

COUNCIL

TUESDAY, 23RD SEPTEMBER 2014, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING THURSDAY, 4 SEPTEMBER 2014 OF COUNCIL**

(Pages 5 - 14)

2 **DECLARATIONS OF ANY INTERESTS**

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

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

3 **MAYORAL ANNOUNCEMENTS**

4 **FREEDOM OF THE BOROUGH**

The Council granted Freedom of the Borough status to 5 Medical Regiment in 2007. 64 Medical Squadron is based at the Army Reserves Centre on Devonshire Road, Chorley, and was previously part of 5 Medical Regiment. Earlier this year, 64 Medical Squadron was moved under the command of 3 Medical Regiment who moved into Fulwood Barracks, Preston in August this year.

In view of the change in Regiment, the Council is asked to consider granting Freedom of the Borough status to 3 Medical Regiment. This would acknowledge the Council's continued commitment to and appreciation for the work of 64 Medical Squadron.

Formal granting of Freedom of the Borough is normally undertaken at a Special Meeting of the Council meeting prior to a Church Service with the Mayor presenting a Freedom Scroll to the Commanding Officer and the Regiment marching through the town.

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 15 - 20)
	General report of the meeting held on 28 August 2014 (enclosed).	
7	REVENUE AND CAPITAL BUDGET MONITORING 2014/15: REPORT 1 (END OF JUNE 2014)	(Pages 21 - 38)
	Report of Chief Executive approved at Executive Cabinet on 28 August 2014 (enclosed).	
8	CROSTON FLOOD RISK MANAGEMENT SCHEME UPDATE	(Pages 39 - 46)
	Report of Director of Public Protection, Streetscene and Community approved at Executive Cabinet on 28 August 2014 (enclosed).	
9	OVERVIEW AND SCRUTINY COMMITTEE	(Pages 47 - 48)
	General report of a meeting of the Overview and Scrutiny Performance Panel of 10 July 2014 (enclosed).	
10	GOVERNANCE COMMITTEE	
	General report of the meeting held on 12 September 2014 (to follow).	
11	OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014	(Pages 49 - 54)
	Report of the Chief Executive (enclosed).	
12	STATEMENT OF COMMUNITY INVOLVEMENT 2014	(Pages 55 - 74)
	Report of the Chief Executive (enclosed).	
13	PUBLIC FOOTPATH NO.6 ADLINGTON: PROPOSED PUBLIC PATH DIVERSION ORDER	(Pages 75 - 82)
	Report of the Chief Executive (enclosed).	
14	APPOINTMENTS TO THE WORKING GROUP ON UNITARY STATUS	
	To appoint Members to the Working Group on Unitary Status, following the decision at the Special Council meeting on 4 September 2014.	
15	QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8 (IF ANY)	

16 **TO CONSIDER THE NOTICE OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10**

(Pages 83 - 84)

To consider the attached correspondence from Sefton Council seeking the support of this Council to a motion passed at their recent Council meeting in relation to the planning system.

17 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE MAYOR**

GARY HALL
CHIEF EXECUTIVE

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MINUTES OF SPECIAL COUNCIL

MEETING DATE Thursday, 4 September 2014

MEMBERS PRESENT: Councillor Roy Lees (Mayor), Councillor Marion Lowe (Deputy Mayor) and Councillors Eric Bell, Julia Berry, Alistair Bradley, Charlie Bromilow, Terry Brown, Jean Cronshaw, Matthew Crow, John Dalton, David Dickinson, Graham Dunn, Robert Finnamore, Christopher France, Gordon France, Margaret France, Anthony Gee, Danny Gee, Mike Handley, Steve Holgate, Mark Jarnell, Kevin Joyce, Hasina Khan, Paul Leadbetter, Adrian Lowe, Matthew Lynch, June Molyneaux, Greg Morgan, Alistair Morwood, Mick Muncaster, Steve Murfitt, Beverley Murray, Mark Perks, Pauline Phipps, Dave Rogerson, Joyce Snape, Kim Snape, Ralph Snape, Richard Toon, John Walker, Paul Walmsley, Alan Whittaker and Peter Wilson

OFFICERS: Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Customer and Advice Services), Chris Moister (Head of Governance) and Carol Russell (Democratic Services Manager)

APOLOGIES: Councillors Henry Caunce, Doreen Dickinson, Peter Goldsworthy and Keith Iddon

14.C.170 Minutes of meeting Tuesday, 22 July 2014 of Council

RESOLVED – That the minutes of the last Council meeting held on 22 July 2014 be confirmed as a correct record for signature by the Mayor.

14.C.171 Declarations of Any Interests

Councillor Mark Perks declared a pecuniary interest in item 6 and left the meeting for consideration of that item.

14.C.172 Mayoral Announcements

The Mayor announced some changes to the agenda order and also gave notice of an urgent item which was required to be considered prior to the item on Developing a Proposal for Unitary Status.

14.C.173 Chorley Local Plan 2012-2026: Gypsy and Traveller and Travelling Showpeople : Proposed Allocation (including public questions)

The Executive Leader, Councillor Alistair Bradley presented a report which provided the results of consultation on the Chorley Local Plan 2012 – 26 Gypsy and Traveller and Travelling Showpeople Preferred Options document.

In order for the Local Plan to be found sound in relation to gypsy and traveller matters by the Local Plan Inspector, a site must be allocated for a minimum of five pitches with a number of modifications to the Plan. Further to a decision of the Annual Council meeting on 3 June 2104, consultation had taken place on 9 potential sites as follows:

1. Cowling Farm, Chorley
2. Yarrow Bridge Depot, Chorley
3. Cabbage Hall Fields, Chorley
4. Land off Westhoughton Rd, Heath Charnock
5. Land at Ackhurst Rd, Chorley
6. Land adjacent to Northgate Drive, Chorley
7. Haworth Rd, (previously named Crosse Hall Lane) Chorley
8. Harrisons Farm, Adlington
9. Hut Lane, Heath Charnock

Cowling Farm was considered at that stage to be the preferred site for allocation. The site is allocated for a mix of housing and employment in the Local Plan and the report highlighted the positive attributes of the site. Consultation took place on all sites between 4 June and 16 July 2014 and 314 representations were received.

The report provided details of the consultation an overview of those consultation responses in relation to the sustainability appraisals; financial considerations; representations from statutory consultees and engagement with the existing gypsy and traveller community. The report then gave breakdowns of the comments received for each of the 9 sites and the Council's responses to those comments.

The report included an update which was circulated on the cost of developing each site. The conclusion was that Cowling Farm remained the Council's proposed allocation and is a suitable, available, achievable and sustainable site which accords with national policy on Gypsy and Travellers and Core Strategy Policies 1 and 8. The Council's decision on a preferred site, together with any related Local Plan modifications, would need to be submitted to the Local Plan Inspector for consideration in advance of the reopened Examination Hearing on 23 and 24 September 2014.

The Mayor invited the five people who had submitted public questions to read their questions for the Executive Leader to respond to:

1. Justin Taylor, Rivington View Residents Association

Given the reasons stated by the Council to discount the Haworth Road site from further considerations as a Gypsy/Traveller provision, does this mean that the site will be excluded from potential selection for similar sites in the future, should County or Government indicate a need for one?

Leader response

Traveller need is not 'indicated' by County or Government, rather it is established from a Gypsy and Travellers Accommodation Assessment.

The Council cannot give an absolute guarantee that the Traveller DPD work won't consider Haworth Road for any further Permanent Traveller Accommodation. However, it may also come forward for housing development.

In relation to Travellers is unlikely that it will be suitable for a transit or Travelling Showpeople provision. Needs of transit Travellers and Travelling Showpeople provision are likely to be very different to those of permanent Travellers. Transit facilities, for example, are provided close to 'transit routes' and do not require the same proximity to community services and facilities of a permanent provision, nor do they require the same level of on-site facilities as a permanent site e.g. portable private amenity facilities can be acceptable on transit sites. At present the transit need identified in the GTAA is on a Central Lancashire wide basis (no locational preference has been expressed) and therefore proximity to main routes through Central Lancashire will be a key consideration – Haworth Road is unlikely to be suitable in this respect. The additional work being undertaken as part of the Central Lancashire GTAA will further refine Central Lancashire's transit and travelling Showperson need and appropriate locations will be explored as part of the related Development Plan Document work which is due to commence in December 2014.

2. Steve Allen, Moorland Gate Business Park

As the owners of Moorland Gate Business Park we are concerned that the planned development will impact on our ability to retain existing and attract new tenants to the business park. We have already been informed by a number of tenants that they will not renew their leases in the event that a Gypsy or Traveller site is established. Two independent commercial property agents have also confirmed they believe the development will undoubtedly have a detrimental impact upon market demand. Whilst we do not endorse the concerns or considerations that have led our tenants to that decision we are deeply concerned by the effect on our business. Has the council considered the potential detrimental impact on employment in the ward and borough that the provision of a Permanent Traveller site will have on the Moorland Gate business park and other employers in the immediate area of the Cowling Farm site.

Leader response

The perceived detrimental impact of a Traveller site on businesses is not a material planning consideration. The masterplanning process that will accompany the mixed-use allocation at Cowling Farm is intended to ensure that an optimum location, design and layout for housing and Traveller accommodation, and employment is secured in consultation with key stakeholders, including local businesses, the local community, and the Travelling community.

3. Gareth Howell - Cowling Action Group

Are Members of the Council aware that the evidence base upon which the decision to allocate Cowling Farm has been determined is fundamentally flawed? It seems clear that a site has been chosen and the 'evidence' then prepared to support this allocation. Even then it is clear that your officers have rejected other more suitable sites, where the effect on, for example, the delivery of housing more generally would be considerably less than for Cowling Farm. The impact of the allocation at Cowling

will have the effect of sterilising the wider site allocation – potentially over 150 dwellings, and the revenue this would bring, lost to the Borough. Why have more suitable sites with a much lesser impact been rejected for somewhat spurious reasons?

Leader response

The Council considers the evidence to be sound and has followed a similar process of arriving at a proposed site as has been employed for all the Local Plan allocations. This matter will be considered in detail by the Local Plan Inspector who will only accept such an allocation if it proves to be robust. Section 8 of the Proposed Allocation Document seeks to provide further detail on the process of arriving at the Cowling Farm Site.

The masterplanning process that will accompany the mixed-use allocation at Cowling Farm is intended to ensure that an optimum location, design and layout for housing and Traveller accommodation, and employment is secured in consultation with key stakeholders, including local businesses, the local community, and the Travelling community.

In relation to site suitability a sustainability assessment has informed this judgement. National Planning Practice Guidance states "The sustainability appraisal should only focus on what is needed to assess the likely significant effects of the Local Plan. It should focus on the environmental, economic and social impacts that are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan." The SA scoring is not weighted as it is not considered that some indicators have more importance. The purpose of the SA is to give a general overview of the sustainability of sites to be able to compare their sustainability, but it is not the only factor taken into consideration when deciding allocations. The Council considers that the methodology for Sustainability Appraisal/Assessment has already been considered by the Inspector, and has been found sound in her partial report.

A number of other factors such as deliverability and conformity with Core Strategy Policies 1 - locating growth and 8 – Gypsy and Traveller and Travelling Showpeople Accommodation and Planning Policy for Traveller Sites has also been taken into consideration.

Following the publication of the Preferred Options document, further analysis of the merits of each site was undertaken. This considered the information provided from residents and stakeholders, including consultees. To create greater transparency, the Council has reviewed the Sustainability Indicators for each site, and, where considered necessary, the actual premises measured to are included. Section 8 of the Proposed Allocation report explains the comparative analysis further.

4. Peter Talbot Cowling Action Group and Spinners @ Cowling

The council claim to have consulted residents and business owners likely to be impacted by the proposed development. Yet neither the owners or the Landlord of the Spinners at Cowling have been consulted regarding the proposed allocation which uses the car park of the Spinners as an access to the proposed development which would effectively destroy the home, business and livelihood of the Spinners landlord and threaten the employment of his staff and suppliers. On what basis can the Council

maintain it has carried out sufficient consultation when a party affected by the proposed access has received no communication whatsoever?

Leader response

The approach taken to consultation is in accordance with the Council's Statement of Community Involvement (SCI). The SCI sets out the approach to consultation on planning policy documents. It does not require residents/businesses that are in the vicinity of a proposed allocation (or rejected alternatives) to be consulted on an individual basis. Such policy proposals are publicised by other means such as press releases, updates to the Council website, informing local Councillors, and parish Councils where they exist. In addition, for Local Plan consultations, the Council consults directly with everybody that is listed on our Local Plan consultation database. Individuals or interested groups received a Preferred Options consultation letter if they had requested their names to be added to the Local Plan consultation database. Others notified about the Preferred Options consultation were those who made representations to the Local Plan at an earlier stage (for example, a number of residents living in the vicinity of Cowling Farm received letters because they had made comments at earlier stages of the Local Plan process and were therefore on the database). The Statement of Consultation Supplement identifies the consultation which has been undertaken during the preparation of the Gypsy and Traveller and Travelling Showpeople Preferred Options which forms part of the Chorley local Plan 2012-2026. The masterplanning process is intended to ensure that key stakeholders, for example the Spinners Landlord are engaged in the detailed considerations of access, design and layout, not only of the Traveller site, but the mixed use site as a whole.

5. Val Brown – Cowling Action Group

Planning professionals and legal advisors instructed on behalf of local residents and businesses have called into question the suitability and validity of the Sustainability Appraisal conducted by the Council and the conclusion it has reached with regard to the preferred option. The council has chosen to ignore these representations therefore how does it believe it will be able to demonstrate to the inspector and to any subsequent challenge or review that it has undertaken an adequate sustainability appraisal?

Leader response

National Planning Practice Guidance states "The sustainability appraisal should only focus on what is needed to assess the likely significant effects of the Local Plan. It should focus on the environmental, economic and social impacts that are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan." The SA scoring is not weighted as it is not considered that some indicators have more importance. The purpose of the SA is to give a general overview of the sustainability of sites to be able to compare their sustainability, but it is not the only factor taken into consideration when deciding allocations. A number of other factors such as deliverability need to be taken into consideration. The Council considers that the methodology for Sustainability Appraisal/Assessment has already been considered by the Inspector, and has been found sound in her partial report. Following the publication of the Preferred Options document, further analysis of the merits of each site was undertaken. This considered the information provided from residents and stakeholders, including consultees. To create greater transparency, the Council has

reviewed the Sustainability Indicators for each site, and, where considered necessary, the actual premises measured to are included.

Members had an extensive debate on the proposals in relation to the Council's need to comply with the requirements and timescales dictated by the Local Plan Inspector; the consultation processes using the Statement of Community Involvement; the wishes of the existing Gypsy Traveller community who would prefer to remain at the Hut Lane site; and the problems faced by the Council and the implications for the whole borough, if the Local Plan could not receive final approval and adoption.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Paul Walmsley, Executive Member for Public Protection seconded, and it was

RESOLVED –

- 1. That the results of public consultation on the Chorley Local Plan 2012-26 Gypsy and Traveller and Travelling Showpeople Preferred Options – June 2014 be noted.**
- 2. That the Chorley Local Plan 2012-26 Gypsy and Traveller and Travelling Showpeople Proposed Allocation – September 2014 be approved for submission to the Local Plan Inspector; and delegated authority be given to the Executive Leader and Chief Executive to make minor changes to that document;**
- 3. That the sign-off of the supporting documents be delegated to the Chief Executive and Executive Member for Economic Development and Partnerships: Sustainability Appraisal Supplement, Habitats Regulations Supplement, Statement of Consultation Supplement and Duty to Co-operate Supplement and a resolution to respond to the Inspectors Issues and Matters.**
- 4. That authority be given to officers to prepare a schedule of formal responses to those who have made comments, for consideration by the Inspector.**
- 5. That the Council's Section 151 Officer be requested to make suitable budget provision for the future delivery of the site.**

14.C.174 Developing a Proposal for Unitary Status

Councillor Mark Perks left the meeting for the debate and decision on the following Motion and Unitary Status Proposals Report.

Motion to Grant Dispensation

The Executive Leader referred to the motion which had been circulated seeking agreement to a dispensation to permit all councillors to take part in a discussion and decisions on issues relating to the development of proposals for Chorley Council gaining unitary status, including involvement in a dedicated Working Group.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED- That Chorley Council grants to all Councillors, a dispensation under section 33(2)(e) of the Localism Act 2011 to enable them to participate in Agenda Item 6, Developing a**

Proposal for Unitary Status and any subsequently convened working group connected to this matter.

The said dispensation to continue for a period of 12 months or until the subject of the Agenda Item is brought back to Full Council for further consideration.

Report on Developing a Proposal for Unitary Status

The Executive Leader presented a report on proposals for the development of a business case for Chorley Council becoming a single tier local authority and also circulated a letter from the Minister for Local Government on this matter.

