Executive.**

### **13.C.97 JOINT ADVISORY COMMITTEE TERMS OF REFERENCE**

The Director of Partnership, Planning and Policy submitted a report presented by Councillor Dennis Edgerley, Executive Member for Planning and LDF, suggesting amendments to the current terms of reference for the Local Development Framework Joint Advisory Committee with Preston and South Ribble Councils.

The Joint Advisory Committee had been set up in 2008 to progress the Central Lancashire Core Strategy to adoption. Whilst this had been achieved, the authorities still needed to work together on Supplementary Planning Documents and site allocation Local Plan documents. In addition, the success of the City Deal bid which predominantly involves Preston and South Ribble Councils had led to greater Lancashire County Council involvement. It was still important for Chorley to be involved in the discussions because of the implications for housing. Chorley would only have observer status on City Deal project items.

The business and governance arrangements of the Joint Advisory Committee were originally set out in a Legal Agreement which would need revising.

Councillor Dennis Edgerley, Executive Member for Planning and LDF proposed, Councillor Paul Walmsley, Chair of Development Control Committee seconded and it was **RESOLVED –**

- 1. That the revised terms of reference for the Joint Advisory Committee be approved as set out in paragraph 8a to 8e in the report;**
- 2. That the Director of Partnerships, Planning and Policy in consultation with the Head of Governance be authorised to negotiate and conclude a legal agreement setting out the revised governance arrangements for the Joint Advisory Committee; and**
- 3. The Executive Member for LDF and Planning be given delegated authority to sign off the legal agreement.**

### **13.C.98 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO.6 ADLINGTON) PUBLIC PATH DIVERSION ORDER 2013**

The Head of Governance submitted a report requesting approval to the diversion of footpath No 6 at Fairview Farm, Adlington. Since the construction of the Fairview housing estate the original route of the footpath had been deemed by the Public Rights of Way Officer not wide enough and therefore it was proposed to divert it. The report contained the detail of the legal processes required and also a plan of the estate with the existing and proposed new routes.

Councillor Paul Walmsley, Chair of Development Control Committee proposed and Councillor Dennis Edgerley seconded it and it was **RESOLVED – that the Head of Governance be authorised to make a diversion order under s.119**

**Highways Act 1980 in respect of the lengths of public Footpath No. 6 as shown on the Map attached at Appendix 1 to the report. The Head of Governance be also authorised to arrange any necessary press advertisement about the order and serve notice on consultees prescribed in legislation.**

Chair



**EXECUTIVE CABINET - GENERAL REPORT****MEETING HELD ON 24 OCTOBER 2013****Chorley Town Centre Masterplan**

1. The Executive Member for Resources, Policy and Performance) presented a report.
2. The Economic Development Strategy was adopted in November 2012 with a key priority “to create a vibrant town centre that attracts people from both the local community and visitors in the day and evening, for shopping, eating and entertainment”. A key action was to develop a town centre masterplan.
3. Deloitte were appointed in February 2013 to define the changing town centre offer and the required retail element, identify significant land/property owners, define land use zones, masterplan investment ready locations, target investment in the public realm and ensure adequate provision for car parking.
4. The report highlighted the main messages, and detailed the suggested phasing and delivery of three investment opportunities and a public realm framework to achieve the vision of the town centre masterplan.
5. Cath Burns, Head of Economic Development, gave a presentation. Following the presentation several queries were raised, including the results of the car parking survey. Cath confirmed that the survey had been undertaken at all car parks during each Saturday between 17/11/12 and 09/01/13 and had shown an average 49% spare capacity within the town centre. We noted that the location of the car parking spaces was a key factor. It was noted that parking would still be available by Chorley Little Theatre.
6. Buildings such as the Saint John’s Ambulance premises were raised and Cath advised that information relating to the ownership of land within the “character areas” and detailed master planning would now commence.
7. Cath clarified that, alongside the proposed community building there was an aim to utilise existing community spaces, such as the library.
8. A detailed impact assessment had been undertaken in relation to the ASDA development, but that the ASDA development was separate to this masterplan.
9. Fazackerly Street is included within the priority areas, although it was not one of the top priorities.
10. We discussed the potential impact of the civic square on the vehicular access to Market Street, but agreed that this will be considered when detailed plans had been drawn up.
11. Discussions will continue to be held with the Town Centre Team as the plans are developed.

12. We noted the report, endorsed the recommended actions and approved further work to determine which elements of the masterplan be prioritised and progressed to delivery.

### **Revised Car Park Tariffs**

13. The Executive Member for Resources, Policy and Performance updated Members on the results of trial on the change of car park tariffs in the town centre car parks.
14. The report considers the merits of the trial and recommends the permanent introduction of the trial tariffs and parking conditions.
15. Due to the formal consultation periods required the existing trial will be extended until 7 December after which the permanent schedule will be in place.
16. We noted that the Town Centre Team, the Traders Alliance and individual businesses have been consulted with.
17. The increase in churn of vehicles on the Flat Iron is supported by the increase in footfall within the Town Centre and Market Walk.
18. We agreed to adopt the trial tariffs permanently from 8 December 2013 and that the temporary trial tariff scheme be extended until 7 December 2013.

### **ICT Strategy 2014-17**

19. The Executive Member for Resources, Policy and Performance presented the ICT strategy for consideration and approval.
20. The report sets out the results of consultation undertaken with Councillors, services and ICT staff. The report also gives an overview of the progress made in delivering changes and improvements to ICT over the past few years.
21. The strategy has four strategic objectives with associated long term outcomes, including high quality customer experience, robust and reliable infrastructure, accessible and well-managed information and coordinated and appropriately resourced support for ICT.
22. We noted the importance of utilising technology to provide easy access to high quality services and granted approval to the ICT strategy 2014-2017.

### **Consultation - Draft Play Area, Open Space and Playing Pitch Strategy**

23. The Executive Member for People advised that the Play, Open Space and Playing Pitch Strategy has been completed in draft.
24. The Strategy includes a five year action plan to protect, manage, enhance and secure sites and identify deficiencies and future priorities.

25. The report outlines the proposed consultation process which will be undertaken over a ten week period from 11 November until 17 January 2014. Consultation drop in sessions will be undertaken for each of the eight neighbourhood areas with the relevant elected Members and Parish / Town Councils. Other key stakeholders and groups will also be consulted, including amateur football leagues.
26. Members will be given the opportunity to respond to the consultation via intheknow and via the ongoing Overview and Scrutiny Task Group.
27. We noted the draft Play, Open Space and Playing Pitch Strategy and approved it for consultation.

### **Executive's Response to the Overview and Scrutiny Task Group Inquiry into the Adoptions of Estates**

28. The Executive Member for LDF and Planning responded to the report of the Overview and Scrutiny task group report which examined the Adoption of Estates and was presented to Executive Cabinet on 20 June 2013.
29. We agreed all fourteen recommendations, but noted that further scoping will be required relating to recommendation j relating to the development of a map based system.
30. We noted that adoption issues will not be a reason to refuse a planning application and will be controlled by the use of conditions.
31. Councillor Wilson thanked the Members and officers who contributed to the inquiry.

### **Chorley Council's Property Service**

32. The Executive Member for Resources, Policy and Performance presented the confidential report.
33. We granted approval to the recommendations as set out within the report.

### **Health Environment and Neighbourhoods Review**

34. The Executive Member for Places presented the confidential report.
35. We granted approval to implement the establishment changes proposed in the body of the report, subject to the statutory staff and Union consultation period. We granted delegated power to the Executive Member Places and Executive Member People through an Executive Member Decision to sign off any amendments to the proposals contained within the report as a result of the consultation since the proposals impact on service areas across two portfolios and granted approval to the budgetary changes proposed with the report.

**Single Homelessness Initiative: Approval to Award Contracts for Pre-Tenancy Training, Accommodation Finding and Pilot of Houseshares Services**

36. The Executive Member for Homes and Business presented the confidential report.
37. We agreed that following an open, transparent, competitive tendering exercise using The Chest and following procurement guidelines, the chosen contractors be appointed for the reasons specified in the report.

**MEETING HELD ON 21 NOVEMBER 2013****Chorley Partnership Performance Monitoring Quarter Two 2013/14**

38. The Executive Member for Resources, Policy and Performance presented a report which follows the new format of partnership performance reports.
39. The report sets out the priorities and performance of the Chorley Partnership for the second quarter of 2013/2014, the priorities of the partnership groups and how successfully they are delivering against those priorities. This is a move away from using performance indicators towards providing some contextual information regarding the work that has been delivered and what impact and outcomes this has achieved.
40. Overall progress against priorities is excellent, of the eighteen priorities identified across the partnership, fifteen are rated as green, one is amber and two are rated as not started. We noted the report.

**Chorley Council Performance Monitoring Quarter Two 2013/1**

41. The Executive Member for Resources, Policy and Performance presented a report which sets out performance against the Corporate Strategy and key performance indicators for the second quarter of 2013/14.
42. Performance is assessed based on the delivery of key projects, against the measures in the 2012/13 – 2015/16 Corporate Strategy and key service delivery measures. Overall performance of key projects is excellent, with the majority of the projects complete, on track or scheduled to start in quarter three.
43. One project, develop a youth ambassador scheme, has been rated amber due to issues relating to timescales in delivering initial actions however work is now underway to bring this project back on track. This scheme has a wider remit than one bearing the same name which is run by Runshaw College.
44. Overall performance of the Corporate Strategy and key service measures remains strong. 73% of the Corporate Strategy measures and 71% of the key service measures are performing above target, within the 5% tolerance or are presented for base lining purposes.

45. The Corporate Strategy measures performing below target are; the percentage of 16-18 year olds who are not in education, employment or training (NEET), the percentage of domestic violence detections and the percentage of customers dissatisfied with the way they were treated by the council. Action plans have been developed to outline what action will be taken to improve performance.
46. In response to a query we noted that a jobs and careers fair hosted by the Council earlier that day had been a success. Pupils from five Chorley high schools attended the event in the morning and in the afternoon it was open to the public. The free event brought together large employers from across the borough along with volunteering and advice services as well as key players in further education and apprenticeships. This is just one of the ways the Council is tackling the issues of NEETs.
47. Members discussed the target in relation to domestic violence and note that the target is aspirational, but it has been achieved previously. Mechanisms are in place to make sure that officers follow the correct procedures to ensure that the chances of achieving detection are positive. The Council will be led by the Police on this.
48. The key service delivery measures performing below target are: the time taken to process Housing benefit/Council Tax benefit new claims and change events, and the percentage of major planning applications determined within 13 weeks. The performance achieved for October and November will improve the statistic on the percentage of major planning applications. Action plans are included within the report to outline what actions are being taken to improve performance. We noted the report.

### **Sports Village Feasibility Study - Review**

49. The Executive Member for People advises that a review of the 2007 Sports Village Feasibility Study has been undertaken which includes actions proposed for the future.
50. The review highlights that sports clubs/organisations that have land want to keep it and enhance it, rather than pool resources in one site and clubs that are looking to lease land do not require the land to be on a single site.
51. Members noted that there is an appetite amongst clubs, organisations and schools to work in partnership, on a site by site basis, to enhance the sporting offer in the Borough and that external funding for a large single site project is extremely limited.
52. The review has opened up a number of opportunities for the Council to work with stakeholders on individual projects/developments. These will continue and reports will be brought to Executive Cabinet if any of them progress.
53. We noted the review of the feasibility study, and that there was no prospect of a Sports Village, as originally envisaged, being delivered at this point in time.

54. We noted that various early discussions are taking place with partners to develop sports facilities in the Borough and that officers will bring reports to Executive Cabinet, as appropriate, when any decisions are required that involve the Council's input, e.g. funding, land etc.

#### **Private Rented Sector Housing - Policy for Enforcement of Standards**

55. The Executive Member for Places advises that Neighbourhood Environmental Health Officers have begun a proactive inspection programme to assess, and where necessary, take action to improve standards of accommodation in Chorley's private rented sector housing stock.
56. The proactive approach arose out of an Overview and Scrutiny report on the issue in April 2012. The resources to undertake a proactive programme were identified and work has started to build a database of private rented sector properties and commence inspections. In addition, the Overview and Scrutiny report recommended that a policy be developed to support the proactive programme to ensure consistency of approach and to allow all stakeholders to understand the Councils proactive approach.
57. We noted that the policy identified a number of sources of intelligence and information in relation to Chorley's private rented sector housing stock and, in particular, the engagement and support of tenants is seen as a key component. However, a pilot survey of properties in an area known to contain a high density of private rented sector properties yielded a very poor response from tenants. Further work with the Councils Communications Team, local housing charities and the Councils Housing Options Team will be undertaken to engage with tenants in the sector. Members are requested to make officers aware of properties they know are privately rented through their role as a Councillor.
58. We noted that measures which will improve the overall standard of private sector housing have far reaching benefits, for both the tenant and also surrounding community. Working in partnership with private landlords is key as the lower end of the private rented sector provide a valuable supply of housing for customers who cannot access social housing for a variety of reasons and who otherwise would be homeless. Improving the standard of the housing with full landlord consent is the ideal scenario, with enforcement action as the last resort where appropriate.
59. The Government has recently received the Communities and Local Government Select Committee Report into the private rented housing sector. The overall perspective of that report is that increased supply in the private rented housing sector is to be welcomed. There are a number of issues that the Government indicate may be introduced which could, in due course, be relevant to the proposed policy. The proposed policy will therefore be subject to review.
60. We approved the policy document relating to the proactive inspection of private rented sector housing.

