

COUNCIL

TUESDAY, 22ND SEPTEMBER 2015, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 21 JULY 2015 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 **DEPUTY MAYOR**

Councillor David Dickinson has indicated with regret that he intends to stand down as Deputy Mayor due to his ongoing ill health.

The Council will be asked to reappoint to the position of Deputy Mayor for 2015/16.

4 **MAYORAL ANNOUNCEMENTS**

5 **PUBLIC QUESTIONS**

Members of the public who have requested the opportunity to ask question(s) on any item(s) on the agenda will have three minutes to put their question(s) to the relevant Councillor. Members of the public will be allowed to ask one short supplementary question.

6 **PLANNING POLICY FOR TRAVELLER SITES - AUGUST 2015**

(Pages 15 - 22)

To consider a report of the Chief Executive, this item was deferred from the last Council Meeting in July.

7	EXECUTIVE CABINET	(Pages 23 - 26)
	To consider the attached general report of the meeting held on 27 August 2015.	
8	REVENUE AND CAPITAL BUDGET MONITORING 2015/16 REPORT 1 (END OF JUNE 2015)	(Pages 27 - 46)
	To consider the attached report of the Chief Executive, agreed at Executive Cabinet on 27 August 2015.	
9	OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS	(Pages 47 - 50)
	To consider the attached general report of the meeting held on 16 July 2015.	
10	AMENDMENT TO THE SCHEME OF DELEGATION FOR LICENSING – REGARDING REFUSAL OF VEHICLE GRANT APPLICATIONS AND RENEWALS AND REVOCATION OF GAMBLING PREMISES LICENCE	(Pages 51 - 58)
	To consider the attached report of the Director of Public Protection, Streetscene and Community.	
11	QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8 (IF ANY)	
12	TO CONSIDER THE NOTICES OF MOTION (IF ANY) GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10	
13	MARKET WALK EXTENSION	(Pages 59 - 74)
	To consider a report of the Chief Executive.	

14 **EXCLUSION OF THE PUBLIC AND PRESS**

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

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Condition:

Information is not exempt if it is required to be registered under-

The Companies Act 1985

The Friendly Societies Act 1974

The Friendly Societies Act 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act)

The Charities Act 1993

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

15 **MARKET WALK EXTENSION**

(Pages 75 - 96)

To consider a report of the Chief Executive.

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

GARY HALL
CHIEF EXECUTIVE

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MINUTES OF COUNCIL

MEETING DATE Tuesday, 21 July 2015

MEMBERS PRESENT: Councillor Marion Lowe (Mayor), and Councillors Aaron Beaver, Eric Bell, Julia Berry, Martin Boardman, Alistair Bradley, Charlie Bromilow, Terry Brown, Henry Counce, Paul Clark, Jean Cronshaw, Alan Cullens, John Dalton, Doreen Dickinson, Graham Dunn, Robert Finnamore, Christopher France, Gordon France, Margaret France, Anthony Gee, Danny Gee, Keith Iddon, Mark Jarnell, Hasina Khan, Paul Leadbetter, Margaret Lees, Roy Lees, Adrian Lowe, Matthew Lynch, June Molyneaux, Greg Morgan, Alistair Morwood, Mick Muncaster, Beverley Murray, Debra Platt, Joyce Snape, Kim Snape, Ralph Snape, Richard Toon, John Walker, Paul Walmsley and Peter Wilson

OFFICERS: Gary Hall (Chief Executive), Jamie Carson (Director of Public Protection, Streetscene and Community), Chris Moister (Head of Governance and Property Services) and Carol Russell (Democratic Services Manager)

APOLOGIES: Councillors David Dickinson, Mike Handley, Steve Murfitt, Mark Perks and Alan Whittaker

The Mayor referred to the current illness of Councillor Mark Perks and on behalf of the Council, she would send best wishes to him for a speedy recovery. Councillors Alistair Bradley and Ralph Snape also passed on their best wishes.

Councillor Paul Leadbetter reported that due to his ill health, Councillor Perks had decided to stand down as Leader of the Conservative Group and the Group would be electing a new Leader shortly. He thanked Mark for his commitment to the role and hoped that his health would improve shortly.

15.C.248 Minutes of meeting Tuesday, 19 May 2015 of Council

RESOLVED – that the minutes of the Annual Meeting of the Council held on 19 May 2015 be approved as a correct record for signature by the Mayor.

15.C.249 Minutes of meeting Saturday, 6 June 2015 of Council

RESOLVED – that the minutes of the Special Meeting of the Council held on 6 June 2015 be approved as a correct record for signature by the Mayor.

15.C.250 Declarations of Any Interests

There were no declarations of interest received.

15.C.251 Mayoral Announcements

The Mayor provided an overview of her fundraising plans so far including a Golf Day in September; a Chorley's Got Soul Night in October and a further Christmas one in December; and the Mayors Charity Ball which would be held at Shaw Hill Golf and Hotel Spa in February 2016. She thanked Councillor Khan for her fundraising through her fast for Ramadan and all Members who had sponsored her.

15.C.252 Public Questions

There were no public questions for consideration.

15.C.253 Adoption of the Chorley Local Plan 2012 - 2026

Councillor Alistair Bradley, Leader of the Council presented a report of the Chief Executive seeking formal adoption of the Chorley Local Plan for 2012 – 2026. This included accepting the contents of the Inspectors Partial Report from October 2013 and the more recent Inspector's Supplementary Report on the Examination into the Gypsy and Traveller and Travelling Showpeople Policy and Site Allocation.

The Leader reported that it had been a long process, subject to wide consultation, and the Local Plan was now considered sound by the Local Plan Inspector. It was an important document for the Council and the future of the Borough. It determined specific sites for development or protection in accordance with relevant planning policies and would guide the area's development needs to 2026.

The Inspector's Supplementary report on Gypsy and Traveller and Travelling Showpeople concluded that the part of the Chorley Local Plan that dealt with this provision was sound, providing that a number of main modifications are made.

Councillor Alistair Bradley, Leader of the Council proposed, Councillor Paul Walmsley, Executive Member for Public Protection seconded and it was **RESOLVED –**

- 1. That the Inspectors modifications in relation to Gypsy and Traveller and Travelling Showpeople issues be accepted and the Chorley Local Plan 2012-26 be varied accordingly; and**
- 2. That the amended Chorley Local Plan 2012 - 2026 (Appendix 1 to the report) be approved for adoption.**

15.C.254 Central Lancashire Gypsy, Traveller and Travelling Showpeople's Accommodation Assessment: Local Plan

The Leader of the Council, Councillor Alistair Bradley presented Members of the Council with a report on the revised Central Lancashire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) from June 2015.

The Leader explained that a revised draft GTAA published in May 2015 identified a need for 11 permanent pitches for Travellers in Chorley Borough, (an additional 6 to the 5 being progressed through the Chorley Local Plan 2012-26) 22 in Preston, 1 in South Ribble and a Central Lancashire wide need for 4 transit pitches to 2026. Following discussions and clarifications sought from the Council, this figure has been revised down to a need for 10 permanent pitches. In addition, It is understood that pitch requirement may be challenged by the local traveller community and that their position is that the Assessment may overstate the number of pitches needed to be provided. Local Circumstances is a relevant factor for considering the appropriate provision.

Since then, the Government had announced that they will be reviewing guidance on GTAA provision and so the Leader had written to Central Government to seek further clarification and some certainty before agreeing final provision. In view of this, the Leader asked that the matter be deferred to the next meeting of the Council in September.

Councillor Alistair Bradley, Leader of the Council proposed, Councillor Paul Walmsley, Executive Member for Public Protection seconded and it was **RESOLVED – That consideration of the Assessment Document and the progression of the Traveller Local Plan be deferred to the next Council meeting.**

15.C.255 Biodiversity and Nature Conservation Supplementary Planning Document

Members considered a report of the Chief Executive seeking approval to the adoption of the Biodiversity and Nature Conservation Supplementary Planning Document (SPD).

Councillor Paul Walmsley, Executive Member for Public Protection presented the report, referring to the consultation process, subsequent changes to the SPD and the fact that once approved and adopted, it would form part of the Local Plan Core Strategy.

Councillor Paul Walmsley, Executive Member for Public Protection proposed. Councillor Chris France seconded and it was **RESOLVED – that the Biodiversity and Nature Conservation Supplementary Planning Document be approved and adopted.**

15.C.256 Executive Cabinet

Members considered a general report of a meeting of the Executive Cabinet held on 25 June 2015.

Councillor Paul Leadbetter referred to the item on the PCSO Deployment Update and asked about the role of PCSOs and how far the Council were receiving value for money in providing funding. The Leader of the Council responded saying he had asked a similar question when meeting recently with the Police and Crime Commissioner for Lancashire and he was assured that this was being pursued with the Chief Constable and that councillors would be asked to feed their views into a review.

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

15.C.257 Provisional Revenue and Capital Outturn 2014/15

Councillor Peter Wilson, Executive Member for Resources, presented the provisional Revenue and Capital Outturn Report for 2014/15 which had been approved by Executive Cabinet on 25 June but required Council approval to a number of recommendations. The report gave provisional revenue outturn figures compared against the budget and efficiency savings targets set for 2014/15 and also provisional outturn figures for the capital programme for 2014/15.

Councillor Eric Bell asked about the level of balances and the need to increase them to reflect the risks relating to the scale of projects the Council was undertaking. The Executive Member said that whilst the Council was pleased to achieve balances of £2.288m which was well above the target of £2m, the Council was striving in the long term to achieve balances of £3m. All projects sought to minimise risks as far as possible.

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

1. **Approval is given to slippage requests and other transfers to reserves as outlined in Appendix 2 of the report, to finance expenditure on specific items or projects in 2015/16.**
2. **Approval is given to the transfer of £176k net income from Market Walk in 2014/15, split 80:20 between the Change Management Reserve and Equalisation Reserve (to limit the future impact of any potential reduction in income); and**
3. **Approval be given to the financing of the 2014/15 Capital Programme to maximise the use of funding resources available to the Council.**

15.C.258 Overview and Scrutiny Committee and Task and Finish Groups

Members considered a general report of a meeting of the Overview and Scrutiny Committee held on 16 April and the Performance Panel held on 22 June 2015.

Councillor John Walker, Chair of the Committee proposed, Councillor Hasina Khan, Vice Chair seconded and it was **RESOLVED – that the report be noted.**

15.C.259 Scrutiny Reporting Back 2014/15

Councillor John Walker, Chair of the Overview and Scrutiny Committee presented Scrutiny Reporting Back, the Council's Annual Report on the overview and scrutiny work undertaken in 2014/15.

He thanked Members for their participation in the work of the Committee, the Performance Panel and the Task Groups and officers for their support, in particular Democratic Services.

Councillor John Walker, Chair of the Committee proposed, Councillor June Molyneaux former Vice Chair, seconded and it was **RESOLVED – that the report be noted.**

15.C.260 Governance Committee

Members considered a general report of a meeting of the Governance Committee held on 24 June 2015.

The Chair asked the Executive Leader for progress in the Committee receiving the Labour Group's view on guidance as to when a Councillor is acting in his capacity as a councillor and when acting in a personal capacity. The Executive Leader said this would hopefully be available for the next Governance Committee meeting in September.

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

15.C.261 Council Annual Report 2014/15

The Executive Leader presented the Council's Annual Report for 2014/15 which summarised the Council's achievements over the past year, as well as highlighting the opportunities and challenges which the Council faces in 2015/16.

The Annual Report is a key mechanism for presenting information on the Council's performance to residents, partners and key stakeholders. The Leader highlighted in particular the Council's success in economic development with support for businesses, inward investment and employment initiatives. He also referred to increased volunteering and improvements in customer satisfaction. Councillor Peter Wilson referred to his pride in the achievements of the current administration and thanked members and officers for their involvement.

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

15.C.262 Electoral Review of Lancashire

Members considered a report of the Chief Executive on a review being undertaken by the Local Government Boundary Commission for England (LGBCE) on the electoral divisions of Lancashire. First stage consultation was currently taking place and views were invited by 31 August 2015 on whether there should be changes to the number and configuration of the current 7 electoral divisions in Chorley.

The report contained statistical evidence to support the creation of an eighth division in Chorley as both the current and projected average electorate per Chorley division was significantly higher than the Lancashire average per division.

Following a meeting of All Party Leaders, a supplementary report of the Chief Executive put forward two alternative configurations for the eight divisions. Both options sought to meet the LGBCE criteria of delivering electoral equality; reflecting the interests and identities of local communities; and providing effective and convenient local government. The two options were very similar, seeking to achieve co-terminosity with borough wards, the exception being that one option moved a polling district in order to include all of Coppull Parish in one division.

In presenting the proposals, the Executive Leader commented that he thought the review was badly timed and should have been undertaken at a later stage when other boundary inconsistencies could be addressed.

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

- 1. That the Council makes a formal submission to the LGBCE requesting that Chorley is represented by 8 rather than 7 County Council electoral divisions, evidenced with current and projected electorate statistics.**
- 2. That the two proposals attached to the supplementary report as Appendices 4 and 5, be included in the formal submission as similar but alternative options for the configuration of the 8 Chorley divisions, both of which have the support of the Council.**

15.C.263 Council Appointments 2015/16

Members considered a number of revisions to Council appointments in 2015/16.

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

- 1. That Councillors Anthony Gee and Hasina Khan be appointed to the roles of Members Responsible for Governance and Equalities respectively;**
- 2. That the two main political groups be invited to appoint a third substitute member to the Development Control Committee, with Councillor Graham Dunn being appointed from the Labour Group, and a Conservative appointment to be confirmed; and**
- 3. That following the outcome of the Conservative Group Leadership decision, authorisation be given to any consequential changes to the Conservative Group appointments to Committees.**

15.C.264 Questions Asked under Council Procedure Rule 8

There were no questions received under Procedure Rule 8.

15.C.265 To consider the following two Motions given in accordance with Council Procedure Rule 10

1. TOWNS AGAINST TAX DODGING

Councillor Richard Toon submitted the following motion, seconded by Councillor Gordon France

- *It has been estimated that the UK Treasury loses as much as £12 billion to tax dodging by multinational companies every year. Developing countries lose three times more to tax dodging than they receive in aid each year - enough to give a basic education to the 57 million children currently missing out.*
- *The UK has a particular responsibility to end tax dodging, as it is responsible for 1 in 5 of the world's tax havens in the British Overseas Territories and Crown Dependencies.*
- *The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens.*
- *Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%.*

This Council believes:

- *As a local authority we have a duty to provide the best possible public services.*
- *Our ability to provide quality local services would be significantly enhanced by the increased revenues from the government tackling tax dodging.*
- *All who benefit from public spending should contribute their fair share.*
- *The UK must take a lead role in creating a fairer tax system and combatting tax dodging.*

This Council resolves:

To support the campaign for tax justice, supporting the motion:

"While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries

and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.”

Following debate, it was **RESOLVED – that the motion be supported.**

2. LCC and FLEET STREET EXTRA CARE SCHEME

Councillor Greg Morgan submitted the following motion, seconded by Councillor Paul Leadbetter.

“Chorley Borough Council is concerned at the failure of Lancashire County Council to provide appropriate support to the Fleet Street Extra Care Scheme.

The report that was presented to Council on 19th May outlined the care scheme proposal and recommended that approval in principle be given to Option 3 of the scheme which had been subject to the development of a full business case. Funding for the scheme was to come from CBC, LCC and the Homes and Communities Agency and all 3 partners were aware of, and briefed on, the scheme. Given the obvious benefits that the scheme held for the residents of Chorley it carried the full support of all councillors.

Subsequently LCC has withdrawn their specific funding commitment and are currently unwilling to place a figure on whatever support they may eventually choose to offer. This withdrawal obliged CBC to submit a bid to the HCA containing finance proposals that they find unattractive, thus jeopardising the entire scheme.