The issue of unitary status was discussed at a recent meeting of the MP and Executive Leader of the Council with the Secretary of State for Communities and Local Government. The Secretary of State had indicated that the government would not block proposals that were financially robust and had a public mandate.

In view of continuing change across the public sector and reductions in budget it was felt that an investigation into a move to unitary status would provide opportunities to review how local government could be delivered in the borough, working with other public sector bodies for more sustainable services into the future. The report provided the rationale for developing a business case for Chorley becoming a Unitary Council looking at:

- Increasing strategic leadership and local accountability.
- Scale, growth and comparable authorities.
- Budget reductions and savings.

The proposal also included allocating funding to resource the exploratory work with a new dedicated post of Project Director on a fixed term contract; the establishment of an all-party working group of Elected Members to oversee the process; and consideration of a local poll being held in autumn 2015 to seek public opinion on a the proposal.

Member debated the matter and a number voiced concerns about population size and the viability of Chorley as a unitary authority. The Executive Leader stressed the opportunity would enable the Council to look at alternative ways of working with other partners to deliver services. Unitary status would only be recommended where there were clear organisational and financial reasons for doing so.

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

- 1. That the Council supports the case to investigate the business case and viability of developing a single tier authority for the borough.**
- 2. That approval be given to the establishment of an all-party working group to oversee the development of a business case and to test the viability of proposals to establish a unitary authority for the borough, comprising nine Members of the Council.**
- 3. The membership of the Working Group be determined at the next Council meeting on 23 September 2014.**

4. That approval is given in principle to consider holding a local poll in Autumn 2015, subject to final approval of Council following recommendations from the all-party working group.
5. That approval is given to incurring expenditure of up to £80,000 to fund the development of a business case, including the creation of a fixed-term cost of Project Director post, the funding to come from the organisational change reserve.

Councillor Perks returned to the meeting.
Councillor Phipps left the meeting

14.C.175 Proposed consultation on a change to the Council Tax Local Discounts & Exemptions Policy

The Chief Executive submitted a report which sought approval to consultation on a proposed change to the Council Tax Local Discounts and Exemptions Policy for properties which had been empty and substantially unfurnished for more than 24 months.

The report set out the existing policy and the suggested specific circumstances which should apply to any further discount or exemption on empty property. If approved, the change would become effective from 1 April 2015.

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

1. Approval be given to consultation on a change to the Council Tax Local Discount & Exemptions Policy effective from 1 April 2015, as follows:

Provide for an exception to the charge of a 25% premium for properties which have been empty and substantially unfurnished for more than 24 months where the new owner(s) inherits this charge and where the property is actively being marketed for sale in line with average prices within the local area.

2. The exception to be effective from the date the property is marketed for sale for a maximum period of 6 months, after which the 25% premium would reapply.

14.C.176 Changes to Council Appointments

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED – that Councillor Hasina Khan replace Councillor Julia Berry on the LCC Adult Social Care and Health Scrutiny Committee.**

14.C.177 Mayors Announcements

The Mayor updated Councillors on his fundraising activities so far and gave the latest information about forthcoming charity events.

Mayor

Date

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EXECUTIVE CABINET**GENERAL REPORT OF MEETING HELD ON 28 AUGUST 2014**

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

Report of the Overview and Scrutiny Task Group - CCTV Provision and Infrastructure Review

2. Councillor John Walker, Chair of the Overview and Scrutiny Committee, presented the report of the Overview and Scrutiny Task Group.
3. Under the requirement to undertake scrutiny of crime and disorder matters, the Overview and Scrutiny Committee has considered a report on the current Chorley CCTV service, existing infrastructure and information about CCTV systems in other authorities where systems has been reduced or decommissioned.
4. In undertaking the review of provision, the Task Group has engaged with both partners and customers to ensure that all perspectives have been considered and to ensure the scrutiny is balanced. The system is perceived as being highly valued by the community and an effective tool used in the prevention of crime and disorder.
5. We received the report and accepted it for consideration, with a view to the response to the recommendations being reported to a future meeting.

Health and Wellbeing - Response to the Overview and Scrutiny Task Group on Health Impact Assessments

6. I presented the report of the Director of Public Protection, Streetscene and Community.
7. We received a report in February 2014 from the Overview and Scrutiny Committee relating to a task group inquiry into whether the Council's health impact assessment toolkit is fit for purpose.
8. The work of the task group had been based around the application of the Council's health impact assessment to the draft Play and Open Spaces Strategy. The task group had made seven recommendations.
9. A review of the toolkit has since been undertaken and the assessment criteria, in relation to health and wellbeing, has been amended to reflect the priorities of both the Lancashire Health and Wellbeing Board and the local Health and Wellbeing Partnership.
10. The assessment is now made against the criteria: Starting Well, Living Well and Aging Well. This considers the impact of the policy/service against these criteria and provides a whole life approach to public health priorities.

11. We recognise that many areas of the Councils business are partnership based. Where new policies or services are being considered the impact assessment should include some reference to this and ensure that partner actions or input are properly considered as part of the assessment. A programme of Member and Officer training and update sessions will be provided.
12. We accepted the recommendations made and endorsed the actions taken by officers.

Central Lancashire Biodiversity and Nature Conservation Supplementary Planning Document (SPD)

13. I presented the report of the report of the Chief Executive.
14. The Central Lancashire authorities have produced a Biodiversity and Nature Conservation SPD. I explained the purposes and objectives of the SPD and set out the broad timetable for consultation and adoption.
15. The National Planning Policy Framework and the local planning policies refer to the concept of ecological networks (links between sites of biodiversity importance). Lancashire County Council have produced ecological network mapping for Lancashire to cover woodland and scrub, grassland, and wetland and heath habitats.
16. The SPD provides information on how to consider planning applications have an impact on ecological networks in the Central Lancashire context.
17. We endorsed the draft Biodiversity and Nature Conservation SPD and approved it for consultation for a six week period between September and October.

Chorley Council Performance Monitoring - First Quarter 2014/15

18. The Executive Member (Resources), Councillor Peter Wilson, presented the report of the Chief Executive.
19. This report sets out performance against the Corporate Strategy, and key performance indicators for 1 April to 30 June 2014. Performance is assessed based on the delivery of key projects, against the measures in the 2013/14 – 2016/17 Corporate Strategy and key service delivery measures.
20. Overall performance of key projects is excellent, with all of the projects either complete, on track or scheduled to start later in the year. Overall performance on the Corporate Strategy indicators and key service delivery measures is good. 63% of the Corporate Strategy indicators and 70% of the key service measures are performing above target or within the 5% tolerance.
21. The Corporate Strategy measures performing below target are; the percentage of domestic violence detections, the number of long term empty properties in the borough, and the percentage of customers dissatisfied with the way they

have been treated by the Council. Action plans have been developed to outline what action will be taken to improve performance.

22. The key service delivery measures performing below target are the time taken to process all new claims and change events for Housing and Council Tax benefit, the percentage of major planning applications determined within 13 weeks and minor applications within 8 weeks. Action plans are included within the report that outlines what actions are being taken to improve performance.
23. We noted that the number of long term empty properties will continue to be monitored on a monthly basis and if there is a further increase action will be taken to advise owners how they can market their property for sale and or obtain loans from financial institutions, including Credit Unions.
24. We noted the report.

External Communications and Media Protocol

25. The Executive Member (Resources), Councillor Peter Wilson, presented the report of the Chief Executive.
26. The external communications and media protocol sets out the Council's approach to undertaking external communications, in the written press and broadcast media as well as online.
27. The protocol will be used to guide the Council in approaching external communications and to set out who is involved at different stages and in different circumstances.
28. We approved the external communications and media protocol.

Play, Open Spaces and Playing Pitch Strategy

29. The Executive Member (Community Services), Councillor Bev Murray presented the report of Director of Public Protection, Streetscene and Community.
30. The Play, Open Space and Playing Pitch Strategy provides a five year action plan to protect, manage, enhance and secure sites and identify deficiencies and future priorities.
31. Consultation has taken place with a wide range of stakeholders from 11 November 2013 until 14 February 2014. A total of 45 responses have been received from a range of stakeholders including the Football Association, Chorley Allotments Society, Sports Clubs, schools as well as local ward and parish Councillors and residents.
32. Following approval of the proposed actions in response to the consultation the strategy will be revised and formally adopted. The strategy will be implemented from 2014-19 and therefore the year one – five actions will be re-phased (year

one to commence starting 2014-15). The action plan is subject to funding being available and further consultation / planning permission (as required) and this will influence timescales and delivery of the action plan. Therefore, some actions may need to be revised and reprogrammed accordingly.

33. The strategy provides a framework to inform future investment and development of open space across Chorley. However, there will be a need for business cases for individual schemes not currently identified within the strategy; the Council will retain the flexibility to consider such schemes on a case by case basis.
34. Following the Overview and Scrutiny Task Group report, considered earlier on the agenda, an updated IIA has been produced. As well as applying the IAA to the overall strategy it also needs to be applied at a more detailed level e.g. individual play and open space schemes. This will ensure that all of the actions have a clear focus on maximising health and well-being outcomes.
35. The Chair of the Overview and Scrutiny Committee asked several questions of the Executive Member for Community Services relating to the allocation of funding, prioritisation of the Osborne Drive play area and the planned future provision of only two new play areas but six new football pitches. He also raised the completion of Integrated Impact Assessments, future allotment provision and partnership working with Cuerden Valley.
36. We approved the Play, Open Space and Playing Pitch Strategy and the list of actions in response to the consultation.

Response to the Overview and Scrutiny Task Group on Select Move

37. The Executive Member (Customer and Advice Services), Councillor Graham Dunn presented the report of the Director of Customer and Advice Services.
38. The Overview and Scrutiny Task Group for Select Move has looked at the scheme and investigated and evidenced if the scheme is meeting customer needs and expectations.
39. This has included exploring the processes around application and allocations, and also the standard of the homes allocated. A variety of methods have been used and stakeholders, partners and also customers were consulted.
40. Overall, the Task Group found that the scheme is fit-for-purpose and that the evidence collected demonstrates that the scheme is meeting the needs of the customers.
41. There are some areas for improvements identified and the Task Group has proposed 15 recommendations, which it is felt will improve the present policies and procedures to better serve the residents of Chorley.

42. Councillor Dunn requested Members raise any select move issues with either himself, the Director of Customer and Advice Services or the Head of Housing.
43. The Council will influence Registered Providers to implement the recommendations made relating to their services.
44. We endorsed the response included within the report.

Ranglett's Recreation Ground Phase One Procurement

45. The Executive Member (Resources), Councillor Peter Wilson presented the report of the Director of Public Protection, Streetscene and Community.
46. We granted delegated authority to the Executive Member for Resources to approve the decision to appoint a contractor.

Ranglett's Recreation Ground Phase Two Procurement

47. The Executive Member (Resources), Councillor Peter Wilson presented the report of the Director of Public Protection, Streetscene and Community.
48. We granted approval to the proposed procurement approach with an open single stage process using the North West Chest, the evaluation criteria set out and a public vote to allow the appointment of a design and build contractor to deliver Rangletts' Recreation Ground (Phase 2).

Update on Lease for Duxbury Park Golf Course

49. The Executive Member (Community Services), Councillor Bev Murray presented the report of the Director of Public Protection, Streetscene and Community.
50. We approved the recommendations within the report.

Recommendation

51. That the report be noted.

COUNCILLOR ALISTAIR BRADLEY
Executive Leader

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Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Resources)	Executive Cabinet	28 August 2014

REVENUE AND CAPITAL BUDGET MONITORING 2014/15 REPORT 1 (END OF JUNE 2014)

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 2014/15.

RECOMMENDATION(S)

2. Note the full year forecast position for the 2014/15 revenue budget and capital investment programme.
3. Request Council approval to transfer £100k of additional income from Market Walk to invest in the Town Centre Grants Programme and that any surplus additional income, currently forecast to be around £163k, be divided on a 80:20 basis between two reserves: the equalisation reserve to smooth any fall in forecast income from Market Walk in future years; and the change management reserve which would assist in funding future organisational change.
4. Note the forecast position on the Council's reserves.
5. Request Council approve a £30k increase to the Adlington Play and Recreation budget in the capital programme, funded from Section 106 contributions.
6. Request Council approve the proposed re-profiling of the Capital Programme to better reflect delivery in 2014/15.

EXECUTIVE SUMMARY OF REPORT

7. The projected revenue outturn currently shows a forecast underspend of £88,000 against budget (excluding additional net income from Market Walk). No action is required at this stage in the year.
8. The latest forecast excludes any variation to projected expenditure on investment items added to the budget in 2014/15. These projects are forecast to fully expend in 2014/15 and should there be any balances remaining at year end they will be transferred into specific reserves and matched to expenditure in future years.
9. In the 2014/15 budget the expected net income from Market Walk is £543k. The latest projection – after taking into consideration £190k reserved to fund feasibility costs of the proposed extension and £100k to be transferred to fund further Town Centre Investment – is £706k. It is proposed that the £163k surplus be transferred to reserves, allocated 80:20 between the change management reserve and the Market Walk income equalisation reserve.

- 10. The forecast of capital expenditure in 2014/15 is £13.014m. This figure includes £6.650m to finance the Chorley East Health Centre.
- 11. The Council expected to make overall target savings of £130k in 2014/15 from management of the establishment. Savings of £100k have already been achieved for the year, with the remaining balance expected to be achieved over the coming months.
- 12. 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 June shows that the General Fund balance could be around £2.277m.
- 13. It is intended that any costs associated with the authority seeking unitary status will be financed by use of the Council’s change management reserve of £261k should this be approved.

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

REASONS FOR RECOMMENDATION(S)
(If the recommendations are accepted)

- 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 £15.547m. This has been amended to include approved slippage from 2013/14 and any transfers from reserves. The significant additions to the budget include:

- £220,730 slippage from 2013/14
- £71,270 residual balance from the Neighbourhood pump priming budget.
- £56,500 residual balance from the Environmental Clean-ups budget.
- £100,000 2013/14 Investment budget for Play area improvements
- £44,760 balance of 2013/14 Investment budget for Neighbourhood Working.

18. A full schedule of the investment budgets carried forward from 2013/14 and the new investment budgets introduced in the 2014/15 budget are shown below; and with expenditure to date and officer comments in Appendix 2 (for capital items see Appendix 4).

Investment Area (Revenue)	2013/14 Investment b/f	2013/14 Recurrent Investment	2014/15 New Investment
Deliver Agreed Neighbourhood Priorities	44,760		50,000
16/17 year old drop in scheme			21,000
Britain in Bloom			10,000
Connecting Communities through food			12,000
Meals on Wheels Service			30,000
Expand the food bank			15,000
Extension & improvement of street furniture	6,340		35,000
Play and Open Space Strategy	100,000	100,000	50,000
Free Swimming			8,000
British Cycling, Tour of Lancashire			20,000
Mediation service for Anti-Social Behaviour disputes			7,000
Employee Health scheme			20,000
Campaigns and events			20,000
Chorley Council energy advice switching service			15,000
Inward investment delivery	253,600		100,000
Town Centre Masterplan			35,000
Support the expansion of local businesses (BIG grant)	46,620		45,000
Business Start-up (Grant and Loan)			67,000
Town Centre & Steeley Lane Pilot Action Plans			100,000
Unify Credit Union	9,000	50,000	
Private Property Improvement Scheme	48,030		
Joint employment initiative with Runshaw College	29,370		
Community development and volunteering	28,230	50,000	
Support to the VCFS Network		15,000	
	565,950	215,000	660,000

Investment Area (Capital)	2013/14 Investment b/f	2014/15 New Investment
Regeneration – Car park resurfacing and Market Street Redevelopment	407,000	
Regeneration Projects		100,000
Astley Hall & Park Development:	133,000	324,000
- 2013/14 carry forward	133,000	
- Astley Play Area		50,000
- Event Parking		100,000
- Events Staging		5,000
- Footpath Lighting		40,000
- Sensory Garden		35,000
- Street Furniture		18,000
- Steps & Footpath Improvements		15,000
- Other Proposals		61,000
	540,000	424,000

19. The Council's approved revenue budget for 2014/15 included target savings of £130,000 from management of the staffing establishment.
20. It was recommended in the June Provisional Revenue and Capital Outturn Report that the £326k net income from Market Walk in 2013/14 was split between the Change Management Reserve and Income Equalisation Reserve on a 80:20 basis. A sum of £261k was subsequently allocated to the Change Management Reserve to assist in funding future organisational change.
21. Set out in Appendix 1 is the provisional outturn position for the Council based upon actual spend in the first three months of the financial year and adjusted for future spend based upon assumptions regarding vacancies and service delivery.
22. The latest forecast of capital expenditure in 2014/15 is £13.014m. Explanations for the changes to the previously reported position in June 2014, as part of the 2013/14 Outturn Report, 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 three months of the financial year and adjusted for future spending based upon the latest timescales for project delivery.