**Chorley Local Plan 2012-2026 - Inspector's Partial Report**

61. The Executive Member for LDF and Planning informs Members of the progress of the Chorley Local Plan 2012-2026.
62. The report highlights some of the main changes that have been considered necessary by the Inspector, following the examination hearing, to make the Chorley Local Plan sound.
63. The Council is currently awaiting the results of a Central Lancashire Gypsy and Traveller and Travelling Showpeople study which will be consulted on in January 2014.
64. A reconvened Examination will consider the results of this study and this is currently programmed to be held in April 2014. Should the Inspector consider further modifications necessary these will be consulted upon following the Examination allowing a final report to be produced in August and the Local Plan to be adopted in September 2014.
65. The Inspector states in her partial report that because of the very advanced stage in the examination process that the main modifications have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly.
66. We noted that the Park Hall/Camelot site has not been allocated, but the Inspector has stated that as it is a previously developed site, it could come forward as a windfall site in the Green Belt, provided that any proposal for its redevelopment satisfies other relevant policies of the Plan. The Inspector has also proposed an extension to the boundary of the Park Hall/Camelot previously developed site.
67. On areas of separation the Inspector has changed the Policy to "Areas of Separation are also designated Green Belt" from "Here development will be restricted, including all forms of development considered appropriate in the Green Belt". The two Areas of Separation as shown on the Policies Map are between Chorley and Euxton and Chorley and Whittle-le-Woods.
68. The Council had not included an allowance for slippage or for windfall sites (sites that come forward over the plan period that have not yet been identified) in the submitted Local Plan. However, during the examination hearings the Inspector suggested that the Council take account of slippage, suggesting initially that an allowance of up to 20% would normally be considered. She also suggested that a windfall allowance could be included. Further evidence had been submitted and based upon this evidence the Inspector has accepted that the following was appropriate in the Chorley context:
  - A slippage rate of 5% on large allocated housing sites
  - A slippage rate of 20% on the small non-allocated existing housing commitments (sites that have planning permission, but which have not been allocated)

- A windfall allowance of 451 dwellings over the plan period
69. In addition, the Inspector recommended that the Council review/amend Policy HS2: Phasing of Housing Development to make it more 'flexible' and highlight that the schedule is purely indicative only. This had been considered necessary as its approach reflected an outdated plan, manage and monitor approach to planning policy and not the positive approach of the Framework that seeks to boost significantly the supply of housing.
70. We noted that the site at Cowling Mill has not been allocated as it falls within Flood zone 3.
71. We granted approval to accept the Inspector's modifications and to vary the plan accordingly. We noted that the Local Plan is now a significant material consideration for Development Management purposes when determining applications; the removal of Policy HW8: Hot Food Takeaways and the commencement of a review of the Access to Healthy Food SPD.

#### **Approval for the Contract Award procedure and Evaluation Criteria for Car Park Enforcement and Cash Collection**

72. The Executive Member for Resources, Policy and Performance presented a report seeking approval for the award procedure and evaluation criteria for the contract for the supply of enforcement and cash collection on Council owned pay and display car parks.
73. We granted approval to the joint procurement of this contract with other Lancashire District Councils and for the tender to be advertised on the Chest e-tendering system using an open invitation to contractors

#### **MEETING HELD ON 12 DECEMBER 2013**

##### **Changing Places toilet proposal**

74. The Executive Member for Resources, Policy and Performance presented a report seeking authority to site a Changing Places Toilet within the Town Hall reception area.
75. The Council are a supporter of the Changing Places Toilet Campaign to promote the provision of toilets that are accessible to all, including those who cannot use standard accessible toilets. The Council became aware that LCC are providing grants for the provision of such facilities and have secured funding of up to £50,000.00.
76. The Council have considered the provision in Council owned buildings and identified the reception area of the Town Hall as having the necessary space and accessibility to the public, as being a suitable location. The Council have undertaken some design work and have an estimate of £35,000.00 to deliver this, which is well within the budget set by LCC.



77. We noted that the Council will be working with ASDA to facilitate a similar provision within their new development. There are currently Changing Places Toilets at All Seasons Leisure Centre and at the Arts Partnership.
78. We granted authorisation to the building of a Changing Places Toilet within the Town Hall reception area and to the budget provision at £50,000.00 to build the toilet facility and remodel the reception area.

### **Review of Chorley Council Core Funding and Process for 2014/15**

79. The Executive Member for People advises that core funding is allocated to voluntary, community and faith sector organisations within Chorley. In order to ensure that the Council are achieving the maximum impact with the core funding budget, as well as supporting the voluntary community and faith sector, a review has been undertaken.
80. The review draws a number of conclusions, ensuring funding meets needs, issues with the project funding and lengths of contracts. Based on the conclusions within the review, it is recommended the Council move towards a commissioning model, which will enable Members to decide which are the areas of greatest need within Chorley, and prepare invites to tender for organisations to deliver services to meet these needs.
81. The benefit of this approach is to direct funding towards services that meet the needs of the community, whilst continuing to support the whole of the VCF sector. This will be done both through the combination of commissioning and small community funding, and through the Council's on-going commitment to support the VCFS Network.
82. We noted that the funding will include the entire Borough, not just the Town Centre, in respect of Community Safety. We noted that where there are problems these will be targeted, including alcohol admissions and domestic violence, suffered by both women and men.
83. We noted that the amount of money set aside for core funding is set each year, rather than being linked to inflation.
84. We granted authorisation to change the process of allocating the core funding budget to a commissioning model as outlined in the report and to distribute the budget in the service areas as outlined in the report. We granted delegated authority to the Executive Member for Resources, Policy and Performance and the Executive Member for People to approve the preferred provider for each service following a commissioning process

### **Insourcing Property Services - proposal**

85. The Executive Member for Resources, Policy and Performance presented a confidential report updating Members on and seeking approval of the proposed structure of a Property Services team within the Council following the termination of the contract with Liberata Property Services.

86. We granted authorisation to the outline proposal for the staffing of an insourced property services contract and to the further investigation of the proposed structure.

**Approval to purchase one large (15t) and two compact Mechanical Sweepers**

87. The Executive Member for Resources, Policy and Performance presented a confidential report recommending approval to the purchase of one large (15 tonne) and two compact mechanical sweepers for Chorley Council following a joint procurement process with South Ribble Borough Council.

88. We granted authorisation to place an order for one large (15 tonne) and two compact mechanical sweepers for Chorley Council.

**Recommendation**

89. That the report be noted.

COUNCILLOR ALISTAIR BRADLEY  
Executive Leader

RR



Report of	Meeting	Date
Director of People and Places (Introduced by the Executive Member for Places )	Executive Cabinet	24 October 2013

## **SCRAP METAL DEALERS ACT 2013**

### **PURPOSE OF REPORT**

1. To advise Members of new legislation relating to the scrap metal industry and to consider arrangements to enable the Council to discharge its functions under the Scrap Metal Dealers Act 2013.

### **RECOMMENDATION(S)**

2. It is recommended that:
  - (a) the Director of People and Places be authorised to:-
    - grant or renew a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
    - serve Notice of a proposal to refuse or cancel a licence of a Scrap Metal dealer under the Scrap Metal Dealers Act 2013.
    - serve notice of a proposal to vary a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
    - determine applications for a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013 where it is the intention to refuse or cancel a licence or to vary a licence under section 4 of the Act where the applicant has not served notice requiring the opportunity to make representations to the authority in respect of the proposal to refuse or cancel a licence, or to impose conditions on a licence.
    - institute legal proceedings in respect of any breaches of the provisions of the Act.
  - (b) where the Director of People and Places proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority within the prescribed time that they require the opportunity to make representations about that proposal, the relevant Cabinet Member be authorised to conduct the hearing and determine the application on the Cabinet's behalf.
  - (c) Executive Cabinet approve the fees set out in paragraph 53 of the report in respect of Scrap Metal Dealers Licences.
  - (d) Council constitution be amended to incorporate the approved changes in the Officer Delegation Rules contained in part 4 of the Constitution consequent to the decisions at (a) to (c) above.

### **EXECUTIVE SUMMARY OF REPORT**

3. The Scrap Metal Dealers Act 2013 (the Act), received royal assent on 28 February 2013 and will be brought into force on 1st October 2013. This Act repeals the Scrap Metal Dealers Act 1964 and replaces part of the Vehicles (Crime) Act 2001 concerned with Motor Salvage Operators.

4. Whilst retaining a principal regulator role for Local Authorities, the Act introduces a new and arguably tougher regulatory regime for scrap metal dealing and vehicle dismantling, with new powers permitting Local Authorities to refuse, review, suspend and revoke a licence for this purpose and to enter and inspect such premises.
5. The Act also provides Local Authorities with the power to set locally (in accordance with Statutory Guidance to be issued on the matter) different charges for different type of metal dealers, on a cost recovery basis.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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<b>Key Decision?</b> Please bold as appropriate	<b>Yes</b>	No
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<b>Reason</b> 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	<b>4, Significant impact in environmental, social or physical terms in two or more wards</b>

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

6. In order for the Council to meet its statutory obligations under the ‘Act’

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

7. The Cabinet could choose not to delegate its powers to the Director of People and Places and/or the relevant Cabinet Member and determine all matters arising under the legislation.

**CORPORATE PRIORITIES**

8. This report relates to the following Strategic Objectives:

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

**BACKGROUND**

9. The Scrap Metal dealers Act 2013 (“the Act”) received royal assent on 28th February 2013 and is expected to come fully into force from 1st October 2013.
10. The Act repeals the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator but gives them the power to better regulate these industries by allowing them to refuse to grant a licence to ‘unsuitable’ applicants and a power to revoke licences if the dealer becomes ‘unsuitable’.
11. The Act provides that an application for a licence must be accompanied by a fee. The fee is to be set locally by each local authority on a cost recovery basis, but local authorities will

have a duty to have regard to guidance issued by the Secretary of State which will outline the issues that should be considered by them when setting the fee and what activities the fee can cover. This fee will be an essential component of the new regime as it will provide local authorities with the funding they need to administer the regime and to ensure compliance.

12. The Act aims to raise trading standards across the scrap metal industry by requiring more detailed and accurate records of transactions to be kept. Scrap metal dealers will also be required to verify the identity of those selling metal to them.
13. The Act incorporates the separate regulatory scheme for motor salvage operators under the Vehicles (Crime) Act 2001 into this new regime. This is to replace the current overlapping regimes for the vehicle salvage and scrap metal industries with a single regulatory scheme. The Act also revises the definition of 'scrap metal dealer' and 'scrap metal' to ensure they reflect the twenty-first century scrap metal industry.

## **SUMMARY OF THE ACT**

14. The Act defines a "scrap metal dealer" as a person who is for the time being carrying on business as a scrap metal dealer, whether or not authorised by a licence.
15. It further states that "scrap metal" includes:
  - a. any old, waste or discarded metal or metallic material, and
  - b. any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.
16. The following is not considered to be "scrap metal":
  - a. gold,
  - b. silver, and
  - c. any alloy of which 2 per cent or more by weight is attributable to gold or silver.
17. Provisions allow for the Secretary of State by order to amend these definitions of "scrap metal" for the purposes of this Act.
18. Section 1 of the Act requires that a scrap metal dealer obtains a licence from the local authority in order to carry on business as a scrap metal dealer. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 (£5,000) on the standard scale.
19. Section 2 provides further detail in respect of the licence, including that there will be two types of licence, one for a site and the other for a mobile collector (for those carrying on business otherwise than at a site). A power is provided for the Secretary of State to prescribe the form and content of the licences in regulations.
20. A site licence will be issued by the local authority in whose area a scrap metal site is situated and will require all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.
21. A mobile collector's licence will authorise the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal. The licence does not permit the collector to collect from any other local authority area; a separate licence would need to be obtained from each local authority in whose area the individual wished to collect in. A licence also does not authorise the licensee to carry on a business at a site within any area - should a collector wish to use a fixed site, they would need to obtain a site licence from the relevant local authority. There is no restriction as to the location where the collector can transport and sell their metals.
22. A licence will be issued for a period of three years from the date of issue. The Secretary of State will have the power under paragraph 1(4) of the Act to alter the duration of the licence.