The Council will therefore write to the LCC requesting urgent clarification of their position together with a firm commitment to the provision of the funds that had previously been agreed in principle”

Following debate, the Executive Leader expressed support for some aspects of the motion but proposed alternative wording in the third and fourth paragraphs as follows:

“Chorley Borough Council is concerned at the failure of Lancashire County Council to provide appropriate support to the Fleet Street Extra Care Scheme.

The report that was presented to Council on 19th May outlined the care scheme proposal and recommended that approval in principle be given to Option 3 of the scheme which had been subject to the development of a full business case. Funding for the scheme was to come from CBC, LCC and the Homes and Communities Agency and all 3 partners were aware of, and briefed on, the scheme. Given the obvious benefits that the scheme held for the residents of Chorley it carried the full support of all councillors.

Subsequently LCC has withheld their specific funding commitment and are currently reviewing the amount of support they may eventually choose to offer. This withdrawal obliged CBC to submit a bid to the HCA containing finance proposals that may be more difficult to support.

The Council supports the Executive Member in his efforts to get LCC to review their position and to secure a firm commitment to the provision of the funds that had previously been agreed in principle.”

RESOLVED – that the motion, as amended, be supported

Mayor

Date

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Report of	Meeting	Date
Chief Executive (Introduced by the Executive Leader and Executive Member for Economic Development and Partnerships)	Council	22 September 2015

PLANNING POLICY FOR TRAVELLER SITES – AUGUST 2015

PURPOSE OF REPORT

- To inform members about the revised ‘Planning policy for traveller sites – August 2015’.

RECOMMENDATION(S)

- That members endorse officer advice to seek further expert and legal advice on the implications of this guidance on the assessment of the Gypsy, Traveller and Travelling Showpeople’s housing needs in the Central Lancashire area and the progression of the Traveller Local Plan.

EXECUTIVE SUMMARY OF REPORT

- A report was taken to the previous Council on the Central Lancashire Gypsy and Traveller Accommodation Assessment (GTAA June 2015).
- It recommended that further work be undertaken by officers to ascertain when the government’s revised guidance on Travellers is likely to be issued and to further explore the issue of ‘local circumstances’ that may apply to Chorley Borough and impact on its figures of need.
- The revised guidance has now been issued and this report seeks to highlight the main changes to the guidance and the potential implications on the GTAA and the progression of the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan.

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

(If the recommendations are accepted)

- As the GTAA forms a significant part of the evidence to the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan , the Issues and Options version of which is currently being drafted, it is important that the Council proceed on the most certain position possible.

7. Central Government have reviewed their guidance on Gypsy and Traveller Planning matters and this changes the context of Chorley Council’s approach to the preparation of the Gypsy and Traveller Local Plan and its supporting GTAA.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. Failure to undertake a GTAA and progress a local plan to allocate sufficient land to meet the identified need for new pitches would be contrary to national planning policy guidance.

CORPORATE PRIORITIES

9. 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	X
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

10. A revised version to the Planning policy for traveller sites (PPTS) was published by the Department for Communities and Local Government (CLG) on 31st August 2015 and its policies apply from the same date.
11. There are a number of changes to the text of the new PPTS that differentiate it from the March 2012 policy document (see Appendix 1). None of the changes relates to using evidence; the majority of changes relate to plan making and decision taking. However, the changed definition of gypsies and travellers will have an impact for GTAAs.
12. There has been no change to the requirement for Local Authorities to make their own assessment of Gypsy, Traveller and Travelling Showpeople accommodation needs for the purposes of planning, and plan for sites over a reasonable timescale.
13. The PPTS changes focus upon:
 - Ensuring that Local Planning Authorities (LPAs) are not required to address the accommodation requirements of one-off, largescale unauthorised encampments in their areas (para 12, PPTS);
 - Protecting the Green Belt (paras 16, unnumbered para preceding para 25, and end of para 27, PPTS); and
 - Amending the definition of gypsies and travellers and travelling showpeople (Annex 1 paras 2/3, PPTS).
14. The consultants Arc4, who undertook the Central Lancashire GTAA have offered their views on the changes to the guidance and these have been incorporated into this report.

LARGESCALE UNAUTHORISED ENCAMPMENTS

15. The inclusion of paragraph 12 in the revised policy is aimed at preventing the reoccurrence of a ‘Dale Farm’ situation. The new policy seeks to ensure that LPAs do not need to plan to meet their traveller site needs in full where:
 - There is a largescale unauthorised encampment that has significantly increased need in an area; and
 - The area is subject to ‘strict and special planning constraints’.

PROTECTING THE GREEN BELT

16. Additions to the policy stress the point that harm to the Green Belt through the development of temporary or permanent sites is **unlikely** to be outweighed by *'the best interests of the child, personal circumstances and unmet need.'*

Temporary permission in the Green Belt and other sensitive areas

17. Planning Policy for Traveller Sites previously stated that if a local planning authority could not demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
18. In order to give 'sensitive areas' more protection and reduce the circumstances in which temporary permission in these areas should be granted, the Government amended the guidance to make it clear that this does not apply to sites on land designated as Green Belt; sites protected under the Birds and Habitats Directive and / or sites designated as Sites of Special Scientific Interest; Local Green Space; an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).
19. Accordingly, if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should continue to be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission in other areas, but **not** if the site is in one of the sensitive areas listed above. However, an absence of an up-to-date 5 year supply of deliverable sites is still capable of being a material consideration for site proposals in those areas.
20. The lack of a five year supply for general housing means that relevant policies for the supply of housing are considered out-of-date, but doesn't mean that development should then be allowed in the Green Belt. Para 14 of the Framework states that permission should be granted unless specific policies, including land designated as Green Belt, indicate that development should be restricted. Therefore, there is protection for the Green Belt, even if there is no five year supply, for general housing and this is now the case for Travellers.
21. Again protection of the Green Belt, as well as other sites subject to landscape or environmental designation³, is reiterated at paragraph 27, closing the loophole enabling grant of temporary planning permission on sites in the Green belt where an LPA cannot demonstrate an up-to-date five year supply of deliverable sites.

CHANGES TO DEFINITION OF GYPSY AND TRAVELLER

22. The revised policy retains most of the original definition of gypsies and travellers from the 2012 document. However, it removes from the definition those who have ceased to travel **permanently**. It also adds the following 'clarification' for determining whether someone is a gypsy or traveller:
- 'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*
- a) whether they previously led a nomadic habit of life*
 - b) the reasons for ceasing their nomadic habit of life*
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'*
23. The government considers the new definition 'fairer'.

24. The removal of the words 'or permanently' (in relation to ceasing to travel – see below) applies to both Gypsies and Travellers and Travelling Showpeople. The government believes that it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national planning policy rather than Planning Policy for Traveller Sites. When applying the new definition, local planning authorities have to be mindful of Article 8 of the European Convention on Human Rights and the interest of the child.

PROTECTING OPEN COUNTRYSIDE

25. To give greater protection to the countryside, the Government has decided to add the word "very" to what is currently paragraph 23 of Planning Policy for Traveller Sites. It will now read: "Local planning authorities should very strictly limit new traveller site development in open countryside."

INTENTIONAL UNAUTHORISED OCCUPATION

26. Unauthorised occupation of land can cause irreparable damage to the environment, endanger the safety of the occupants as well as neighbours and, in the case of developments occupied by particular groups of people, serve to sour relations between these groups and the rest of the community. It can also harm the effectiveness of the planning system and public confidence in it.
27. The Government has changed national planning policy to make intentional unauthorised development a material consideration that would normally be weighed in the determination of planning applications and appeals. This change applies equally to the settled and traveller communities. Local authorities have powers available to them to address illegal encampments and should make use of these where appropriate.
28. The Government has decided to amend Planning policy for traveller sites (PPTS) to make clear that in exceptional cases, where a local authority is burdened by a large scale unauthorised site which has significantly increased their need and their area is subject to strict and special planning constraints then there is no assumption that the local authority is required to meet their traveller site needs in full.

ENFORCEMENT POWERS

29. In addition to the guidance issued in March 2015 on powers to tackle unauthorised encampments, further new guidance on enforcement powers can be found on the Planning Practice Guidance website. The absence of authorised sites in the area does not automatically mean that powers of enforcement cannot be used.

IMPLICATIONS OF CHANGED DEFINITION FOR FUTURE GTAAS

30. The Government considers it is for local planning authorities to consider the particular needs of their own areas and the revised, streamlined guidance focuses advice on the main elements all authorities should consider when undertaking their assessments. It is for authorities to consider this and decide how this should be tailored to the needs of their areas. The Government will lay before Parliament a proposal to revoke "Gypsy and Traveller Accommodation Needs Assessments – Guidance" (2007). Subject to that the Government will publish new guidance on traveller accommodation needs assessments.

31. The Government also intends cancelling further outdated guidance on enforcement as some of this has been superseded by the March 2015 guidance to local authorities and the police on powers available to them to tackle unauthorised encampments as well as by up-to-date Planning Practice Guidance. It has cancelled the following documents: "Guide to effective use of enforcement powers – Part 1" (2006), and "Guide to effective use of enforcement powers – Part 2" (2007), as well as "Designing Gypsy and Travellers Sites – Good Practice Guide" (2008).
32. The Government has put Local Plans at the heart of the planning system, enabling local authorities to consider their specific local needs for all in their local communities, including the needs of travellers. The revised streamlined guidance, together with the updated on-line planning guidance, provides advice on the key elements local planning authorities should consider in preparing needs assessments, which they can tailor to the specific circumstances of their areas.
33. Future GTAAs will need to establish answers to these questions (a, b, and c above at paragraph 22). However, it is not immediately apparent what 'consideration of these matters' will add to needs assessments other than to provide additional data in respect of those in the local gypsy and traveller community that are not currently travelling (i.e. how many do not travel, why and if/when will they be starting again).
34. No detailed guidance on undertaking GTAAs has been provided, and the government has stated that it will 'lay before Parliament a proposal to revoke "Gypsy and Traveller Accommodation Needs Assessments – Guidance" (2007) and then publish new guidance on traveller accommodation needs assessments. However, it appears that this revised guidance will essentially exclude from needs assessments those respondents indicating that they have no intention of travelling in the future.
35. Whilst Chorley's existing GTAA asked about time spent travelling each year, it did not ask about why people ceased to travel and did not assume that a nomadic lifestyle has been led previously. Given the changed definition it is not possible to go back and update existing needs figures. But it would appear that there is potential for them to reduce in which case it is prudent to delay the progression of the Central Lancashire Gypsy and Traveller Accommodation Needs Assessments pending a review of the latest Needs assessment in light of the new guidance, rather than risk a legal challenge by progressing this local plan with an evidence base that is likely to be flawed and also may be over-estimating the need for traveller pitches in Central Lancashire.
36. It is unclear what 'ceasing to travel' means. Male travellers often leave the 'permanent' family plot to travel to work, leaving the women, children (and sometimes elderly parents). It is not clear whether they will no longer be considered 'Travellers'. How many weeks a year would a traveller need to travel to satisfy this definition? How can the amount of travelling be monitored?
37. Ceasing to travel could imply that those Travellers in bricks and mortar are no longer considered as such, in which case Chorley's 'requirement' under the most recent GTAA would reduce by 2.
38. As yet we are unclear on the impact of the changes to unauthorised encampments (and subsequent transit provision). Whilst paragraph 12 is clearly aimed at preventing future recurrences of a 'Dale Farm' situation, the lack of definition of 'largescale' could be a point of confusion for local policy makers - it is difficult to quantify what the CLG see as 'largescale' in this respect.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

40 There are no direct financial implications associated with this report.

COMMENTS OF THE MONITORING OFFICER

41 The new Policy document changes the position on Gypsy and Traveller sites. The Council are obliged to follow the policy in force at the point of making a decision. The new definition of Gypsy and Traveller leaves sufficient uncertainty around the GTAA to warrant suspending the progress of the local policy on gypsy and traveller sites until such time as Guidance has been issued and the impact of these changes is understood.

GARY HALL
CHIEF EXECUTIVE

Background Papers			
Document	Date	File	Place of Inspection
Central Lancashire GTAA	June 2015	web	http://chorley.gov.uk/Pages/AtoZ/Examination-news.aspx
Planning and travellers: proposed changes to planning policy and guidance: consultation response – Department for Communities & Local Government	31 August 2015	web	https://www.gov.uk/government/publications/planning-and-travellers-proposed-changes-to-planning-policy-and-guidance-consultation-response
Planning Policy for Traveller Sites – Department for Communities & Local Government	31 August 2015	web	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf

Report Author	Ext	Date	Doc ID
Peter McAnespie	5286	14 September 2015	

Appendix 1- Revised Planning policy for traveller sites – August 2015

The changes are highlighted in bold below.

Para 12 In exceptional cases, where a local planning authority is burdened by a large-scale unauthorised site that has significantly increased their need, and their area is subject to strict and special planning constraints, then there is no assumption that the local planning authority is required to plan to meet their traveller site needs in full.

Para 16 Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. **Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.**

Para 24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

25. Local planning authorities should **very** strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Para 27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions. **The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).**

Annex 1

Para 1. For the purposes of this planning policy “gypsies and travellers” means: *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

Previous definition included those who had ceased to travel “permanently”.

Para 2. In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life**
- b) the reasons for ceasing their nomadic habit of life**
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.**

Para 3. For the purposes of this planning policy, “travelling showpeople” means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependents’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

Previous definition included those who had ceased to travel “permanently”.

EXECUTIVE CABINET

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

GENERAL REPORT OF MEETING HELD ON 27 AUGUST 2015**Report of Overview and Scrutiny Task Group - Public Transport Issues**

2. The Chair of the Overview and Scrutiny Committee, Councillor John Walker, presented the report. Councillor Walker thanked the Chair, members of the Task Group and officers involved with the inquiry.
3. We noted that Lancashire County Council have made a plea to the Government regarding funding for rural transport.
4. We received and accepted for consideration the report of the Overview and Scrutiny Task Group. Our response to the recommendations will be reported to a future meeting.

Chorley Council Performance Monitoring - First Quarter 2015/2016

5. The Executive Member (Resources), Councillor Peter Wilson presented the report of the Chief Executive. The report sets out the performance against the delivery of the Corporate Strategy, and key performance indicators during the first quarter of 2015/16.
6. Overall performance of 2014/15 key projects is good, with 83% of the projects on track or complete. Three projects are rated amber; deliver improvements to Market Street, progress key employment sites, and develop and agree plans for delivery of the Friday Street Health Centre. These rating are due to issues relating to timescales, however, work is now underway to bring these projects back on track.
7. I explained that businesses relocating to Chorley have 18 months to create jobs which means there can be a time lag in realising the associated employment opportunities. When working with inward investors it can take a significant amount of time to reach the application stage and although work is ongoing to progress cases to this stage, by the end of quarter one 2015/16 there are no new Choose Chorley grant applications approved. There are currently two Choose Chorley grant applications ongoing and it is anticipated that these will create a significant number of employment opportunities during 2015/16.
8. We noted the report.

Houses in Multiple Occupation - Adoption of Standards

9. The Executive Member (Public Protection), Councillor Paul Walmsley presented the report of the Director of Public Protection, Streetscene and Community.