SECTION A: CURRENT FORECAST POSITION – REVENUE

23. The Council expected to make overall target savings of £130,000 in 2014/15 from management of the establishment. Staffing vacancy savings have already been achieved following the recent departmental restructures in Customer & ICT Services, Health, Environment & Neighbourhoods, Housing and Legal Services. The savings have been achieved from a number of factors including vacant posts in the first few months of the year and new starters commencing on scale points lower than budgeted. As a result, corporate savings of £100,000 have already been realised for 2014/15, which leaves £30,000 to be achieved by the end of the year.
24. The projected outturn shown in Appendix 1 forecasts an underspend compared to budget of around £88,000 (excluding any additional net income from Market Walk). The significant variances from the Cash Budget 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 Cash Budget**

Note: Savings/underspends are shown as ().

	£'000	£'000
Expenditure:		
Staffing costs	(43)	
Waste Contract	(16)	
Mailroom Services (Revenues & Benefits)	(13)	
Leisure Contract Capital Recharge	20	
Property Searches Settlement	<u>66</u>	14
Income:		
Market Rents	(34)	
Legal Fees income	(10)	
Supporting People Income	(10)	
Parking Fees	25	
Cotswold Rent Income	23	
Bengal Street Depot – rent/service charge	<u>11</u>	5
Other:		
Housing & Council Tax Benefits	(68)	
Other minor variances	<u>(39)</u>	(107)
Net Movement		(88)

25. The forecast saving of £43,000 on staffing costs shown in the table above is in addition to the contribution of £100,000 already made to meet the corporate savings target for 2014/15. The additional saving is a result of vacant posts remaining in the establishment following the departmental restructures being implemented.
26. The Council's waste collection contract with Veolia is subject to inflationary increases in charges with effect from April each year, using the measure for RPIX in March. The actual RPIX figure was lower than the 3% assumed in the budget for 2014/15 and this has generated a saving of around £16,000 for the year.
27. The Council has 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 of £13,000 to the Council.
28. The Council's leisure centre's contract with Active Nation for 2014/15 included a sum of £25,000 for project management costs to work on capital schemes throughout the year and charge the cost of that time to the Capital Programme. One of the main schemes was roof works which is now anticipated to start towards the end of the current financial year and run into 2015/16. As a consequence, it now seems likely that there will be minimal staff time that qualifies for a revenue recharge to capital this year resulting in a shortfall of around £20,000.
29. Legislation introduced by central government and subsequently repealed in relation to property search fees has given rise to a legal claim against the Government and local authorities for restitution from property search companies. A settlement negotiated by Bevan Brittan Solicitors, having been procured by the Local Government Association (LGA)

to act on Chorley's behalf along with 369 other English and Welsh local authorities, estimates the Council's liability to be £89,799.68 excluding interest and a contribution to the claimants' costs. As such a total cost of £100k is estimated and has been included in the latest forecast of 2014/15 outturn. At the time of repeal the Government provided local authorities with a grant to contribute to any future claims. The council received £34,350 which has been held in a specific reserve; the balance of £65,650 has been included as an in-year adverse variation.

30. With markets at full capacity, the Council is generating additional income from Market Rents. Income levels continue to remain high as we saw throughout 2013/14 and based on quarter 1 results, this is forecast to continue in 2014/15. If these levels are maintained for the full year, additional income of around £34,000 should be achieved.
31. The Council's budget for legal fees income was set at £30,000 for 2014/15 and was based on actual income received over previous years. Income levels throughout 2013/14 were higher than budgeted, mainly as a result of S106 related issues and this trend has continued into the new financial year. As a result, an additional £10,000 income is now forecast in 2014/15.
32. The Council currently receives Supporting People Grants from Lancashire County Council which help to finance various Housing initiatives such as support to tenants at Cotswold House, Home Improvement Agency and the provision of Handyperson services under the Preston Care and Repair Scheme. At the time of setting the budget for 2014/15 it was still unclear as to what level of funding would be agreed by LCC for the coming year. The assumptions included in the budget were that Home Improvement grant income held in reserve from previous years would finance the 2014/15 work undertaken by Preston Care and Repair, as the LCC funding of around £28,000 was expected to end for this initiative. It was anticipated that funding for the other schemes would reduce by around 5% for the coming year. I am pleased to report that LCC have now confirmed that there will be no reduction in funding for 2014/15, resulting in additional income of around £10,000. As the funding will also continue for the Care and Repair Scheme, the £28,000 budgeted use of reserves will not be required and this sum can now remain in the reserve to fund the service for an extra year if required.
33. As part of the budget package for 2014/15, £100,000 was added to the budget to allow the administration to continue with the revised car parking tariff that was introduced to promote the use of the Town Centre. As reported in budget monitoring towards the end of last year, and after the 2014/15 budget had been approved, the full year effect of the new tariff is now estimated to be around £125,000. Income levels for the first quarter have continued at the same level and the initial forecast is for a shortfall of £25,000 for 2014/15.
34. Cotswold House is currently undergoing a programme of building works that will result in a number of rooms being out of commission for a period of time. As a consequence, there will be a loss of rental income whilst the rooms are unavailable this year. It is estimated at this stage that the shortfall in income will be around £23,000.
35. A report to Executive Cabinet on 21st March 2013 outlined the benefits of sharing the Bengal St Depot site with registered charity Recycling Lives. The proposals detailed the potential budget savings of £86,000 going forward from shared site costs and rental income. Based on these proposals, the Council's budget for 2014/15 included a total sum of around £45,000 for the first year savings/rental income – the 2013/14 budget had included savings of £11,000 due to sharing business rates and an additional £20,000 is due to be realised in 2015/16 from a profit sharing agreement. As the final details of the lease are being agreed it is unlikely that full year savings will be realised this financial year and so a loss of income of around £11,000 is forecast for the first quarter.
36. As outlined in previous monitoring reports, 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 first quarter continue to show an increase in the level of benefits overpayments recovered as a result of pro-active investigation work. As a result, the initial forecast is for additional income of around £74,000 against the 2014/15 budget.

MARKET WALK

37. The budgeted net rental income from the Market Walk in 2014/15 is £543k. The latest forecasts estimate the Council will receive an additional £453k. This is due to the letting of two vacant units, savings to operational costs and reduced costs of financing the acquisition.
38. Of the additional income forecast it is proposed to use £190k to fund design, planning and feasibility costs in relation to the extension to Market Walk and to transfer £100k to finance further investment in the Town Centre through the Town Centre Grants Programme to continue the Council's support of new local businesses through the award of shop front and shop floor grants.

Table 2: Market Walk Income Forecast (June 2014)

	2014/15 Budget	2014/15 Jun-14 Forecast	2014/15 Variance
Income Budget			
Gross Income	(1,759,827)	(1,793,493)	(33,667)
Expenditure Budget			
Operational costs and financing	1,216,630	797,084	(419,546)
	(543,197)	(996,409)	(453,213)
Commitments			
Market Walk Extension - design / feasibility costs	0	190,000	190,000
Reserved for Town Centre Investment	0	100,000	100,000
Net Income	(543,197)	(706,409)	(163,213)
Transfer to reserve as per 2014/15 Budget Report			
Equalisation Reserve (annual contribution)	50,000	50,000	0
Asset Management re Market Walk	50,000	50,000	0
Revised Net Income	(443,197)	(606,419)	(163,213)

39. The approved budget made provision for a £50k transfer to reserve to fund asset maintenance costs outside of the service charge agreement and a £50k transfer to an equalisation account to build up a reserve to fund any future reduction to income levels. Should these amounts remain unchanged, based on current forecasts the revised net income will exceed budgeted estimates by £163k in 2014/15.
40. It is proposed that the additional income of £163k is transferred to reserves, allocated on the 80:20 basis in line with previous allocations, between the Market Walk income equalisation reserve and the change management reserve.

GENERAL FUND RESOURCES AND BALANCES

41. With regard to working balances, and as per Appendix 1, we started the year with a balance of £2.189m. 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 June shows that the General Fund closing balance will be around £2.277m as detailed in the table below.

Table 3 – Movement in General Fund Balance

General Balances	£m
Opening Balance 2014/15	2.189
Provisional revenue budget underspend	0.88
Forecast General Fund Balance 2014/15	2.277

42. In June of this year, the Council approved the transfer of £326k net income from Market Walk in 2013/14 between the Change Management Reserve and Income Equalisation Reserve. A sum of £261k was subsequently allocated to the Change Management Reserve to assist in funding future organisational change. It is proposed that this reserve is used to finance any costs to the Council associated with the authority seeking unitary status if approved.
43. Appendix 3 provides further information about the specific earmarked reserves and provisions available for use throughout 2014/15.

RETAINED BUSINESS RATES

44. The Business Rates Retention (BRR) scheme was introduced in April 2013. It provides a direct link between business rates growth or decline, and the amount of money the council has to spend on local people and local services. The Council is able to keep a proportion of business rates revenue, as well as growth generated on that revenue, within their local area. Conversely any decline in Business Rates revenue levels reduces the income received by the Council.
45. The calculation of the Business Rates expected to be retained (which was included in the 2014/15 approved budget) and a comparison with our latest forecast for the year is outlined below. The council receives resources for the year based on the initial estimate of business rates income included in the budget at the start of the financial year. Any change, be it a surplus or deficit, will normally be realised in the following two years.

Table 4 – Business Rates Income Projection

	Budget 2014/15 £000	June Forecast 2014/15 £000	Variance £000	
Net Rate Yield (after deducting reliefs, cost of collection and appeals)	27,015	27,196	181	1% growth forecast in 2014/15
<i>Calculation of Chorley retained income:</i>				
Retained by Chorley (before tariff/levy)	10,806	10,878	72	CBC retain initial 40% of income collected before further deductions Fixed deduction to Central Government Reduction calculated against excess collected over base funding level
Tariff to Central Government	(7,646)	(7,646)	0	
Levy to Central Government	(620)	(683)	(63)	
Estimated retained business rates	2,540	2,549	9	
Section 31 Grant	753	753	0	
Retained Rates and Section 31 Grant	3,293	3,302	9	
<u>Budget split:</u>				
Base Funding Level	2,619	2,619	0	Included in the budget to smooth future years fluctuations in income
Growth included in base budget	171	171	0	
Growth earmarked for Business Rates Reserve	503	512	9	
	3,293	3,302	9	

46. The latest information of income yield – net of costs for reliefs, cost of collection, bad debt and estimated appeals – is a small increase in Chorley's share of retained rates of £9k. At this stage the monitoring of performance against budgeted estimates for the local retention of business rates is subject to change due to the volatility of variables such as the outcome of outstanding appeals. These latest estimates indicate we are meeting expectations included in the budget however further fluctuations will be closely monitored and any significant variances reported in the next monitoring report to Cabinet.
47. Central Government is committed to refunding Local Authorities for their loss in income from Retained Business Rates as a result of Small Business Rate Relief and Empty Property Relief. DCLG have confirmed that the Council will receive £753k as section 31 grant in relation to reliefs in 2014/15.

SECTION B: CURRENT FORECAST POSITION – CAPITAL

48. The Capital Budget for 2014/15 to 2016/17 as approved at Special Council in February and taking into account amendments reported to the Executive in June within the 2013/14 Outturn Report is as follows:
 - 2014/15: £12.897m
 - 2015/16: £1.305m
 - 2016/17: £0.390m
49. Capital expenditure and commitments raised as of 30th June 2014 are £1.060m. This represents 17% delivery against the 2014/15 budget (excluding the £6.65m earmarked for the Chorley East Health Centre). It is expected that with many schemes now on site that expenditure will accelerate throughout the remainder of the year.

Amendments

50. Executive Cabinet is asked to approve the following addition to the capital budget:
 - We have received a section 106 contribution of £30k to be spent on equipped play space. It is proposed to allocate this funding, in line with the terms of use, to the Adlington Play Facilities Project.
51. The purchase of Market Gazebos for £10k. The markets are at full capacity and the lack of additional gazebos is preventing further stall allocation for the Tuesday market. The new gazebos would also be available for hiring out at other times during the week.
52. In March 2014 Executive Cabinet approved the appointment of P.J. Services to carry out phase 5 works to Cotswold Supported Housing. Since then, further works have been identified including temporary accommodation and CCTV, the requirement for a new alarm system and full electrical re-wire. These costs in total add a further £375k to the initial contract price as per the March report.
53. The increase in cost can be funded through the use of capital budgets that have already been approved. Pending the Cabinet approval the following budget transfers will be actioned: £72k will be transferred from the Council's Asset Management budget; £47k from the affordable housing budget; and £256k from the previously uncommitted Housing renewal budget funded from the carry forward of Regional Housing Pot.
54. The Disabled Facilities budget for the adaptation of disabled peoples' homes previously contained only the grant allocations approved from Central Government. In previous years this has been supplemented by the Council's own funding. It is recommended that the budget in 2014/15 and 2015/16 be increased to £405k and £420k respectively and the additions financed from the remaining Regional Housing Pot funding.

55. If all the recommendations above are approved the revised capital programme will be as summarised below and as presented in Appendix 4:
- 2014/15: £13.014m (includes £6.65m for Chorley East Health Centre)
 - 2015/16: £1.228m
 - 2016/17: £0.390m

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

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

COMMENTS OF THE MONITORING OFFICER

58. 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	29/07/14	Revenue and Capital Budget Monitoring 2014-15 Report 1

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
General Fund Revenue Budget Monitoring 2014/15 Forecast to end of June 2014	Original Cash Budget	Impact of Council Restructure	Agreed Changes (Directorates)	Agreed Changes (Other)	Amended Cash Budget	Contribution to Corp. Savings (Staffing)	Contribution to Corp. Savings (Other)	Current Cash Budget	Forecast Outturn	Variance	Variance
	£	£	£	£	£	£	£	£	£	£	%
Chief Executive	5,715,980	(1,063,130)	14,300	119,132	4,786,282	(50,000)		4,736,282	4,677,110	(59,172)	-1.2%
Customer & Advice Services	1,048,820	985,900	7,340	113,860	2,155,920	(30,000)		2,125,920	2,105,240	(20,680)	-1.0%
Public Protection, Streetscene & Community	6,459,780	77,230	(21,640)	370,540	6,885,910	(20,000)		6,865,910	6,868,200	2,290	0.0%
Directorate Total	13,224,580	-	-	603,532	13,828,112	(100,000)	-	13,728,112	13,650,550	(77,562)	-0.6%
Budgets Excluded from Directorate Monitoring:											
Pensions Account	244,380				244,380			244,380	244,380	-	-
Pensions Deficit Recovery (Fixed Rate)	709,600				709,600			709,600	709,600	-	-
Benefit Payments	91,040				91,040			91,040	22,347	(68,693)	-75.5%
Market Walk	(542,000)				(542,000)			(542,000)	(542,000)	-	-
Corporate Savings Targets											
Management of Establishment	-			(130,000)	(130,000)	100,000		(30,000)	-	30,000	-100.0%
Reduction in Pension Rate	-			-	-			-	0	-	-
Efficiency/Other Savings	-			-	-			-	0	-	-
Total Service Expenditure	13,727,600	-	-	473,532	14,201,132	-	-	14,201,132	14,084,877	(116,255)	-0.8%
Non Service Expenditure											
Contingency Fund	-				-			-	0	-	-
Contingency - Management of Establishment	(130,000)			130,000	-			-	0	-	-
Efficiency/Other Savings	-				-			-	0	-	-
Revenue Contribution to Capital	424,000				424,000			424,000	424,000	-	-
Net Financing Transactions	357,240				357,240			357,240	357,240	-	-
VAT Shelter Income	-				-			-	0	-	-
Transfer to Earmarked Reserve - VAT Shelter Income	-				-			-	0	-	-
Parish Precepts	564,710				564,710			564,710	564,713	3	
Total Non Service Expenditure/Income	1,215,950	-	-	130,000	1,345,950	-	-	1,345,950	1,345,953	3	
Total Expenditure	14,943,550	-	-	603,532	15,547,082	-	-	15,547,082	15,430,830	(116,252)	-0.7%
Financed By											
Council Tax	(6,462,660)				(6,462,660)			(6,462,660)	(6,462,669)	(9)	
Grant for freezing Council Tax 2014/15	(66,250)				(66,250)			(66,250)	(66,138)	112	
Revenue Support Grant	(2,998,550)				(2,998,550)			(2,998,550)	(2,998,546)	4	
Retained Business Rates	(2,531,460)				(2,531,460)			(2,531,460)	(2,531,460)	-	
Government S31 Grants (Small Business Rate Relief)	(752,580)				(752,580)			(752,580)	(752,580)	-	
Business Rates Retention Reserve	502,940				502,940			502,940	502,940	-	
New Homes Bonus	(2,629,750)				(2,629,750)			(2,629,750)	(2,629,818)	(68)	
New Burdens Grant	(16,400)				(16,400)			(16,400)	(16,402)	(2)	
Collection Fund (Surplus)/Deficit	(35,840)				(35,840)			(35,840)	(35,848)	(8)	
Use of Earmarked Reserves - capital financing	-				-			-	-	-	
Use of Earmarked Reserves - revenue expenditure	47,000			(603,532)	(556,532)			(556,532)	(528,532)	28,000	
Budgeted Contribution to General Balances	-				-			-	-	-	
Total Financing	(14,943,550)	-	-	(603,532)	(15,547,082)	-	-	(15,547,082)	(15,519,053)	28,029	-0.2%
Net Expenditure	-	-	-	-	-	-	-	-	(88,223)	(88,223)	
General Balances Summary Position				Target	Forecast						
				£	£						
General Fund Balance at 1 April 2014				2,000,000	2,188,920						
Budgeted Contribution to General Balances					0						
Provisional (Over)/Under Spend					88,223						
Forecast General Fund Balance at 31 March 2015				2,000,000	2,277,143						

