

# Chorley

Borough Council



## **Council Papers**

**for consideration on**

**20 September 2005**



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## Chief Executive's Office

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Doc ID:  
Date: 12 September 2005

**Chorley**  
Borough Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

### Chief Executive:

Jeffrey W Davies MA LLM

Dear Councillor

You are invited to attend a meeting of the Chorley Borough Council to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 20th September, 2005 commencing at 6.30 pm for the following purposes.

### AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Council are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 6)**

Council meeting held on 12 July 2005 – Confirmation as a correct record as signature by the Mayor

4. **Mayoral Announcements**

#### **Regulatory Committees**

5. **Development Control Committee (Pages 7 - 8)**

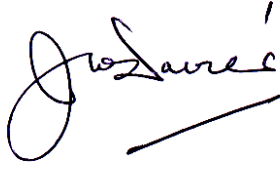
General Report

6. **Licensing and Safety Committee and Statutory Licensing Committee (Pages 9 - 10)**

General Report

Continued....

7. **Overview and Scrutiny Committee and Panels** (Pages 11 - 14)  
General Report
8. **Executive Cabinet**
  - a) Housing Services - Amendment to Scheme of Delegation (Pages 15 - 16)
  - b) Environmental Services - Amendment to Scheme of Delegation (Pages 17 - 18)
  - c) General Report (Pages 19 - 22)
9. **Special Committee for Chief Executive's Appointment**  
General Report
10. **Questions Asked under Council Procedure Rule 7 (if any)**
11. **To consider the Notices of Motion (if any) given in accordance with Council procedure Rule 8**
12. **Any other item(s) the Mayor decides is/are urgent**



Chief Executive

**Distribution**

To all Members of the Council and Chief Officers

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

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

01257 515823

کیجئے:

**COUNCIL****12 July 2005**

**Present:** Councillor Mrs Gray (Mayor) Councillor M. Wilson (Deputy Mayor) Councillors Ball, Bedford, Bell, Brown, Brownlee, Cullens, Culshaw, Dickinson, Mrs D. Dickinson, Edgerley, A. Gee, D. Gee, Goldsworthy, T. Gray, Heaton, Hoyle, Iddon, M. Lees, R. Lees, Lennox, Livesey, A. Lowe, M. Lowe, Malpas, McGowan, Morgan, Parr, E. Smith, I. Smith, S. Smith, J. Snape, R. Snape, Snow, Walker, Mrs Walsh, Whittaker and J Wilson

**05.C.59 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Buckley, Mrs Case, Counce, Perks and Russell.

**05.C.60 DECLARATIONS OF ANY INTERESTS**

No Member disclosed an interest in relation to matters under consideration at the meeting.

**05.C.61 MINUTES**

**RESOLVED – That the minutes of the Annual Council meeting held on 17 May 2005 be confirmed as a correct record and signed by the Mayor.**

**05.C.62 MAYORAL ANNOUCEMENTS**

Members observed a one minute silence for the victims of the bombings which occurred in central London on Thursday 7 July 2005.

It was moved by Councillor J Wilson and seconded by Councillor Goldsworthy:

“That a letter be sent to the Mayor of London on behalf of the Council and Citizens of Chorley, expressing deepest sympathy for the victims of the bombings which occurred in central London on Thursday 7 July 2005 and support and admiration for the work undertaken by the emergency services and voluntary support organisations”.

Councillors Ball and Snape spoke in support of the resolution.

**RESOLVED – That a letter be sent to the Mayor of London on behalf of the Council and Citizens of Chorley, expressing deepest sympathy for the victims of the bombings which occurred in central London on Thursday 7 July 2005 and support and admiration for the work undertaken by the emergency services and voluntary support organisations.**

The Mayor informed Members of the following:

- (a) The annual Mayor’s Charity Cricket Match will take place at Chorley Cricket Club on Friday, 15 July commencing at 6.00pm. This always proves to be an enjoyable evening with hot pot provided after the match. Tickets are available from the Mayor’s Secretary.
- (b) A Mayoral Charity Coffee Morning will be held at 3 The Brookes, Chorley on Saturday, 16 July from 10.00am to 12 noon. Tickets are available from the Mayor’s Secretary, price £1.

- (c) The Mayor's Summer Lunch and Jazz event will be held on Sunday, 31 July, from 12.30pm at Blue Dye House, Brinscall Mill Road, Wheelton. Tickets are available from the Mayor's Secretary, price £10, which includes a free drink on arrival and lunch.
- (d) The "Travelling Mulberries" Concert will be held on Friday, 16 September at St Josephs Parish Centre, Harpers Lane commencing at 7.30pm. Tickets are available from the Mayor's Secretary, price £6, which includes Hot Pot Supper.
- (e) The Mayor's Charity Meal will be held on the evening of Tuesday, 20 September after the Council meeting. The venue has still to be determined.

The Mayor requested Members to kindly donate any unwanted gifts or provide a raffle prize for any forthcoming events including the Charity Cricket Match to the Mayor's Secretary.