10. The report seeks adoption of standards for the provision of accommodation in Houses in Multiple Occupation (HMO's). HMO are defined as premises where there are at least three tenants being accommodated who form more than one household and there is sharing of facilities such as toilet, bathroom or kitchen, across three floors. A household is defined as either a single person or members of the same family living together.
11. There are certain requirements over and above the general housing standards in the private rented sector that must be met for HMOs. In some cases, HMOs of a particular size can only be operated if licensed by the Council. Currently, there are estimated to be around 15 HMO's in Chorley, two of which are of a size requiring a licence to operate.
12. Historically, standards in HMO's have been maintained through periodic inspection by Council officers and liaison with landlords to ensure satisfactory standards in relation to property repair, provision of shared facilities and fire protection measures. However, this sector of the housing market is becoming increasingly popular and property developers are increasingly seeking to procure large premises for conversion to HMO type accommodation, as it fills a market gap between hostel/lodging type accommodation and fully self-contained housing accommodation.
13. In order to promote consistency of provision in this type of accommodation it is proposed that the Council should adopt a set of standards against which HMO landlords can be advised to provide, and, where the HMO is licensable the standards can be conditional on the HMO licence being granted.
14. We granted approval to adopt the standards for accommodation in HMO's as set out in Appendix A of the report.

Civics Review

15. The Executive Member (Resources), Councillor Peter Wilson presented the confidential report of the Chief Executive.
16. The report updates on proposals for restructuring Civic Services and seeks authority to implement the changes.
17. We granted approval to the changes proposed to the structure of Civic Services (to include the Cleaners), outlined at paragraphs 20-26 for consultation and granted delegated authority to the Executive Member (Resources) to receive the consultation responses and subject to there being no opposition to agree to the implementation of the changes.

Information Security Framework

18. The Executive Member (Customer and Advice Services), Councillor Graham Dunn presented the confidential report of the Director of Customer and Advice Services.

19. The report presents the updated Information Security Framework (ISF) following consultation with all affected stakeholders, highlighting changes made to the ISF and the consolidation of a number of existing policies taking into account changes and advancements in technology. The report sets out the roll-out of the updated ISF for both staff and members.
20. We granted approval to the updated Information Security Framework for staff and councillors. We granted approval that any subsequent changes, that may be necessary, be approved by the Executive Member (Customer and Advice Services) under delegated powers, following consultation with interested parties.

Single Front Office midterm report

21. The Executive Member (Customer and Advice Services), Councillor Graham Dunn presented the confidential report of the Director of Customer and Advice Services.
22. The report provides an update on progress made in the implementation of the Single Front Office (SFO) and proposes changes based on experience from the first year of operational delivery.
23. We granted approval to the following changes:
 - a. To continue with supporting and developing staff in generic skills, enable them to retain and/or develop one area of specialism plus one other service in line with service needs outlined in Appendix A.
 - b. Calls to be routed to staff within the SFO with appropriate skills to complete the service request at the first point of contact.
24. We granted approval to develop three further opportunities for staff to train in Council Tax and Housing Benefits and granted approval to create three apprenticeship posts in support roles for a fixed term period of two years.

Recommendation

25. That the report be noted.

COUNCILLOR ALISTAIR BRADLEY
Executive Leader

RR

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Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Resources)	Executive Cabinet	27 August 2015

REVENUE AND CAPITAL BUDGET MONITORING 2015/16 REPORT 1 (END OF JUNE 2015)

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 2015/16.

RECOMMENDATION(S)

2. Note the full year forecast position for the 2015/16 revenue budget and capital investment programme.
3. Note the forecast position on the Council's reserves.
4. Request Council approve the set aside of £100,000 from in-year revenue underspends to fund one-off capital payments to secure recurrent revenue savings on ICT contracts.
5. Request Council approve the use of £39,000 held in reserves for the former NEETs programme to invest in the Town Centre Grants Programme and a further sum of £61,000 be funded from in-year savings.
6. Request Council approve the use of £36,000 from in-year revenue underspends for capital investment in Christmas lighting for the town centre and Market Walk.
7. Request Council approve the Single Front Office Apprenticeships at an estimated cost of £56,000 for two years, and that the unspent budget at 2015/16 year-end be carried forward in an earmarked reserve.
8. Request Council approve the proposed additions and re-profiling of the Capital Programme to better reflect delivery in 2015/16. This requires £166,000 revenue financing of the CCTV Programme to be brought forward from 2016/17 and 2017/18, which would be financed from a reserve earmarked for capital financing. In addition it is recommended that the budget for revenue financing of CCTV should be increased by £85,000, to be met from the forecast underspend.

EXECUTIVE SUMMARY OF REPORT

9. The projected revenue outturn currently shows a forecast underspend of £444,000 against budget (including savings made in Market Walk financing costs). The report proposes that Council should approve the use of most of the forecast overspend for the funding of service improvements (Recommendations 4 to 9 above), so that £106,000 would be added to General Balances if all proposals are approved.
10. The latest forecast excludes any variation to projected expenditure on investment items

added to the budget in 2015/16. These projects are forecast to fully expend in 2015/16 and should there be any balances remaining at year end they will be transferred into specific reserves and matched to expenditure in future years.

11. In the 2015/16 budget the expected net income from Market Walk after deducting financing costs is £0.905m. The latest projection shows that the forecast outturn is £1.055m, most of the improvement being in respect of reduced financing costs.
12. Overall, Net Financing Transactions (interest payable plus MRP, less interest receivable) are expected to be £165k less than budget, mainly because additional PWLB borrowing was not incurred at the end of 2014/15. This borrowing, to replace use of internal cash, might be required before year-end if a longer-term increase in interest rates is imminent.
13. The forecast of capital expenditure in 2015/16 is £10.210m, before rephasing and increasing the CCTV budget.
14. The Council expected to make overall target savings of £150k in 2015/16 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.
15. The Council's Medium Term Financial Strategy proposed that working balances are to reach £3.0m over the 3 year lifespan of the MTFS to 2017/18 due to the financial risks facing the Council. This is an increase from previous years' strategies and has been set to match the total budget deficit currently forecast for 2017/18. A budgeted contribution into General Balances of £350k is contained within the new investment package for 2015/16. The current forecast to the end of June shows that the General Fund balance could be around £2.744m by the end of the financial year, after adding the £106,000 underspend discussed in paragraph 9 above.

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)

16. To ensure the Council's budgetary targets are achieved.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

17. None.

CORPORATE PRIORITIES

18. 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

19. The latest revenue budget is £16.590m. This has been amended to include approved slippage from 2014/15 and any transfers from reserves. The significant additions to the budget include:

- £423,900 slippage from 2014/15.
- £498,800 residual balance of investment budgets for Economic Development.
- £71,270 balance from the Neighbourhood pump priming budget.
- £53,350 balance of investment budget for Neighbourhood Working.

20. A full schedule of the investment budgets carried forward from 2014/15 and the new (non-recurrent) investment budgets introduced in the 2015/16 budget are shown below. Expenditure to date against these projects is shown in Appendix 2.

Investment Area (Revenue)	Investment Budgets b/fwd.	2015/16 New Investment
Deliver Agreed Neighbourhood Priorities	53,350	50,000
16/17 year old drop in scheme	2,000	19,000
Connecting Communities through food	10,260	
Extension & improvement of street furniture	3,950	
Play and Open Space Strategy	10,930	
Mediation service for Anti-Social Behaviour disputes	7,000	7,000
Chorley Council energy advice switching service	15,000	
Inward investment delivery	244,510	50,000
Town Centre Masterplan	35,000	
Support the expansion of local businesses (BIG grant)	79,100	40,000
Business Start-up (Grant and Loan)	49,680	
Town Centre & Steeley Lane Pilot Action Plans	83,650	
Unify Credit Union	9,000	
Private Property Improvement Scheme	38,230	
Joint employment initiative with Runshaw College	6,870	10,000
Community development and volunteering	25,530	
Digital access and inclusion		25,000
Investigate opportunities to expand Chorley Markets		30,000
Employee Health scheme		20,000
Support the food bank		15,000
Supporting communities to access grant funding		20,000
Increase visitor numbers to Chorley		35,000
Chorley Public Service Reform Board work plan		15,000
Campaigns and events		65,000
Disabled and dementia online venue access guides		20,000
Accommodation finding service		6,000
Development and delivery of community action plans		200,000
Chorley Flower Show		50,000
North West in Bloom		45,000
Town and Country Festival		10,000
Free Swimming		8,000
Additional events in Astley Hall and Park		14,000
TOTALS	674,060	754,000

Investment Area (Capital)	Investment Budgets b/fwd.	2015/16 New Investment
Chorley Youth Zone		1,000,000
Deliver Improvements to Market Street		1,000,000
Recycling Lives – Depot Split	(4,800)	120,000
Land Assembly – Extra Care		250,000
Delivery of CCTV 2015/16 – 2017/18 (split over 3 years)		250,000
Yarrow Valley Car Park		225,000
Buckshaw Community Centre		600,000
Recreation Strategy		170,000
Astley Hall & Park Development:		
- 2014/15 carry forward	458,990	
- 2014/15 investment – year 2		218,000
TOTALS	454,190	3,833,000

21. The Council's approved revenue budget for 2015/16 included target savings of £150,000 from management of the staffing establishment.
22. It was recommended in the June Provisional Revenue and Capital Outturn Report that the £176k net income from Market Walk in 2014/15 was split between the Change Management Reserve and Income Equalisation Reserve on a 80:20 basis. A sum of £141k was subsequently allocated to the Change Management Reserve to assist in funding future organisational change.
23. 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.
24. The latest forecast of capital expenditure in 2015/16 is £10.210m. The latest capital forecast is detailed 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. Rephasing of the CCTV Programme and the increase in budget provision to £0.335m is not reflected in the appendix, which will be updated should Council approve the changes.

SECTION A: CURRENT FORECAST POSITION – REVENUE

25. The projected outturn shown in Appendix 1 forecasts an underspend compared to budget of around £444,000. The significant variances from the Cash Budget are shown in the table following. 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	(184)	
Net Financing Costs including Market Walk financing	(165)	
Single Fraud Investigation Service (SFIS)	(39)	
Council Tax Support Grant - New Burdens	(22)	
Waste Contract	(62)	
Central Printing & Copying	(16)	
Chorley Local Plan/CIL Review	41	
Bengal Street Depot - Business Rates	<u>15</u>	(432)
Income:		
Bengal Street Depot - Rent/Service Charge	65	
Car Parking Fees	20	
Housing Benefit related Grants	(60)	
Children's Partnership Board funding	(15)	
Grant of Easement/Sale of Land	<u>(17)</u>	(7)
Other:		
Other minor variances	<u>(5)</u>	(5)
Net Movement		(444)

26. The forecast saving of £184,000 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 2015/16. The total savings of £284k are made up of £78k from the Chief Executive directorate, £107k from Customer & ICT Services and £99k from Public Protection, Streetscene & Community predominantly from the Planning Services team. The staffing savings achieved to date are a result of vacant posts.
27. In addition to the staffing savings outlined above, there is also a one-off saving in 2015/16 of around £39,000 following the roll out of the Single Fraud Investigation Service (SFIS) under the Department for Work and Pensions. The intention was that once the Council's Housing Benefit Fraud Investigation staff transferred to SFIS, the DWP would reduce the Council's Housing Benefit Admin Grant. Chorley's transfer date was 1 May 2015 and resulted in a reduction of one post reducing costs by £39,000. However, the DWP have announced that the reduction in grant funding will only take effect from 2016/17 resulting in a one-off saving in the current year.
28. In 2015/16 the Council has received a grant of £22,250 for New Burdens funding to help with the administrative costs of the Council's local Council Tax Support scheme. It is anticipated that the costs of administering the scheme can be contained within existing budget resources within the Single Front Office therefore generating a saving of £22k.
29. The Council's annual 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 March RPIX figure at just 0.9% was lower than the provision included in the

budget for 2015/16 and this has generated a saving on the contract costs of around £62,000 for the current year.

30. One area that has seen a reduction in costs over recent months is printing and copying. Following an agreement reached with Canon (UK) Ltd, the Council is no longer liable to pay rental charges on some of the older copiers and now only gets charged based on the actual number of copies used. In addition to this, the Council has made efforts to drive forward the policy of reducing costs by promoting the paperless office and implementing the roll out of iPads for Members and senior officers. This has reduced the copier usage charges and together with the reduction in rental charges, a saving of around £16,000 is anticipated for 2015/16.
31. One issue highlighted in previous monitoring reports was the legal costs associated with the Chorley Local Plan 2012-26. The latest forecast for expenditure under the Local Development Framework in 2015/16 is estimated to be around £31k, a large proportion of which relates to the Planning Inspectors costs at just over £25k. In addition to this, work on the Community Infrastructure Levy (CIL) review will be commissioned later this year as part of the LDF joint working with Preston and South Ribble Councils. The estimated cost of the work is currently around £30k and will be shared between each of the three authorities. Previous budget provision for LDF related costs has been fully utilised so the forecast costs of around £41k will have to be met from current year underspends.
32. 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 going forward from shared site costs and rental income. Based on these proposals, the Council's budget for 2015/16 included a total sum of around £80,000 made up of £45k for rental/service charge income, savings of £15k due to sharing business rates and an additional £20k to be realised from a profit sharing agreement.

The exact terms of the lease have still not been agreed with Recycling Lives and it is now a possibility that this agreement will no longer go ahead. The options now available for the Bengal Street Depot site are detailed in a separate report to Executive Cabinet. As a decision has yet to be made for this site, the current forecast assumes it is unlikely that any savings will be realised in this financial year and so the full loss of income of around £80k is currently included in the forecast for 2015/16.
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. Based on actual income levels throughout the previous financial year, the full year effect of the new tariff is now estimated to be around £125,000 resulting in a shortfall against budget of around £25k. Income levels for the first quarter of 2015/16 have continued at broadly the same level and the initial forecast is for a shortfall of £20k in the current year. If these levels are maintained for the remainder of the year, budget projections for future years will need to be adjusted accordingly.
34. The Council recently entered into a Delivery Partnership Agreement with the Department for Work and Pensions to support the implementation of Universal Credit in Chorley Borough for the period 1st April 2015 to 31st March 2016. As a result, the DWP have agreed to pay the Council a grant of £33,200 for providing support to the programme. The Council has also received further grants of £16,260 for implementing Welfare Reform changes, and £11,495 in respect of the Fraud & Error Reduction Incentive Scheme (FERIS) which aims to identify fraud and error on Housing Benefit claims.
35. The Council has also signed up to a partnership agreement with Lancashire County Council, together with South Ribble and West Lancashire Borough Councils, to support the priorities and targets of the Children's Partnership Board (CPB) aiming to improve outcomes for children, young people and families. In return for providing support to the partnership, LCC will make a contribution of £15,000 to each district Council to cover the current financial year.