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Appendix 2: Investment Areas

Investment Area (Revenue)	2013/14 Investment	2013/14 Recurrent Investment	2014/15 New Investment	2014/15 Total Investment Budget	2014/15 Spend to date	2014/15 Balance	Further Information
Deliver Agreed Neighbourhood Priorities	44,760		50,000	94,760	18,856	75,904	Supporting neighbourhood projects over and above business as usual
16/17 year old drop in scheme			21,000	21,000	9,500	11,500	Homeless 16 /17 years olds are provided with service/support by the Key youth charity.
Britain in Bloom			10,000	10,000	7,500	2,500	The Council won the Gold Award for the Best Small City category at the 2013 North-West In-Bloom Awards and has subsequently been entered to represent the North-West for this category in the national Britain In-Bloom awards in 2014
Connecting Communities through food			12,000	12,000		12,000	The project will collate intelligence, investigate solutions and evaluate options with a focus on food based initiatives such as luncheon clubs and community kitchens. The project will then develop and implement a programme of initiatives to help overcome social isolation in the borough. Commencing the end of the summer.
Meals on Wheels Service			30,000	30,000	1,758	28,242	Delivery of hot meals to older vulnerable people.
Expand the food bank			15,000	15,000	7,500	7,500	This project will look to enhance the existing facility to enable it to cope with, and support a reduction in longer term demand
Extension & improvement of street furniture	6,340		35,000	41,340		41,340	Continuation of the street furniture /litter bin replacement with a further 150 bins over a two year period 2014/15 and 2015/16. Orders due to be placed during the next quarter.
Play and Open Space Strategy	100,000	100,000	50,000	250,000		250,000	Astley Park Play Area Improvements; King George V play area improvements; Play, Open Spaces and Playing Pitch Strategy. Planning decision due on Astley in September and build will commence from October through to March. Work on King George and the Strategy to start in Q4.
Free Swimming			8,000	8,000	7,500	500	Free swimming for 16 year olds and under during the summer school holiday period (Monday to Friday)
British Cycling, Tour of Lancashire			20,000	20,000	10,000	10,000	British Cycling Partnership Agreement 2014/17
Mediation service for Anti Social Behaviour disputes			7,000	7,000		7,000	This project will introduce a scheme to refer parties into mediation where appropriate and will be assessed over the course of the year in terms of success and impact. Currently at procurement stage.
Employee Health scheme			20,000	20,000	3,979	16,021	Continuation of a Health Cash Plan funded by the council. The council pays a fixed contribution per employee which then enables employees to claim back the costs of health related treatments such as dental charges, eye tests and glasses, consultant appointments, professional therapy and many other benefits
Campaigns and events			20,000	20,000	15,000	5,000	Christmas events, Picnic in the Park and other promotional activity in the borough.
Chorley Council energy advice switching service			15,000	15,000	1,650	13,350	Energy switching support service as part of a proactive approach to ensuring that residents of Chorley are on the most cost effective energy tariff
Inward investment delivery	253,600		100,000	353,600	103,817	249,783	Includes: Market Street Shops refurbishment; Inward investment events; Choose Chorley Grant funding.
Town Centre masterplan			35,000	35,000		35,000	Key actions will include detailed master planning of the Fleet Street development and preparation of a prospectus for the civic quarter
Support the expansion of local businesses (BIG grant)	46,620		45,000	91,620	38,395	53,225	Supporting the expansion of local businesses.
Business Start-up (Grant and Loan)			67,000	67,000	910	66,090	Developing the current scheme to deliver a more sustainable support mechanism for business start-ups through moving away from a straight, non-repayable grant into a hybrid grant/loan scheme. Budget remaining from 2013/14 has been spent and applications have been forthcoming for the new scheme.
Town Centre & Steeley Lane Pilot Action Plans			100,000	100,000		100,000	Two year pilot programme of local area projects within the town centre/Steeley Lane areas of Chorley. To date £80k identified for CCTV, new pavements and public realm to be implemented this financial year.
Unify Credit Union	9,000	50,000		59,000	18,400	40,600	Three year recurring budget from 2013/14, contribution to rent and staffing costs of the Credit Union in the Town Centre
Private Property Improvement Scheme	48,030			48,030		48,030	Budget earmarked to make good properties that have fallen into disrepair.
Joint employment initiative with Runshaw College	29,370			29,370	29,370	0	Two-year programme assisting employers through grant assistance to help overcome some of the obstacles in employing an Apprentice.
Community development and volunteering	28,230	50,000		78,230	18,175	60,055	Working with the social enterprise SPICE. 75 local organisations/community groups using time credits involving 750 volunteers
Support to the VCFS Network		15,000		15,000	7,500	7,500	Used to help strengthen the infrastructure and support for third sector organisations.
	565,950	215,000	660,000	1,440,950	299,810	1,141,140	

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Appendix 4 - Capital Programme (June 2014)

	2014/15 Previous Forecast	2014/15 Current Forecast	2014/15 Variance	2015/16 Previous Forecast	2015/16 Current Forecast	2015/16 Variance	2016/17 Previous Forecast	2016/17 Current Forecast	2016/17 Variance	2014/15 to 2016/17 Previous Forecast	2014/15 to 2016/17 Current Forecast	2014/15 to 2016/17 Variance
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Asset Improvement Programme												
Contribution to Cotswold Refurbishment	0	72	72	0	0	0	0	0	0	0	72	72
Other Asset Improvements	200	128	-72	200	200	0	200	200	0	600	528	-72
Regeneration Programme												
Market Street Redevelopment	1,000	1,000	0	0	0	0	0	0	0	1,000	1,000	0
Other Regeneration Projects	300	300	0	0	0	0	0	0	0	300	300	0
Car Park Resurfacing	358	358	0	0	0	0	0	0	0	358	358	0
Market Street Refurbishment (98-102)	32	32	0	0	0	0	0	0	0	32	32	0
Bengal Street Grant 2013-14	40	40	0	0	0	0	0	0	0	40	40	0
Chorley East Health Centre	6,650	6,650	0	0	0	0	0	0	0	6,650	6,650	0
HR Management System	15	15	0	0	0	0	0	0	0	15	15	0
Chorley Market Gazebos	0	10	10	0	0	0	0	0	0	0	10	10
Total Chief Executives	8,595	8,605	10	200	200	0	200	200	0	8,995	9,005	10
Affordable Housing Projects												
Halliwell Street	77	77	0	0	0	0	0	0	0	77	77	0
St George's Street	272	272	0	0	0	0	0	0	0	272	272	0
Beaconsfield Terrace	74	27	-47	0	0	0	0	0	0	74	27	-47
Housing Renewal	380	83	-297	127	0	-127	0	0	0	507	83	-424
Disabled Facilities Grant	305	405	100	370	420	50	0	0	0	675	825	150
Cotswold House Improvements	146	466	320	0	0	0	0	0	0	146	466	320
Bengal Street Depot Accommodation	75	75	0	0	0	0	0	0	0	75	75	0
Home Energy Repair Grants	3	3	0	0	0	0	0	0	0	3	3	0
Climate Change Pot	7	7	0	0	0	0	0	0	0	7	7	0
Thin Client Implementation	47	47	0	0	0	0	0	0	0	47	47	0
Unified Intelligent Desktop	3	3	0	0	0	0	0	0	0	3	3	0
Total Customer and Advice Services	1,388	1,465	77	497	420	-77	0	0	0	1,885	1,885	0
Astley Hall & Park Development Programme												
Astley Hall Farmhouse	78	78	0	0	0	0	0	0	0	78	78	0
Other Astley Hall & Park Development	360	360	0	0	0	0	0	0	0	360	360	0
Astley Hall & Park Development (New Investment)	324	324	0	218	218	0	0	0	0	542	542	0
Adlington Play Facilities (s106)	103	133	30	0	0	0	0	0	0	103	133	30
Big Wood Reservoir	12	12	0	0	0	0	0	0	0	12	12	0
Clayton Brook Village Hall Extension	130	130	0	0	0	0	0	0	0	130	130	0
Eaves Green Play Development (s106)	178	178	0	0	0	0	0	0	0	178	178	0
Leisure Centres Improvements	59	59	0	275	275	0	75	75	0	409	409	0
Play & Recreation Fund (s106)	24	24	0	0	0	0	0	0	0	24	24	0
Play Recreation POS Projects (s106)	155	155	0	0	0	0	0	0	0	155	155	0
Rangletts Recreation Ground (s106)	365	365	0	0	0	0	0	0	0	365	365	0
Recycling receptacles	110	110	0	115	115	0	115	115	0	340	340	0
Buckshaw Village Cycle Network (s106)	11	11	0	0	0	0	0	0	0	11	11	0
Buckshaw Village Rail Station (s106)	726	726	0	0	0	0	0	0	0	726	726	0
Eaves Green Link Road - contbn to LCC - (s106)	80	80	0	0	0	0	0	0	0	80	80	0
Highway Improvements Pilling Lane Area (s106)	150	150	0	0	0	0	150	0	0	150	150	0
Puffin Crossing Collingwood Letchworth (s106)	48	48	0	0	0	0	0	0	0	48	48	0
Yarrow Valley Country Park Reservoir Work	2	2	0	0	0	0	0	0	0	2	2	0
Total Public Protection, Streetscene and Community	2,914	2,945	30	608	608	0	190	190	0	3,712	3,743	30
Total Capital Programme	12,897	13,014	117	1,305	1,228	-77	390	390	0	14,592	14,632	40

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Analysis of Reserves and Provisions 2013/14

Reserve or Provision	Purpose	Opening Balance 01/04/14 £	Other Transfers 2014/15 £	Forecast Use in 2014/15 £	Forecast Balance 31/03/15 £	Notes
Reserves						
General Fund Balance		2,188,920	153,870		2,342,790	(1)
Change Management Reserve	Unused balance from 2012/13	6,600			6,600	
Change Management Reserve	From Market Walk net income 2013/14	260,950	130,400		391,350	
VAT Shelter Income	Capital/revenue financing	121,340		(121,340)	0	
Provision for Pension Liabilities	Payment to Lancashire Pension Fund	1,750,000			1,750,000	
Market Walk	Income Equalisation Reserve	65,240	82,600		147,840	
Market Walk	Asset Management	0	50,000		50,000	
S31 Grant	Empty property/small business rate relief	331,770		(115,000)	216,770	
Business Rates Retention	Surplus on levy payment	30,470	502,940		533,410	
Non-Directorate Reserves		2,566,370	765,940	(236,340)	3,095,970	
Chief Executive						
	Slippage from 2013/14	24,000		(24,000)	0	
Chief Executive's Office		24,000	0	(24,000)	0	
	Slippage from 2013/14	9,000		(9,000)	0	
	PRG - capital financing	48,860		(48,860)	0	
	PRG - uncommitted	29,350		(29,350)	0	
	2013/14 New Investment Projects	9,000		(9,000)	0	
Policy & Performance		96,210	0	(96,210)	0	
	Town Centre Grants	92,900	100,000	(92,900)	100,000	
	Town Centre Reserve	158,300		(158,300)	0	
	2013/14 New Investment Projects	329,590		(329,590)	0	
Economic Development		580,790	100,000	(580,790)	100,000	
	Legal Case Mgt System	1,520		(1,520)	0	
	Town Hall Roof Safety Boards	16,000		(16,000)	0	
	Union Street Roof Safety Boards	10,000		(10,000)	0	
	Capital financing	73,760		(73,760)	0	
	2013/14 New Investment Projects	48,030		(10,000)	38,030	
	Slippage from 2013/14	26,140		(26,140)	0	
	Buildings Fund	176,680		(176,680)	0	
	Elections	85,000		(27,000)	58,000	
Governance		437,130	0	(341,100)	96,030	
	Slippage from 2013/14	5,000		(5,000)	0	
Shared Financial Services		5,000	0	(5,000)	0	
	Slippage from 2013/14	13,640		(13,640)	0	
	HR Reserve from 2013/14 underspends	20,000		(20,000)	0	
	Impact of 2014/15 Pay Policy	0	10,000	(10,000)	0	
	Additional NEETs	44,330		(21,265)	23,065	(3)
Human Resources & OD		77,970	10,000	(64,905)	23,065	
Chief Executive		1,221,100	110,000	(1,112,005)	219,095	
Customer & Advice Services						
	Slippage from 2013/14	10,610		(10,610)	0	
	Government Grants (Housing)	542,820		(257,000)	285,820	
	Handyperson Scheme	45,870		0	45,870	
	Capital financing	7,920		(7,920)	0	
Housing		607,220	0	(275,530)	331,690	
	ICT Projects	211,390		(211,390)	0	
	Slippage from 2013/14	116,270		(68,900)	47,370	(3)
	ICT Reserve from 2013/14 underspends	25,000		(25,000)	0	
	Capital financing	8,450		(8,450)	0	
ICT Services		361,110	0	(313,740)	47,370	
Customer & Advice Services		968,330	0	(589,270)	379,060	
Public Protection, Streetscene & Community						
	Environmental clean-ups/grot spots.	56,500		(56,500)	0	
	Neighbourhood Working (pump priming)	71,270		(71,270)	0	

Analysis of Reserves and Provisions 2013/14

Reserve or Provision	Purpose	Opening Balance 01/04/14 £	Other Transfers 2014/15 £	Forecast Use in 2014/15 £	Forecast Balance 31/03/15 £	Notes
2013/14 New Investment Projects		72,990		(72,990)	0	
Slippage from 2013/14		7,600		(7,600)	0	
Health, Environment & Neighbourhoods		208,360	0	(208,360)	0	
2013/14 New Investment Projects		106,340		(106,340)	0	
Slippage from 2013/14		45,010		(45,010)	0	
Astley Hall Works of Art		5,840			5,840	(2)
Allotment Development		10,830		(10,830)	0	
Maintenance of Grounds		62,200	10,000		72,200	(2)
Streetscene & Leisure Contracts		230,220	10,000	(162,180)	78,040	
Planning Appeal Costs		47,830		(47,830)	0	
Government Grants (Personal Searches)		34,350		(34,350)	0	(2)
Local Development Framework		0			0	
Planning		82,180	0	(82,180)	0	
Public Protection, Streetscene & Community		520,760	10,000	(452,720)	78,040	
Directorate Reserves		2,710,190	120,000	(2,153,995)	676,195	
Earmarked Reserves		5,276,560	885,940	(2,390,335)	3,772,165	
Total Reserves		7,465,480	1,039,810	(2,390,335)	6,114,955	
Provisions						
Insurance Provision	Potential MMI clawback	20,778		(20,778)	0	
Other Provisions	Asda re: land at Bolton Street	10,000		(10,000)	0	
Total Provisions		30,778	0	(30,778)	0	

Notes

(1) Based on forecast as at 30 June 2014.

(2) Use of these reserves outlined in revenue budget monitoring reports during 2014/15.

(3) Committed for use in 2015/16.



Report of	Meeting	Date
Director of Public Protection, Streetscene and Community (Introduced by the Executive Member for Resources)	Executive Cabinet	28 August 2014

CROSTON FLOOD RISK MANAGEMENT SCHEME - UPDATE

PURPOSE OF REPORT

1. To provide a further update on the flood risk management scheme for Croston and to seek approval for an approach to raise a £1.1M funding contribution.

RECOMMENDATION(S)

2. That the update provided in the report is noted.
3. That the Council continue to proactively seek contributions from other partners and central government in order to bridge the gap.
4. That the Executive Cabinet recommends to Full Council that Chorley Council contribute £600,000 to the project, in the event of partners and central government funding not bridging the gap.
5. That the Council consults with Croston Parish Council and all Croston residents regarding the possible introduction of a local levy, or equivalent recharge, to fund the remaining £500K, in the event of partners and central government funding not bridging the gap.