23. Section 3 requires that the licensing authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In considering suitability, the local authority may have regard to any relevant information, including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. The Secretary of State has a power to prescribe in regulations the meaning of relevant offence and relevant enforcement action. It is intended that this will be in line with the criteria used by the Environment Agency when issuing environmental permits under the Environmental Protection Act 1990. The authority must also have regard to any guidance on determining suitability which will be issued from time to time by the Secretary of State, and the authority may consult with other organisations to assist in determining suitability.
24. Section 3 also allows local authorities, when issuing a licence, to include conditions on it if the licensee or site manager has been convicted of a relevant offence. Subsection (8) specifies the two conditions that can be imposed by local authorities on a licence, namely:
  - a. that the dealer must not receive scrap metal except between 9 a.m. and 5p.m. on any day;
  - b. that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
25. Section 4 provides the licensing authority with the discretion to revoke a licence on particular grounds, including where the local authority is no longer satisfied that the licensee is a suitable person to carry on the business as a scrap metal dealer. The revocation of a licence can only be carried out by a local authority as the licensing authority.
26. Section 4 also allows the licensing authority to vary a licence, imposing the conditions above, if the licensee or a site manager is convicted of a relevant offence.
27. Section 6 places a duty on the local authority to supply any such information as requested relating to a scrap metal licence to any other local authority in England and Wales, the Environment Agency, the Natural Resources Body for Wales and to police forces.
28. Section 7 requires that a register of licences issued under the Act should be maintained by the Environment Agency in England and the Natural Resources Body for Wales in Wales. Local authorities will provide the appropriate information on all licences issued in their geographic areas in order that this register can be updated regularly. The register will be made openly accessible to the public and will include: the name of the authority which issued the licence; the name of the licensee; any trading name; the type of licence; the site(s) covered by the licence and the expiry date of the licence.
29. Section 10 requires that the licensee display a copy of their licence. For site operators this must be in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil these requirements. This offence is punishable on summary conviction with a fine not exceeding level 3 on the standard scale (£1000).
30. Section 11 places a requirement on scrap metal dealers, site managers and employees who have been delegated the responsibility to do so, to verify the identity of the person they are receiving metal from and the person's address. This verification must be done by reference to data, documents or other information obtained from a reliable or independent source, such as the Identity and Passport Service, the Driver and Vehicle Licensing Agency, a bank or utility company etc. The Secretary of State will prescribe in regulations the data or documents which are sufficient or not sufficient as the case may be, for verifying identity.
31. It will be an offence not to obtain and verify the seller's identity, punishable by a fine not exceeding level 3 on the standard scale. The offence will apply to the scrap metal dealer, the site manager and any person, who under arrangements made by either the scrap metal dealer or the site manager, has responsibility for fulfilling this requirement on behalf of the business.
32. Section 13 sets out the record-keeping requirements in respect of any scrap metal received by a scrap metal dealer in the course of their business. Information that is required to be recorded includes the type of metal being purchased; the time/date of the transaction; personal information on the seller; who is acting on behalf of the dealer and proof of the

non-cash transaction. Failure to comply with the requirements of this section is an offence attracting a penalty up to level 5 on the standard scale.

33. The legislation places a shared enforcement responsibility for this new statutory duty on both Chorley Borough Council and the Police.

#### **IMPLEMENTATION TIMETABLE**

34. The main provisions of the Act commence on 1st October including the offence of buying scrap metal for cash.
35. Dealers and motor salvage operators registered immediately before 1st October will be deemed to have a licence under the Act from 1st October.
36. Provided the dealer submits an application for a licence on or before 15th October their deemed licence will last until the Council either issues them with a licence or gives them notice of the decision to refuse them a licence, although they will be able to continue trading pending an appeal against that decision.
37. Where a dealer submits an application on or before 15th October but does not supply all the required information with the application form then the deemed licence remains in effect after 15th October.
38. Where a dealer with a deemed licence fails to submit an application on or before 15th October the deemed licence will lapse on 16th October.
39. Other Scrap Metal Dealers, not previously registered, will be able to apply for a licence from 1st October, but will have to wait until a licence is granted before they can legally trade.
40. Local authorities will complete suitability checks on applicants and decide whether to issue licences. We recommend that decisions on whether to grant or refuse a licence to previously registered dealers are made before 1st December.
41. All other enforcement provisions within the Act commence on 1st December.

#### **CURRENT SITUATION**

42. The Home Office guidance and underpinning statutory instruments which support the Act was released very recently and some of which is still to be released at the time of writing this report. Therefore, officers were unable to prepare a report for the Cabinet to consider the new arrangements prior to the commencement of the new Act.
43. At the time of writing there are 3 registered scrap metal dealers and 4 motor salvage dealers. There are no itinerant collectors registered with the Council but no doubt there are a number operating within the district. These will have to be identified and licensed in future.
44. They have all been visited by a Public Protection Officer to advise them of their duties under the new Act and to consult on the proposed fee. All the operators were happy with the information provided and the proposed fee as quoted in paragraph 53 below.
45. It is anticipated that at the date of the meeting to receive this report that all of the above operators will have applied under the new Act and the accompanying fee as proposed below, will have been paid. Should the proposed fees be amended by Cabinet then a refund or recharge will be made to the operators as appropriate.

#### **PROPOSED DELEGATIONS**

46. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the provisions this Act are defined as executive functions which fall within the remit of the Cabinet.
47. It is recommended that the Director of People and Places be authorised to:-
  - a. Grant or renew a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
  - b. Serve Notice of a proposal to refuse or cancel a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
  - c. Serve notice of a proposal to vary a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.

- d. Determine applications for a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013 where it is the intention to refuse or cancel a licence or to vary a licence under section 4 of the Act, where the applicant has not served notice requiring the opportunity to make representations to the authority in respect of the proposal to refuse or cancel a licence, or to impose conditions on a licence.
- 48. Where the Director of People and Places proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority, within the prescribed time that they require the opportunity to make representations about that proposal, the Act makes provision for a hearing of representations to be held. In such instances, it is recommended that the relevant Cabinet Member be authorised to conduct the hearing and determine the application on the Cabinet's behalf. This therefore means that any hearings of representations will not be conducted by the licensing committee.

**PROPOSED LICENCE FEES**

- 49. An application for a licence must be accompanied by a fee. The fee will be set locally by each local authority on a cost recovery basis having had due regard to the guidance from the Home Office. This was published on the 9th August and says :-  
*“The fee raising power is an essential component of the legislation and it will provide local authorities with the funding they need to administer the regime and ensure compliance. The costs of the a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of the applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority’s enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs as are costs associated with contested licence applications. Authorities should review fees regularly to check whether they remain appropriate.”*
- 50. The Home Office has decided that under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 this Act will fall as an executive function. The Council must also have regard to the European Service Directive 2006 and The Provision of Services Regulations 2009 when setting fees.
- 51. An important point arising out of the recent judicial review (Hemming v Westminster City Council) is that the fees cannot be used to pay for enforcement action against unlicensed dealers (particularly collectors) and these have not been included in our calculations.
- 52. It is clear that the Council is going into uncharted seas with the new regime and it is difficult to calculate the costs of the procedures and formalities under the scheme. It is therefore proposed that the fees are reviewed after a year of operation.
- 53. The proposed fees are:

Grant application (Site or Collector)	£280
Renewal (Site or Collector)	£130
Variation	£70

**IMPLICATIONS OF REPORT**

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

Finance	x	Customer Services	x
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**



55. The budget will be updated to reflect the fees proposed and reviewed annually as outlined in the main report.

#### COMMENTS OF THE MONITORING OFFICER

56. The report properly explains the operation of the new legislation and the delegations and amendments to the constitution are appropriate for the correct implementation of the act.

JAMIE CARSON  
DIRECTOR OF PEOPLE & PLACES

There is one background paper to this report.

Report Author	Ext	Date	Doc ID
Mr Paul Carter	5738	17.09.13	***

Background Papers			
Document	Date	File	Place of Inspection
Scrap Metal Dealers Act 2013	Commencement date: 1 <sup>st</sup> October 2013	Web	<a href="http://www.legislation.gov.uk/ukpga/2013/10/contents/enacted">http://www.legislation.gov.uk/ukpga/2013/10/contents/enacted</a>

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Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Resources, Policy and Performance)	Executive Cabinet	21 November 2013

## **REVENUE AND CAPITAL BUDGET MONITORING 2013/14 REPORT 2 (END OF SEPTEMBER 2013)**

### **PURPOSE OF REPORT**

1. This report sets out the provisional revenue and capital outturn figures for the Council as compared against the budgets and efficiency savings targets set for the financial year 2013/14.

### **RECOMMENDATION(S)**

2. Note the forecast position for the 2013/14 revenue budget and capital investment programme.
3. Note the forecast position on the Council's reserves.
4. Request Council approve the use of funds held on the Council's balance sheet, in the Council's role as trustee of The Avondale Library Trust, to contribute £24k to the Home Start Children's Play Area.
5. Request Council approve the transfer of £50k from the Hut Lane earmarked reserve to the Local Development Framework reserve to cover the additional budget requirement in 2013/14 as detailed in paragraph 36.
6. Request Council approve an £80k budget transfer of Council resources – carried over from the former Regional Housing Pot and currently within the disabled adaptations capital programme – to fund improvements at Cotswold House.
7. Request Council approve the proposed re-profiling of the Capital Programme to better reflect delivery in 2013/14.

### **EXECUTIVE SUMMARY OF REPORT**

8. The projected revenue outturn currently shows a forecast underspend of £78k against budget. No action is required at this stage in the year.
9. The £40k virement previously reported from revenue to fund capital works at Bengal Street has been reversed due to the envisaged revenue savings having been re-phased to 2014/15 and the availability of alternative capital resources.
10. In year underspends from within Customer, ICT & Transactional Services have been re-directed to fund £150k of the upfront costs of ERVS this financial year.
11. There is forecast capital expenditure in year of £4.276m, proposed re-phasing of £8.307m into future years and £391k falling out of the programme.

- 12. The Council expected to make overall target savings of £200k in 2013/14 from management of the establishment. A total saving of £150k has been achieved in the first half of the year. Further savings should be made as the year progresses and more vacancies occur but if the remaining target is not achieved, budget efficiencies will be identified elsewhere to ensure the target for the year is achieved.
- 13. The Council’s Medium Term Financial Strategy proposed that working balances were to be maintained at a level no lower than £2.0m due to the financial risks facing the Council. The current forecast to the end of September shows that the General Fund balance will be £2.102m.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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<b>Key Decision?</b> Please bold as appropriate	Yes	<b>No</b>
<b>Reason</b> 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)**

- 14. To ensure the Council’s budgetary targets are achieved.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 15. None.

**CORPORATE PRIORITIES**

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

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

Ensuring cash targets are met maintains the Council’s financial standing.

**BACKGROUND**

- 17. The latest revenue budget is £15.748m.
- 18. Set out in Appendix 1 is the provisional outturn position for the Council based upon actual spend in the first six months of the financial year and adjusted for future spend based upon assumptions regarding vacancies and service delivery.

19. In addition to the £805k savings already achieved, and reported to Cabinet in August, the Council set a saving target of £200k from management of the establishment. As at 30 September £150k has been achieved and Directorate budgets have reduced accordingly.
20. Earlier in the year a £40k virement was approved from expected savings within the Head of Governance’s Bengal Street Depot revenue budget to fund capital works on site to deliver the recycling business with Recycling Lives Limited. The envisaged savings will now substantially materialise in 2014/15 and the original transfer has had an adverse effect on the revenue budget. Therefore reversal of the original virement has been actioned and the capital works will instead be funded from savings from the Asset Management capital budget.
21. The Council recently approved the funding required for proposed enhancements to deliver a more comprehensive ICT Disaster Recovery solution that will also support more effective Business Continuity for the Council. The required sum of £220k was identified from in-year underspends within Customer, ICT & Transactional Services. A review has identified £70k of commitments this financial year. The remaining £150k has been re-directed to fund in-year ERVS costs. A further £100k from current year underspends will be transferred to an earmarked reserve to support ICT Business Continuity in 2014/15.
22. The 2013/14 budget included significant additional revenue and capital investment which focused on the Council’s corporate priorities. A sum of £1.349m (revenue) and £1.475m (capital) was approved for investment in the following areas:

INVESTMENT AREA – REVENUE	Amount £000
Neighbourhood working:	
• Proactive clean up team	50
• Neighbourhood working pot	100
• Community development and volunteering	70
Support to the VCFS Network – Increasing volunteering in the borough	15
Chorley Community Bank	50
16/17 year old drop in scheme	15
Tree Policy	30
Extension and improvement of street furniture	65
Active Generation	31
Street Games	50
Play area improvements	100
Free Swimming	8
Employee health scheme	20
Campaigns and events	40
Regeneration Projects	40
Car park pay and display income reduction	75
Inward investment delivery	350
Town Centre Masterplan	30
Support the expansion of local businesses	110
Implement a joint employment initiative with Runshaw College	50
Private Property Improvement Scheme Trial	50
<b>TOTAL NEW INVESTMENT – REVENUE</b>	<b>1,349</b>

<b>INVESTMENT AREA – CAPITAL</b>	<b>Amount £000</b>
Regeneration Projects	1,000
Astley Hall Development Works	250
Astley Hall Farm	30
Clayton Brook Village Hall Extension	135
Yarrow Valley Country Park reservoir works	60
<b>TOTAL NEW INVESTMENT – CAPITAL</b>	<b>1,475</b>

Details of the costs incurred and expenditure committed to date against these new investment areas can be seen in Appendix 2.

23. The latest forecast of capital expenditure is £4.276m. Explanations for the changes to the previously reported position are expanded on in Section B of this report. The latest three year capital programme is shown in Appendix 4 based upon actual and committed expenditure during the first six months of the financial year and adjusted for future spending based upon the latest timescales for project delivery.

**SECTION A: CURRENT FORECAST POSITION – REVENUE**

24. The projected outturn shown in Appendix 1 forecasts a £78k underspend compared to budget; a £43k favourable movement compared to the position reported at the end of the first quarter. The significant variances from the position previously reported are shown in the table below. Further details are contained in the service unit analysis available in the members’ room.

**ANALYSIS OF MOVEMENTS**

**Table 1 – Significant Variations from the last monitoring report**

Note: Savings/underspends are shown as ( ).