36. Further income has also been received from Lancashire County Council in the sum of £6,600 in respect of a grant of easement awarded by the Council for land near Swansea Lane, Whittle-le-Woods. Additional income has also been generated from the sale of various small parcels of land including the disposal of open space land adjacent to 18A The Farthings for the sum of £4,610. Total income received to date in 2015/16 from these land related activities is around £17,000.
37. Two of the Council's major ICT contracts with Capita Business Services Ltd and IDOX Software Limited are due to expire in March 2016. The value of the current contracts is in the region of £610k which covers annual support and maintenance for a five year period. The charges for Capita Business Services Ltd were secured at a reduced rate as a result of the Council making a one-off capital investment of £186k at the start of the contract period. The procurement of software and commercial discussions has recently started with suppliers and it is anticipated that a one-off capital payment will again realise the greatest savings for the Council over the term of any new contracts. As a result, it is recommended that Council approve the set aside of £100k from in-year revenue underspends to fund the one-off capital payments to secure recurrent revenue savings on these contracts. Members will be updated on the progress of new contracts over future monitoring reports.
38. In 2014/15 the Council set aside a sum of £100,000 of additional income from Market Walk to invest in Town Centre Grants funding due to the high demand for this programme. This funding has now been fully committed and with the level of grant applications remaining high, additional funding is now required to continue with this programme. A balance of £39,000 is currently held in reserves from the former NEET's programme which funded the recruitment of apprentices with Active Nation and Chorley Community Housing. As this programme has now come to an end it is recommended that Council approve the use of this sum to invest in the Town Centre Grants scheme. This sum will only be sufficient to continue funding in the short term so in addition to this transfer it is recommended that a sum of £61,000 is transferred from in-year savings.
39. One further issue that requires additional funding in 2015/16 is the Christmas lighting requirements for both the town centre and Market Walk. Prices have recently been obtained from Blackpool Illuminations for this year's lighting displays. The proposals for Market Walk include the purchase of new lights for around £8.5k plus £5k installation which can be financed from the Market Walk service charge. In addition to this there is a proposal to buy a new centre piece tree at a cost of £15k including installation. For the town centre, there are proposals to include additional features for the Town Hall, shopping centre and Market Street at a cost of £5k and make one-off infrastructure improvements for around £4.5k. It is also proposed that the small shop front Christmas trees are again installed as they were last year at a cost of £14k. There is currently a budget provision of £24k in 2015/16 and if the proposals are approved, additional funding of £36k will be needed. It is therefore recommended that Council approve the set aside of in-year revenue underspends to meet this additional funding requirement.
40. The estimated cost of financing capital investment less interest earned on cash balances invested temporarily has been reviewed. A total saving of £164,660 in Net Financing Transactions is expected in 2015/16, most of which relates to Market Walk. This is because additional PWLB borrowing has not yet been incurred, as explained in the Market Walk section below.
41. The Director of Customer and Advice Services presents a mid-term report on the Single Front Office on this agenda. It recommends the creation of apprenticeship posts in support roles. The estimated cost over two years is £56k, to be met from the revenue underspends identified in this report. As this budget would not be spent entirely in 2015/16, any unspent balance should be carried forward at year-end in an earmarked reserve.

42. The proposed rephasing of the CCTV upgrade programme is explained in the section on the capital programme below. Most of the upgrade programme would be financed from a reserve earmarked for the purpose of capital financing, but £85k of the revenue underspends estimated for the current year would be required.

MARKET WALK

43. The budgeted net rental income from Market Walk after taking account of financing costs in 2015/16 is £0.905m. The latest forecast shows a saving of £0.150m and is detailed in the table below.

Table 2: Market Walk Income Forecast (June 2015)

	2015/16 Budget	2015/16 Forecast	2015/16 Variance
	£	£	£
<i>Income Budget</i>			
Gross Income incl. service charges	(1,893,790)	(1,871,790)	22,000
<i>Expenditure Budget</i>			
Operational costs (excluding financing)	129,950	106,840	(23,110)
	(1,763,840)	(1,764,950)	(1,110)
<i>Commitments</i>			
Market Walk Extension costs	101,780	101,780	0
Net Income before Financing Costs	(1,662,060)	(1,663,170)	(1,110)
Financing Costs within Net Financing	756,880	607,800	(149,080)
Net Income after Financing Costs	(905,180)	(1,055,370)	(150,190)
<i>Transfers to/(from) reserves</i>			
Equalisation Reserve (annual contribution)	50,000	50,000	0
Asset Management re Market Walk	50,000	50,000	0
Market Walk Reserve re Extension costs	(101,780)	(101,780)	0
Total transfers to/(from) reserves	(1,780)	(1,780)	0
Revised Net Income	(906,960)	(1,057,150)	(150,190)

44. The approved budget made provision for a £50,000 transfer to reserve to fund asset maintenance costs outside of the service charge agreement and a £50,000 transfer to an equalisation account to build up a reserve to fund any future reduction to income levels. In addition, the current budget includes financing of £101,780 costs in respect of the Market Walk extension by transferring funds from the Market Walk Reserve.
45. The Council's budget for 2015/16 was prepared on the assumption that £5m extra 25-year PWLB borrowing to replace use of internal cash balances would be taken by the end of 2014/15, in order to secure the cash at a lower interest rate than might be available in the

future. The extra borrowing was not taken, so this accounts for most of the one-off saving in Financing Costs in Table 2. Should the Council be advised that PWLB rates are due to rise, additional borrowing could be taken before year-end and the impact would be reflected in budget monitoring. Additional borrowing would be taken only when longer term budget savings could be achieved by avoiding interest rate increases.

46. The net cost of the additional borrowing was included in Net Financing Transactions, whereas the MRP, interest payable and loss of interest costs were included in the Market Walk account. To improve presentation, the Financing Costs budgets should be moved from the Market Walk account to Net Financing Transactions, and the costs relating to Market Walk be shown separately in Appendix 1.

GENERAL FUND RESOURCES AND BALANCES

47. With regard to working balances, and as per Appendix 1, the Council started the year with a balance of £2.288m. The approved MTFS proposes that working balances are to reach £3.0m over the 3 year lifespan of the MTFS to 2017/18 given the budgetary challenges facing the Council. The current forecast to the end of June shows that the General Fund closing balance could be around £2.744m as detailed in the table below.

Table 3 – Movement in General Fund Balance

General Balances	£m
Opening Balance 2015/16	2.288
Budgeted contribution to General Balances	0.350
Forecast revenue budget underspend assuming Council approval of additional expenditure	0.106
Forecast General Fund Balance 2015/16	2.744

48. Appendix 3 provides further information about the specific earmarked reserves and provisions available for use throughout 2015/16.

SECTION B: CURRENT FORECAST POSITION – CAPITAL

49. The capital budget for 2015/16 to 2017/18 as approved at Special Council in March and taking into account subsequent amendments reported to the Executive Cabinet in June and to full council in May 2015 within the 2014/15 Outturn Report is as follows:

- 2015/16: £10.217m
- 2016/17: £3.991m
- 2017/18: £2.232m

50. Capital expenditure and commitments raised as at 30th June 2015 are £1.079m. This represents 11% delivery against the 2015/16 budget.

Amendments

51. Executive Cabinet is asked to approve the following additions to the capital budget:

- Approval was granted for the addition of a £35k budget towards the improvement and equipping of the existing trim trail in Carr Brook (£15k capital and £20k revenue). This is fully funded through a section 106 receipt in the sum of £118k and permission is sought to increase the budget in line with the remaining receipt.
- Addition of £30k to the budget towards match funding to the final phase of refurbishment at Cotswold supported Housing as detailed below.

52. In an Executive Member Decision report, the Director of Public Protection Streetscene and Community has recommended the rephrasing of the CCTV upgrade programme, currently including in the capital programme over three financial years. The programme would be implemented in 2015/16 and an increase in the budget by £85k is also recommended. This would be funded from revenue budget underspends outlined in this report in order to avoid any increase in financing by borrowing. The recommended bidder offers lower service and maintenance costs over the contract period, so that the additional capital expenditure would be offset in part by reduced running costs.
53. Executive Cabinet is asked to approve the following deletions from the capital budget:
- Deletion of the £40k budget for the Bengal Street grant to Recycling Lives for business works. This was due to be funded from revenue savings achieved through the proposed scheme which is no longer going ahead.
 - Deletion of £13k from the Thin Client implementation budget. This budget has been carried forward from previous financial years and at present this element is unfunded. Deletion of this element will leave £8k to be funded through reserve.

Cotswold Supported Housing – final refurbishment phase

54. The cost of the works to complete the refurbishment of Cotswold Supported Housing has been estimated at £858k. A bid has been made to the Homes and Communities Agency for Homelessness Change Funding towards the cost of the works.
55. A condition of the funding bid is that the council provides some match funding towards the work. A contribution of £105k has been identified with the remaining £754k sought as grant from the HCA.
56. Of the £105k contribution identified, £75k is already approved within the capital programme for a grant to Recycling Lives for works to develop residential accommodation at Bengal Street depot. As this scheme is no longer progressing approval is sought to transfer the budget to Cotswold House.
57. Approval is sought to add the remaining £30k to the programme. Funding has been identified from capital receipts gained through the sale of land for affordable housing.
58. Further approval to add the remaining £754k to the budget will be sought once the outcome of the funding bid is known. This will be confirmed by the end of October 2015. It is likely that the majority of work will take place in 2016/17.

IMPLICATIONS OF REPORT

59. 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

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

COMMENTS OF THE MONITORING OFFICER

61. 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/Hanne Harland	5488/5028	30/07/15	Revenue and Capital Budget Monitoring 2015-16 Report 1

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
General Fund Revenue Budget Monitoring 2015/16 Forecast to end of June 2015	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	4,628,940	(420,180)		677,630	4,886,390			4,886,390	4,897,580	11,190	0.2%
Customer & Advice Services	2,221,980			364,540	2,586,520	(50,000)		2,536,520	2,319,520	(217,000)	-8.6%
Public Protection, Streetscene & Community	6,939,880	484,780		263,500	7,688,160	(50,000)		7,638,160	7,577,160	(61,000)	-0.8%
Directorate Total	13,790,800	64,600	-	1,305,670	15,161,070	(100,000)	-	15,061,070	14,794,260	(266,810)	-1.8%
Budgets Excluded from Directorate Monitoring:											
Pensions Account	235,560				235,560			235,560	235,560	-	-
Pensions Deficit Recovery (Fixed Rate)	831,900				831,900			831,900	831,900	-	-
Benefit Payments	(33,470)				(33,470)			(33,470)	(33,470)	-	-
Market Walk	(1,042,000)	(64,600)		(555,460)	(1,662,060)			(1,662,060)	(1,663,170)	(1,110)	0.1%
Corporate Savings Targets											
Management of Establishment	-			(150,000)	(150,000)	100,000		(50,000)	(50,000)	-	-
Total Service Expenditure	13,782,790	-	-	600,210	14,383,000	-	-	14,383,000	14,115,080	(267,920)	-1.9%
Non Service Expenditure											
Contingency - Management of Establishment	(150,000)			150,000	-			-	-	-	-
Revenue Contribution to Capital	557,820				557,820			557,820	723,820	166,000	
Net Financing Transactions (general capital expenditure)	464,410			(104,640)	359,770			359,770	344,190	(15,580)	
Net Financing Transactions (Market Walk)	-			756,880	756,880			756,880	607,800	(149,080)	
Parish Precepts	532,960				532,960			532,960	532,960	-	
Total Non Service Expenditure/Income	1,405,190	-	-	802,240	2,207,430	-	-	2,207,430	2,208,770	1,340	
Total Expenditure	15,187,980	-	-	1,402,450	16,590,430	-	-	16,590,430	16,323,850	(266,580)	-1.6%
Financed By											
Council Tax	(6,654,350)				(6,654,350)			(6,654,350)	(6,654,355)	(5)	
Grant for freezing Council Tax 2014/15	(65,000)				(65,000)			(65,000)	(68,069)	(3,069)	
Revenue Support Grant	(2,132,380)				(2,132,380)			(2,132,380)	(2,132,380)	-	
Retained Business Rates	(2,759,370)				(2,759,370)			(2,759,370)	(2,759,370)	-	
Government S31 Grants (Small Business Rate Relief)	(769,780)				(769,780)			(769,780)	(769,780)	-	
Business Rates Retention Reserve	(91,830)				(91,830)			(91,830)	(91,830)	-	
New Homes Bonus	(3,379,070)				(3,379,070)			(3,379,070)	(3,387,725)	(8,655)	
Collection Fund (Surplus)/Deficit	222,960				222,960			222,960	222,958	(2)	
Use of Earmarked Reserves - capital financing	-				-			-	(166,000)	(166,000)	
Use of Earmarked Reserves - revenue expenditure	90,840			(1,402,450)	(1,311,610)			(1,311,610)	(1,311,610)	-	
Budgeted Contribution to General Balances	350,000				350,000			350,000	350,000	-	
Total Financing	(15,187,980)	-	-	(1,402,450)	(16,590,430)	-	-	(16,590,430)	(16,768,161)	(177,731)	1.1%
Net Expenditure	-	-	-	-	-	-	-	-	(444,311)	(444,311)	
General Balances Summary Position											
				Target	Forecast						
				£	£						
General Fund Balance at 1 April 2015				2,000,000	2,287,660						
Budgeted Contribution to General Balances					350,000						
Provisional (Over)/Under Spend					106,311						
Forecast General Fund Balance at 31 March 2016				2,000,000	2,743,971			Forecast Underspend	(106,311)		
								ICT Contracts	100,000	Recommendation 4	
								Town Centre Grants Programme	61,000	Recommendation 5	
								Christmas Lighting	36,000	Recommendation 6	
								Single Front Office Apprenticeships	56,000	Recommendation 7	
								CCTV Programme	85,000	Recommendation 8	

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Investment Projects 2015/16

Investment Area (Revenue)	Investment Budgets b/fwd.	2015/16 New Investment	2015/16 Total Investment Budget	2015/16 Spend to Date	2015/16 Balance
Deliver Agreed Neighbourhood Priorities	53,350	50,000	103,350	9,662	93,688
16/17 year old drop in scheme	2,000	19,000	21,000	4,750	16,250
Connecting Communities through food	10,260		10,260	115	10,145
Extension & improvement of street furniture	3,950		3,950	-	3,950
Play and Open Space Strategy	10,930		10,930	10,930	-
Mediation service for Anti-Social Behaviour disputes	7,000	7,000	14,000	3,000	11,000
Chorley Council energy advice switching service	15,000		15,000	-	15,000
Inward investment delivery	244,500	50,000	294,500	8,866	285,634
Town Centre Masterplan	35,000		35,000	-	35,000
Support the expansion of local businesses (BIG grant)	79,100	40,000	119,100	303	118,797
Business Start-up (Grant and Loan)	49,680		49,680	4,255	45,425
Town Centre & Steeley Lane Pilot Action Plans	83,650	100,000	183,650	-	183,650
Unify Credit Union	9,000		9,000	-	9,000
Private Property Improvement Scheme	38,230		38,230	33,050	5,180
Joint employment initiative with Runshaw College	6,870	10,000	16,870	1,875	14,995
Community development and volunteering	25,530		25,530	-	25,530
Digital access and inclusion		25,000	25,000	12,709	12,291
Investigate opportunities to expand Chorley Markets		30,000	30,000	19,918	10,082
Employee Health scheme		20,000	20,000	-	20,000
Support the food bank		15,000	15,000	10,000	5,000
Supporting communities to access grant funding		20,000	20,000	11,700	8,300
Increase visitor numbers to Chorley		35,000	35,000	-	35,000
Chorley Public Service Reform Board work plan		15,000	15,000	-	15,000
Campaigns and events		65,000	65,000	15,101	49,899
Disabled and dementia online venue access guides		20,000	20,000	5,077	14,923
Accommodation finding service		6,000	6,000	-	6,000
Development and delivery of community action plans		200,000	200,000	-	200,000
Chorley Flower Show		50,000	50,000	50,000	-
North West in Bloom		45,000	45,000	23,401	21,599
Town and Country Festival		10,000	10,000	-	10,000
Free Swimming		8,000	8,000	-	8,000
Additional events in Astley Hall and Park		14,000	14,000	-	14,000
TOTALS	674,050	854,000	1,528,050	224,712	1,303,338

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Analysis of Reserves and Provisions 2015/16