EXECUTIVE SUMMARY OF REPORT

6. Following the Executive Cabinet meeting on 26th June 2014 the Council has written to partners and central government to seek further contributions towards the Croston scheme.
7. Unless agreement on how to fund the £1.1M is reached and confirmed by November 2014, the Croston flood scheme will not go ahead and the funding already secured will be allocated to other schemes.
8. A number of options to secure this funding gap, including an option to consult with Croston Parish Council and Croston residents regarding the introduction of a local levy or equivalent recharge, are detailed in the report.

Confidential report Please bold as appropriate	Yes	No
----------------------------------------------------------	-----	----

Key Decision? Please bold as appropriate	Yes	No
----------------------------------------------------	-----	----

Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 9. To support the proposed flood risk management scheme for Croston and to seek approval for an approach to raise a £1.1M funding contribution.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 10. Not to contribute any funding. This would mean that the scheme would be unlikely to proceed, the £4.5M funding would be allocated to another scheme, and Croston residents would not benefit from improved flood protection.

CORPORATE PRIORITIES

- 11. 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	✓

BACKGROUND

- 12. Croston village is located on the River Yarrow, just upstream from where it meets the Rivers Lostock and Douglas. This meeting of rivers combined with a series of culverted (underground) watercourses, drains, sewers and surface water runoff means that Croston has experienced flooding several times. Major historical flood events were recorded in September 1946, February 1966, August 1987, December 1999, May 2000, October 2000, January 2008 and June 2012. The worst flood in recent history occurred on 22nd August 1987 when around 205 properties, mostly residential, were flooded. On the 22nd June 2012, 30 homes and businesses flooded in Croston after torrential rainfall in what became one of the wettest summers on record.
- 13. Following the Executive Cabinet meeting on 26th June 2014 the following recommendations were agreed:
 - 1. That the update provided in the report be noted.
 - 2. Support granted to the scheme to construct a Flood Storage Area as detailed in the report, subject to planning approval.
 - 3. That the Executive Cabinet write to the Government, the Department for Environment, Food and Rural Affairs and the Member of Parliament for South Ribble requesting that the £1.1 million funding gap to deliver the Scheme. (This decision was made with cross party support).

4. The decision on consultation with local stakeholders regarding the budget gap be brought back to the Executive following the receipt of the responses to the letters referred to in recommendation 3.

UPDATE

14. Letters have been sent out as per the recommendation to:
 - 10 Downing Street
 - Department for Environment, Food and Rural Affairs
 - Members of Parliament for South Ribble and Chorley
15. Letters also have been sent out to:
 - Lancashire County Council (LCC)
 - United Utilities
16. A reply has been received from Elizabeth Truss MP, Secretary of State for the Environment, Food and Rural Affairs outlining the Government position confirming that no further funding will be made available for the scheme.
17. A reply from LCC has also been received together with a commitment to provide £80K of additional funding subject to budget approval. Together with the £266K previously committed to the scheme, this would bring LCC's total contribution to £346K and would reduce the funding gap to £1.02M
18. No other replies have been received to date.
19. Unless agreement on how to fund the £1.1M is reached and confirmed by November 2014 the Croston flood scheme will not go ahead and the funding already secured will be allocated to other schemes.
20. It is proposed that the following options to secure this funding gap are now considered:
 1. That the Council continue to proactively seek contributions from other partners and central government in order to bridge the gap.
 2. That the Executive Cabinet recommends to Full Council that Chorley Council contribute £600,000 to the project, in the event of partners and central government funding not bridging the gap.
 3. That the Council consults with Croston Parish Council and all Croston residents regarding the possible introduction of a local levy, or equivalent recharge, to fund the remaining £500K, in the event of partners and central government funding not bridging the gap.
21. A local levy for £500K over 25 years covering Croston would cost each property approximately £32 per year (Band D average if charged through Special Expenses element of Council Tax).
22. The Environment Agency (EA) has confirmed that the scheme would benefit Croston residents financially through lower insurance premiums, increased property values and savings from not having to pay for flood damage.
23. The consultation will be by letter and involve all Croston Parish residents.

RISKS

24. The key risks associated with the delivery of the scheme are as follows:

- Securing the required funding – £1.1M funding still required and the core EA funding of £4.5M is conditional on the scheme starting in March 2015.
- Securing planning permission – Pre-meetings have been held with the Local Planning Authority.
- Landowner support – Landowners affected by the construction and operation of the scheme have been consulted and have agreed to allow the scheme to progress subject to legal agreement.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

26. To date no further contributions from partners have been committed, though LCC has identified £80K of additional funding subject to approval of the budget. If approved, this would reduce the funding gap to £1.02M. The effect of this potential reduction in the funding gap has not been reflected in estimated financing costs because the impact is marginal.
27. The scale of the funding gap at present is £1.1M, and options to fund this are detailed in the report. The recommendation is that the Council should contribute £600K to the project, and that Croston Parish Council and Croston residents should be consulted about contributing the remaining £500k, in the event that funding from partners or central government is not available to meet the shortfall. Should this approach be agreed, the Council would need to add a £1.1M budget to its Capital Programme, to be financed by prudential borrowing. The financing costs of Croston's £500K share would be recharged over an appropriate period.
28. Appendix 1 presents the cost per year of various levels of contributions from Chorley Council and Croston taxpayers. Figures are presented for funding over 25 years and 50 years. A contribution of £600K would cost the Council £37K per year over 25 years, and £28k per year over 50 years. The Band D average cost of £500K would be £32 over 25 years, and £24 over 50. If financed over 50 years rather than 25, more interest would be payable.
29. The estimated period of benefit of the flood risk management scheme is 100 years, but financing the contribution over a maximum of 50 years may be considered more prudent. This issue would be discussed with the Council's external auditor, as would be the calculation of charges to Croston residents, and the calculation of the Minimum Revenue Provision (MRP).
30. The illustrative figures for the cost per Croston Council Taxpayer per year assume that the financing cost would be recovered through the Special Expenses element of Council Tax.

However, should Croston residents make a contribution to the scheme, other methods of recharging costs may be possible.

COMMENTS OF THE MONITORING OFFICER

31. Seeking funding from residents who benefit from the scheme is appropriate given the financial benefits they will gain via savings on insurance premiums and the improved quality of life this scheme will provide. The funding arrangements will need careful consideration and can be personal to each resident. Other alternatives can be considered. All will carry risks (empty properties and recovery of sums being the obvious ones). Residents can be consulted on this with a variety of offers including paying a higher sum over a shorter period which may appeal to some, and will limit risk to the council concerning longer term recovery..
32. Over time recovery would become more difficult as people moved out of the area, became difficult to trace and less willing to contribute to a scheme from which they no longer perceive any personal benefit. The loss to the Council is increased over a longer period of time if the contribution is not index linked.

JAMIE CARSON
DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jamie Dixon	5250	07-08-2014	EC Croston Flood Scheme update

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ESTIMATED ANNUAL COSTS FOR CONTRIBUTIONS TO SCHEME

CHORLEY COUNCIL				CROSTON TAXPAYERS					
25 years		50 years		25 years			50 years		
Contribution £	Cost per year £	Contribution £	Cost per year £	Contribution £	Cost per year £	Band D average cost per year £	Contribution £	Cost per year £	Band D average cost per year £
600,000	36,990	600,000	27,700	500,000	30,830	32	500,000	23,080	24
700,000	43,160	700,000	32,320	400,000	24,660	26	400,000	18,470	19
800,000	49,320	800,000	36,930	300,000	18,500	19	300,000	13,850	14
900,000	55,490	900,000	41,550	200,000	12,330	13	200,000	9,230	10
1,000,000	61,660	1,000,000	46,170	100,000	6,170	6	100,000	4,620	5
1,100,000	67,820	1,100,000	50,780	0	0	0	0	0	0

Assumptions:

Costs are based on 25-year and 50-year Public Works Loan Board (PWLB) fixed rate (certainty) loans as at 7 August 2014 and include repayment of principal and interest.

The cost per year to the Council and Croston Taxpayers would be calculated over 25 or 50 years, not a combination of the two. Other financing periods could be considered.

Illustrative charges to Croston taxpayers are based on use of the Special Expenses method and the 2014/15 Tax Base. Other recharge methods may be possible.

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REPORT OF OVERVIEW AND SCRUTINY COMMITTEE

1. This report summarises the business considered at the meeting of the Overview and Scrutiny Performance Panel on 10 July 2014.

OVERVIEW AND SCRUTINY PERFORMANCE PANEL – 10 JULY 2014**Performance Focus: Streetscene Services**

2. The Panel had expressed an interest in scrutinising the performance of Streetscene Services, with a particular focus on grounds maintenance, street cleansing and parks and open spaces. We considered a report of the Chief Executive which gave key performance indicators for Streetscene Services and summarised project delivery, budget investment, modernisation and customer satisfaction information.
3. Councillor Adrian Lowe, Executive Member for Streetscene Services attended the meeting along with Jamie Dixon, Head of presented the report and answered questions of the Panel.

Performance

We were informed that new IT systems were now in place to try and improve performance indicators that were currently off target. Call back figures had improved following a change in mobile devices from Blackberries to iPads with a significant reduction in repeat requests. Members were encouraged to log in to My Account through the website to register service requests/issues as we would be informed via email of progress when requests etc. were resolved and we asked for this initiative to be promoted to Councillors, Parish and Town Councils as well as with the public. Members commented that responses to multi issue or multi street queries appeared to take a longer time to resolve and officers reported that this issue was being looked in to.

Project Delivery

In response to queries regarding prioritisation of neighbourhood projects, it was reported that streetscene services were managing over 35 of these projects. As part of managing capacity, the projects had been staggered to be delivered over the year and although the majority would not start until at least September 2014, all were on course to be completed by the end of the Council year.

Budget Investment

Investment of new litter bins had received good feedback with larger capacity bins that could take dog waste. Issues with unadopted areas in Buckshaw had meant that bin location and waste collection were complex due to the different landowners and developers involved. However, work was ongoing in Main Square to locate bins just prior to the area being adopted. In delivering the Astley 2020 project, car parking was raised as an issue. We were informed that although Car Park Infrastructure was in the current year's programme, this would require a feasibility study and planning permission and therefore could not be completed until 2015/16.

Modernisation

The Panel commented on the need to either cut the grass more frequently or to collect the cuttings whilst mowing grassed areas. Both of these issues had cost implications. The Council would look at hotspots where this was a problem, but was also looking to start grass cutting earlier in the year.

In relation to public realm improvements we were informed that Lancashire County Council would not enforce obstructions on the highways unless there was a highways safety issue.

Customer Satisfaction

To improve on customer satisfaction, the Panel were advised that IT solutions and calling cards were in place. Customer feedback was being reviewed and officers looked for particular themes/communication issues to try and identify problems.

Chorley Council Performance Monitoring – Fourth Quarter

4. We considered the Council's Performance Monitoring for the fourth quarter of 2013/14 which had been reported to Executive Cabinet in June that set out performance against the Corporate Strategy, with a summary of the performance of key projects, all of which were on track or scheduled to start later in the year. 72% of corporate strategy measures and 86% of key service measures were performing on or above target or within 5% tolerance.
5. We were provided with information on action plans that had been developed to improve performance for those projects that were performing below target and received assurances that information would be circulated on responses to queries that the Panel had raised on the following:
 - Delivery of the Chorley Youth Zone
 - An update on progress of the Friday Street Health Centre
 - Changes to working practices to fit neighbourhood working and public health priorities
 - Working Together with Families
 - Establishing a Chorley Youth Council/Youth Ambassador Scheme
 - Chorley's Credit Union – extending the offer

Recommendation

6. To note the report.

COUNCILLOR JOHN WALKER
CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE

DS



Report of	Meeting	Date
Chief Executive	Council	23 September 2014

OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

PURPOSE OF REPORT

1. To advise Members of new requirements under the Openness of Local Government Bodies Regulations 2014 and to agree proposals for their implementation.

RECOMMENDATION(S)

2. That the proposed protocol for the use of mobile phones, social media, filming and recording at meetings (Appendix A) be approved and incorporated into the Council's Constitution as a new section F in Appendix 3, the Standing Orders section.
3. That the proposals for recording officer decisions be approved and authority is delegated to the Monitoring Officer to make any necessary amendments to the Constitution to implement them.

Confidential report 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	x

BACKGROUND

5. The Openness of Local Government Bodies Regulations 2014 came into force on 6 August this year and require local authorities to make specific provision in two key areas:
 - The recording and filming of the public parts of Council and committee meetings including using mobile phones and social media to share information; and
 - Producing a published record of officer delegated decisions relating to permissions, licences and certain contracts and expenditure.

USE OF MOBILE PHONES, SOCIAL MEDIA, FILMING AND RECORDING OF MEETINGS

6. The Regulations state that Councils have to allow the public to use any communication method, including the internet to publish, post or otherwise share information they wish to impart. This includes filming, audio recording, photographing or tweeting proceedings. This only applies to the public parts of a meeting.
7. The Council does not currently have any specific protocol in place for this and having considered the protocols adopted by other Councils, the attached guidance (Appendix A) has been drawn up. This advises the public, press and Councillors on acceptable use of mobile phones, social media, filming and recording during Chorley Council meetings and during other Committees, Task Groups and other public meetings. The provisions are wide as required by the Regulations, but if adopted, the Chair of a meeting would have the power to rescind permission if it caused disruption to a meeting.
8. In the case of members of the public speaking at a meeting, e.g. Development Control Committee, the Chair will ask the person first if they object to being filmed and will only permit filming where their express permission has been granted.
9. Councillors who are Members of the Committee are required to give their full attention to the meeting and must not be distracted by using social media or mobile devices.
10. Members are asked to consider and comment on Appendix A, with a view to approving it for incorporation into the Council's Constitution.

RECORDING OF OFFICER DECISIONS

11. The regulations also state that local authorities must produce a written record of certain decisions taken by officers acting under powers delegated to them by a council or local government body, its committees or sub committees or a joint committee. The written record must be available for inspection and on the council's external website as soon as reasonably practicable after the making of the decision. The written record must be retained for six years and background papers retained for four years. It should include officer decisions relating to all issues specifically delegated or in the case of those generally delegated in the following areas:
 - those granting a permission or licence;
 - those affecting the rights of an individual;
 - the award of a contract or the incurring of expenditure which in either case materially affects the Council's position. This has been treated for the purposes of these regulations as Key Decision level.
12. These are not Executive decisions as they are covered by our Executive Member decisions procedure, required under different regulations. These officer decisions, including background papers, must be published as soon as reasonably practical and must contain:
 - The date of the decision
 - A record of the decision and the reasons
 - Any alternative options considered and rejected
13. The Department for Communities and Local Government (DCLG) has issued guidance on the level of officer decision making which needs to be published under the new Openness of Local Government Bodies Regulations 2014. These do not include day to day administrative and operational decisions. If a written record of the decision, the date and the reasons is already required to be published in accordance with another statutory requirement then the new duty under the Regulations is deemed to be satisfied. The

Council already publishes delegated decisions to grant planning permission, listed building consent and consent to work to trees covered by a Tree Preservation Order along with reasons on its external website. It is for each council to determine what information they should record and publish. Failure to do so will be a criminal offence for which the authority and/or an officer could be prosecuted and fined up to £200.

14. Discussions with the Monitoring Officer have taken place and it is suggested that the following decisions fall within the guidance and should be published on a monthly basis, together with reasons and details of alternative options considered and rejected.
 - The issue of all licences by the council e.g. premises licences to sell alcohol, personal licences to authorise the sale of alcohol, gambling premises licences, licences to private hire operators, hackney carriage and private hire vehicles and drivers; dog boarding, riding establishments, mobile homes, sex shops, scrap metal dealers and collectors, street trading consents and other similar licences. These will be published on a monthly basis. This list is non-exhaustive and publication of all delegated decisions on any permission or licence issued by the Council covered by the Regulations would need to be made.
 - Street closure orders permitting public processions and commemorative events e.g. the Falklands Day Parade
 - All contracts over £100,000 excluding VAT per annum.
 - Decisions to spend over £100,000 (all spend above £500 is already recorded on the council’s external website)
 - Building control decisions and notices

15. Existing Council databases will primarily be used for the publication of the decisions, although options around the use of the Modgov system will be investigated.

16. The scope of officer delegated decisions to be recorded and published will be subject to review and more might be added to the publication list.

17. The Council is obliged under the Government’s Local Government Transparency Code 2014 to publish all contracts with a value of over £5,000 and expenditure over £500 (the Council voluntarily publishes all expenditure above a lower threshold of £250 which is a recommendation and not a requirement of the Transparency Code). This obligation sits alongside the duty under the Openness Regulations 2014, along with the Council’s duty to react to requests for disclosure under the Freedom of Information Act 2000. The detail required under the 2014 Transparency Code differs from that required in the Openness Regulations and does not include reasons for the decision. It should be noted that the Council already exceed their obligations under the Transparency Code and meet or exceed all existing statutory responsibilities.