	<b>£’000</b>	<b>£’000</b>
Expenditure:		
Staffing costs	(30)	
Council Tax Support Grant – New Burdens	(34)	
Bengal St Depot	45	
Vehicles & Plant – Lease/Hire/Maintenance	27	
Mailroom Services (Revenues & Benefits)	(13)	
Pensions Account	<u>(11)</u>	(16)
Income:		
Legal Fees income	(16)	
Non-Domestic Rates (Gillibrand St Offices)	(27)	
Rental Income (Gillibrand St Offices)	(110)	
Parking Fees	<u>50</u>	(103)
Other:		
Housing & Council Tax Benefits	(21)	
Other minor variances	<u>(3)</u>	(24)
Use of underspends for ICT Business Continuity		100
<b>Net Movement</b>		<b>(43)</b>

25. The forecast saving of £30,000 on staff salaries shown in the table above is in addition to the contribution of £50,000 already made to the corporate savings target in quarter 2. The additional saving comes from within the Chief Executive & Transformation Directorate.
26. The Council received a sum of around £59,000 in 2013/14 for additional new burdens funding relating to Council Tax Support. Against this grant it was anticipated that the Council would spend up to a total of £44,000 on updating software and other related items. As a result of significant investment in software in 2012/13 it is now envisaged that only minor updates will be required this year and a budget of around £10,000 should cover this work, giving a saving of £34,000.
27. A report to Executive Cabinet earlier this year outlined the benefits of sharing the Bengal St Depot site with registered charity Recycling Lives. The proposals at the time detailed the potential budget savings going forward from both shared costs and rental income. The lease of the site to Recycling Lives now includes an initial rent free period so the savings will not be realised in the first year. This together with the initial set-up costs for the site has resulted in a reduction in income of around £45,000 in 2013/14.
28. Another area where the Council is forecast to overspend against the budgets for 2013/14 is for the lease, hire and maintenance of vehicles and plant in the Streetscene department. The major issue has been the use of hired vehicles and plant whilst the fleet replacement strategy is being worked up. Savings in vehicle maintenance have been taken into account. However, this is very much a reactive budget so the full effect won't be known until later in the year. The current forecast is for an overspend against the budget of around £27,000.
29. The Council recently negotiated a new contract with Northgate Information Solutions for providing mailroom services relating to the on-line scanning and indexing of Housing & Council Tax benefits documents. This has resulted in a saving to the Council of around £13,000 for 2013/14.
30. The 2013/14 revenue budget for compensatory added years pension costs was based on an estimate of the charges due from both Lancashire County Council and Tameside Council, and also included a provision for additional pension costs arising from any future early retirements. Details of the actual charges for 2013/14 have now been received from LCC and are lower than anticipated in budget. This should result in a budget underspend of around £11,000 in the current year.
31. The Council's budget for legal fees income was set at £30,000 for 2013/14 and was based on actual income received in 2012/13 of £29,550. Income levels for the period April to September of this year are significantly higher than budgeted, mainly as a result of S106 related issues. The current forecast is for a surplus of around £16,000 for the year but if current income levels are maintained for the remainder of the year, the forecast will be revised and Members advised accordingly.
32. One issue that has recently been resolved is the lease to Asda of the Gillibrand Street Offices. Agreement has now been reached on the rent and other charges payable in respect of the premises and I am pleased to report that both the rent and business rates have been backdated to 1 April 2012. The Council will now receive £55,000 rental income for both 2012/13 and 2013/14 giving a total of £110,000 receivable to date. Due to uncertainty at the time, this was not included in the base budgets for either year and is therefore additional income to the Council. Also recoverable is a sum of around £27,000 for business rates paid by the Council relating to 2012/13.
33. As part of the investment programme for 2013/14, £75,000 was added to the budget to allow the administration to continue with the revised car parking tariff that was introduced in October of last year. With nearly a full year of the revised tariff in place, it seems likely that

the full year effect from April 2013 to March 2014 will now be around £125,000, leading to a £50,000 shortfall in income.

34. As outlined in the last monitoring report, one budget that could have a significant impact on the Council's year-end position is the budget for housing benefit payments. Figures for the second quarter continued to show a slowdown in the anticipated demand compared to 2012/13 and as a result the revised forecast is for a further underspend against budget of around £21,000. This position will be monitored closely throughout the year and Members advised accordingly.
35. The Council previously approved the use of in-year underspends to fund the ICT Disaster Recovery and Business Continuity programme. A sum of £100,000 from the current year underspends will be transferred to an earmarked reserve to help fund this programme of work.
36. It was reported in the previous budget monitoring report that the Council had granted temporary planning approval for a residential Gypsy and Traveller site at Hut Lane, Heath Charnock for a period of two years. There is currently a balance of around £77k remaining in a specific earmarked reserve for use in relation to potential appeals and enforcement costs relating to the Hut Lane site.

The Local Development Framework has fully utilised the original earmarked reserve of £200k and an additional £50k is required to finance further expenditure in 2013/14, the majority of costs being the Programme Officer and Planning Inspector. Given the Hut Lane issue is now temporarily resolved following the grant of planning permission, it is proposed that a sum of £50k is transferred from the Hut Lane reserve to the LDF reserve to cover the additional requirement in 2013/14. A balance of £27k will be retained in the Hut Lane reserve and potential appeal costs will be assessed at the time the temporary planning permission finishes if needed.

#### **RETAINED BUSINESS RATES**

37. The calculation of Retained Business Rates included in the 2013/14 approved budget is attached as Appendix 3. These figures, with the exception of the estimated levy, were provided to the Government on the NNDR1 return for 2013/14. Of the estimated net rate yield of £26.027m, the Council would retain £2.740m after paying £20.685m to central Government, £2.342m to Lancashire County Council, and £0.260m to the Fire Authority. Much of the central Government share is reallocated to local authorities through other funding mechanisms.
38. Actual figures will be reported to the Government on the NNDR3 return. However, NNDR3 forecast figures can be produced throughout the year in order to review performance against estimated figures. Figures produced at the end of September suggest that we are broadly on target, with a projected net rate yield of £26.437m. However, there are a number of variances to arrive at that total, some of which could be of concern.
39. The NNDR1 included a £1m adjustment due to successful appeals by businesses. Pending an update on the latest appeals estimates at the end of November, the forecast figures have been adjusted to include £1m for appeals, and the net rate yield has been reduced to £25.437m as a consequence.
40. The current projection of empty and partly occupied premises reliefs is £0.699m, which is £0.276m higher than the £0.423m estimated for 2013/14. The total in 2013/14 will change as properties become occupied, void periods expire, and new voids arise.
41. Small business rate relief is forecast to exceed the estimate by £0.116m; and mandatory charity relief by £0.023m.



42. The net effect of all variances is a reduction in net rate yield of £0.590m, of which this Council's share would be a reduction of £0.118m. The impact of the reduction would be in 2014/15. Nevertheless this may be offset by an improved position in respect of appeals (see paragraph 39 above).
43. This is the first year of the new system of local retention of business rates, so monitoring of performance against the estimates is especially important. Figures for 2014/15 will have to be prepared before we have full year figures for 2013/14. The experience gained from regular monitoring of net rates yield should help to improve the accuracy of estimates for subsequent years.

#### **GENERAL FUND RESOURCES AND BALANCES**

44. With regard to working balances, and as per Appendix 1, we started the year with a balance of £2.060m. The approved MTFs proposes that working balances are to be no lower than £2.0m given the budgetary challenges facing the Council. The current forecast to the end of September shows that the General Fund closing balance will be around £2.102m as detailed in the table below.

**Table 2 – Movement in General Fund Balance**

<b>General Balances</b>	<b>£m</b>
Opening Balance 2013/14	2.060
Use of MRP saving to restructure debt.	(0.036)
Provisional revenue budget underspend	0.078
<b>Forecast General Fund Balance 2013/14</b>	<b>2.102</b>

45. Appendix 4 provides further information about the earmarked reserves and provisions that are currently available during 2013/14.

#### **SECTION B: CURRENT FORECAST POSITION – CAPITAL**

46. The Capital Budget for 2013/14 to 2015/16 as approved at Special Council in February and taking into account amendments reported to the Executive in June and August is as follows:  
 2013/14: £12.956m  
 2014/15: £1.170m  
 2015/16: £1.184m
47. Capital expenditure to date as at 30 September 2013 is £1.040m.
48. The Council are transferring a contribution of £24k to Home Start as a contribution to a Children's Play Area. The Council is trustee for The Avondale Library Trust (proceeds from the sale of the former free library). The funds sit on the Council's balance sheet and will be transferred directly to Home Start.
49. A review of the capital programme with Heads of Service has taken place to focus on the likely expenditure for the remainder of the financial year and to bring forward schemes to utilise approved externally funding. The revised estimate of capital expenditure in 2013/14 is £4.276m.
50. The capital programme has an approved £6.75m budget for Chorley East Health Centre. This has been re-phased into 2014/15 to reflect the revised timescales for delivery.

- 51. A budget of £1m, financed by borrowing, was added to the capital programme to invest in the improvement of key potential business premises in the borough. To date £285k has been approved for the redevelopment of the former McDonalds building on (98 – 102) Market Street. A further £165k has been matched with funding of £143k from the Town Centre Reserve for the resurfacing of town centre car parks. The remaining £550k Regeneration budget has been re-profiled with £200k earmarked for the acquisition of strategic site(s) in 2013/14 and £350k currently uncommitted, transferring into 2014/15.
- 52. Officers estimate that expenditure on disabled adaptations in 2013/14 will be £366k, financed by £347k Disabled Facilities Grant and £19k from registered housing provider contributions. Of the remaining budget, financed from the Regional Housing Pot, it is proposed to transfer £80k to fund improvements at Cotswold House and carry forward £107k to 2014/15.
- 53. A residual budget of £391k, funded from Council Resources which was carried forward at year end, is to be removed from the capital programme following project completion. The revenue budget will be adjusted accordingly for the saving in the costs of borrowing.
- 54. If the proposals in this report are approved, £7.1m of capital expenditure financed by borrowing will be re-phased into 2014/15. This will in turn reduce the budgeted revenue consequences of borrowing in 2014/15 and transfer them into 2015/16. The next budget monitoring report will be updated to show the full consequences of all the approved amendments to the capital programme and their impact on the revenue budget.
- 55. When the capital budget for 2013/14 was approved an element of the investment programme was to be funded by a £360k capital receipt from ASDA following the sale of land to the south of Market Street. The proposal regarding the transfer of land has changed and instead the Council will receive a £100k capital receipt and a land swap. This means that the original capital funding needs to be revised.
- 56. Other capital receipts received to date this financial year total £120k. This is likely to be sufficient to fund the capital expenditure expected this financial year from the original £360k budget. The remainder will be delivered in 2014/15 and further receipts received this financial year and in 2014/15 will be reserved for first call to fund this investment.
- 57. If all the recommendations above and outlined in Appendix 4 are approved the revised capital programme will be:  
 2013/14: £4.276m  
 2014/15: £9.476m  
 2015/16: £1.184m

**DEVELOPER CONTRIBUTIONS**

- 58. The Council’s balance of Section 106 and similar contributions from developers currently stands at £2.663m. The current capital programme has approved budget to utilise an allocation of £2.293m.
- 59. Further details of the budgets funded from external contributions are highlighted in the schedule of the capital programme in Appendix 4. A review of the balance of contributions available and any new proposals will be included in the next update to Executive Cabinet.

**IMPLICATIONS OF REPORT**

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

Finance	✓	Customer Services	
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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**

61. The financial implications are detailed in the body of the report.

**COMMENTS OF THE MONITORING OFFICER**

62. The Monitoring Officer has no comments.

GARY HALL  
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Dave Bond	5488	28/10/13	Revenue and Capital Budget Monitoring 2013-14 Report 2