Reserve or Provision	Purpose	Opening Balance 01/04/15 £	Other Transfers 2015/16 £	Forecast Use in 2015/16 £	Forecast Balance 31/03/16 £	Notes
Reserves						
General Fund Balance						
		2,287,660	628,540	(136,000)	2,780,200	(1)
Change Management Reserve	Unused balance from 2012/13	0			0	
Change Management Reserve	From Market Walk net income 2013/14	382,770		(54,710)	328,060	
VAT Shelter Income	Capital/revenue financing	91,510		(91,510)	0	
Provision for Pension Liabilities	Payment to Lancashire Pension Fund	1,750,000		(1,584,000)	166,000	
Non-Recurring Expenditure	Revenue resources for capital financing 2015/16	179,500		(179,500)	0	
Market Walk	Income Equalisation Reserve	150,370	50,000		200,370	
Market Walk	Asset Management	50,000	50,000	(50,000)	50,000	
Market Walk	Extension feasibility and planning	101,780		(101,780)	0	
S31 Grant	Empty property/small business rate relief	146,670			146,670	
Business Rates Retention	Surplus on levy payment	383,600	350,260	(442,090)	291,770	
Non-Directorate Reserves		3,236,200	450,260	(2,503,590)	1,182,870	
Chief Executive						
	Slippage from 2014/15	23,670		(23,670)	0	(2)
Chief Executive's Office						
		23,670	0	(23,670)	0	
	Slippage from 2014/15	41,660		(41,660)	0	(2)
	PRG - uncommitted	29,350			29,350	
	Public Service Reform funding	36,430		(36,430)	0	
	2013/14 New Investment Projects	9,000		(9,000)	0	
	2014/15 New Investment Projects	10,260		(10,260)	0	
Policy & Performance		126,700	0	(97,350)	29,350	
	Town Centre Grants	88,250		(88,250)	0	
	Town Centre Reserve (Revenue)	22,680		(22,680)	0	
	2013/14 New Investment Projects	498,800		(498,800)	0	
	Slippage from 2014/15	2,070		(2,070)	0	(2)
	2015/16 Investments	0	10,000		10,000	
Economic Development		611,800	10,000	(611,800)	10,000	
	Legal Case Mgt System	1,520		(1,520)	0	
	Capital financing	69,380			69,380	
	2013/14 New Investment Projects	38,230		(33,050)	5,180	
	New Burdens Funding	32,500			32,500	
	Slippage from 2014/15	11,900		(11,900)	0	(2)
	Buildings Fund	224,520		(224,520)	0	
	Elections	58,000		(29,000)	29,000	
Governance		436,050	0	(299,990)	136,060	
	Slippage from 2014/15	15,000		(15,000)	0	(2)
Shared Financial Services		15,000	0	(15,000)	0	
	Slippage from 2014/15	13,100		(13,100)	0	(2)
	HR Reserve for maternity cover	20,000			20,000	
	Impact of 2014/15 Pay Policy	10,000	10,000	(20,000)	0	
	Additional external NEETs (Econ Dev)	39,000		(39,000)	0	
Human Resources & OD		82,100	10,000	(72,100)	20,000	
Chief Executive		1,295,320	20,000	(1,119,910)	195,410	
Customer & Advice Services						
	Slippage from 2014/15	10,000		(10,000)	0	(2)
	Government Grants (Housing)	214,370		(214,370)	0	
	Handyperson Scheme	43,870		(15,870)	28,000	
	Employability Officer Funding	30,000		(30,000)	0	
	2014/15 New Investment Projects	17,000		(17,000)	0	
	2015/16 Investments	0	18,000		18,000	
Housing		315,240	18,000	(287,240)	46,000	
	ICT Projects	146,880		(146,880)	0	
	Slippage from 2013/14	26,540		(26,540)	0	
	Slippage from 2014/15	288,000		(288,000)	0	(2)
	Single Front Office	40,000		(40,000)	0	
	2015/16 Investments	0	25,000		25,000	
	Council Tax Summons/Liability Order Bad Debts	116,000			116,000	
	Capital financing	8,450		(8,450)	0	
ICT Services		625,870	25,000	(509,870)	141,000	
Customer & Advice Services		941,110	43,000	(797,110)	187,000	

Reserve or Provision	Purpose	Opening Balance 01/04/15 £	Other Transfers 2015/16 £	Forecast Use in 2015/16 £	Forecast Balance 31/03/16 £	Notes
<u>Public Protection, Streetscene & Community</u>						
	Buckshaw Youth Development Grants	1,370		(1,370)	0	
	Neighbourhood Working (pump priming)	71,270		(71,270)	0	
	2014/15 New Investment Projects	85,880		(85,880)	0	
	Disability Shortbreaks Funding	10,580		(10,580)	0	
	Slippage from 2014/15	18,500		(9,500)	9,000	(2)
	S106 Contribution re: Carr Brook Trim Trail	15,000		(15,000)	0	
	<i>Health, Environment & Neighbourhoods</i>	202,600	0	(193,600)	9,000	
	2014/15 New Investment Projects	14,880		(14,880)	0	
	North West in Bloom	40,000		(40,000)	0	
	Redrow Funding for Gas Cowsls at Gillibrands	16,830		(16,830)	0	
	Astley Hall Works of Art	5,880			5,880	
	Maintenance of Grounds	72,200	10,000	(25,000)	57,200	
	<i>Streetscene & Leisure Contracts</i>	149,790	10,000	(96,710)	63,080	
	Planning Appeal Costs	39,130			39,130	
	<i>Planning</i>	39,130	0	0	39,130	
	Public Protection, Streetscene & Community	391,520	10,000	(290,310)	111,210	
	Directorate Reserves	2,627,950	73,000	(2,207,330)	493,620	
	Earmarked Reserves	5,864,150	523,260	(4,710,920)	1,676,490	
	Total Reserves - General and Earmarked	8,151,810	1,151,800	(4,846,920)	4,456,690	
<u>Provisions</u>						
Insurance Provision	Potential MMI clawback	19,540			19,540	
Other Provisions	Asda re: land at Bolton Street	10,000		(10,000)	0	
	Total Provisions	29,540	0	(10,000)	19,540	

Notes

(1) Forecast Outturn as at 31 March 2016.

(2) Slippage from 2014/15 total £423,900.

Capital Programme 2015/16

	Cost Centre	Agreed Budget March Council	Rephasing	Agreed Budget Variations	Current Budget	Actual to Date	Commitment	Total Committed	Current Budget Remaining / (Over spent)	Forecast Outturn	Forecast Variance
Funding Bal b/f											
Received in year											
Current Balance											
Scheme											
Asset Improvements	7082	0	0	38,000	38,000	(2,449)	496	(1,954)	39,954	38,000	0
Union Street	7082			10,000	10,000			0	10,000	10,000	0
Town Hall	7082			88,000	88,000	13,938	53,337	67,275	20,725	88,000	0
Fixed Wiring (all buildings)	7082			25,000	25,000			0	25,000	25,000	0
		0	0	161,000	161,000	11,489	53,833	65,321	95,679	161,000	0
Big Wood Reservoir	7090	0	11,520		11,520	0	0	0	11,520	11,520	0
Disabled Facilities Grant	7100	420,000	0		420,000	79,432	0	79,432	340,568	420,000	0
Leisure Centres Improvements	7157	275,000	(4,050)	(25,000)	245,950	0	70,000	70,000	175,950	245,950	0
Recycling receptacles	7174	75,000	9,900		84,900	40,176	20,614	60,790	24,110	84,900	0
Buckshaw Village Rail Station	7208	726,000	0		726,000	0	0	0	726,000	725,907	93
Thin Client Implementation	7209		21,830		21,830	0	0	0	21,830	8,450	13,380
Cotswold House Improvements	7225	31,000	(6,090)		24,910	(8,442)	479,365	470,923	(446,013)	7,243	17,667
Cotswold House Improvements - Final Phase	7225	0	0	105,000	105,000	0	0	0	105,000	105,000	0
Climate Change Pot	7247	0	6,680		6,680	3,000	0	3,000	3,680	6,680	0
Affordable Housing New Dev Projects	7258	0	0		0	0	0	0	0	0	0
Eaves Green Play Development	7262	0	106,060		106,060	(1,037)	14,128	13,091	92,969	105,349	711
Play & Recreation Fund - Chorley Schemes	7277		34,000		34,000	0	0	0	34,000	33,500	500
Rangletts Recreation Ground	7289	0	454,530		454,530	59,447	125,341	184,788	269,742	473,255	(18,725)
Chorley East Health Centre	7293	1,759,000	0		1,759,000	0	0	0	1,759,000	1,759,000	0
Puffin Crossing Collingwood Letchworth	7294	47,820	0		47,820	0	0	0	47,820	47,820	0
Adlington Play Facilities	7295	0	3,610		3,610	(2,686)	2,686	0	3,610	0	3,610
Regeneration Projects (Market Street)	7296	1,196,000	69,570	(196,000)	1,069,570	(142,500)	12,868	(129,632)	1,199,202	1,069,570	0
Play Recreation POS Projects S106 Funded	7297		188,000		188,000	0	0	0	188,000	187,636	364
Astley Hall & Park Development	7298	575,000	101,990		676,990	197,131	33,231	230,362	446,628	676,990	0
Clayton Brook Village Hall Extension	7299	127,000	0	69,000	196,000	0	0	0	196,000	207,309	(11,309)
Bengal Street Grant 2013-14	7303	40,000	0		40,000	0	0	0	40,000	0	40,000
Bengal Street Depot Accomodation	7304	75,000	0	(75,000)	0	0	0	0	0	0	0
Play Areas Growth Programme	7306	200,000	0		200,000	0	0	0	200,000	200,000	0
Croston Flood Prevention Scheme	7307	1,100,000	0		1,100,000	0	0	0	1,100,000	1,100,000	0
Chorley Youth Zone	7308	1,118,000	0		1,118,000	0	0	0	1,118,000	1,118,000	0
Carr Brook Trim Trail	7309	0	5,990		5,990	20,299	10,650	30,949	(24,959)	5,990	0
Recycling Lives - Depot Split	7310	120,000	(4,800)		115,200	0	0	0	115,200	115,200	0
Electoral Management System	7311	0	4,160		4,160	0	0	0	4,160	5,120	(960)
Land Assembly Extra Care	7313	250,000	0		250,000	0	0	0	250,000	250,000	0
Delivery of CCTV 15/16 - 17/18	7314	84,000	0		84,000	0	0	0	84,000	84,000	0
Yarrow Valley Car Park	7315	225,000	0		225,000	0	0	0	225,000	225,000	0
Buckshaw Community Centre	7316	600,000	0		600,000	0	0	0	600,000	600,000	0
Recreation Strategy	7317	170,000	0		170,000	0	0	0	170,000	170,000	0
		9,213,820	1,002,900	39,000	10,255,720	256,308	822,717	1,079,025	9,176,695	10,210,389	45,331

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REPORT OF OVERVIEW AND SCRUTINY

1. This report summarises the business considered at the meeting of the Overview and Scrutiny Committee on 16 July 2015 and the work to date on the Task Group relating to the Single Front Office review.

OVERVIEW AND SCRUTINY COMMITTEE – 16 JULY 2015**Scrutiny Reporting Back – Annual Report 2014/15**

2. The Committee considered the Overview and Scrutiny Annual Report that detailed the work of the Committee in 2014/15, including the specific outcomes from the Task Groups that had been undertaken, the Committee's role in crime and disorder scrutiny, other performance and holding the Executive to account.
3. Members were pleased with the amount of work that had been undertaken during the year that had resulted in a number of recommendations being put forward to the Executive Cabinet for their consideration.

Scrutiny Work Programme Report 2015/16

4. We received a report that sought agreement of the Work Programme for the Committee in 2015/16. Members of the Committee have repeatedly raised the Council's Contact Centre as an area to be reviewed and it has also been an area that the Performance Panel has looked into in previous years.
5. We were informed that the Council are committed to the delivery of a Single Front Office where services are delivered as far as possible at the first point of contact. It is intended that the migrating of processes to the front office will achieve significant savings and improve and sustain good performance in service delivery.
6. The project has resulted in a lot of changes to working processes across the Council and staff are undertaking an intense training programme to ensure its success. A review by Members at this stage of its delivery was considered to be quite timely and the Committee appointed Councillor Alistair Morwood to Chair a Task Group to undertake this review.
7. A number of additional topics were suggested that included Communications, Child Sexual; Exploitation (CSE), the Council's responsibilities under the Counter Terrorism Act and the work and responsibilities of PCSO's across Chorley.
8. Members are concerned about the current level of PCSO provision across the borough particularly in view of recent reduced budgets. It was agreed to invite the relevant representatives of Lancashire Constabulary to the next meeting of the Committee to talk about the PCSO's roles and responsibilities.
9. I explained that the Executive Member (Customer and Advice Services) would be attending a meeting of the Panel in December to answer questions about his portfolio. This would be a good opportunity to speak to him about communications in the Council, in particular, how key information is communicated across the different teams in the Council.

10. It was also agreed that the Committee would seek to undertake future scrutiny reviews on Child Sexual Exploitation (CSE), the Counter Terrorism Act and the Voluntary, Community and Faith Sector (VCFS) and the Work Programme was updated to reflect this.

Neighbourhood Working Review – Response of the Executive Cabinet

11. We received a report of the Director of Public Protection, Streetscene and Community that provided the Executive Cabinets response to the Overview and Scrutiny's Task Group review of Neighbourhood Working. The Chair of the Task Group, Councillor June Molyneaux was pleased that all the recommendations had been accepted, apart from one, (Recommendation 4) relating to the provision of a single point of contact on neighbourhood matters for parish councils and community groups.

Integrated Impact Assessment – Second Monitoring Report

12. We received a report updating the Committee on progress made against the recommendations of the Overview and Scrutiny Task Group relating to the Health and Wellbeing element of the Council's Integrated Impact Assessments. This was the final monitoring report and good progress had been made.
13. Since the last update report, training had been provided for all appropriate staff and Members on the new process and using the new template and 11 Integrated Impact Assessments had now been completed as part of the approved Play, Open Space and Playing Pitch Strategy.
14. In response to an action in the Council's Annual Governance Statement, a wider review of the Council's Equality Scheme is due to take place by the end of September and the Integrated Impact Assessments will form part of this wider in depth review.

Final Report of the Overview and Scrutiny Task Group on Public Transport Issues in Chorley

15. The Committee received the final report of the Overview and Scrutiny Task Groups review on Public Transport Issues in Chorley. Councillors June Molyneaux and Matthew Lynch presented the groups findings and drew our attention to the 15 recommendations that would highlight to the Executive the importance of considering all transport needs for its residents when undertaking all relevant Council projects as good transport links are extremely important for both residents of the borough and visitors to Chorley

CCTV Infrastructure Upgrade – Procurement Update

16. We received a report of the Director of Public Protection, Streetscene and Community updating the Committee on the procurement of the upgrade of the CCTV Infrastructure. This report would also serve as the first monitoring report of the Overview and Scrutiny Review that had recommended the upgrading of CCTV in Chorley.
17. The contract period is set at three years which will provide the successful contractor with an opportunity to phase the upgrade work and it is expected that the Council will benefit from a reduction in service and maintenance costs as new and upgraded equipment replaces the current equipment provision over the three year life of the contract. The new contract will

commence in October so we agreed that the second monitoring report be delayed until March 2016.

Overview and Scrutiny Task Group – Single Front Office

18. At its first meeting the Group received a presentation that gave Members a high level overview of the delivery of the Single Front Office. This was followed up by a visit to the Contact Centre by Members to shadow Customer Services staff and receive a demonstration of the software that supports the front office. The Group has now completed its scoping of the review to be submitted to the next meeting of Overview and Scrutiny Committee in October.

Recommendation

19. To note the report.

COUNCILLOR JOHN WALKER
CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE

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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Full Council	22 September 2015

AMENDMENT TO THE SCHEME OF DELEGATION FOR LICENSING –REGARDING REFUSAL OF VEHICLE GRANT APPLICATIONS AND RENEWALS AND REVOCATION OF GAMBLING PREMISES LICENCE

PURPOSE OF REPORT

1. To inform Councillors of a decision made by the Licensing and Public Safety Committee to give delegated authority to the Director of Public Protection, Streetscene and Community to refuse vehicle grant and renewal applications in consultation with the Chair/Vice Chair of the Licensing and Public Safety Committee and delegation to officers to revoke Gambling Premises Licences where the annual fee is not paid, and a recommendation to full Council to authorise the Head of Governance to amend the Constitution to give effect to the changes.