IMPLICATIONS OF REPORT

18. 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

19. More staff time will be involved at least initially in developing a means of recording and publishing decisions and their reasons in a timely manner.

COMMENTS OF THE MONITORING OFFICER

20. The report makes recommendations which are in accordance with the 2014 Regulations and Guidance issued by the Department for Communities and Local Government.
21. No further action is required by the Council if a written record of the delegated decision, the date and the reasons for the decision are already required be produced under any other statutory requirement.
22. The distinction between public and confidential items remains so for example, officer delegated decisions to grant licences to taxi drivers where the applicant has previous convictions or cautions will need to be anonymised to exclude personal data.

**GARY HALL
CHIEF EXECUTIVE**

There are no background papers to this report other than published DCLG Guidance

Report Author	Ext	Date	Doc ID
Carol Russell/Alex Jackson	5196/5166	15 September 2014	***

APPENDIX A**To be included in the Standing Orders Section of the Council's Constitution****USE OF MOBILE PHONES, SOCIAL MEDIA, FILMING AND RECORDING AT MEETINGS****1. Introduction**

1.1 This protocol provides guidance to members of the public, press and Councillors on the use of mobile phones, social media and filming and recording at formal meetings of Chorley Council, Cabinet and Committees.

1.2 Social media refers to the use of web-based technologies to share information and to interact with online communities, e.g. blogs, Twitter, Facebook.

2. Filming and Recording of Meetings

2.1 The filming, videoing, photographing or recording Council meetings or other meetings which are open to the public is allowed, providing it does not disturb the conduct of the meeting.

2.2 The Chair of the meeting will have the power to rescind this permission if it is disruptive or distracting to the good order and conduct of the meeting, for example through flash photography or intrusive camera equipment.

2.3 All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

2.4 If a meeting passes a motion to exclude the press and public, or if the Council consider that sensitive issues are to be debated, then, in conjunction with this, all rights to record the meeting are removed.

2.5 The Chair of the meeting will have the power to disallow filming by any person who has previously caused a disturbance by filming, or has subsequently made this film available (on the internet, for example) in a way that has misrepresented the meeting, the Council or individual Councillors.

3. Filming Members of the Public

3.1 In the case of members of the public speaking at meetings (at Development Control Committee, for example) the Chair will ask each individual to give their express permission to being filmed and they will not be filmed if they actively object.

4. Use of Mobile Devices

4.1 To minimise disruption to others attending the meeting, all attendees must ensure that their phone or other mobile devices are switched off or set to silent mode during the meeting.

4.2 The use of social media in formal meetings is permitted for members of the public, press and Councillors who are not members of the meeting, so long as this does not cause any disruption or disturbance. The Chair's decision on this point is final. The full attention of Councillors who are members of the meeting (full Council, Cabinet, Committee, etc.) is required at all times and these Councillors must not be distracted by using social media or any mobile devices.

4.3 No Councillor in attendance, whether a decision-maker or observer, is permitted to use social media or mobile devices during a private session (when the press and the public are excluded), or to disclose in any way the content of the items under discussion.

4.4 The Members' Code of Conduct will apply when using social media. Inappropriate comments made during a meeting could open Councillors to potential complaints or investigation under the Code of Conduct.

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Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Public Protection)	COUNCIL	23 September 2014

STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

PURPOSE OF REPORT

- To advise Members of the responses to the draft Statement of Community Involvement and adopt it as attached at Appendix A.

RECOMMENDATION(S)

- To adopt the Statement of Community Involvement.

EXECUTIVE SUMMARY OF REPORT

- The Statement of Community Involvement (SCI) will provide the community and other interested parties with clarity on the levels of involvement in the planning process. It details how the Council will consult in relation to preparing planning policy documents and in determining planning applications. Once finalised, the Council is required to act in accordance with the adopted document. The Council adopted an SCI in 2006, and this is therefore being updated. The revised draft SCI has been subject to a 4 week consultation between Monday 30 June and Monday 28 July 2014 receiving 8 responses (5 had no comment to make, 1 support and 2 responses to amend the document). No changes are proposed to the main body of the document although relevant statutory consultees are added to Appendix 1 of the document. It is recommended the Statement of Community Involvement is adopted.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
----------------------------------------------------	-----	-----------

Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- To ensure that the Council fulfils its commitment set out in the Local Development Scheme to produce such documents in a timely fashion.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. None as subject to statutory regulations as how prepared.

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	x

BACKGROUND

7. Under section 18 of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities (LPAs) are required to produce a Statement of Community Involvement (SCI), which outlines the Council's strategy for involving community groups, stakeholders and other organisations in the preparation and review of planning policy documents, and in the consideration of planning applications. The Council adopted an SCI in 2006, and this is therefore being updated.
8. The revised SCI has been produced in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which reflect the reforms set out in the Localism Act 2011, and consolidates the changes made to the 2004 Regulations into a single document; and ensure the new regulations are as effective and simple as possible. The main changes to the SCI of 2006 are:
- Local planning authorities are required to make information on their planning activity available to their communities as soon as it is ready, and to do so on-line;
 - The new regulations prescribe additional bodies that are subject to the 'duty to co-operate' under section 110 of the Localism Act 2011.
 - The preparation and adoption stages by local planning authorities of development plan documents and supplementary planning documents including as to consultation with interested persons and bodies and the documents which must be made available at each stage.
9. The SCI also covers the consultation process for when a Neighbourhood Plan application is submitted and the consultation process for the Community Infrastructure Levy Charging Schedule.
10. Local planning authorities have a statutory requirement to state how they will involve the community in preparing planning policy documents and in determining planning applications. Through the SCI, the local planning authority sets out clearly how and when the community, and other interested parties, can expect to be involved in the planning process.

STATEMENT OF COMMUNITY INVOLVEMENT CONSULTATION RESPONSES

11. The revised SCI was subject to 4 weeks public consultation between Monday 30 June and Monday 28 July 2014 outlining how the Council now consults on all aspects of planning. Although part of the Local Development Framework, the SCI is not required to undergo the same level of consultation that other documents are. The Council notified all statutory consultees and those who have a duty to co-operate. In addition to this, the Council contacted interest groups and organisations, and the consultation was publicised via the Council's website, "In the Know" the Councillors electronic newsletter and "In the Borough" the Parish Councillors electronic letter which extends to the Council's partners, community and voluntary groups.

12. The Council received 8 responses to the draft SCI. English Heritage, Lancashire County Council, the Highway Agency, South Ribble Borough Council and Heskin Parish Council have no comments to make and Natural England is supportive of the principle of meaningful and early engagement.
13. Anderton Parish Council has concerns regarding Section 3 of the SCI in respect of the development of the policy regarding pre-application consultation for planning applications:
 - If not treated very carefully pre-application advice can have the effect of giving an incorrect impression to the potential applicant. The parish council are concerned that para. 3.3 states that these consultations will be confidential (presumably to planning officers) whilst in para. 3.4 an objective is claimed to be to obtain community acceptance.
 - Preference for a more formal structure such as Stage 1 and Stage 2 planning applications. Stage 1 would constitute pre-application advice but would have a restricted circulation including appropriate community representatives, such as borough and/or parish councillors. Stage 2 would be the normal application process.
 - The first line of para. 3.9 is too definitive. It should say 'Small scale proposals such as house extensions or advertisements may also benefit from community involvement at an early stage'.
14. In response to Anderton Parish Council the Localism Act 2011 proposed mandatory pre-application consultation on large scale major applications with local communities but to date this has not been enacted by the Secretary of State. Developers are encouraged to incorporate community involvement into their development programme to allow for enough time to be devoted to involve the community. Pre-application consultation for planning applications is encouraged and will remain confidential between the party and the local planning authority, allowing advice to be given on the most appropriate consultation methods, who to consult within the local area and where to hold a public exhibition (if appropriate). The Council cannot regulate that small-scale proposals such as house extensions or advertisements benefit from community involvement. Applicants are encouraged to discuss their proposals with the occupiers of neighbouring property that might be affected and to take account of their concerns where possible and check individual requirements with infrastructure providers and key consultation bodies. No changes are proposed to the SCI document in respect of Anderton Parish Council's concerns. Nevertheless please note that a full assessment of the proposal can only be made as part of a planning application and Planning Policies/legislation may have changed and pre-application comments are for general guidance only and are made without prejudice to the determination of any future planning application.
15. The Canal & River Trust notes the draft SCI does not make provision for engaging with statutory consultees during the pre-application consultation process. The Canal & River Trust is keen to be consulted at the pre-application stage in respect of significant development proposals in the vicinity of the Leeds & Liverpool Canal. The Canal & River Trust requests they are also identified as a general consultee in respect of local planning policy (Appendix 1 of the SCI).
16. In response the Council note the National Planning Policy Framework and National Planning Policy Guidance advise that it is good practice for statutory consultees to provide advice at the pre-application stage so that the relevant issues can be raised and addressed upfront. The Council will always encourage an applicant at pre – application stage to consult with statutory consultees that may have an interest in the proposals and to seek out their advice. Para 191 (the Framework) says "The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible". The National Planning Practice Guidance (updated June 2014) lists statutory consultees on applications for

planning permission and heritage applications and includes the Canal and River Trust, The Theatres Trust and Sport England as statutory consultees. The SCI, Appendix 1 lists statutory consultees and it is proposed to add the Canal and River Trust, the Theatres Trust and Sport England to this list.

- 17. The adoption of the SCI will set the standards for community engagement in all planning policy matters, such as the Local Development Framework process, as well as detailing pre-application consultation and consultation on planning applications. The Council must adhere to the SCI for all consultations relating to planning issues. The methods of consultation set out in the SCI are a minimum standard that the Council is expected to undertake as part of the planning process. In certain circumstances, if it were felt necessary, wider consultation techniques can be used, in addition to those set out in the SCI.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 19. The report sets out the Council's approach to consultation. The biggest element of cost is likely to be officer time which is contained within the Council's base budget. There may be some marginal costs dependent upon the scale of the consultation, but these will be contained within current budget allocations where possible. Any deviation required will be reported to Members.

COMMENTS OF THE MONITORING OFFICER

- 20. The legal position is properly detailed within the report.

COMMENTS OF THE HEAD OF POLICY AND COMMUNICATIONS

- 21. The statement of community involvement sets out the council's approach to consultation on planning matters. It supports the council's consultation and engagement strategy and equality scheme.

GARY HALL
CHIEF EXECUTIVE

Background Papers			
Document	Date	File	Place of Inspection
Draft Statement of Community Involvement June 2014	26 June 2014		Union Street

Report Author	Ext	Date	Doc ID
Alison Marland	5281	9 September 2014	***

APPENDIX A



Statement of Community Involvement

September 2014



Statement of Community Involvement

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Statement of Community Involvement 2014

1. Introduction

Role and Purpose of the SCI

- 1.1 The role and purpose of the Statement of Community Involvement (SCI) is to provide the community with clarity on the levels of involvement and engagement that they should expect in planning processes. It gives a level of certainty to key stakeholders, the general public and representative organisations as to how they can be involved in plan making and development control management processes.
- 1.2 Chorley Council will have to comply with the standards and methods of consultation as set out in the SCI when preparing and reviewing planning documents in the Local Development Framework and when determining planning applications in development control.
- 1.3 This SCI supersedes the 2006 SCI and has been produced in line with the 2012 Town and County Planning (Local Planning) (England) Regulations (as amended).

General Principles of Planning Consultation

- 1.4 Local Plan documents and determination of planning decisions must comply with the general duty in the Equality Act 2010. The Council is committed to equality and diversity and will apply some general principles to any planning consultations it carries out. These are:
 - Involvement will be open to all, regardless of age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, rurality, sex and sexual orientation;
 - We will seek views of interested and affected parties as soon as possible;
 - Consultation publications will be clear, concise and avoid unnecessary jargon; and
 - As part of the Local Development Framework, we will inform people who respond to consultations of later stages, if they request that we do so.

Role of Planning Officers

- 1.5 Planning Officers are generally available by prior appointment to discuss issues raised during the production of local development documents and in relation to pre-application and planning application enquiries. The Council operates a charging scheme for pre-application enquiries.

Role of Councillors

- 1.6 Councillors as elected representatives have an important role within the planning system, as both decision makers and as community representatives. Councillors are a vital link between the local community and the Council. Councillors also make decisions on planning issues, such as adopting Planning Policy documents and in deciding planning applications.
- 1.7 Whilst Councillors are willing to receive and consider the views of their constituents on planning matters, it should be noted that if any person wishes to formally comment on a planning document or application they should write to the Director of Public Protection, Streetscene and Community or as otherwise indicated in consultation documents.

Relationship with Other Plans, Strategies and Corporate Initiatives

- 1.8 The SCI will have regard to other council initiatives and strategies which promote community involvement and participation.

2. Involving the Community in the Local Development Framework

- 2.1 It is the duty of the Local Planning Authority to prepare an up-to-date Local Plan for its area. Such development plan documents can contain strategic policies, land allocations, designations and development management policies which are used to determine the outcome of planning applications. This plan, and its component parts, must be supported by evidence, be consistent with the National Planning Policy Framework (The Framework) and must also be drawn up with involvement from the community.
- 2.2 The plans that the Council is producing and their timetables for production are published in the Local Development Scheme which can be viewed at chorley.gov.uk/planning
- 2.3 **When We Will Consult?** Table 1 below outlines the stages that the Council will undertake in order to produce development plan documents:

Development Plan Document Stages and Consultation Stage	Description Table 1
Evidence Gathering (Regulation 18)	<ul style="list-style-type: none"> • Public consultation on preparation of document. • We will be seeking ideas, views and information on the issues that the document will address, and ideas on options for addressing these.
Plan Preparation (Regulation 18)	<ul style="list-style-type: none"> • Public consultation on Draft document • This document will be the first draft of the plan, and will be drawn up using evidence, information from the first stage consultation, and guidance within National Policy. • Consultation will be for a minimum of 6 weeks.
Publication Stage (Regulations 19 & 20)	<ul style="list-style-type: none"> • The revised draft document will be published • Consultation will be for a minimum of 6 weeks to allow stakeholders and the community to make formal representations on its soundness. • All of the responses received at the previous stage will be published as part of the consultation, along with the Council's response to them.
Plan Submission and Examination (Regulations 22, 23 & 24)	<ul style="list-style-type: none"> • Submission of document to the Secretary of State and the Planning Inspectorate in order for an independent examination to take place. • All of the responses received at the previous stage will be published, along with the Council's response to them. • The Inspector will consider all representations and there will be an opportunity for interested parties to speak at the examination hearing.
Plan Adoption (Regulations 25 & 26)	<ul style="list-style-type: none"> • The Inspector will issue a report declaring whether the plan is sound. • Adoption of document.

- 2.4 **Who We Will Consult?** The Council will seek to obtain the views of as many people and organisations as possible as part of this process. The Council has a database of people and organisations who will be contacted at each consultation stage. Anyone can request to be added to this database at any time. In addition, anyone who responds to a consultation at any stage will be asked if they wish to be contacted at further stages. The database will be subject to regular

updates and people will be asked if they wish to remain on the database at the end of the development plan document process.

- 2.5 The consultation will be publicised as widely as possible to allow as many members of the public, organisations, businesses and interest groups as possible, an opportunity to be involved. The Council will consult with statutory consultees and also has a duty to co-operate with a number of organisations including Councils, infrastructure providers and government bodies (as detailed in the Town and Country Planning (Local Planning) Regulations 2012 and any subsequent amendments). The Council are required to engage constructively, actively and on an on going basis with these organisations. Appendix 1 lists the statutory consultees and organisations which the Council has a duty to cooperate with.
- 2.6 The National Planning Policy Framework (NPPF) defines issues that require cooperation as:
- The homes and jobs needed in the area;
 - The provision of retail, leisure and other commercial development;
 - The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and the provisions of minerals and energy;
 - The provision of health, security, community and cultural infrastructure and other local facilities; and
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and environment, including landscape.
- 2.7 **How We Will Consult?** The Council will adopt a range of consultation methods to ensure that as many people, businesses and organisations as possible can be involved in the process. These are:
- All individuals, businesses, and organisations on the consultation database will be contacted direct. Where an email address is supplied, the contact will be via email, otherwise a letter will be sent;
 - We will publicise consultations using methods such as leaflets, posters, the Council website, social media channels; press releases; a press notice, and displays in Council offices
 - Consultation events may be held in public places throughout the borough – these may include evening sessions;
 - Officers will be available at the Council offices during normal office hours upon request to give information/answer questions;
 - Consultation documents will be available to view at all libraries in the borough, at post offices in villages where there is no library and at Council offices;
 - Where possible, officers will attend parish and town council meetings on request; and
 - Consultation documents will be available to download from the Council's website, or will be emailed or supplied as a paper copy on request.