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<b>General Fund Revenue Budget Monitoring 2013/14 Forecast to end of September 2013</b>	<b>Original Cash Budget</b>	<b>Impact of Council Restructure</b>	<b>Agreed Changes (Directorates)</b>	<b>Agreed Changes (Other)</b>	<b>Amended Cash Budget</b>	<b>Contribution to Corp. Savings (Staffing)</b>	<b>Contribution to Corp. Savings (Other)</b>	<b>Current Cash Budget</b>	<b>Forecast Outturn</b>	<b>Variance</b>	<b>Variance</b>
	£	£	£	£	£	£	£	£	£	£	%
Chief Executive & Transformation	6,005,490			39,080	6,044,570	(50,000)		5,994,570	5,867,570	(127,000)	-2.1%
Partnerships, Planning & Policy	1,417,850			28,450	1,446,300			1,446,300	1,439,300	(7,000)	-0.5%
People & Places	6,560,040			255,080	6,815,120	(100,000)		6,715,120	6,869,120	154,000	2.3%
<b>Directorate Total</b>	<b>13,983,380</b>	<b>-</b>	<b>-</b>	<b>322,610</b>	<b>14,305,990</b>	<b>(150,000)</b>	<b>-</b>	<b>14,155,990</b>	<b>14,175,990</b>	<b>20,000</b>	<b>0.1%</b>
Budgets Excluded from Transformation Directorate Monitoring:											
Pensions Account	243,970				243,970			243,970	232,742	(11,228)	-4.6%
Benefit Payments	153,240				153,240			153,240	59,100	(94,140)	-61.4%
<b>Corporate Savings Targets</b>											
Management of Establishment	-			(200,000)	(200,000)	150,000		(50,000)	-	50,000	-100.0%
Reduction in Pension Rate	-			-	-			-	0	-	-
Efficiency/Other Savings	-			-	-			-	0	-	-
<b>Total Service Expenditure</b>	<b>14,380,590</b>	<b>-</b>	<b>-</b>	<b>122,610</b>	<b>14,503,200</b>	<b>-</b>	<b>-</b>	<b>14,503,200</b>	<b>14,467,832</b>	<b>(35,368)</b>	<b>-0.2%</b>
<b>Non Service Expenditure</b>											
Contingency Fund	-				-			-	0	-	-
Contingency - Management of Establishment	(200,000)			200,000	-			-	0	-	-
Efficiency/Other Savings	-				-			-	0	-	-
Revenue Contribution to Capital	-			435,950	435,950			435,950	435,950	-	-
Net Financing Transactions	261,350			17,000	278,350			278,350	235,400	(42,950)	-
Parish Precepts	530,240				530,240			530,240	530,234	(6)	-
<b>Total Non Service Expenditure/Income</b>	<b>591,590</b>	<b>-</b>	<b>-</b>	<b>652,950</b>	<b>1,244,540</b>	<b>-</b>	<b>-</b>	<b>1,244,540</b>	<b>1,201,584</b>	<b>(42,956)</b>	<b>-</b>
<b>Total Expenditure</b>	<b>14,972,180</b>	<b>-</b>	<b>-</b>	<b>775,560</b>	<b>15,747,740</b>	<b>-</b>	<b>-</b>	<b>15,747,740</b>	<b>15,669,416</b>	<b>(78,324)</b>	<b>-0.5%</b>
<b>Financed By</b>											
Council Tax	(6,340,200)				(6,340,200)			(6,340,200)	(6,340,200)	-	-
Grant for freezing Council Tax 2013/14	(64,570)				(64,570)			(64,570)	(64,570)	-	-
Revenue Support Grant	(3,861,960)				(3,861,960)			(3,861,960)	(3,861,957)	3	-
Retained Business Rates	(2,740,260)				(2,740,260)			(2,740,260)	(2,740,260)	-	-
Council Tax Transition Grant	(19,890)				(19,890)			(19,890)	(19,890)	-	-
New Homes Bonus	(1,805,030)				(1,805,030)			(1,805,030)	(1,805,040)	(10)	-
New Burdens Grant	(16,400)				(16,400)			(16,400)	(16,402)	(2)	-
Collection Fund (Surplus)/Deficit	(77,000)				(77,000)			(77,000)	(77,000)	-	-
Use of Earmarked Reserves - capital financing	-			(152,260)	(152,260)			(152,260)	(152,260)	-	-
Use of Earmarked Reserves - revenue expenditure	67,630			(563,020)	(495,390)			(495,390)	(495,390)	-	-
Conts in CGUA Reclassified as Revenue	-			(60,280)	(60,280)			(60,280)	(60,280)	-	-
Budgeted Contribution from General Balances	(114,500)				(114,500)			(114,500)	(114,500)	-	-
<b>Total Financing</b>	<b>(14,972,180)</b>	<b>-</b>	<b>-</b>	<b>(775,560)</b>	<b>(15,747,740)</b>	<b>-</b>	<b>-</b>	<b>(15,747,740)</b>	<b>(15,747,749)</b>	<b>(9)</b>	<b>0.0%</b>
<b>Net Expenditure</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(78,333)</b>	<b>(78,333)</b>	<b>-</b>
<b>General Balances Summary Position</b>				<b>Target</b>	<b>Forecast</b>						
				£	£						
<b>General Fund Balance at 1 April 2013</b>				2,000,000	2,059,860						
<b>Use of MRP for the reduction of debt.</b>					(35,950)						
<b>Provisional (Over)/Under Spend</b>					78,333						
<b>Forecast General Fund Balance at 31 March 2014</b>				2,000,000	2,102,243						

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**Appendix 2: New Investment approved in 2013/14 Revenue Budget**

Directorate	INVESTMENT AREA	TOTAL NEW INVESTMENT £	2013/14 EXPENDITURE TO DATE £	COMMITMENTS £	TOTAL EXPENDITURE & COMMITMENTS £	BALANCE REMAINING £	NOTES
Chief Executive	Unify Credit Union	50,000	18,313	22,440	40,753	9,247	Committed spend: £14,250 half-year grant + £7,840 rent of 29 Market Street. Assume further £4k spend and £5k saving.
Chief Executive	Employee health scheme	20,000	10,352		10,352	9,648	Anticipated spend around £1,500 per month. Plus additional £6k for HMRC re 2012/13
Chief Executive	Campaigns and events	40,000	7,064	33,831	40,895	(895)	Balance remaining required for Christmas events.
Chief Executive	Private Property Improvement Scheme	50,000	0	50,000	50,000	0	Moved to reserve.
General Fund Below The Line	Regeneration of key town centre sites	40,000	23,000	17,000	40,000	0	To support the revenue costs associated with 98-102 Market Street
Partnerships Planning & Policy	16/17 year old drop in scheme	15,000	3,750	11,250	15,000	0	Service provided by the charity "Key" who will invoice quarterly.
Partnerships Planning & Policy	Support the expansion of local businesses	100,000	5,850	22,586	28,436	71,564	A number of projects are in the pipeline - encouraging SMEs to expand
Partnerships Planning & Policy	Support the expansion of local businesses	10,000	201	0	201	9,799	Commitment to an annual business event in Autumn 2013
Partnerships Planning & Policy	Inward investment delivery	350,000	22,564	16,436	39,000	311,000	Report to Exec Cabinet 20th June 2013 to approve the delivery of the recommended inward investment plan activities.  Inward Investment Plan Photography £5,000 now commissioned Inward Investment Website £30,000 now commissioned Inward Investment Market St Consultation £4,000 now commissioned  <u>Remaining allocations (not included in Commitments):</u> • Inward Investment Plan £78,500 • Choose Chorley Grant/Bringing forward employment sites/Market St Shop Fronts £196,000 • Chorley Works £35,000  Estimated likely carry over is £120,000
Partnerships Planning & Policy	Town Centre masterplan	30,000	33,873		33,873	(3,873)	Forecast overspend to be met from in year savings.
Partnerships Planning & Policy	Joint employment initiative with Runshaw College	50,000	20,625	0	20,625	29,375	Joint employment initiative with Runshaw College £50,000 (one off budget growth 13/14)
People & Places	Proactive clean up team	50,000	16,909	23,731	40,640	9,360	
People & Places	Tree Policy	30,000	14,535		14,535	15,465	Tree works went live in August. Budget expected to be fully spent in 2013/14.
People & Places	Play area improvements	100,000	0	0	0	100,000	Work will start after consultation, spend expected in quarter four.
People & Places	Community development and volunteering	70,000	13,775	27,550	41,325	28,675	There will be a saving in 2013-14. Work will be starting in August and update in quarter 3.
People & Places	Support to the VCFS Network	15,000	15,000	0	15,000	0	
People & Places	Neighbourhood Working	100,000	11,818	18,400	30,218	69,782	Awaiting final cost delivery before committing other priorities
People & Places	Extension & improvement of street furniture	65,000	20,199	35,957	56,156	8,844	The contract has been let and orders are being raised with spend expected in quarters two and three. The contract value is around £60k, with the remaining £5k for fitting and parts.
People & Places	Active Generation	31,000	19,053	536	19,589	11,411	
People & Places	Street Games	50,000	8,139	0	8,139	41,861	The programme for the remainder of 13/14 should fully utilise the budget. (miscellaneous employee costs)
People & Places	Free Swimming	7,500	7,500	0	7,500	0	Programme implemented with Active Nation for the summer period.
<b>TOTAL</b>		<b>1,273,500</b>	<b>272,521</b>	<b>279,716</b>	<b>552,238</b>	<b>721,262</b>	

Exclude from Growth Summary

People & Places	Car park pay and display income reduction	75,000	0	75,000	75,000	0	£50k overspend (loss of income) based on latest monitoring.
<b>TOTAL</b>		<b>1,348,500</b>	<b>272,521</b>	<b>354,716</b>	<b>627,238</b>	<b>721,262</b>	

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## Appendix 3

## Comparison of Business Rate Income to NNDR1 2013/14

	NNDR1 £000	NNDR3 Sep-13 £000	Variance From NNDR1 £000
Gross rate yield	31,521	31,519	(2)
Estimated change in receipts	(86)	(296)	(210)
Estimated adjustment due to appeals	(1,000)	(1,000)	0
Adjusted Gross Rate Yield	<u>30,435</u>	<u>30,223</u>	<u>(212)</u>
<i>Relief</i>			
Small Business Rate Relief	(1,612)	(1,728)	(116)
Charitable Relief	(1,846)	(1,869)	(23)
Empty / Partly Occupied Relief	(423)	(699)	(276)
Other Relief	(34)	(6)	28
Total Mandatory Relief	<u>(3,915)</u>	<u>(4,302)</u>	<u>(387)</u>
Discretionary Relief	(9)		9
Adjusted Gross Rate Yield (after reliefs)	<u>26,511</u>	<u>25,921</u>	<u>(590)</u>
Losses in collection	(350)	(350)	0
Cost of collection	(134)	(134)	0
Net Rate Yield (before transitional arrangements)	<u>26,027</u>	<u>25,437</u>	<u>(590)</u>
<i>Allocation of Net Rate Yield</i>			
Amount of NNDR to be paid to Central Government	13,014	12,719	(296)
Amount of NNDR to be retained by Chorley BC (before tariff/levy)	10,411	10,175	(236)
Amount of NNDR to be passed to LCC	2,342	2,289	(53)
Amount of NNDR to be passed to LFA	260	254	(6)
	<u>26,027</u>	<u>25,437</u>	<u>(590)</u>
<i>Calculation of Chorley BC retained NNDR</i>			
Amount of NNDR to be retained by Chorley BC (before tariff/levy)	10,411	10,175	(236)
Tariff to be paid to Central Government	(7,500)	(7,500)	0
Levy to be paid to Central Government	(171)	(53)	118
Estimated retained NNDR	<u>2,740</u>	<u>2,622</u>	<u>(118)</u>

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**Appendix 4: Capital Programme**

Capital Programme	2013/14			
	Year to Date Actual + Commitment	Full Year Budget (as at Aug-13)	Full Year Forecast (as at Oct-13)	Full Year Variance
	£'000	£'000	£'000	£'000
<i>Chief Executive's</i>				
Other Asset Improvements	21	38	38	0
Union Street refurbishment	11	11	11	0
White Hart	355	365	365	0
Demolition Clayton Brook Public House	43	74	74	0
Liberata Fees	31	0	0	0
Bengal Street Grant 2013-14	0	40	40	0
Chorley East Health Centre	0	6,650	0	-6,650
HR Management System	0	15	15	0
Regeneration Projects (other)	0	550	200	-350
Car Park Resurfacing	0	308	308	0
Market Street Refurbishment (98-102)	21	285	285	0
Thin Client Implementation	0	47	47	0
Unified Intelligent Desktop	25	28	28	0
<b>Total Chief Executives</b>	<b>506</b>	<b>8,411</b>	<b>1,411</b>	<b>-7,000</b>

2014/15		
Full Year Budget (as at Aug-13)	Full Year Forecast (as at Oct-13)	Full Year Variance
£'000	£'000	£'000
200	200	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	6,650	6,650
0	0	0
0	350	350
0	0	0
0	0	0
0	0	0
0	0	0
<b>200</b>	<b>7,200</b>	<b>7,000</b>

2015/16		
Full Year Budget (as at Aug-13)	Full Year Forecast (as at Oct-13)	Full Year Variance
£'000	£'000	£'000
200	200	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
<b>200</b>	<b>200</b>	<b>0</b>

*Partnership Planning & Policy*

Bengal Street Depot Accommodation	0	75	75	0
Affordable Housing Projects (s106)	0	74	74	0
Halliwell Street (s106)	0	153	153	0
St George's Street (s106)	0	272	272	0
Housing Renewal	0	54	0	-54
Disabled Facilities Grant	166	553	366	-187
Home Energy Repair Grants	0	3	3	0
Cotswold House Improvements	9	86	166	80
Climate Change Pot	11	20	20	0
Buckshaw Village Cycle Network (s106)	0	11	11	0
Buckshaw Village Rail Station (s106)	0	726	180	-546
Chorley Strategic Regional Site	0	391	0	-391
Eaves Green Link Road - contbn to LCC - (s106)	0	80	80	0
Highway Improvements Pilling Lane Area (s106)	0	150	0	-150
Puffin Crossing Collingwood Letchworth (s106)	0	48	48	0
<b>Total Partnership Planning &amp; Policy</b>	<b>186</b>	<b>2,695</b>	<b>1,447</b>	<b>-1,248</b>

0	0	0
0	0	0
0	0	0
0	0	0
0	54	54
573	680	107
0	0	0
0	0	0
0	0	0
0	0	0
0	546	546
0	0	0
0	0	0
0	150	150
0	0	0
<b>573</b>	<b>1,430</b>	<b>857</b>

0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
585	585	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
<b>585</b>	<b>585</b>	<b>0</b>

*People and Places*

Pilling Lane CCTV (s106)	0	30	30	0
Adlington Play Facilities (s106)	0	103	20	-83
Astley Hall & Park Development	4	196	214	18
Cenotaph Footpath	3	0	0	0
Memorial Arch Astley Park	64	54	54	0
Astley Hall Farmhouse	4	30	30	0
Big Wood Reservoir	0	12	12	0
Clayton Brook Village Hall Extension	0	135	35	-100
Duxbury Golf Course Capital Works	89	95	95	0
Eaves Green Play Development (s106)	7	184	70	-114
Leisure Centres Improvements	191	364	364	0
Play & Recreation Fund (s106)	0	24	24	0
Play Recreation POS Projects (s106)	0	232	80	-152
Rangletts Recreation Ground (s106)	20	222	222	0
Recycling receptacles	74	110	110	0
Yarrow Valley Country Park Reservoir Work	47	60	60	0
<b>Total People and Places</b>	<b>503</b>	<b>1,851</b>	<b>1,419</b>	<b>-432</b>
<b>Total Capital Programme</b>	<b>1,195</b>	<b>12,956</b>	<b>4,276</b>	<b>-8,680</b>

0	0	0
0	83	83
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	100	100
0	0	0
0	114	114
282	282	0
0	0	0
0	152	152
0	0	0
115	115	0
0	0	0
<b>397</b>	<b>846</b>	<b>449</b>
<b>1,170</b>	<b>9,476</b>	<b>8,306</b>

0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
284	284	0
0	0	0
0	0	0
0	0	0
115	115	0
0	0	0
<b>399</b>	<b>399</b>	<b>0</b>
<b>1,184</b>	<b>1,184</b>	<b>0</b>

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**REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**

1. This report summarises the business transacted at the meeting of the Overview and Scrutiny Committee on 10 October, including the work to date on the Task Groups relating to the Select Move Review and Play and Open Spaces Strategy. It also summarise the business that was considered at the Overview and Scrutiny Performance Panel meetings on 26 September and 5 December 2013.