RECOMMENDATION(S)

2. That the Council authorises the Head of Governance and Property Services to amend the current scheme of delegation contained in the Constitution to allow the Director of Public Protection, Streetscene and Community to make the decision to refuse private hire and hackney carriage vehicle renewals and to refuse to grant applications for new licences in consultation with the Chair/Vice Chair of Licensing and Public Safety Committee. Refusal by delegated authority would be used where the applicant has failed to meet all the application requirements, such as the vehicle not meeting the Council's vehicle conditions or failure of the taxi test or another aspect of the application is incomplete.
3. That the cut-off point for receipt of an application to renew a taxi vehicle licence will be at close of business on the date that the licence expires.
4. That the Council authorises the Head of Governance and Property Services to amend the Council's Scheme of Delegation to allow officers to revoke a Gambling Premises Licence and cancel licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of the non-payment of an annual fee.

EXECUTIVE SUMMARY OF REPORT

5. On 22 July 2015 a report was submitted to the Licensing and Public Safety Committee recommending an amendment to the existing scheme of delegation.
6. The Committee resolved the following:
 - To allow the Director of Public Protection, Streetscene and Community to make the decision to refuse private hire and hackney carriage vehicle renewals and to refuse to grant applications for new licences in consultation with the chair/vice chair of Licensing and public Safety Committee.

- That the cut-off point for receipt of an application to renew a taxi vehicle licence will be at close of business before the licence expires.
 - To recommend to full Council that the council's scheme of delegation be amended to allow officers to revoke a gambling premises licence and cancel licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of the non-payment of an annual fee.
7. The current scheme of delegation was agreed in March 2009. The Director of Public Protection, Streetscene and Community does not have delegated authority to refuse an application for a Hackney Carriage or Private Hire Vehicle renewal or refuse to grant a new vehicle licence. A recent case where a Hackney Carriage was presented for renewal and found not to comply with the Council's Vehicle Conditions has highlighted a potential deficiency in the Licensing service in this regard.
 8. The issue of refusing a renewal for a Hackney Carriage Vehicle has not presented itself in this way previously as proprietors of Hackney Carriage Vehicle licences generally renew with a suitable vehicle in order to preserve their right to the plate. Therefore the lack of officer delegation has not been an impediment to applicants prior to this case.
 9. It is recommended that members agree an amendment which allows delegation to the Director of Public Protection, Streetscene and Community to make the decision to refuse private hire and hackney carriage vehicle licence renewal applications and to refuse to grant new vehicle licences in consultation with the Chair/Vice Chair of Licensing and Public Safety Committee.
 10. Officers are subsequently authorised to issue a notice within 14 days to the applicant under Section 60(2) of the Local Government (Miscellaneous Provisions) Act 1976 containing the grounds for refusal and advising the applicant of his right to appeal to the local magistrates' court within 21 days.
 11. Renewals if granted are turned around in a fairly short period of time. A member of the trade has a reasonable expectation that his or her application may be determined either way in a fairly short time. The decision is primarily a technical one based on vehicle safety and passenger comfort and does not involve the discretion which members bring to bear when for example considering whether a driver is fit and proper in the light of previous convictions. Deferring determination until a committee can be arranged would not be an efficient way of determining applications either for the trade or the Council.
 12. Members will note that Section 193 of the Gambling Act 2005 limits any discretion or decision making for the Licensing Authority in its approach in administering the provisions of the Gambling Act 2005 in this regard save for any administrative error associated with the non-payment of the fee. If the annual fee has not been paid then the licence must be revoked unless there has been an administrative error.
 13. Officers believe the recommendation as detailed above will allow such matters to be dealt with expeditiously and will promote efficient use of both Officer and Members time, the current situation dictates that any such matters are brought to the attention of Members via a meeting of the Licensing Act 2003 Sub-Committee for a determination where that Committee is compelled to revoke the Licence. It has no discretion to decide otherwise.
 14. Members will note that there is no provision to appeal the revocation of such licences / permits under the Gambling Act 2005.
 15. The proposed amendments are attached as Appendix 1 in a revised scheme of delegation.

Confidential report Please bold as appropriate	Yes	No
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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	X

BACKGROUND

- 17. In the absence of delegated authority, the need to bring the case for refusal of a vehicle renewal application to Committee may cause a substantial delay in processing applications and as such hinder applicants.
- 18. Revocation of a gambling premises licence and cancellation of the premises gaming permit when the annual fees are not paid currently requires the matter to be brought before the Licensing Act 2003 Sub-Committee.
- 19. Part 8, Section 193 of The Gambling Act 2005 states; (1) Where the holder of a premises licence fails to pay the annual fee in accordance with regulations under section 184 the licensing authority shall revoke the licence.
- 20. Part 8 Section 184 of The Gambling Act 2005 states; (1) The holder of a premises licence - (b) shall pay an annual fee to the licensing authority before each anniversary of the issue of the licence.
- 21. Schedule 13 of the Gambling Act 2005 states; 17 (1) The licensing Authority which issued a permit shall cancel it if the holder fails to pay the annual fee in accordance with paragraph 9. (2) But a licensing authority may dis-apply sub-paragraph (1) if they think that a failure to pay is attributable to administrative error.
- 22. Schedule 13 paragraph 9 of the Gambling Act 2005 states; (1) The holder of a permit (a) shall pay a first annual fee to the licensing authority within such period after the issue of the permit as may be prescribed, and (b) shall pay an annual fee to the issuing licensing authority before each anniversary of the issue of the permit.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE MONITORING OFFICER

24. The gap in the current Constitution delegating authority to officers to refuse to renew private hire vehicle and hackney carriage proprietor licences is identified in the report.
25. It is unlikely that the delegated power to refuse to renew will need to be exercised very often. The requirement for consultation with Chair or Vice-Chair will provide some member scrutiny of the refusal to renew. The applicant has a right to appeal against the refusal in the magistrates' court within 21 days.
26. It is reasonable for members to approve the cut-off point for receipt of applications to renew a taxi vehicle licence as the close of business on the day before the expiry date. This provides an incentive to licence holders to apply in a timely way; although submission of an application much sooner than the last day is clearly preferable.
27. In relation to the Gambling Act 2005 if a premises has failed to pay its annual fee the licensing authority is legally obliged under Section 193 of the 2005 Act to revoke the licence. There is nothing to be gained by not delegating this function to officers since a committee would need to be arranged to approve a revocation and could not make any alternative decision.
28. Full Council is responsible for the Constitution so any changes to it can only be recommended by Licensing and Public Safety Committee to full Council as far as it is able.

COMMENTS OF THE FINANCE OFFICER

29. No Comments received.

JAMIE CARSON
DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Background papers can be found using this link:

<https://democracy.chorley.gov.uk/ieListDocuments.aspx?CId=564&MId=4443&Ver=4>

Report Author	Ext	Date	Doc ID
Lesley Miller	5299	7/9/15	***

Appendix 1

Scheme of Delegation for Licensing

Licensing Functions delegated to the Corporate Director of Public Protection, Streetscene and Community and such Officers as the Director may nominate to be exercised in accordance with any criteria approved by the Licensing and Public Safety Committee.

Functions in respect of hackney carriage and private hire licenses

Authority to grant or renew Hackney Carriage Vehicle and Driver licenses and Private Hire Vehicle, Driver and Operator licenses.

Authority to suspend any Private Hire or Hackney Carriage Vehicle or Driver's Licence or Private Hire Operator's License for a period not exceeding two months.

Authority to refuse an application for grant or renewal for a Private Hire or Hackney Carriage Vehicle Licence in consultation with the Chair/Vice Chair of Licensing.

Following consultation with the Chair and Vice-Chair of the Licensing and Public Safety Committee, authority to grant exemptions on medical grounds from the requirement under the Disability Discrimination Act 1995 for hackney carriage and private hire drivers to carry guide, hearing or other assistance dogs.

Functions under the Licensing Act 2003

Authority to grant personal licence applications made under section 117 of the Licensing Act 2003 where no police objections made.

Authority to grant premises licence applications made under section 17 of the Licensing Act 2003 where no relevant representations made.

Authority to grant applications to vary premises licence applications made under section 34 of the Licensing Act 2003 where no relevant representations are made.

Authority to grant club premises certificate applications made under section 71 of the Licensing Act 2003 where no relevant representation made.

Authority to grant applications to vary club premises certificates made under section 84 of the Licensing Act 2003 where no representations are made.

Authority to grant provisional statement applications made under section 29 of the Licensing Act 2003 if no relevant representations made.

Authority to grant applications to vary designated premises supervisor made under section 37 of the Licensing Act 2003.

Authority to grant requests from a person to be removed as designated premises supervisor under the provisions of section 41 of the Licensing Act 2003.

Authority to grant applications for transfer of premise licence made under section 42 of the Licensing Act 2003 where no relevant representations made.

Authority to grant applications for interim authorities made under section 47 of the Licensing Act 2003 where no relevant representations made.

Authority to determine whether a complaint is irrelevant frivolous or vexatious etc under the provisions of sections 18,31, 35, 72,84 and 88 of the Licensing Act 2003.

Authority to grant/renew Section 34 permits for up to two machines in alcohol licensed premises.

Authority to grant/renew Section 16 Lotteries and Amusements Act 1976 permits in alcohol licensed premises.

Authority to change permit holders name as a result of conversion of Justices Licence/Premises Licence.

Authority under the Licensing Act 2003 to grant/renewal of Section 34 permits for up to two AWP machines.

Authority under the Licensing Act 2003 to grant/renewal of Section 16 permits – alcohol licence permits.

Authority under the Licensing Act 2003 to change of name as a result of conversion of Justices Licence/Premises Licence.

Functions under the Gambling Act 2005

Power to serve notification of Intention to consider removal of exemption order under section 284.

Authority to determine applications for a premises licence (Including applications for reinstatement) where no representations have been received which have not been withdrawn.

Authority to determine applications for a variation to a licence where no representations have been received which have not been withdrawn

Authority to determine applications for a transfer of a licence where no representations from the Gambling Commission have been received which have not been withdrawn

Authority to determine application for a transfer of a licence where no representations have been received which have not been withdrawn

Authority to determine application for a provisional statement where no representations have been received which have not been withdrawn

Authority to determine applications for club gaming/club machine where no representations have been received which have not been withdrawn

Authority to determine applications for other permits

Authority to give consideration to temporary use notices

Power to serve notification of Intention to consider removal of exemption order section 284

Power to make representations from Licensing Authority on any applications as a Responsible

Authority under section 161 Gambling Act 2005 (power to be exercised also by any other authorised officer)

Power to impose of conditions upon licences where no dispute between Applicant and Responsible Authorities

Authority to exercise the power of the Licensing Authority, as a Responsible Authority to request a review

Power to determine representations which are vexatious, frivolous or will certainly not influence the Authority's determination of the Application (power to be exercised also by the Head of Service or delegated substitute)

Power to authorise officers for the purpose of the Gambling Act 2005

All powers in respect of administration of small society Lotteries except the power to refuse or revoke a license.

Power to attach a condition to a premises licence in accordance with section 169 (a) (power to be exercised also by any other authorised officer)

Authority under section 193 of the Gambling Act 2005 to revoke the licence where the holder of the premises licence has failed to pay the annual fee.

Authority under Schedule 13 of the gambling Act 2005 to cancel gaming machine permits for a licensed premises where the holder of the premises licence has failed to pay the annual fee.

Other Licensing Functions

Authority to grant or refuse applications for street collection permits. In any case where the applicant is not a registered charity and there are exceptional reasons why consent should be granted this power may only be exercised following consultation with the Chair and Vice Chair of the Licensing Committee.

Authority to grant or refuse applications for licences under the House to House Collections Act 1939.

The power to register Second Hand Goods Dealers

The power to register Motor Salvage Operators and to serve notices of proposed refusal or cancellation.

The power to grant or issue any other licences or permits under a function which is the responsibility of the Council and is not specifically delegated to any other officer of the Council.

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Report of	Meeting	Date
Market Walk Steering Group	Full Council	22/09/15

MARKET WALK EXTENSION

PURPOSE OF REPORT

1. To present members with a financial case and proposed plan to develop seven new retail and leisure units on the Flat Iron, and to seek approval to proceed with the development.

RECOMMENDATION(S)

2. That subject to:
 - a) Planning approval (due be determined at Development Control Committee on 29th September 2015);
 - b) Pre-let contract agreements being in signed for 65% or more of the new units; and
 - c) The conclusion of any planning or legal challenges in a favour of the scheme

Members agree to:

3. Proceed with the development of a new retail and leisure extension to Market Walk, delivery of associated highways improvements and public realm works, at a cost of up to £12.9m excluding VAT.
4. Use the Lancashire Regeneration Property Partnerships as the procurement route for the main contractor to develop the Market Walk extension.
5. The future appropriation of the council owned development land identified within the planning application for planning purposes (retail) with delegated power to the Head of Governance and Property Services to authorise the appropriation at the opportune time once the area is no longer required for car parking.
6. Authorise the use of the statutory process under section 237 of the Town and Country Planning Act 1990 in the event a negotiated settlement with AXA/ Booths cannot be reached.

EXECUTIVE SUMMARY OF REPORT

7. This report presents a proposal to develop a 7 unit retail and leisure extension to Market Walk. It sets out the plans, as they are now detailing how and why they differ from the planning application which submitted in April 2015.
8. The report also sets out current plans to address key issues such as the relocation of shop mobility, the impact of the development on the Flat Iron Market and car parking.
9. A lettings position is provided which shows that while the 65% pre-let agreements target is still to be achieved, good progress is being made towards it, and if all of the prospective tenants which we are working with sign up, 5 of the 7 units will be filled which amounts to

81% of the development. It should also be noted that should this happen, it is anticipated that the remaining two units will be filled with relative ease.

10. A further key element of the report, is the financial case. The report asks Members to approve a budget of up to £12.9m excluding VAT. A summary of the costs can be broken down as follows:
 - a. total cost of the development is estimated at £7.64m,
 - b. public realm improvements are estimated £2.87m
 - c. Other costs (relating to car parking and fees) are estimated at £2.34m

11. It is proposed to finance these costs through a combination of section 106 and CIL monies and through borrowing.

12. Based on full occupancy the net distributable income is estimated at £274,266 per annum. In addition the estimated value of the development on completion and again based on full occupancy is estimated to be between £13m-14m, and it is also expect to have a positive impact on the rental value and development value of the existing Market Walk mall.

13. Should the development be approved, there are a number of options for procuring a main contractor for the works. These are detailed in the report, with the preferred option being to use the Lancashire Regeneration Partnership. Further options which are currently being considered for client side support are also noted.

14. Finally the report also asks Members to consider the appropriation of the Flat Iron site for retail use. It also sets out the position of the covenant which restricts the use of part of the Flat Iron site, and the options for resolving the issue with it.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

15. 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

16. Ensuring Chorley has a vibrant and thriving town centre is set out as a priority area in both the Council’s Corporate Strategy and Economic Development strategy.

17. An initial key action to help us achieve our vision for the town centre has been the development of the town centre masterplan which was presented to Executive Cabinet in October 2013. The masterplan set out a number of opportunities for the future development of the town centre to ensure its viability in the future.

18. During the development of the masterplan, Deloitte, who were commissioned to undertake this work, informed the council that they were aware the owners of the Market Walk shopping

centre were looking to sell the centre. With the agreement of Full Council, the council entered into an exclusivity agreement with the owners and undertook due diligence on the purchase of the centre. This work was overseen by a committee comprising members of the administration and the opposition (The Market Walk Steering Group, MWSG). The results of the work were then presented to Full Council in November 2013, when approval was given to purchase the centre.