Supplementary Planning Documents

- 2.8 Supplementary Planning Documents (SPDs) may be produced to provide further guidance and more detailed advice than contained in a Development Plan Document relating to specific topic areas. These have a more limited role, for instance, they cannot introduce new policy or change land allocations.
- 2.9 As with a Development Plan Document, they must be supported by appropriate evidence and accord with national policies. The Council will carry out at least one stage of consultation on an SPD before it is adopted. An SPD is not subject to an independent examination by a Planning Inspector.

- 2.10 **When We Will Consult?** The Council will prepare a draft SPD, based on the local policy, drawing from available national policy and guidance. The draft SPD will be subject to public consultation for a minimum of four weeks.
- 2.11 Following and changes the revised SPD and a consultation statement will be published at least 4 weeks before the document is formally adopted by the Council. The consultation statement will list all the responses received, with the Council's response, and any changes that have been made to the document as a result of the comments received.
- 2.12 **Who We Will Consult?** Members of the public, local businesses, organisations and interest groups from the Consultation database will be consulted, as well as statutory consultees as required in the Town and Country Planning Regulations.
- 2.13 **How We Will Consult?** As with a Development Plan Document, the Council will adopt a range of consultation methods to engage with as many people and organisations as possible. These will be:
- All individuals, businesses, and organisations on the Consultation Database will be contacted direct. Where an email address is supplied, contact will be made via email, otherwise a letter will be sent;
 - The consultation will be publicised via press releases and will also be on the Council's website;
 - Consultation documents will be available to view at all libraries in the borough, at post offices in villages where there is no library and at the Council offices; and
 - Consultation documents will be available to download from the Council's website, and in paper format upon request.

Neighbourhood Plans

- 2.14 Neighbourhood Plans (NDPs) were introduced into the planning system through the Localism Act 2011 as an opportunity to allow communities to set planning policies to guide development in their areas (alongside the Development Plan). Consultation procedures for Neighbourhood Plans are set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.
- 2.15 The responsibility to produce a Neighbourhood Plan lies with the qualifying body – a Parish Council, a Town Council or a Neighbourhood Forum, in a non parished area. The extent to which a prospective forum has included residents, business and local elected members from across the neighbourhood area will be one of the factors the Local Planning Authority will consider in deciding whether to designate the group as the neighbourhood forum. An application for neighbourhood forum designation must include a copy of the forum's written constitution and a statement of how they will meet the conditions for designation as a neighbourhood forum set out in the Localism Act.
- 2.16 The qualifying body is responsible for consulting upon a draft Neighbourhood Plan before they submit to the local authority.
- 2.17 In terms of consultation the following comments apply to Local Authority:

When will we consult? When a Neighbourhood Plan application is submitted a consultation will occur on a Neighbourhood Forum Application Stage:

- This stage will be subject to a six week consultation.
- When a submission Neighbourhood Plan is received by the authority a six week consultation will be undertaken at this stage.
- A Neighbourhood Plan is subject to an examination by an Independent Planning Inspector, full details of the Inspector and examination process will be made publically available.
- A Neighbourhood Plan will also require a referendum, of which all details will be made publically available.

2.18 **Who will we consult?**

- There is a requirement to consult those who live, work and carry out business in the area.
- All those on the Neighbourhood Plan database who have previously responded and requested to be kept informed of the process.

2.19 **How will we consult?**

- All individuals, businesses, and organisations on the NDP consultation database will be contacted direct. Where an email address is supplied, the contact will be via email, otherwise a letter will be sent;
- We will publicise consultations using methods such as leaflets, posters, the Council website, social media channels, press releases; a press notice, and displays in Council offices;
- Officers will be available at the Council offices during normal office hours upon request to give information/answer questions;
- Consultation documents will be available to view at all libraries in the borough; at post offices in villages where there is no library and at Council offices;
- Consultation documents will be available to download from the Council's website, or will be supplied by email or as a paper copy on request.

Consultation on the Statement of Community Involvement

2.20 Although part of the Local Development Framework, the SCI is not required to undergo the same level of consultation that other documents are. The draft SCI will undergo a consultation period of 4 weeks. The Council will notify all statutory consultees and those who have a duty to co-operate. In addition to this, the Council will contact interest groups and organisations, and the consultation will also be publicised via the Council's website.

Consultation on the Community Infrastructure Levy

2.21 The Community Infrastructure Levy (CIL) is a standardised local levy that is placed on new development and used to help fund the provision and maintenance of necessary local and strategic infrastructure projects. The Council adopted its first CIL Charging Schedule in July 2013, and it came into effect on 1 September 2013. This will be kept under review and consultation may take place again within the lifetime of this SCI.

2.22 **The Regulation 123 List.** The Regulation 123 List will be updated at appropriate intervals. There will be a minimum 4 week consultation on the list. The Council will notify all statutory consultees and key stakeholders of the consultation, as well as publicising the consultation via a press notice and on the Council's website.

2.23 **CIL Charging Schedule.** The process for consulting on a new Charging Schedule will be more comprehensive than the consultation on the Regulation 123 list.

Table 2 below shows the stages in the production of the schedule when the Council will consult:

Stage	Description
Preliminary Draft Charging Schedule	<ul style="list-style-type: none"> • Public consultation on Preliminary Draft Charging Schedule, based on evidence collected. • Consultation will be for a minimum of 4 weeks. • Any representations received will be considered, and changes made to the schedule, where appropriate.
Draft Charging Schedule	<ul style="list-style-type: none"> • Public consultation on Draft Charging Schedule • Consultation for a minimum of 4 weeks. • Any representations received will be considered, and changes made to the schedule, where appropriate.
Formal Examination	<ul style="list-style-type: none"> • The CIL documents will be sent to be examined by an independent Inspector. • Objectors to the document may be allowed to appear at the Examination. • Any recommendations in the Inspectors Report will be binding on the Council.
Adoption	<ul style="list-style-type: none"> • Adoption of the CIL documents.

2.24 At all consultation stages for the CIL Charging Schedule, the Council will seek the views of statutory consultees, businesses and the local community. To do this, we will contact all those registered on the Council’s consultation database, as well as publicising the consultation via press releases and on the Council’s website.

3. Involving the Community in Planning Applications

3.1 The National Planning Policy Framework encourages early engagement with communities, before a planning application is submitted. The Council encourages developers to talk to those who may be affected and refine their proposals while they are at a formative stage. Among those likely to be interested are neighbours, utility and infrastructure providers and, for larger proposals, Councillors and the wider community. The earliest consultation takes place, when proposals are being formulated, the better.

Statutory Instrument 2013 No 2932

3.2 The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013 indicates a person must carry out consultation on a proposed application for planning permission for any development involving an installation for the harnessing of wind power for energy production where:

- (a) the development involves the installation of more than 2 turbines; or
- (b) the hub height of any turbine exceeds 15 metres.

Pre-application Consultation for all Development

3.3 In October 2012 the Council introduced a formal pre- application advice service to agents, developers and members of the public for development requiring planning permission, whilst still offering free general advice at the Union Street Offices, Chorley or over the phone by a duty planning officer. Details of this service can be found at chorley.gov.uk/planning. All pre-application consultations are confidential.

3.4 Pre-application consultation by agents and developers can highlight issues that may be resolved prior to submitting the application, and can help steer proposals into a form that are more likely to be acceptable to the Local Planning Authority whilst leading to the re-working or dropping of proposals that appear to be fundamentally unacceptable. It ultimately:



- can save time;
- avoid wasted expense;
- raise the quality of development;
- gain community acceptance and avoid frustration to consult in advance of submitting a planning application.

Type of Developments that would Benefit from Community Involvement.

- 3.5 Developers are encouraged to incorporate community involvement into their development programme to allow for enough time to be devoted to involve the community in a particular scheme. The Localism Act 2011 proposed mandatory pre-application consultation with local communities but to date this has not been activated.
- 3.6 Where the proposal constitutes “major development”, more formal consultation is encouraged. “Major development” is defined as:
- (a) *the winning and working of minerals or the use of land for mineral-working deposits;
 - (b) *waste development;
 - (c) the provision of dwellinghouses where —
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
 - (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - (e) development carried out on a site having an area of 1 hectare or more.

*In Chorley these matters are dealt with by Lancashire County Council.

- 3.7 Community Involvement in Planning Applications should also apply to:
- Smaller development on sensitive sites;
 - Changes of use of buildings or land for purposes which are likely to be controversial;
 - Developments where opportunities for community benefits may be available (e.g. the upgrading of a facility used by the community);
 - Where there are issues of scale and controversy, or are contrary to and/or are out of line with the Local Development Framework policy;
 - Where the application is broadly in accordance with the Local Development Framework but raises controversial issues or detail i.e. those that will require a Transport Assessment.
- 3.8 Development control officers will give advice on the most appropriate methods, who to consult in the local area and where to hold a public exhibition. The developer should remember to give sufficient advance notice and publicity to community involvement. The following examples may also be helpful:
- Make detailed proposals available for public view at the site e.g. Draft layout plans, drawings, photo montages, visuals, street scenes & sketches mounted on the site boundary, including 3-D representations where possible;
 - Public meeting/ Public exhibitions / community engagement events / Interactive Workshops;
 - Arrange a press release/advertisement in local newspapers
 - Circulate a leaflet or letter/statement outlining the proposals within the vicinity to both residents and ward Councillors explaining proposals with plans or a diagram; and
 - Arrange a meeting with groups in the community (e.g. Parish Council, residents associations, interested parties, ward Councillors, neighbours).

3.9 Small-scale proposals such as house extensions or advertisements will not require community involvement. However, applicants are encouraged to discuss their proposals with the occupiers of neighbouring property who will be affected and to take account of their concerns where possible and check with infrastructure providers and key consultation bodies that their requirements are satisfied – e.g. that you are not building over or near to service cables or pipes. This can reduce the need for changes after the application has been submitted to the Council, increase the prospect of planning permission being granted and speed up the time taken for proposals to be dealt with.

3.10 **The Consultation Statement** - Developers are encouraged to submit a consultation statement with their planning application. This should include:

- The techniques they employed to gain stakeholder comments, including correspondence, public notices, press releases, a record of persons attending exhibitions, public meetings, public forums or events etc.;
- A summary of the responses received;
- A list of the main objections and any supports that have been raised;
- Any other matters raised;
- The developer’s comments on the responses; and
- The amendments made to the proposals as a result of the comments.

3.11 A developer is encouraged to also consider what effects the proposals have on the surrounding area. This should include:

• access arrangements	• effect on trees
• car parking	• nature conservation
• traffic generation	• protected species
• public right of way affected	• Listed buildings
• noise and disturbance	• Conservation Area
• use in unsocial hours	• scale of development
• odours	• height/mass of development
• disruption during construction	• attraction of crowds
• drainage problems	• drainage problems
• ground conditions	• effect on watercourse
• employment potential	• employment potential
• underground/overhead utility infrastructure	• scale of development
• use in unsocial hours	• other significant effects

Masterplan / Development Brief Preparation and Consultation

3.12 The emerging Local Plan allocates a number of large employment and housing sites where the preparation of a comprehensive Masterplan or Development Brief is required. The Council welcomes early discussions with landowners/developers on the scope, content and the preparation process for each Masterplan or Development Brief.

3.13 The Masterplan or Development Brief should be the subject of consultation with all stakeholders and interested parties using similar methods as detailed above. Following consultation it shall be agreed with the Council and thereafter adopted for the purposes of development control purposes to inform the determination of planning applications related to the site.



The Council's Consultation on Planning Applications

- 3.14 The Development Control team is responsible for making recommendations and delegated decisions on planning application. Although the community are consulted on individual planning applications, they must recognise that planning applications must be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- 3.15 The Council consider the key to community involvement on planning applications is disseminating accurate information about the applications received. Experience has shown the community is generally forthcoming with comments on applications of interest, and responses received in writing are reported in the planning officer's report.
- 3.16 The Council consults on planning applications as follows in accordance with Circular 15/92 'Publicity for Planning Applications'.
- :
- Immediate adjoining neighbours are notified individually by letter, with 21 days to respond. In addition the Planning Officer may request additional property addresses to be notified where it is thought appropriate, depending on the nature of a proposal.
 - Statutory consultees relevant to the application, such as the Highways Authority, the Environment Agency, etc. are notified, with 21 days to respond.
 - The Council displays a site notice, which will invite responses 21 days from the posting of the site notice.
 - The weekly list of planning applications received is circulated by email to Ward Councillors, the Clerks of the Parish and Town Councils, and other interested parties. The weekly list is also available to view via Public Access (see below).
 - The Council website offers a search facility, called Public Access, where a summary of the application details including application forms, plans, and other supplementary information can be found. There is also the facility to make a response via the 'make a public comment form'; comments made in this way will be available to view on-line (personal details will be removed and will not be published).
 - Plans and drawings that have been submitted in support of a planning application are available for inspection at the One-Stop-Shop, Civic Offices, Union Street, Chorley.
 - All comments received on planning applications are summarised and considered in the planning officer's report. In addition to this, all representations received will be available to view at the Council offices, but only comments made via Public Access will be available to view on-line.
- 3.17 In addition to the above, the Council also place Public Notices in the Chorley Guardian referring to development proposals that are: a departure from the local development plan, a major application, development affecting a public right of way, a planning application with an Environmental Impact Assessment, or a planning application affecting a listed building, or a development affecting the character or appearance of a Conservation area. This is in line with Circular 15/92 'Publicity for Planning Applications'.
- 3.18 Via Public Access anyone can register to track applications or have specific searches designed to their interests.
- 3.19 **Amendment of a Planning Application.** The Council may re-consult with neighbours and other consultees, depending on the significance or scale of the changes to the planning application. If the changes proposed to the application do not represent a significant difference to the application, or satisfactorily overcome an objection raised then the Council may not re-consult.

Deciding Planning Applications

- 3.20 The decision on an application may be made in two ways depending on the category of the application:
- By the Council's Development Control Committee. The committee is made up of elected councillors, advised by senior planning officers and a legal officer. The committee will consider a report written by the case officer assigned the planning application. The report will summarise the comments and consultation responses received and the key planning issues involved;
- or**
- In accordance with a Scheme of Delegation whereby:
 - By a senior planning officer after considering a report written by a case officer assigned the planning application. The report will take account of all comments received and consider the key planning issues involved. We aim to decide 90% of applications in this way.
 - Applications in certain categories may be determined under delegated powers, but where the qualified professional planning officer is minded to make a decision that is contrary to a written comment received from a local resident, a town or parish council or any other outside body or organisation that has been consulted, the Chair and Vice Chair of the Development Control Committee must first be consulted.
- 3.21 **Planning Committee.** The Agenda for the Development Control Committee will be available to view on the Council's website 5 working days prior to the Committee being held. The minutes to previous meetings are also available to view on-line. Additional information may be presented up to and including the date of the meeting from the residents, consultees and the applicant which will be reported on the Committee Addendum distributed at the meeting. The recommendation may therefore be subject to change at the Development Control Committee meeting and that new information may be presented to members.
- 3.22 Members of the public are invited to speak publicly at the Development Control Committee either to oppose or support an application. There are however, some restrictions on this:
- Public speakers are limited to one person speaking against an application and one person speaking in favour of the application and are accepted on a first come first serve basis;
 - Speakers must register with the Democratic Services Section no later than noon on the day before the Development Control Committee;
 - Each speaker is allowed to speak for a maximum of 3 minutes;
 - It is advised that if there are a large number of objectors, that a spokesperson is nominated to speak on everyone's behalf; and
 - Parish or Town councillors can speak on behalf of their respective Parish or Town Council for 3 minutes;
 - Elected Members of the Council can speak on behalf of the community for 5 minutes.
 - In exceptional circumstances the Chair of the Development Control Committee may allow for additional speakers to be heard and further time to be given to speakers in the interests of fairness.
- 3.23 The Chairman of Planning Committee invites statements and comments from members of the public at the appropriate time. The committee members then discuss the planning application, during which time no further comments are allowed from the public.

3.24 **After a Decision is Made.** Those that comment on a planning application can follow the progress of the application and the decision the Council made by registering an interest in the application on Public Access. They will then receive e-mail notification up-dates about the application, such as any new plans submitted, if the application will be taken to the Development Control Committee and the final decision made. Interest can be registered at <http://planning.chorley.gov.uk/online-applications/search.do>. Alternatively an individual can contact the Council's Customer Services (Tel: 01257 515151) for a planning decision, or call into the Council's Union Street Office where a Customer Services Advisor will be able to assist.