**OVERVIEW AND SCRUTINY COMMITTEE – 10 OCTOBER 2013****Executive Cabinet Minutes – 15 August 2013**

2. The Chief Executive gave a further update in relation to the Friday Street Health Centre. The Council was hoping to hold a meeting of all the relevant stakeholders to progress things further in the near future. The Chair advised that he would try to pursue the matter with the Clinical Commissioning Groups through his position as Chair of Health Scrutiny at Lancashire County Council.

**Overview and Scrutiny Review of Tourism and Promoting Chorley – Monitoring Report**

3. We received a final monitoring report that updated against the progress made in implementing the Executives response to the tourism and promoting Chorley task group recommendations. Progress had been made in all areas, with further events and attractions being staged to encourage more visitors to the borough.
4. In addition, the Committee was informed that the town centre master plan was currently being finalised and would be presented to the Executive Cabinet later in October. A campaign would then be developed to promote the town centre more effectively.

**Overview and Scrutiny Review of the Lancastrian**

5. The Committee received the final monitoring report that updated against the progress made in implementing the Executive's response to the Lancastrian task group recommendations. We were informed that there continued to be improved usage of the Lancastrian and income had more than doubled in 2012/13. The updated income position indicated that the Council were on target to meet the 2013/14 target of £11740.
6. The flexible pricing policy that had been introduced, following the review in 2012, continued to provide means of offering discounted initial bookings for frequent, regular bookings. A full refurbishment of the bar had now been completed with new furniture that made it a more attractive and welcoming facility that could also be utilised for small/informal meetings and events.

**Crime and Disorder Scrutiny**

7. The Committee was provided with options for the scrutiny of crime and disorder under our statutory duty to scrutinise the work of the Community Safety Partnership to ensure that local community issues are being dealt with effectively.
8. From the options given, Members noted that Chorley CCTV provision had recently undergone a review of operational hours and effectiveness and it was reported that a number of authorities had reduced their CCTV provision and in some cases, had decommissioned the service altogether. We decided to examine what the impact of such a decision had meant in these areas in order to inform any future decision that the Council may make on CCTV provision and investment.

**Economic Development Strategy**

9. The Head of Economic Development and Executive Leader of the Council attended the meeting to talk about the work that was being undertaken to deliver Chorley's Economic Development Strategy.
10. The authorities' priorities were to create a vibrant town promoting and increasing inward investment, providing support to new and existing businesses, supporting young people through education, training and fostering entrepreneurship and to help reduce the gap in our most deprived communities.
11. Chorley had a fantastic record, 145 new business start-ups with the potential to create 542 jobs and a 8.1m turnover. Geographically there was a borough wide spread which was pleasing as rural land is often seen as more valuable housing land rather than for employment and business use.
12. The Leader commented that the authority was extremely passionate about the town's regeneration and development and was proud of its significant increase in new businesses. These statistics had resulted in other authorities across the country being interested in our approach.

**Overview and Scrutiny Performance Panel – 26 September 2013****Scrutiny Focus – Trial Re-Opening of Market Street**

13. The Panel considered a report of the Chief Executive on the key corporate project of the trial reopening of Market Street. The project aim was to revitalise the top end of Market Street to attract more shoppers and to boost trade in the area with an allocated budget of £47,000.
14. Councillor Alistair Bradley, Executive Leader attended the meeting for this item and provided us with an outline of the challenges experienced earlier in the year in progressing the project alongside Lancashire County Council as the highways authority. The delivery of the project had resulted in a number of lessons learned to ensure effective joint working, including the need for much greater forward planning and understanding the priorities of both Councils.
15. LCC had recently requested for districts to put forward projects to be included in their 2014/15 Commissioning Plan for highways and other environmental works. It was important to achieve a strategic approach to highway issues across the borough rather than based on an individual ward or county division basis.

**Scrutiny Focus – Customer Dissatisfaction**

16. We considered a report of the Chief Executive that showed performance information on this issue which was one of the areas selected in November 2012 as a key measure of success in the Corporate Strategy. The performance target was a maximum of 20% of customer's dissatisfied with the service they receive from the Council and whilst this had been a challenging target, it had been set to reflect the Council's ambitions. An email survey of customers had replaced the previous phone and face to face survey.
17. The report provided the Panel with information that showed that the target was not being met and was consistently well above the target level. The reasons for the dissatisfaction had been investigated and it showed that the major cause was customers not receiving a response or not receiving a response in a timely manner. This could be further drilled down by service area and individual officers.

18. The Executive Leader reported that drilling down into the detail of why customers were not happy with the Council, enabled the Council to instigate changes in staff behaviours and approach. The highest number of complaints related to waste/bin collection but this was reflective of the high volume of customers for this service and was in proportion with the performance of other services across the Council.
19. We queried whether Ward Councillors should be provided with information about complaints and the Chief Executive agreed that this information could be mapped in line with the My Ward system. Members were starting to use this system and finding it useful. Councillor Kim Snape was trialling the My Account system and gave feedback on her experience to date.

### **Organisational Plan Monitoring**

20. We received a report informing us that there had been a change in reporting on business plan monitoring with the introduction of one organisational business plan in 2013/14 rather than departmental ones. The Chief Executive presented a report monitoring the Organisational Improvement Plan for 2013/14 which updated on the delivery of business improvement actions, highlighting those which were not delivering to target or had not yet been started. The report further highlighted performance indicators which weren't delivering to target.
21. We were also given a demonstration of the My Projects feature on the new intranet. This enables staff and Members to view progress and key milestones for all corporate strategy and business improvement projects across the Council.

### **OVERVIEW AND SCRUTINY PERFORMANCE PANEL – 5 DECEMBER 2013**

#### **Chorley Partnership Performance Monitoring Quarter Two 2013/14**

22. The Panel received a report of the Chief Executive on the performance of the Chorley Partnership during the second quarter of 2013/14, from 1 July to 30 September. The report presented the priorities of the partnership groups and how successfully they had been delivering against those priorities, providing some contextual information on the work that had been delivered and what impact and outcomes had been achieved. Overall progress was excellent and of the 18 priorities identified across the Partnership, fifteen were rated as green, one was rated as amber and two had not started.
23. We sought further information on the potential pilot scheme that the Chorley Partnership Executive had agreed to undertake, looking at information sharing around vulnerable people in conjunction with Lancashire Fire and Rescue Service, the provision of the new meals on wheels service that is currently being trialled in the Western Parishes neighbourhood area and the Warm Homes Healthy People Programme that has been developed for the Winter with funding from Lancashire County Council.
24. With the slow progress and lack of regular updates regarding the Friday Street Health Centre we have asked officers to look at the possibility of inviting the relevant partners to meet with myself and the Vice Chair to discuss this in more detail and requested that officers make the necessary arrangements.
25. We requested a wide range of additional information with regards to the following:
  - Work currently being undertaken to reduce the statistics for Killed and Seriously Injured (KSI's)

- An update report on domestic violence, reporting verses detection was requested for the next meeting of the Panel.
- The proportion of activities related to sport in the programme of activities that has been developed for children across the borough.
- The decommissioning of services aimed at young carers.

### **Chorley Council Performance Monitoring Quarter Two 2013/14**

26. We received a report of the Chief Executive that set out the performance against the delivery of the Corporate Strategy and key performance indicators during the second quarter of 2013/14, 1 July to 30 September. The overall performance of key projects is excellent, with the majority of projects, either complete, on track, or scheduled to start in quarter three. Only one project, to develop a youth ambassador scheme, has been rated as amber due to issues relating to timescales in delivering initial actions; however work was now underway to bring the project back on track. Members asked if further consideration could be given to the methods available for young people to apply to become a young ambassador as it was important to realise that not everybody had internet access.
27. The key service delivery measures that were performing below target included the time taken to process Housing benefit/Council Tax benefit new claims and change events and we asked for a more detailed breakdown.
28. The Panel discussed in further detail, a number of items contained within the report and requested additional information on the number of long term empty properties in the borough and what enforceable action could be taken if any.

### **Scrutiny Focus – Health and Wellbeing**

29. The Chief Executive provided a report that provided contextual information and initial questions of the Panel for our scrutiny focus on performance relating to health and wellbeing.
30. The Public Health Observatories under Public Health England publish local health profiles which show how health in Chorley compares with the rest of England across a number of indicators. The profile indicates that the health of the people of Chorley is varied compared with the England average. Deprivation is lower than average and all-cause mortality rates had fallen over the last ten years, as have deaths from cancer and heart disease. The rate of adult physical activity is also better than the England average.
31. However, Chorley performs lower than the England average for a number of indicators that include, smoking in pregnancy, starting breast feeding, hospital stays for self-harm, people diagnose with diabetes and hip fractures in over 65's. This type of information (including the Chorley and South Ribble Joint Strategic Needs Assessment) had been used to inform Chorley and South Ribble Health and Wellbeing Plans which take a holistic approach to issues through early intervention and prevention measures.
32. The Chorley and South Ribble Health and Wellbeing Partnership has been operational for over 18 months and forms the key mechanism to communicate and convey local health priorities to the Lancashire Health and Wellbeing Board who take overall responsibility for improving health outcomes across the county under the new public health arrangements.
33. The Chorley and South Ribble Health and Wellbeing Plan identifies 3 core priorities of, accessibility, independence and activity. A number of actions support these priorities with progress regularly reported at meetings of the Health and Wellbeing Partnership. Performance of the plan was



monitored by the Chorley Partnership on a quarterly basis with the most recent reports showing excellent performance and all priorities rated green.

34. The indicative commissioning budget for Chorley and South Ribble CCG for 2012/13 was £224,416,000. An estimated baseline for the public health grant had been published by the Department of Health and had been based on public health spending during 2010/11. The estimated baseline for Lancashire is £45,891,000 which equates to £37 per person, based on historic need.
35. The Head of Health, Environment and Neighbourhoods reported that to be able to create a number of early intervention initiatives, an analysis of the ward and Lancashire public health indicator averages needed to be undertaken to produce the relevant targets in the required areas. Although it was sometimes difficult to assess where the intervention need was required as the relevant statistics were presently not measured, for example, what were the main causes of people over 65 needing a hip replacement. It was also intended that the Board would piggy back on a number of Lancashire based programmes to try to extend on services with limited resources.
36. Members thought that more needed to be done regarding mental health and asked for further information to be provided on the number of initiatives that were currently being undertaken in this area.

#### **OVERVIEW AND SCRUTINY TASK GROUP – SELECT MOVE**

37. At its last meeting the Group met with representatives for the main registered providers who have housing stock in Chorley to ascertain their views and aspirations of the Select Move allocations process. We are currently undertaking a survey with all people on our waiting list and

#### **OVERVIEW AND SCRUTINY TASK GROUP – PLAY AND OPEN SPACES STRATEGY**

38. The Group will consider its draft final report for the review at its next meeting. Using the health impact section of the Councils Integrated Impact Assessment, the Group have focused on the emerging Play Areas, Open Spaces and Playing Pitches Strategy as a way of testing if the assessment tool was robust and fit for purpose.

COUNCILLOR STEVE HOLGATE  
CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE

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Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	10 December 2013

**DEVELOPMENT CONTROL COMMITTEE:  
PARISH COUNCIL SPEAKING RIGHTS**

**PURPOSE OF REPORT**

1. To seek the committee’s endorsement of a proposal to introduce speaking rights to Parish/Town Councillors in relation to the determination of planning applications by this committee.

**RECOMMENDATION(S)**

2. It is recommended that:
  - a. the Development Control Committee recommends to Full Council that speaking rights for Parish & Town Councillors for planning applications heard by this committee be established;
  - b. the Development Control Committee modifies its procedures for speaking at committee in accordance with paragraph 12 of this report.

**EXECUTIVE SUMMARY OF REPORT**

3. Following a request from Heath Charnock Parish Council, and discussion at the Borough/Parish Liaison meetings, the report seeks the committee’s endorsement of a proposal to introduce speaking rights to Parish/Town Councils in relation to the determination of planning applications by this committee.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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**CORPORATE PRIORITIES**

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	<b>X</b>

**BACKGROUND**

5. At the Borough Parish Liaison meeting 17 July 2013, a request was made by Heath Charnock Parish Council that the Council consider speaking rights for Parish & Town Councils on planning applications heard at the Development Control Committee. The Executive Member for Planning & LDF agreed to further consider the matter, and for the subsequent meeting on 16 October a note was prepared for consideration. It was recommended that The Development Control committee be formally asked to consider the matter, and to report to Full Council on their considerations, with any recommendations for

any necessary changes to the constitution to effect any changes to procedures and speaking rights.