19. Parallel to the purchase of Market Walk, the town centre masterplan noted that to prosper town centres need to offer much more than a retailing function. They are places to shop, but also places to live, places to meet, places to undertake leisure activities.
20. To address these and other findings, the masterplan identified a number of opportunities one of which was to improve the public realm around the Flat Iron and to extend Market Walk.
21. This builds upon the findings of the 2013 residents' survey which from 1,234 responses showed that 78.5% identified the range of shops to be the most important aspect of a town centre in terms of encouraging visitors, but also that the variety of other offers such as restaurants, leisure and cultural facilities is also important to residents.
22. Together, the purchase of Market Walk and the opportunities and conclusions presented as part of the town centre masterplan; the findings of the 2013 residents survey and feedback from our lettings agents led to the initiation of a piece of work to investigate the feasibility of extending market walk.
23. The feasibility study, which was carried out by Deloitte was presented to the Market Walk Steering Group in May 2014. It presented and assessed six options for extending Market Walk. Each option was assessed in terms of servicing and car parking as well as the financial viability, with all options required to meet certain criteria such as improving the town centre offer, enhancing public realm, and developing high quality units, etc.
24. The MWSG agreed that the feasibility study demonstrated that there was merit in progressing further with the extension plans and selection one of the six options as a basis for further work.
25. Full Council had previously agreed in April 2014 that, subject to one of the options being viable and being recommended by the MWSG, a further budget of up to £100,000 would be allocated to progressing one of the options developed as part of the feasibility study, to the full planning application stage. Then, if full planning permission was approved, a further report would be brought to full council detailing proposals for the development. This increased the total budget for the feasibility stage to £190,000.
26. Two rounds of public consultation have been carried out throughout this process, which together resulted in approximately 750 responses. The first took place in August 2014, and the second in March 2015. Both included stakeholder presentations, face to face public consultation events, and online surveys and were widely promoted. Findings from each were very positive with over 75% of respondents in favour of the scheme. Concerns were raised in relation to car parking, the markets and the design of the scheme, all of which have been considered and addressed as appropriate, throughout the process of developing the application. Full details of the consultations can be found in the statement of community

involvement, which forms part of the planning application and is referenced as a background document to this report.

THE PROPOSED DEVELOPMENT

27. The vision for the development is to improve the retail and leisure offer in the town centre, attracting quality national retailers and more visitors, creating growth and opportunity for the future.
28. A planning application was submitted on 20th April 2015 for:

Full application for the demolition of the Civic Offices, shop mobility units, public toilet 'kiosk' and electricity sub-station and the erection of a two storey retail, restaurant and leisure unit on the Flat Iron car park along with the erection of a two storey restaurant/retail/office unit with replacement substation on the southern portion of the site. The creation of a temporary car park on the Civic Offices site alongside various public realm improvement works, relocation of the existing statue and associated servicing, access, soft landscaping and enhanced pedestrian linkages. Outline application for the erection of a retail unit on the existing Civic Offices site all matters reserved save for access.
29. The set of planning application documents is available through the Council's website and is referenced as background documents, however Appendix A of this report includes a site plan and some CGI's images for the proposed development as set out in the application.
30. Since then work has continued to develop the scheme, secure lettings and resolve key issues such as car parking and the relocation of shop mobility.
31. This section of the report provides an update on the current plans for the development and how and why they have been updated from the plans submitted in April 2015. The main proposed changes from what is outline in the planning application are:
 - a. The civic offices on Union Street would not be demolished.
 - b. Additional car parking will be created on the derelict site behind Oak House, creating 23 temporary car parking spaces.
 - c. A further 23 spaces will be made available to the public through opening the current 'permit holders only' parking available to the side of Gala Bingo.
 - d. Unit 9, which has outline planning approval, would not be developed.
 - e. The pals memorial would not now be moved, across the road to the Civic Offices site as proposed in the application.
 - f. It is also proposed that units 8 and 10 are not developed for the time being; and finally
 - g. Units 4 and 5 have changed based on the requirements of the likely tenant of Unit 4.
32. Firstly, demolishing Union Street was included in the application as a way of creating additional car parking spaces in the town centre close to those that would be lost through developing on the Flat Iron. In parallel to this, officers and members have been investigating a number of options for the relocation of staff and services, and also a range of further options for creating additional town centre car parking.
33. During these investigations, and through listening to the concerns raised by Members and the public, it has become clear that there are better alternative options to creating additional car parking spaces in the town centre, which mean that the Council offices do not need to be demolished.

34. Demolishing the civic offices would enable the creation of 32 car parking spaces and would cost in the region of £300,000, excluding any costs to relocate staff and services. However, developing the derelict site behind Oak House into a public car park and opening up the Gala Bingo permit holders car park would achieve 46 spaces and cost significantly less.
35. Clearly this would mean developing unit 9 would not be possible, however this does not impact on the financial viability of the scheme, and would be a positive for residents of Stanley Place and Byron Street who have expressed their concerns about the unit and the potential disruption, particularly due to the evening trading that would have been associated with the let of the unit to a leisure tenant.
36. A further impact of not demolishing the civic offices is that it impacts on the plans to relocate the Pals Memorial. Therefore the proposal is to keep the memorial in its current position and to continue to work with Chorley Pals to support and minimise disruption to any centenary events being planned for 2016, and also if possible enhance the public realm around the memorial.
37. On the main development site, units 8 and 10 were originally included for leisure/office space, however as the costs plans have been worked up and as the letting agents have marketed the development it has been found that these two units are both expensive to build and due to the size and location of the units are less attractive to potential tenants.
38. Again, the financial impact of not developing the units is minimal and therefore it is proposed that these two units are not developed, at least for the time being.
39. The final change is to the layout of units 4 and 5. The floorspace of unit 4 has been increased to approximately 3,500 sq.ft. to accommodate a tenants requirements. This has reduced unit 5 to 2113 sq. ft (see appendix B). It should be noted that further changes to the sizing's and layout of the units is likely to occur as negotiations with prospective tenant's progress.

SHOP MOBILITY

40. Chorley shop mobility provides an important and much used service helping people with mobility problems to come into the town centre, hire a scooter or a wheelchair to enable them to go shopping or to meet friends. They have a stock of 15 scooters and a number wheelchairs, which are predominately accessed from their unit near the interchange however they do also have a small satellite site within the bus station too.
41. The proposed development will necessitate the displacement of the Shop mobility unit currently located between Market Walk and the bypass. The Council have been in discussions with Shop mobility to ensure that any new placement of their service meets their needs.
42. A range of options were developed which aimed to meet the requirements requested by shop mobility which include seven dedicated car parking spaces, a drop off point for taxis and dial a ride, connections to services, as well as kitchen and disabled toilet facilities. The options were reviewed by shop mobility, with two options (Fleet Street and Portland Street) being selected for further investigations into the costs and deliverability.
43. Following some initial investigations it appears that siting the service on the Fleet Street Car Park would be the better location. It would provide the requested number of dedicated parking spaces and would place it near to existing services. There would be a loss of parking revenue relating to the occupation of this space but as there is an over supply of parking in Chorley town centre it is hard to quantify this.

44. On the basis that the new facility can be sited on Council land and is capable of being serviced (water, waste and electricity) then the estimated cost would be in the region of £100k for the move. This is an “upper limit” estimate based upon the provision of new portacabins. This cost will be significantly reduced if the existing cabins are capable of being moved and re-sited or the Council can source good quality previously used portacabins. If suitable second hand cabins can be sourced then the likely cost including servicing would be in the region of £50k.
45. The Council will continue to work with shop mobility to develop, agree and implement the relocation proposals with any relocation being delivered before work starts on the flat iron site in order to minimise disruption to the service.

THE FLAT IRON MARKET

46. The impact of the proposed extension on Chorley’s Flat Iron market has been a key consideration of developing the plans right from the start. The markets are an important part of the town’s history and economy and we want to ensure the markets continue to thrive well into the future.
47. To ensure that the impact on the proposed development was fully considered the council commissioned a specialist markets consultant, Quarterbridge, to provide an independent report on the likely impacts of the proposed development to both the markets and wider town centre, and to develop recommendations to not only mitigate, but also to improve the viability of the outdoor market in the future.
48. In carrying out this work the independent consultants consulted with market traders who did recognised the efforts being made by the Council to support the Flat Iron market and to protect their future.
49. The findings of the report recommended that the Market is relocated during the development of the extension. The reconfiguration of the Flat Iron West car park itself will require the market to be moved off site to enable some parking provision for Booths and Market walk to be retained in close proximity. During construction of the extension the whole of the Flat Iron East will be required for the construction site and contractors compound. This together with delivery access is likely to impact to some extent on the west side of the car park.
50. Car parking spaces will be reduced from approximately 384 to 150 spaces during this period, however additional parking will be available behind Oak House as detailed elsewhere in this report. The changes to car parking are likely to result in changes to pedestrian routes during this period too.
51. These factors present an opportunity to relocate the market to areas where there will be less disruption from the construction process, with high footfall and close to other, currently underused, car parks which their customers can easily access.
52. This also means that the west side of the Flat Iron will be available for Booths customers throughout the construction period.
53. Quarterbridge identified seven possible alternative locations for the relocation of the outdoor markets and then ranked them in order of preference based on location, size, trader preference and deliverability.
54. The recommended relocation is to Fazakerley St, Cleveland St, Chapel Street and New Market Street. These streets are considered wide enough to accommodate a double row of

stalls; however the number of stall which could be accommodated is likely to be in the region of 30 compared with the current 70 on the Flat Iron car park.

55. In addition, if Market Street was also to be closed to traffic each Tuesday, between High Street and St Georges Street (as it were previously), a further 40 stalls could be accommodated. Specialised markets have been held in Market street before so we know that it is a workable solution.
56. This would ensure that capacity of the markets could be maintained throughout the relocation period.
57. If approval is given to proceed then further consultation will be carried out with the Flat Iron traders over the relocation/ re-allocation of stalls and consultation with businesses which will have stalls to their frontages. Ideally this will commence in October following the planning decision. A further report will then be brought back to Members setting out the final options for approval.
58. Evidence of other markets in pedestrianised areas shows it has a positive impact on surrounding shops due to increased footfall. It is expected that the shops in these streets will see a boost in trade with up to 250% increase in footfall and 30% increase in sales turnover on market days, and the proximity of the Covered Market would encourage comparison shopping to the benefit of both.
59. To enable the relocation some remodelling of the public realm in these streets, primarily Fazakerley Street, will be required such as creating more space through removing some existing street furniture. In addition to this, amendments to the Traffic Regulation Orders (TRO) will be required in order to close these roads to traffic each Tuesday for longer than the existing TRO allows. Plans have been developed to re-pave Fazakerley Street to accommodate the maximum number of stalls and costs are in the region of £100k and would be completed as part of the Steeley Lane and Town Centre Action Plan early in the new year. This work needs to be completed prior to the commencement of any development on the Flat Iron site, to enable the market to relocate before any works start.
60. The original aim was to return the market back to its original location on the Flat Iron following the construction and opening of the new development. While this is still a possibility it will need to be reviewed against the success of the temporary location, alternative sites which may become available in the short term and of course the impact that it could have on Booths.
61. It is therefore proposed to closely monitor the success of the market and impact on the town centre during any relocation period and to present the findings back to Executive Cabinet, together with other options for positioning the market as a key part of the town centre in the future.

LETTINGS POSTION

62. The Council has been working with Mason Partners and Lambert Smith Hampton not only to secure lettings for the proposed scheme, but they have also played a key role since the feasibility stage of the project in feeding into the design the likely requirements of prospective tenants in terms of size, layout and access to servicing of the units.
63. In terms of the lettings, it has been a clearly defined target, that 65% of the development should have pre-let agreements in place before work is started. This target still stands, and therefore the recommendations of this report are subject to achieving it.

64. The vision for the scheme is to improve the retail and leisure offer in the town centre, attracting quality national retailers and more visitors to the town centre. The intention is to complement Chorley's existing offer of strong independent shops and traders and provide an additional offer which will, in turn, increase footfall to the benefit of existing traders, and make vacant units more attractive to other potential tenants. The development should therefore not result in existing traders relocating to the new space.
65. While there are vacant units in the town centre Chorley's town centre vacancy rates are low both in comparison to national and regional performance. The new units which are proposed in the development are larger in size than vacant units currently available within the town centre, which unfortunately would not be attractive or suitable to the national retailers or leisure providers which we are trying to attract.

THE PROCUREMENT OF THE CONSTRUCTION SERVICES

66. Effective procurement is central to delivering high quality, value for money services. The costs of the works are over the EU procurement threshold for works contracts (£4,322,021), therefore this section sets out the options for procuring the constructions services which will be required to deliver the scheme, should approval be given.
67. In 2012, Lancashire County Council (LCC) created two Regeneration Property Partnerships (RPP) with private sector partners. The two partnerships cover different geographical areas in Lancashire, essentially a North East partnership and a South West partnership, with the Eric Wright Group (EWG) appointed as the partners for South West Lancashire. All public sector bodies within Lancashire were named in the OJEU notice as part of the procurement, which enables Chorley Council to use the South West partnership.
68. There are clear benefits for using this partnership to deliver Market Walk Extension:
 - a. It removes the need for a long and expensive procurement process as this has already been managed as part of LCC's procurement process of the partnerships.
 - b. As part of the partnership the contractor has demonstrated their commitment to supporting wider economic development, including maximising apprenticeships, training and other workforce development activities and will support local SME's through the sourcing of goods and materials where possible. Their approach is to tender work packages to local companies as far as possible and to weight the tender award criteria to the use of local labour/suppliers and subcontractors who can demonstrate a commitment to training and local employment.
 - c. The risk of the development will be shared with contractor, in that if this delivered as a fixed price procurement, the contractor will carry the risk of any increase in the costs of the sub-contractors (if the specification remains unchanged) and will carry a reputational risk should the development run into difficulties.
 - d. The contractor will act as the single point of contact for the procurement and delivery of all the activities needed to deliver the project and integrate and manage a diverse range of supply chain sub-contractors.
69. It is therefore proposed that the Council approves the use of the Property Regeneration Partnership to procure a main contractor for the Market Walk development.
70. Clearly, we need to be reassured that this option will be value for money and as such an open book approach will be taken to cost breakdown to provide transparency.
71. It is felt that the risk associated with this development is low. The build is for a building to shell with the tenants taking responsibility for fit out and much of the M and E requirements. On the basis the initial specification of the build is properly completed most of the risk is financial, and this can be addressed through open book accounting and the appointment of a QS. However, this must be put against the context of the total spend (circa £12million) on the development, this level of spend ups the level of risk.