Planning Appeals

- 3.25 An applicant can normally make an appeal to the Planning Inspectorate, a central government agency, against the Council's decision where the Council:
- Refuse planning permission
 - Impose conditions on a permission which the applicant believes are unreasonable
 - Fail to make a decision on the application within 8 or 13 weeks depending on the type of application (unless there has been an agreed extension of time between the applicant, or their agent, and the Council).
 - Or can appeal against an Enforcement Notice issued by the Council where there has been a breach of Planning Control.
- 3.26 When an appeal against refusal of planning permission is lodged, the Council notifies those neighbours consulted during the original planning application process and any persons who had made representations on the original planning application
- 3.27 Appeals are heard by a Planning Inspector, by written representations, an informal hearing, or in a more formal planning inquiry. The Inspector will consider written representations from the community, and in hearings/inquiries usually provides for members of the community to verbally state their case. Information on appeals can be found on the Planning Inspectorate website: <http://www.planningportal.gov.uk/planning/planninginspectorate>.

Complaints Procedure

3.28 If you are dissatisfied with the way in which a planning application or other development control matter has been handled, you may complain to the Council. We will investigate any complaint made, for more information about this go to our complaints page (chorley.gov.uk (contact us)). If you remain dissatisfied, you may complain to the local government ombudsman who will undertake an independent investigation.

Further Information

3.29 For further information about this document, please contact the Planning Policy and Urban Design Team: planning.policy@chorley.gov.uk

4 Glossary

CIL	The Community Infrastructure Levy is a new levy that local authorities can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.
DPD	Development Plan Document – A statutory policy document of the LDF, such as the Core Strategy and Local Plan



EIA	Environmental Impact Assessment – applicants for certain types of development are required to submit an environmental statement accompanying a planning application. This evaluates the likely environmental impacts of the development, together with an assessment of how the severity of the impacts could be reduced.
LDD	Local Development Document – all documents (statutory and non-statutory) making up the local development framework.
LDF	Local Development Framework – A folder of all the documents that comprise the Local Development Plan
SCI	Statement of Community Involvement – sets out how, when and where the Council will consult with local and statutory stakeholders in the process of planning for the local authority.
SPD	Supplementary Planning Document – gives guidance on specific policy topic areas or detailed guidance on the development of specific sites.
NDP	<p>Neighbourhood Plans (NDPs) were introduced into the planning system through the Localism Act 2011 as an opportunity to allow communities to set planning policies to guide development in their areas (alongside the Development Plan).</p> <p><u>Neighbourhood Forum Application Stage:</u> An application must be made by a parish or town council or a prospective neighbourhood forum to the local planning authority for a neighbourhood area to be designated (see regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended)). This must include a statement explaining why the proposed neighbourhood area is an appropriate area.</p>

Statutory Consultees	Duty to Co-operate Organisations
Environment Agency	Environment Agency
English Heritage	English Heritage
Natural England	Natural England
Network Rail	Civil Aviation Authority
Highways Agency	Homes and Communities Agency
Telecommunications Operators	NHS England (Central Lancashire)
Chorley and South Ribble Clinical Commissioning Group	Chorley and South Ribble Clinical Commissioning Group
Electricity and Gas Companies	Lancashire County Council (Highways Authority)
Sewerage and Water Companies	*Lancashire Enterprise Partnership
The Homes and Communities Agency	Office of Rail Regulation
Adjoining Neighbouring Local Authorities	Adjoining Neighbouring Local Authorities inclusive of: Bolton Council; Wigan Council; West Lancashire Borough Council; South Ribble Borough Council; and Blackburn and Darwen Borough Council
Parish and Town Councils within the Borough	*Lancashire and South Pennine Nature Partnership
Adjoining Neighbouring Parish Councils	
Lancashire County Council	
Lancashire Constabulary	
The Coal Authority	
The Canal and River Trust	
The Theatres Trust	
Sport England	

* These bodies are not subject to the requirements of the duty. But local planning authorities and the public bodies that are subject to the duty must cooperate with Local Enterprise Partnerships and Local Nature Partnerships and have regard to their activities when they are preparing their Local Plans, so long as those activities are relevant to local plan making.

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Report of	Meeting	Date
Head of Governance	Council	23 September 2014

**PUBLIC FOOTPATH NO.6 ADLINGTON
PROPOSED PUBLIC PATH DIVERSION ORDER UNDER S.119
HIGHWAYS ACT 1980**

PURPOSE OF REPORT

- To consider confirmation of the Chorley Borough Council (Public Footpath No.6 Adlington) Public Footpath Diversion Order 2014.

RECOMMENDATION(S)

- The Head of Governance is authorised to confirm as an unopposed order the Chorley Borough Council (Public Footpath No.6 Adlington) Public Footpath Diversion Order 2014. The Head of Governance is authorised to arrange any necessary press advertisements regarding the Order and in addition to serve such notices as required by the Highways Act 1980.

EXECUTIVE SUMMARY OF REPORT

- The Council authorised the Head of Governance to make the Chorley Borough Council (Public Footpath No.6 Adlington) Public Footpath Diversion Order 2014 on 18 November 2013. The Chorley Borough Council (Public Footpath No.6 Adlington) Public Footpath Diversion Order 2014 was made on 4 June 2014. On the 17 June 2014 letters were sent to the consultees prescribed in the legislation to advise that the Order had been made. The Council received one objection from the Peak and Northern Footpath Society on 23 June 2014. The Council wrote to the Peak and Northern Footpath Society on the 17 July 2014 setting out the reasons for the Order. The Peak and Northern Footpath Society withdrew their objection on 4 August 2014. Notice of the making of the Order was advertised on 24 June 2014. Any objections were to be received by 30 July 2014. No further objections have been received.

Confidential report Please bold as appropriate	Yes	No
----------------------------------------------------------	-----	----

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean	

		Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	X
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

5. Planning permission to develop a parcel of land at Fairview Farm, Adlington was granted in February 2010. The site is affected by a public footpath No. 6. In order to facilitate the development the developer applied for an order to divert public footpath No. 6 under S257 of The Town and Country Planning Act 1980. The Chorley Borough Council (Public Footpath No 6, Adlington) Public Path Diversion Order 2010 was made in March 2010 and published as required by legislation. No objections to the order were received and the order was subsequently confirmed. The order does not come into force until the new route has been constructed and it is certified that the new route complies with the terms of the order. In March 2012 a Public Rights of Way Officer employed by Lancashire County Council (LCC) attended the site to assess and certify the new route, the Rights of Way officer was not able to confirm that the new route had been provided in accordance with the terms of the order because the widths of the new route did not correspond to the width described in the order. The developer was not able to increase the width of the footpath so that it complies with the order because it is bounded on each side by the boundaries of rear gardens. In order to rectify the situation the developer made an application under S119 Highways Act 1980 for a public footpath diversion order. The fresh order was to contain the widths that have actually been provided on the new route.
6. The Council authorised the making of a fresh order on 18 November 2013. The Chorley Borough Council (Public Footpath No.6 Adlington) Public Footpath Diversion Order 2014 was made on 4 June 2014. A copy of the Order and Order Map are attached at Appendix 1.
7. On the 17 June 2014 letters were sent to the consultees as prescribed by the legislation to advise that the Order has been made. The Council received one objection from the Peak and Northern Footpath Society on 23 June 2014, they objected to the Order on the basis that the footpath would be diverted on to an estate road which is contrary to the Paragraph 7.8 of the Defra Circular 1/09 as this states that 'any alternative alignment should avoid the use of estate roads for the purpose wherever possible'. The Council responded to the Peak and Northern Footpath Society on the 17 July 2014 to advise that in the circumstances there is little practical or satisfactory alternative. The Peak and Northern Footpath Society withdrew their objection on 4 August 2014.
8. Notice of the making of the Order was advertised on 24 June 2014. Any objections to the Order were to be received by the Council by 30 July 2014. No further objections were received.

THE PUBLIC PATH DIVERSION ORDER

9. Under S119 of the Highways Act 1980 the Council may make a public path diversion order where it appears to the Council to be in the interest of the owner and/or in the public interest.

10. The developer has agreed to meet the associated costs of the application.
11. The existing footpath runs from a westerly termination of Farm Avenue, Adlington in a general south-westerly direction to the rear No.112 Fairview Drive, and then in a south south-westerly direction adjoining the highway know as Fairview Drive as shown between points A and B on the Map at Appendix 1. The proposed new route of the footpath runs from the westerly termination of Fairview Drive in a generally south-westerly and southerly direction along the pavement serving the housing development and adjoining the Footpath on the highway known as Fairview Drive as shown between points C and B on the Order Map at Appendix 1.
12. The Order Map at Appendix 1 details the width of the proposed new route as follows:

From point B-E	1.8 metres
From point E-D	1.5 metres
From point D-C	1.8 metres
13. In accordance with S119 of the Highways Act 1980 the Council must satisfy itself that the diversion to be effected is expedient, that the path will not be substantially less convenient to the public in consequence of the diversion and the Council must consider the effect which the diversion would have on public enjoyment of the path or way as a whole. The Council must also consider the effect that any diversion order may have on the land serving the existing footpath and the proposed new route.
14. The diversion of Public Footpath No. 6 was considered to be in the public interest so as to enable the development of 36 properties in accordance with the planning permission. As the properties have now been built the diversion is in the interest of the landowners and the public as the existing footpath is now inaccessible to the public. In addition a diversion order will provide footpath users with the certainty that they are able to exercise their right and that Lancashire County Council will maintain the footpath and keep it free from obstructions.
15. The length of the existing footpath runs for a total distance of 158.7 metres, the proposed diversion runs for a total distance of 174 metres, although the diversion comprises a slightly longer route, it is not significantly different in extent or direction to the existing route. The end effect of the diversion order would result in the footpath being encompassed within a fully urbanised environment.
16. It is recommended that the Council exercise their power under S119 of the Highways Act 1980 to confirm as an unopposed order Chorley Borough Council (Public Footpath No.6 Adlington) Public Footpath Diversion Order 2014 on the grounds that it is satisfied that the new route will not be substantially less convenient to the public and that the diversion is in the owner's interest and the public's interest.
17. Schedule 6 to the Highways Act 1980 requires that notice of the confirmation of the Order must be published in the local press. Notice of the confirmation of the Order must be served on the Parish Council, statutory consultees, affected landowners and occupiers. Notice of confirmation of the Order must also be posted at the ends of the proposed diversion of the footpath.
18. In accordance with Schedule 2 of the Highways Act 1980 any person may question the validity of the Order within 6 weeks of the date of publication of the Notice of Confirmation of the Order by way of application to the High Court.

19. 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 Places for People and two other owners who have purchased properties on the development. 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

20. 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

21. Chorley Council will incur costs in advertising the proposed order in the local press and officer time must be spent in drafting and sending out notices. The developer has agreed to meet the costs of the application.
22. Maintenance responsibility of public footpaths rests with Lancashire County Council as part of the wider public footpath network.

COMMENTS OF THE MONITORING OFFICER

23. The legal basis for the making and confirmation of the order and the procedural requirements are addressed within the body of the report.

Report Author	Ext	Date	Doc ID
Jodi Fitzpatrick	5112	9 September 2014	001403

**PUBLIC FOOTPATH DIVERSION ORDER
SECTION 119 HIGHWAYS ACT 1980**

**Chorley Borough Council (Public Footpath No. 6 Adlington)
Public Footpath Diversion Order 2014**

This Order is made by Chorley Borough Council ('the Council') under S119 of the Highways Act 1980 because it appears to Council that it is in the interest of the owners of the land crossed by the footpath described in paragraph 1 of this Order and of the public it is expedient that the line of the path should be diverted.

BY THIS ORDER

1. Part of the public right of way over land known as Fairview Farm situated at the westerly termination of Farm Avenue, Adlington and running in a generally south westerly direction to the rear of 32 The Avenue and then in a generally south south westerly direction onto Fairview Drive and shown by a bold continuous line on the map and described in Part 1 of the schedule to this Order shall be stopped up after 35 days from the date of confirmation of this Order.
2. At the end of 28 days from the date of confirmation of this Order there shall be a public footpath over land known as Fairview Farm, Adlington running in a generally west south westerly direction for the westerly termination of Farm Avenue and then adjoining the pavement of Fairview Drive as shown by a bold broken on the map and described in Part 2 of Schedule to this order.
3. Cruden Construction Ltd is hereby required to pay for the cost of implementing this Order.
4. 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 out 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 path

From point A, being the westerly termination of Farm Avenue, Adlington running in a generally south-westerly direction to the rear of 32 The Avenue and then continuing in a south-westerly direction to point B being adjacent to the front north western corner of No.96 and adjoining the pavement of Fairview Drive as shown by a bold continuous line on the map.

Part 2

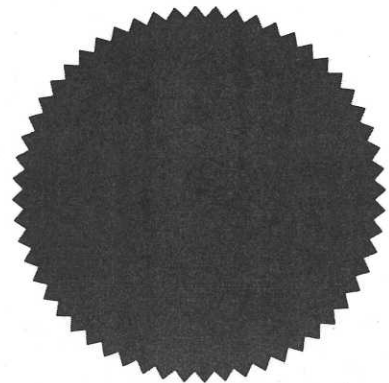
Description of site of new path

From point C, being the westerly termination of Farm Avenue, Adlington running in a generally west south-westerly direction and then adjoining the pavement of Fairview Drive and continuing in a generally south-westerly direction to point B being adjacent to the front north western corner of No.96 Fairview Drive, a total distance of 174 metres as shown by the black dashes on the map. The width of the footpath will be as follows:

- From point B-E 1.8 metres
- From point E-D 1.5 metres
- From point D-C 1.8 metres

The Common seal of Chorley Borough Council
Was hereunto affixed this 4 day of June 2014

Authorised Signatory.....



30002

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Councillor James Mahon
Sefton Labour Group

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Bootle
L20 7AE

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Email: james.mahon@councillors.sefton.gov.uk

Date: 18 August 2014

Our Ref: JM/Planning

FAO: Chair of Planning

Dear Chair of Planning,

Re: Changes to the Planning System - Letter to Secretary of State for Communities and Local Government, Eric Pickles

Sefton Council has resolved at a meeting of the full Council in July to write to Mr Pickles raising serious and wide ranging concerns about the impacts of the numerous changes to our national planning system. These changes are affecting our communities in many ways and often result in ourselves as local decision makers being faced with very difficult decisions for developments that our residents simply do not want. The National Planning Policy Framework (NPPF) favours developers. The Localism Act raises hope and expectations in our communities only for our residents to find again and again that there are no planning reasons for us to reasonably refuse unpopular developments. When we have tried this we lose on appeal. Now there is the additional pressure to avoid poor performance in appeals and the threat of special measures - potentially losing the right to determine major applications locally. This is surely not in the spirit of localism. The move away from full planning applications to prior determinations, the increasing numbers of permitted changes of use - without real consideration of impacts - are all examples of changes that do not embrace localism - they effectively mean our residents have very little, or no, opportunity to influence many new developments in their communities.

I have included below the minutes from our Council meeting - setting out my motion that was unanimously supported by Labour, Liberal Democrats, Conservatives and Independent councillors. I write to ask you to consider doing the same in your own Council and to write to Mr Pickles raising your concerns.

Kind regards,

Councillor James Mahon
Sefton Council

COUNCIL- THURSDAY 24TH JULY, 2014

33. NOTICE OF MOTION SUBMITTED BY COUNCILLOR MAHON

It was moved by Councillor Mahon, seconded by Councillor Veidman and Unanimously RESOLVED:

That this Council:

Calls on the Secretary of State for Communities and Local Government, Mr. Eric Pickles M.P., to examine the changes the coalition Government has made to this country's planning system to see if they are working for the benefit of the communities. Some of the issues are detailed below.

The National Planning Policy Framework

There is a body of opinion that sees this as a 'Developers Charter' where the rules have shifted in favour of allowing much more development.

Prior Notifications

Several kinds of developments can now progress without the need for full application and full assessment of impacts. In most cases these don't include highway issues and ignore issues that many residents may be concerned about. Types of development covered by these changes include large house extensions, changes between different uses, changes of agricultural buildings to many other uses like hotels etc. Councils still need to determine these prior notifications, in many instances with no fee and with reduced timescales for decision making.

Changes to the Use Classes Orders

Now a much wider range of uses than ever can change to another use without the need for planning permission. These include shops to residential - what will this mean for our town centres? Restaurants to offices, shops to building societies or credit unions. These are only a small number of the changes of use that are now possible without needing planning permission.

Localism Act - Neighbourhood Planning and Community Right to Bid

Neighbourhood Planning could be a positive tool to support our own local plans. The process has been designed so that communities can help plan their local areas, but only if they accept the same, or more, development than our own Local Plan.

Community Right to Bid - this is in danger of becoming a tool to stall development proposals months when key assets come up for sale. This does not provide certainty and speed for new developments - it provides the opposite.

Abolition of Regional Planning

This was intended to bring more effective local decision making through the removal of a whole regional tier of control and influence in strategic planning. This has resulted in each local authority now having to prepare their own evidence and their own estimates about how many houses they need to build in their area. This has, in effect, introduced a huge new area of controversy and uncertainty for councils.