### **CURRENT PRACTICE AT CHORLEY & ACORSS LANCASHIRE, AND BEYOND**

6. Currently, Chorley Council does not give specific rights to any Parish/Town Council to speak at committee, but the Chair does have discretion to allow any person to speak. Five districts in Lancashire and the County Council offer specific speaking rights to Parish Councils– Fylde, Hyndburn, Ribble Valley, West Lancashire, Wyre. The remaining eight Lancashire authorities (six districts & two unitaries) offer general speaking rights which are given to include Parish Councils, often applying a ‘first come first served’ policy, and asking people to nominate if more than one speaker registers: Burney, Lancaster, Pendle, Preston, Rossendale, South Ribble, Blackpool & Blackburn. Other Councils across England were also found to offer specific speaking rights to Parish Councils.
7. Speaking time limits for all speakers ranges from 3 minutes for almost all councils in Lancashire except for Lancashire County and South Ribble (4 minutes), and Pendle and Blackpool (5 minutes). No specific extra time is given to Parish Councils, they are treated the same as everyone else in that regard. Some councils encourage Parish/Town Councils to join with objectors/supporters to make their representations. No Lancashire district was found that offered specific speaking rights for County Councillors.
8. In general terms, affording speaking rights to Parish/Town Councils can be considered to follow some democratic principles, and to widen participation in the planning process at committee. However, there are some counter arguments to granting specific speaking rights to Parish/Town Councils, and these were reported in the paper to the Borough Parish Liaison Meeting.
9. Firstly, there is the impact of extending speaking rights and the impact upon the length and cost of the committee. Secondly, it is considered that Parish/Town Councils are formally consulted on planning applications, and any comments made are reported to the committee. The question therefore arises as to what extra benefit would occur (aside from principles relating to democratic representation) in allowing specific speaking rights to Parish/Town Councils.
10. The Head of Governance has previously advised that there is also the matter of fairness to consider – if specific rights were granted, a scenario may arise whereby there was an objector, a parish/town councillor and a ward councillor speaking against an application, for a total of 11 minutes (3 minutes for all, except the ward councillor who would have 5 minutes), while an applicant would only have 3 minutes to respond to points made. In such circumstances, challenges about fairness may be successful. Further consideration will therefore need to be given on extending time limits for applicants under such circumstances.
11. The Head of Governance also advises that the Chair has the discretion to allow Parish Councils (or a representative thereof) to speak if their representations are particularly relevant; and that this in itself should be considered carefully, specifically who has the right to speak on behalf of the Parish Council, if indeed this is what is being asked for. Given there is a District Councillor available, then any parish/town council representative is not required to speak in a representative capacity for residents. If a parish/town council representative is speaking on behalf of that council, then Chorley Council would need to satisfy itself that that particular person is speaking in that capacity, and not on their own account.
12. Given the above, suitable procedures would need to be addressed. It is considered that should the committee recommend that such rights are afforded to parish/town councillors, then the following procedures should also be applied:
  - a. Order of speaking – objector, supporter, parish/town councillor, ward councillor, applicant/agent
  - b. Parish/Town Councillors wishing to speak must advise the democratic officer on the Friday before the committee. A request to speak must be accompanied by an

appropriate form of authority from the clerk or chairperson of the Parish/Town Council. This should be in the form of an email or letter of authority.

- c. Parish/Town Councils should seek to utilise the services of a Ward Councillor to address the committee, and must represent the authorised views of the parish/town council that they represent.
- d. Parish/Town Councillors will have three minutes to speak.
- e. In the event that all speakers are against the application, the Chair will grant the applicant an extended time for speaking up to the same value as the combined speaking time against the application.

**RECOMMENDATIONS:**

- 13. That the Development Control Committee recommends to Full Council that speaking rights for Parish & Town Councillors for planning applications heard by this committee be established;
- 14. That the Council modifies its procedures for speaking at committee in accordance with paragraph 12 of this report.

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

- 16. There will be a modest increase in staff activity in recording requests for speaking, and in providing information about other registered speakers to parties to encourage one single objector to speak, and to avoid duplication. There will also be a modest increase in the duration of committee when such rights are exercised.

**COMMENTS OF THE MONITORING OFFICER**

- 17. Comments are addressed within the body of the report. The necessary changes to the Constitution would require the consent of Full Council, and a report could be made for 10 January 2014. It is important that the speaker for the Parish or Town Council is a Councillor. They are speaking in a representative capacity and it is proper that that function is discharged by a member of the Parish or Town Council. If granted this authority should be none transferable to ensure that only Parish or Town Councillors can speak as of right.

DIRECTOR LESLEY-ANN FENTON

DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

Background Papers			
Document	Date	File	Place of Inspection
Borough Parish Liaison Meetings: (Minutes, reports)	17 July 2013 16 October 2013		<a href="http://www.chorley.gov.uk">www.chorley.gov.uk</a> or Democratic Services

Report Author	Ext	Date	Doc ID
Jennifer Moore Head of Planning	5571	1 Dec 2012	***

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Report of	Meeting	Date
Head of Governance	Council	7 January 2014

## **SECTION 119 HIGHWAYS ACT 1980 PROPOSED PUBLIC PATH DIVERSION ORDER OF FOOTPATH 4 CHORLEY RIVINGTON VIEW ESTATE**

### **PURPOSE OF REPORT**

1. To seek approval for a diversion order of two lengths of public footpath in Chorley. This will then enable Chorley Council to certify that Article 2 of a footpath diversion order made in 2010 under Section 257 of the Town and Country Planning Act 1990 has been complied with.

### **RECOMMENDATION(S)**

2. The Head of Governance is authorised to make a diversion order under Section 119 Highways Act 1990 in respect of the lengths of footpath shown on the attached plan in Appendix B.
3. Following the coming into effect of the diversion order referred to in paragraph 1 above that the Head of Governance is authorised to certify that Article 2 of the footpath diversion order made on 14 September 2010 under Section 257 of the Town and Country Planning Act 1990 attached as Appendix A has been complied with.

### **EXECUTIVE SUMMARY OF REPORT**

4. Morris Homes obtained residential planning permission to develop the Rivington View estate some years ago. The site is affected by Footpaths 4 and Footpath 19. In order to facilitate the development Morris Homes applied to the Council for a diversion of sections of both footpaths as shown on the order map within Appendix A. Development Control Committee approved the proposed diversion on 30 March 2010 under s.257 of the Town and Country Planning Act 1990. The order was advertised as required under statute and notices served on statutory consultees. A copy of the order is attached as Appendix A. No objections were made. The order was confirmed without modification on 22 November 2010. The final step is for Chorley Council to certify the terms of the diversion order as being complied with. However a site visit by the Public Rights of Way Officer at Lancashire County Council in December 2012 revealed that sections of the diverted footpaths within the estate do not conform to the order map. The discrepancies are substantial and on that basis it would not be possible for Chorley Council to confirm the order as being complied with. Case law has established that making a fresh order under s.257 with a new order map is not possible where the development is largely complete. Instead it is proposed to divert the "irregular" sections of footpath not in accordance with the order map using Chorley Council's powers under s.119 Highways Act 1990. Once this is done Chorley Council can certify that Article 2 of the 2010 diversion order has been complied with and the previous legal routes will cease to be public rights of way.

5. Lancashire County Council who are legally responsible for the footpaths agree to the proposal. The proposal was put to the developer Morris Homes in July 2013. At the time of writing the developer has not replied substantively to confirm its agreement. The next available full Council after the Special Council in February is in April 2014. In the interests of progressing the matter without further undue delay members' approval is being sought now. The steps proposed in the recommendation will not be taken until the developer has agreed to them.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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**CORPORATE PRIORITIES**

6. This report relates to the following Strategic Objectives:

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

**BACKGROUND**

7. Public Footpath No. 4 Chorley runs from Crosse Hall Lane in a generally northerly direction across land sandwiched between the Black Brook and the M61 Motorway to Froom Street. The land over which the footpath runs was formerly pasture land.
8. Public Footpath No. 19 Chorley runs from Eaves Lane, by way of Canal Walk, in a generally easterly direction across a previously undeveloped expanse of open land to the Black Brook, which is crossed by means of a foot-bridge, whereupon the Footpath joins up with Public Footpath no. 4.
9. Planning permission was granted to Morris Homes Ltd several years ago to develop the parcel of land bounded by the Leeds-Liverpool Canal on the west, the M61 Motorway on the east, Crosse Hall Lane on the south and Froom Street on the north for residential housing. The estate is known as Rivington View.
10. The three lengths of Footpath No. 4 which formed the subject of the original application for the s.257 diversion run for a total distance of 319 metres. The first length to be diverted comprises a 112 metre length running from point A on the map attached in Appendix A in a generally northerly direction to point B, which length was to be diverted on the new estate footpath running from point A by way of point E to point B, a total distance of 141 metres.
11. The second length of Footpath No. 4 to be diverted runs from Point C northwards to Point D on Froom Street, comprising a distance of about 112 metres, and was to be diverted on to the new estate road, as marked by the line C-F-G and thence on to the new link-footpath, as marked by the line G-H-D, a total distance of approximately 145 metres.
12. The third length of Footpath No. 4 to be diverted runs from point J in a generally southerly direction to point K and to point L on the Order map for a total distance of about 95 metres and was to be diverted onto the estate footpath marked by bold black dashes from point J to point L for a total distance of about 100 metres.
13. The length of Footpath No. 19 to be diverted runs for an approximate distance of about 105 metres. The length to be diverted runs from point M on the map attached in a generally easterly direction to point K, which length was to be diverted onto the footway of the new



estate road adjoining the carriageway shown by bold black dashes from point M to point K by way of point N, a total distance of approximately 130 metres.

14. Although the diversions proposed to DC Committee in 2010 lead to slightly longer routes, they were not significantly different in nature i.e. gradients, extent or direction to the existing routes. The end effect of the diversion order would result in the footpaths being encompassed within a fully urbanised environment.

#### **THE DIVERSION ORDER UNDER S.257 TOWN AND COUNTRY PLANNING ACT 1990**

15. Development Control Committee approved the making of the order on 26 March 2010. The order was made on 8 July 2010. Following the identification of an error in the order map a new version of the order with a corrected order map was made on 14 September 2010 and statutory notice was served on a list of prescribed persons and an advertisement was placed in the local press. No objections were made to the order. The next step was for DC Committee to authorise the confirmation of the order as unopposed. DC Committee approved the confirmation without modification on 16 November 2010 and the order was confirmed on 22 November 2010. Notice was served on the statutory consultees and the required statutory notice placed in the local press.
16. Until the s.257 order is certified as being complied with (the final step taken by Chorley Council after confirmation of the order) the existing sections of legal footpaths continue to be a legal right of way. Part of the sections of footpaths to be diverted have been closed to the public on grounds of public safety under repeated temporary orders made by the Department for Transport on application of LCC acting as highway authority.
17. A site visit by the Public Rights of Way Officer at LCC in December 2012 revealed that the route of the footpaths on the estate do not conform to the route as shown on the order map attached as Appendix A. In addition part of the new footpath had not yet been constructed. The issues identified in December 2012 were:
  - (i) Between the points "A" and "E" the new route had not yet been constructed and crossed the car park used by the builder.
  - (ii) South of point F the line shown by the order plan is not available and appears to pass through what are now the gardens of three houses.
  - (iii) Around point J there is a similar problem. When the diversion map is overlaid on the physical estate layout the alternative public footpath crosses the driveway of property No. 9 and practically touches the new garage (buildings shown by bold red outline). On the background map supplied by the developers it is clear that there was going to be a constructed walkway and the properties No. 7 and 9 were originally to be built in different locations facing a different direction and the front of the houses would have been set back from the proposed path/pavement.
18. It appears that the estate layout was amended but the order map in the diversion order was based on an earlier estate layout. The order map does reflect what the developer originally requested.

#### **PROPOSED PUBLIC PATH DIVERSION ORDER S.119 HIGHWAYS ACT 1980**

19. In order to enable as much of the footpaths as possible to be diverted under the 2010 order it is recommended that the sections which deviate from the order map are diverted instead under s.119 Highways Act 1980. The remainder of the new footpaths which conform to the

2010 order map can then be diverted under the 2010 order. The effect of the public path diversion order under the Highways Act is to create a new public footpath along the lengths in the order map and permanently extinguish the previously existing route.

20. A draft map for the order proposed to be made under s.119 is attached as Appendix B. The route of the proposed diversion is shown between the points J-G-H-D by a broken black line. The route of existing legal right of way along this section of Footpath 4 is shown between the points marked J-C-F-G-H-D.
21. The Borough Council may make a public path diversion order under s.119 if it appears expedient to do so in the interests of the landowner or the public. The order may not alter the point of termination of the path otherwise than to another point on the same highway or a highway connected to it and which is substantially as convenient to the public.
22. The public path diversion order may provide that it does not come into force until any necessary work to bring the new sections of footpath into a fit condition for use by the public has been done and after LCC acting as highway authority has certified that the work has been carried out. The order must be accompanied by a map which shows both the existing footpath and the proposed new route. Notice must be placed in the local press when it is proposed to confirm the order and notice served on the landowner and various statutory consultees. The notice and order map must also be displayed prominently at the ends of the footpath to be diverted and available for inspection at the Town Hall. Similar steps must be taken after the order is confirmed.
23. A public path diversion order is subject to confirmation by the Council as an unopposed order if no objections have been made 28 days after the notices referred to in paragraph 22 above have been circulated or confirmation by the Secretary of State if opposed. Before confirming the order as unopposed the Council must be satisfied that the diversion is expedient and that the new path will not be substantially less convenient to the public as a consequence of the order. Regard must be had to the effect that the diversion would have on public enjoyment of the path as a whole, the effect on other land served by the existing public right of way and the effect which the new diverted route would have on the land which it affects. In this case the adjustments are not great and will not inconvenience users and will not diminish public enjoyment of the affected sections of footpaths. The diverted route will affect only land owned by Morris Homes and no further landowners will be affected. The Council must also have regard to any material provision of a right of way improvement plan prepared by a local highway authority. The plan for Lancashire does not contain any specific matters relevant to the proposed public path diversion order.