72. In addition it is estimated that roughly 70% of the construction costs will be undertaken through subcontracted works packages. Each of these will be fully market tested with invitations to tender being issued through the North West Procurement Chest and in line with our own contract procedure rules, a minimum of three organisations will be invited to tender for each of the packages of work.
73. Other options for procuring construction services have been considered. These include carrying out our own OJEU compliant procurement for the works, either through an open or restricted procedure. However, the council hasn't undertaken a procurement of this scale before and it likely to require specialist support and advice, in addition external support would be required to draft the tender documents. There would be time and cost implications in doing so, and finally the process is likely to take 6 months which significantly delay the project and possibly jeopardise it entirely.
74. Another option would be to use an existing construction Framework for example through the North West Construction Hub (although there are numerous others which are very similar and could be used). Each of the NWCH Frameworks have a number of partners which have been selected via a rigorous quality and cost process. Typically a mini competition would be held following an expression of interest stage. This essentially provides a second stage of competitiveness. This option would be significantly shorter timescales than procuring works ourselves, but would still take 2-3 months to the point of contract award.
75. Each of the options are OJEU compliant and would enable us to appoint a high quality, value for money contractor for the extension works however the LCC RPP is quicker and cheaper.
76. If approval is given to proceed with the development the next step will be to develop the employers requirements. They would form part of the contract and set out in detail the clients (the Council's) requirements, including the specification for the building, the scope of services required from the contractor and the allocation of risk for unknown items.
77. The employer's requirements is a very important document as it defines the success of the outcome. The better prepared they are, the keener the price from the contractor and the less likely there will be disputes. If the employers requirements are not properly developed the council could incur significant additional costs as any requirements which are not properly specified, or are changed, will require the issue of instructions for which the council would be charged by the contract.
78. The Council does not have the skills in house to develop the employers requirements for a scheme of this scale or importance. External support to develop the employers requirements is estimated to cost in the region of £80,000.
79. As a further level of assurance, consideration is being given to the appointment of a separate 'employers agent' or a 'quantity surveyor' (QS). An employer's agent would act on our behalf as the contract administrator and they would be appointed first. The employers agent role can vary but it is suggested that for the market walk development they would support us in agreeing other contractual documents such as the employers requirements, warranties and JCT construction contract. Following the appointment/award of the contract they would play a QS role, review any information prepared by the main contractor, oversee the procurement of subcontracts, manage any change control procedures, review the progress of work and prepare update reports, validate payments and support us to agree the final account. Simply, they would bring their expertise and skills to establish in detail, then to check and monitor the delivery of the scheme as the council envisages it and manage some of the risk.

80. In comparison a QS role would just review all tender proposals prior to the appointment of the subcontractors to ensure the costs provide us with value for money and have been market tested, and also to monitor the spend on the project. A QS is likely to cost in the region of £65,000 compared with £265,000 for an employer's agent. The table below summarises the options for additional client support:

Professional client service	Estimated Cost
Support to develop the Employers Requirements	£80,000
QS support	£65,000
Total	£145,000
OR	
Employers agent (which includes developing the employers requirements, QS support, and management of the contract.	£265,000

81. The approach to procuring one or more of the client services identified above will be dependent on which option is chosen. For example the estimated cost of an Employers Agent is above the OJEU threshold for services and therefore would need to be procured under an OJEU compliant process which is likely to take in the region of three months.
82. It may also be possible to employ someone directly particularly for the QS role. The benefit would be a reduction in the likely cost and a procurement exercise would not be necessary. However there are risks particularly delay in the event a suitable employee is not found.
83. RLB could provide continuity to the project by appointing them, however due to the level of our current contract with them, we could only appoint them using the waiver process to either develop the employers requirements or provide continued QS support throughout the development. Beyond this the level of spend would be above the OJEU services limit of £172,514, and while they could bid for the work, we could not guarantee their appointment.

PHASING OF THE WORKS

84. At this point it is difficult to provide a clear plan for the works. This would be developed as part of the employers requirements, if the scheme is approved but there are some key milestones and constraints which we expect the programme of works will be built around.
85. Firstly, no works would take place on the Flat Iron site, without first creating additional car parking in the town centre. As detailed in other parts of this report, this would include opening Hollinshead car park up to the public through relocating staff parking to either the Bengal Street or Apex House site, creating 23 new car parking spaces on the derelict site behind Oak House, and opening the Gala Bingo car park up to the public.
86. The aim would be if possible to have these additional car parking spaces available to the public by the end of November, in order to provide extra parking on the run up to Christmas to try and support local businesses and traders.
87. Secondly, no works would take place on the Flat Iron site before the new year. It is anticipated that the earliest start date would be January 2016. Additionally before any works start, the outdoor markets and shop mobility would need to move. In both these cases it is not expected that they would move before January 2016.

88. The build is expected to take approximately 12 months, therefore the aim would be to have the development ready for opening for Easter 2017.
89. Another key date during the development is for the Chorley Pals centenary commemorations on the 1st July 2016. An event must be held by the pals memorial on this date, and this will be clearly planned within the construction schedule to ensure that it can take place undisrupted.
90. The works site itself will be kept as 'tight' as possible to ensure that the west side of the flat iron car park is still able to be used and to maintain access from the flat iron, through Market Walk. Additional compound areas are likely to be required to store materials and equipment during the development, however as far as possible use will be made of the existing market walk service yards.
91. Highway improvements as outlined in the planning application will be subject to a S278 agreement with LCC highways. This agreement will be finalised following planning approval and until that time the plans together with the phasing of the work are still to be agreed and therefore will remain a cost risk to the council until they agreed. As part of these negotiations, the Council will be seeking a financial contribution towards the scheme from LCC.

APPROPRIATION OF THE LAND FOR RETAIL USE

92. The land on which the proposed development is sited is owned entirely by the Council.
93. The current use of this land is for public car parking benefiting the town centre as a whole. To be clear the delivery of the Market Walk Phase II development will change the use of this land from car parking to retail. It is necessary therefore for the Council to consider whether this change is appropriate and in the interests of the Council, the town centre (as a whole and for individual businesses and stakeholders) and the interests of the residents.
94. It is not for Council to make a decision on the planning application, that is a matter for Development Control Committee but it is right for Council to consider the basis for bringing the planning application. Members are not being asked to consider the planning issues but the land use issues. There may be similar considerations but it is important that they are considered by Council in deciding whether this is an appropriate use of the land.
95. A significant part of the proposed development site has been allocated in the Local Plan for retail. The local plan process has undertaken an assessment of the town centre and the impact of this change of use, this decision does not need to be revisited. It is not unreasonable therefore for this area to be used for retail development.
96. Part of the proposed development falls outside the local plan allocation for retail. In relation to this part of the development Members should consider whether the appropriation of this land (in this context appropriation means to assign a use rather than ownership) for retail use is reasonable and whether the land will no longer be required for car parking immediately before the appropriation. It is, to all intents and purposes, impossible for members to consider the part of the scheme which falls outside the retail allocation in isolation. The scheme must be considered as a whole. This is not to say that the use automatically becomes reasonable because the majority of the development is within a retail allocation and the land use can be deemed to have been assessed. From a land use position the Council have to consider the impact of what is lost, i.e. the car parking.
97. At present the Flat Iron Car Park accommodates 384 parking spaces, the proposed development will deliver 189 spaces, a loss in spaces of 195. If the Flat Iron Car Park were

taken as a whole, with the whole of the area allocated for retail use being used for that purpose and not car parking, there would be a greater loss of spaces, in the region of 230.

- 98. Car Parking is something that the Council have considered carefully in developing this proposal. A car parking study has been commissioned, which has found that there is a surplus of town centre parking and that this development could be delivered (for planning purposes) without providing any additional parking. However, from the perspective of the local authority, whilst there may be sufficient parking there are issues as to whether it is in the right place (proximity to the town centre) and secondly the connectivity of that parking to the town centre hub.
- 99. The table below shows the current utilisation of ten town centre car parks, covering the two busiest days, Tuesday and Saturday, as well as the projected additional demand that will be created from the development.
- 100. At weekends the total capacity of all ten car parks included within the study shows 1683 spaces. During weekdays the Hollinshead car park is currently exclusively used for staff parking which reduces the capacity by 55 spaces. On Tuesday's the Flat Iron market further reduces the car parking spaces to 1477.

	Tuesday	Friday	Saturday
Existing -parking spaces available	1477	1628	1683
Max Accumulation	963	914	970
Utilisation	65%	56%	58%
Future Parking (based on the options in paragraph 118)	1525	1676	1676
Existing plus additional development demand	1031	979	1045
Projected utilisation	67%	58%	62%

- 101. Further details of the car parking analysis are contained within the transport assessment which forms part of the planning application documents.
- 102. The analysis shows that 2 existing town centre car parks in particular are under used, Portland Street and Friday Street. Both of these car parks are in very close proximity to the proposed development. As part of the development scheme it is proposed to improve the connectivity to these car parks across the A6 by installing a pedestrian supercrossing. Other actions including improved signage will encourage use of this parking by the public. This will substantially address some of the parking lost to the development.
- 103. The Council are also investigating delivering additional parking as follows:-
 - a. Hollinshead Street Car Park. At present this is a staff car park Monday – Friday. It is proximate to the town centre with good access via Stanley Street. It presently has 55 parking spaces which can be made available during the week to contribute to public parking demand. It is intended to find alternative provision for the displaced staff rather than move them onto public car parks. The Council are investigating the use of part of the Bengal Street Depot or the former Apex House site which would adequately take the displaced staff.
 - b. Oak House and Vacant Adjacent Site. The Council are in negotiations with Northern Trust the land owners to purchase these sites. These land blocks form part of the Civic Space identified within the Town Centre Masterplan. The vacant area can realise 23 parking spaces very quickly. If the Council gain possession of the Oak House site as well the sites together could deliver in the order of 45 spaces.

- c. Private Car Park – Gala Bingo. There are at present 23 parking spaces in this area. The Council have approached Gala Bingo with a view to taking a lease of this site and opening this parking to the public.
- d. Bengal Street Depot Site. As indicated this is under consideration for staff parking. However if the staff parking can be delivered on the former Apex House Site on Stump Lane, this area can be made available for public parking. If half the area is used it is estimated you could position 120-130 parking spaces in that location.

104. These options are summarised in the table below:

	No. parking spaces
Flat Iron current	384
Flat Iron proposed	189
Total reduction	(195)
Hollinshead opened to the public (weekdays	55
Oak House – derelict site	23
Oak House – main site	22
Gala Bingo car park	23
Bengal Street	120
Total increase	243

- 105. If all these options were to be delivered then it would achieve a net increase of 48 car parking spaces in the town centre. While this may initially appear to create a number of smaller car parks around the town centre, the intention ideally would be that Oak House and Gala Bingo sites are combined into one large car park.
- 106. It should also be noted that there are a number of other options for providing additional car parking in the town centre which have been considered and for the time being, due to factors such as cost have been put on hold, such as decked parking on Portland St or Friday St car park. There are also other options which are still being investigated which may add to the options detailed in the table above.
- 107. There would be a cost attached to the delivery of some of these sites although the land for options (a) and (d) is already in the council's ownership. It must be recognised though that in addition to supporting the town centre these proposals will deliver income generating assets for the Council.
- 108. The second group of steps the Council would propose to take would be to improve the connectivity to existing car parks. Part of the proposed scheme is to introduce new or improve existing pedestrian crossing points. A pedestrian super crossing over the bypass is proposed to improve the connection between the new development and Portland Street and Friday Street Car Parks. It is apparent that these car parks whilst being in close proximity to Market Walk are underused and this is reflected in the parking study prepared in support of the planning application.
- 109. It is also proposed to improve the pedestrian crossing point across Union Street. This will improve the connectivity to the new Hollinshead Street car park but also to the Water Street car park.
- 110. As stated, the car parking study has not identified any additional parking requirement caused by the development, but the Council are committed to delivering more parking in the town centre to address the spaces lost.

111. Whilst this does not contribute to any lost car parking spaces, the proposed development has been designed to maximise its connection to both the railway station and bus interchange, encouraging the use of public transport.
112. It is also necessary to consider the impact of this development on individual town centre stakeholders and their interests.
113. There is a covenant which restricts the use of part of the Flat Iron Car Park in favour of the freehold owners of the Booths Store building. The covenant prevents a defined area of the car park being used as anything other than a car park. The exact definition does not matter for the purposes of this report but it is accepted that the proposed development crosses into the defined area. To be clear any encroachment would amount to a breach of the covenant although there are arguments to be had about how serious the breach would be which are explored below.
114. Both the land owner, AXA, and the occupier, Booths, have objected to the planning application on the basis of the existence of the covenant. The objectors argue that the development cannot be delivered as the covenant prevents the building of the new retail units in this area.
115. Upon receipt of these objections the Council reviewed the scheme with a view to assessing whether it was still viable if it did not cross into the “covenant area”. The original scheme objectives were also considered.
116. It was apparent that the scheme could not simply be moved back from the covenant area. Doing so would push the retail units too close to the bypass and would prevent any servicing to the units.
117. The size of the units is dictated by the target tenant’s requirements. By making the development smaller to fit onto the reduced site area the units would not be attractive to prospective tenants. The purpose of this development was to improve the retail offer of Chorley town centre, smaller units are available already and the Council have indicated previously that the development would not be implemented if it would simply bring more of the same retailers or offer into the town centre.
118. The smaller development was unviable financially as the build cost to potential income ratio was significantly reduced.
119. Based on the above factors, if this development is to be delivered it should be built in the current proposed form.
120. The covenant in favour of AXA / Booths is a contractual matter which does have implications for the planning application in that if the covenant is not released or altered the development could be prevented from being delivered by the beneficiaries of the covenant. It is not for Council to consider the implications for the planning application as such as these will be considered by the Development Control Committee, however, Council should consider the options for resolving the covenant issues in the role as land owner / developer.
121. The Council have 2 options for resolving the covenant issue.
 - a. Negotiation with the beneficiary of the covenant, in this instance AXA and Booths. Although technically the beneficiary of the covenant is the land owner AXA, in reality the covenant benefits Booths. The covenant is time limited to 35 years from the 27 February 2004 and expires before the termination of Booth’s lease (35 years from

25 March 2005) therefore in reality only the tenant gets any benefit from the covenant.

- b. Statutory Compensation Process under section 237 of the Town and Country Planning Act 1990. This provision allows the Council, where they have appropriated land for planning purposes to interfere with another parties interest in the land in order to give effect to a planning consent. The Council will be obliged however to pay compensation to the holder of that interest.

122. The terms of a negotiated settlement are difficult to assess as they are not limited to financial settlement but may include changes which deliver the same benefits provided by the covenant or restrict the impact of the changes to the covenant. There is a clear benefit to the town centre of supporting Booths so the Council are able to have some flexibility in their approach. A preliminary discussion has been had with Booths and the Council have agreed to review the scheme to see what changes can be made to support them and ensure they remain a key stakeholder in the town centre.

123. The statutory process under s 237 of the Town and Country Planning Act 1990 authorises the Council to undertake the development in accordance with a valid planning consent even where to do so interferes with another parties interest in the land. The covenant in this instance is such an interest. The effect of relying on this provision is that the Council must pay compensation for this interference to the holder of the interest. Any assessment of a financial award will be based upon the injury caused by the breach of the covenant. Factors which will be considered in assessing this are as follows:-

- a. The term of the covenant. There remains around 24 years left to run. This is not a covenant in perpetuity.
- b. The breach of the covenant only relates to part of the land with the remainder being retained as a public car park.
- c. The minimum number of parking spaces provision. Whilst the covenant does require the whole of the land to be used as a car park it does have a minimum number of spaces (130) which the council are obliged to provide without breaching the covenant. The proposed layout provides in excess of this minimum figure.
- d. The loss of parking on the Flat Iron car park as a whole may be taken into account, as this on the face of it compresses users of this car park into a smaller area, however, this is being addressed by the Council and again the implications of this on the compensation process are uncertain.

124. The preference of the Council would be to negotiate terms with AXA and Booths, however Councillors are asked to agree in principle to the use of section 237 should those negotiations fail.

IMPLICATIONS OF REPORT

125. 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

126. Comments contained within the Part II Report.

COMMENTS OF THE MONITORING OFFICER

127. Comments contained within the Part II Report.

GARY HALL
CHIEF EXECUTIVE

Background Papers			
Document	Date	File	Place of Inspection
Town Centre Masterplan Baseline Report Opportunity and Delivery	June 2013 August 2013	***	***
Market Walk Planning Application – 15/00375/FULMAJ	21 April 2015		

Report Author	Ext	Date	Doc ID
Rebecca Huddleston / Chris Moister	5779	04/09/15	Final Report to the MWSG

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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