**IMPLICATIONS OF REPORT**

24. 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**

25. Chorley Council will incur costs in advertising the proposed order in the local press and officer time must be spent in drafting reports and the diversion order. However these can be recovered from the developer. LCC is obliged to survey the route and carry out any necessary works and can recover the costs incurred from Chorley Council. In practice Chorley Council will not progress the proposed diversion order unless the developer carries out any works satisfactorily which have been identified by LCC. After the process is completed LCC will be responsible for maintaining the diverted footpath as part of the wider public footpath network.

**COMMENTS OF THE MONITORING OFFICER**

26. The wording of s.257 of the Town and Country Planning Act 1990 is prospective in character. Case law is clear that the powers available to the district council as local planning authority under s.257 may not be exercised once a development has been substantially completed. Since the Rivington View development is so advanced starting afresh with a new order under s.257 of the Town and Country Planning Act 1990 and an order map which reflects the route of the diverted footpaths as they now exist is not available. Diversion under s.119 of the Highways Act 1980 of the two lengths which do not conform to the route of the order map made under s.257 on 14 September 2010 and then certifying the 2010 order as being complied with in respect of the remainder of the route is a pragmatic solution which is also a proper exercise of the Borough Council's powers.
27. The right of LCC to recover costs of any necessary works from Chorley Council under s.27 of the Highways Act 1980 is addressed within paragraph 24 above.

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Drawings and photographs taken by LCC Public Rights of Way	19.12.12	IKEN File 311	Town Hall

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Alex Jackson	5166	17 December 2013	***

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**PUBLIC PATH DIVERSION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257**

**CHORLEY BOROUGH COUNCIL PUBLIC FOOTPATH NO. 4 AND PUBLIC FOOTPATH  
NO. 19 CHORLEY  
PUBLIC PATH DIVERSION ORDER 2010**

This order is made by Chorley Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpaths to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely the development of residential housing situate on land at Crosse Hall Mill Farm Chorley

BY THIS ORDER:

1 Footpath No. 4 over the land shown by bold black line on the map and Footpath No. 19 shown by a bold black line on the map and described in Part I of the Schedule to this Order ("the Schedule") shall be diverted as provided below.

2 There shall be created to the reasonable satisfaction of Chorley Borough Council an alternative highway for use as a replacement for the said footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the map.

3 The diversion of Footpath No. 4 and Footpath No. 19 shall have effect on the date on which Chorley Borough Council certify that the terms of Article 2 above have been complied with (the confirmation of this Order).

4 Morris Homes Limited is hereby required to pay for the cost of implementing this Order.

5 Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

**SCHEDULE**

**PART 1**

**Description of site of existing paths**

The first length of Footpath No. 4 to be diverted is from point A running in a generally northerly direction to point B, a total distance of approximately 112 metres as shown by a bold black line on the map.

The second length of Footpath 4 to be diverted is from point C northwards to point D on From Street, a total distance of approximately 112 metres as shown by a bold black line on the map

The length of Footpath No. 19 to be diverted is from point M in a generally easterly direction to point K on the map, a total distance of approximately 105 metres as shown by the bold black line on the map.

The third length of Footpath No.4 to be diverted is from point J in a generally southerly direction to point K and to point L on the map, a total distance of approximately 95 metres as shown by a bold black line on the map.

PART 2

**Description of site of alternative highway**

The first length of Footpath No.4 described in Part 1 of this Schedule to be diverted onto the footway of the new estate road, 2 metres in width running from point A by way of point E to point B, a total distance of approximately 141 metres as shown by bold black dashes on the map.

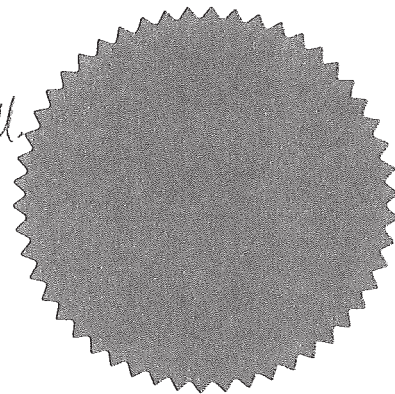
The second length of Footpath No. 4 described in Part 1 of this Schedule to be diverted on to the footway of the new estate road 2 metres in width as marked by bold black dashes C-F-G on the map and thence on to the new link footpath 2 metres in width as marked by bold black dashes G-H-D on the map a total distance of approximately 145 metres.

The length of Footpath No. 19 described in Part 1 of this Schedule to be diverted on to the footway of the new estate road 2 metres in width as marked by bold black dashes from point M to point K on the map a total distance of approximately 130 metres.

The third length of Footpath No. 4 described in Part 1 of this Schedule to be diverted onto the estate footpath 2 metres in width as marked by bold black dashes from point J to point L on the map a total distance of approximately 100 metres

The Common Seal of the Chorley Borough Council was hereunto affixed on the day of 14 September 2010

*[Handwritten signature]*

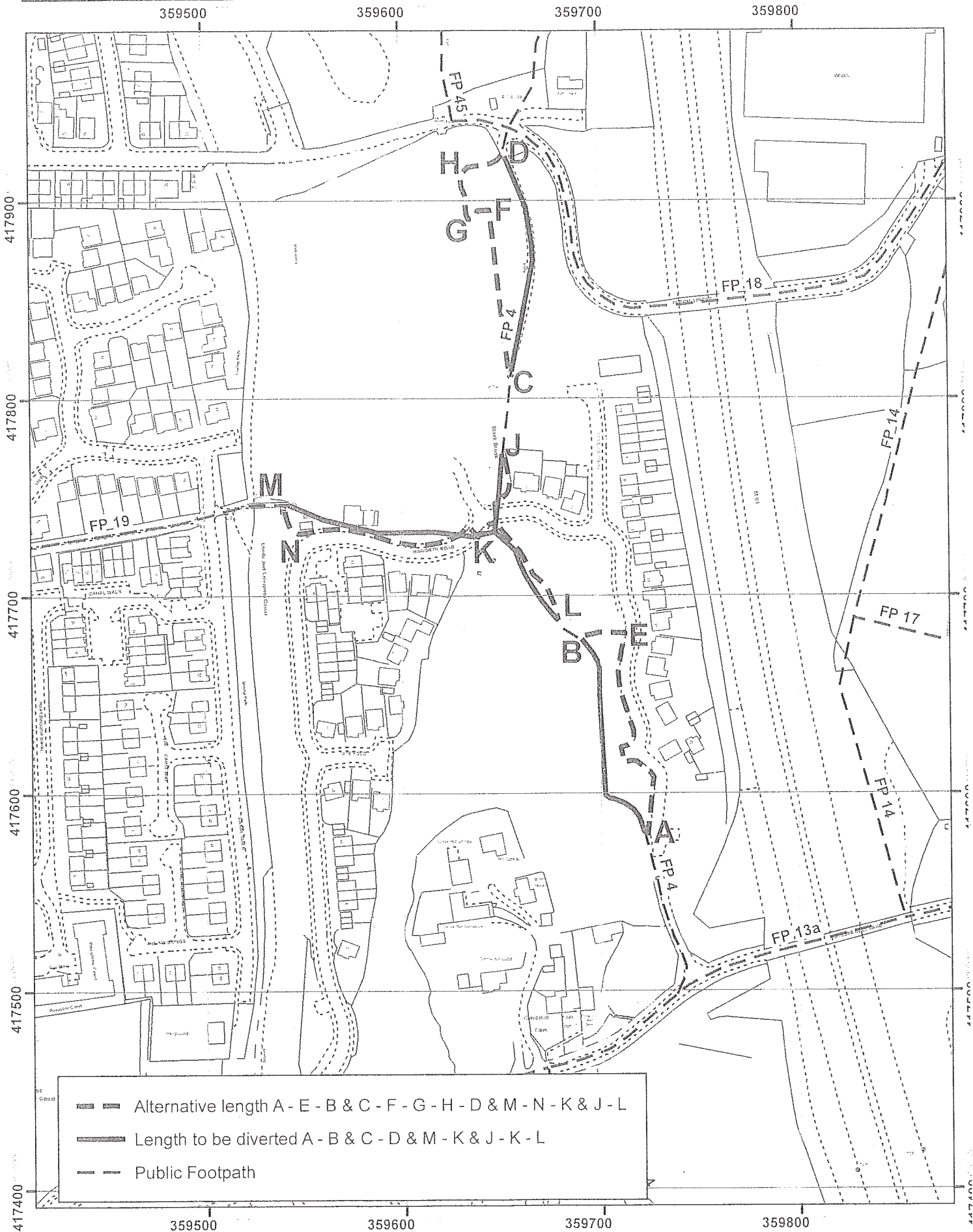


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Director of Transformation

Town and Country Planning Act 1990 - Section 257

Proposed diversion of parts of Public Footpath Nos. 4 and 19 Chorley, Chorley Borough



Chorley Borough Council

The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way information must be verified on the current Definitive Map before being supplied or used for any purpose.

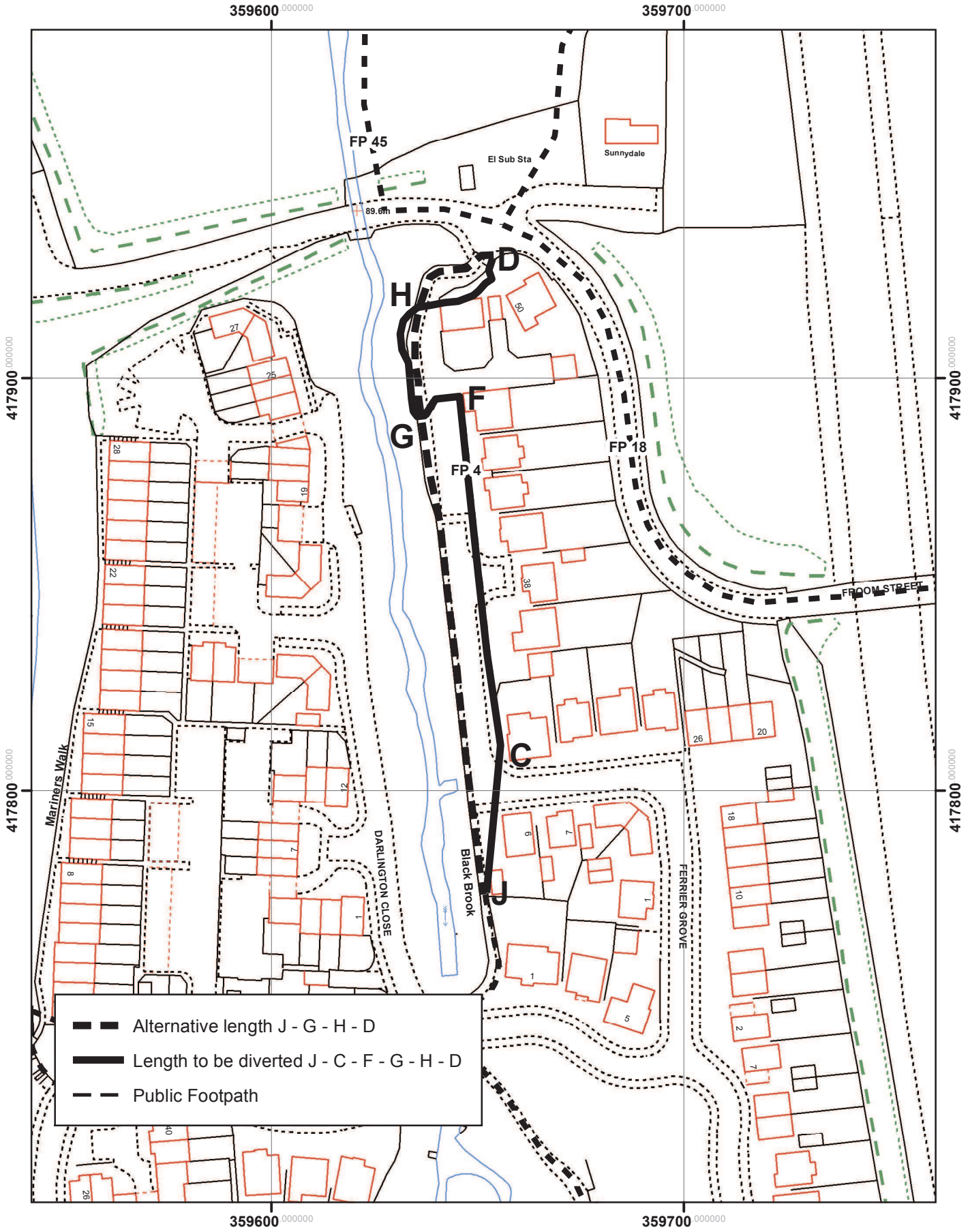
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Highways Act 1980 - Section 119  
 Proposed diversion of part of Public Footpath No. 4 Chorley, Chorley Borough



The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way information must be verified on the current Definitive Map before being supplied or used for any purpose.

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