#### **05.C.63 DEVELOPMENT CONTROL COMMITTEE**

The Chair of the Development Control Committee presented a report summarising the more significant proposals considered at meetings of the Committee held on 26 April, 24 May and 28 June 2005.

**RESOLVED – That the report be noted.**

#### **05.C.64 LICENSING AND SAFETY COMMITTEE**

The Chair of the Licensing and Safety Committee presented a report summarising the principal matters considered at meetings of the Committee held on 25 May and 3 June 2005.

**RESOLVED – That the report be noted.**

#### **05.C.65 OVERVIEW AND SCRUTINY COMMITTEE AND PANELS**

The Chair of the Overview and Scrutiny Committee presented a report summarising the principal matters considered at a meeting of the Committee held on 16 June 2005 and the ongoing work of its Panels.

**RESOLVED – That the report be noted.**

#### **05.C.66 STANDARDS COMMITTEE**

The Vice-Chair of the Standards Committee presented a report summarising the principal matters considered at a meeting of the Committee held on 25 April 2005.

**RESOLVED – That the report be noted.**

#### **05.C.67 GENERAL PURPOSES COMMITTEE**

The Chair of the General Purposes Committee presented a report summarising the principal matters considered at a meeting of the Committee held on 8 June 2005.

**RESOLVED – That the report be noted.**

**05.C.68 ANTI-SOCIAL BEHAVIOUR ORDERS - AMENDMENT TO SCHEME OF DELEGATION**

The Executive Member for Environment and Community Safety presented a report recommending amendments to the Scheme of Delegation in the Council's Constitution to allow the Anti Social Behaviour Co-ordinator to consult and make applications for Anti Social Behaviour Orders on behalf of the Council.

**RESOLVED - That approval be given to an amendment to Part D of Appendix 2 to the Council's Constitution allocating Executive Functions to Council Officers, to allow both the Head of Corporate and Policy Services and the Community Safety Co-ordinator to conduct any necessary consultations with agencies and make applications for Anti-Social Behaviour Orders on behalf of the Borough Council under Sections 1 and 2 of the Crime and Disorder Act, 1998.**

**05.C.69 PLANNING SERVICES - AMENDMENT TO SCHEME OF DELEGATION**

The Executive Member for Development and Planning presented a report recommending amendments to the Scheme of Delegation in the Council's Constitution to allow the Head of Planning Services to deal with complaints relating to high hedges, to make minor amendments to Section 106 agreements and to refuse planning permission in relation to major applications in specified circumstances. The report also recommended an extension to the powers of the Development Control Committee to deal with high hedges.

**RESOLVED – That approval be given to the following amendments the Council's Constitution:**

- (a) The insertion of the words "47A - Powers relating to complaints about high hedges under Part 8 of the Anti Social Behaviour Act 2003" in Appendix 2 Part 1 Miscellaneous Functions.
- (b) The insertion of the words "(d) powers relating to complaints about high hedges" in paragraph 2 of Appendix 2, Part B below the Development Control Committee heading.
- (c) The insertion of an addendum to Paragraph 9.5 of Appendix 2, Part C under the heading of Head of Planning Services to read: "Where a planning application as defined in (c)(i) above is unable to be determined within the statutory period because all material is not available then, exceptionally, the Head of Planning Services following consultation with the Chair and Vice-Chair may refuse planning permission".
- (d) The amendment of the wording in paragraph 9.12 of Appendix 2, Part C to read: "Authority to exercise all powers (except for setting fee levels) under Part 8 of the Anti Social Behaviour Act 2003 in relation to complaints relating to high hedges".
- (e) The insertion of a new paragraph 9.13 in Appendix 2, Part C to read as follows: "That where a Section 106 Agreement has been adopted by the Development Control Committee, the Head of Planning Services be given delegated powers following consultation with the Chair and Vice Chair to make minor amendments to the Section 106 Agreement".

**05.C.70 EXTENSION OF ICT DATA NETWORK**

The Executive Leader submitted a report which recommended that budgetary provision be made in the Capital Programme for the extension of the Council's ICT network.

**RESOLVED – That the Council is recommended to approve the increase of the 2005/06 Capital Programme provision for the additional cabling work and extension of the Council's ICT network to £68,040.**

**05.C.71 CAPITAL AND REVENUE OUTTURN 2004/05**

The Executive Leader presented a report on the provisional outturn figures for the Capital and General Funds (including the direct service functions) and the Housing Revenue Account (including the building maintenance direct service) for 2004/05.

**RESOLVED – That approval be given to:**

- (1) The allocation of the additional £199,000 General Fund savings towards funding for the Job Evaluation Programme (£125,000); recruitment costs (£50,000); Member Development programme (£14,000); and Long Service event (£10,000);
- (2) the financing of the Capital Programme as shown below and the updated Capital Programme of 2005/06, including slippage:

Financing the Programme	Approved Budget	Provisional Outturn	Variation	Comment
Unrestricted capital receipts	4,068,500	3,226,930	(841,630)	Slipped to 05/06
HIP residual capital receipts	1,169,730	861,694	(308,036)	Slipped to 05/06
External contributions				
-Developers	430,620	391,130	(39,490)	Slipped to 05/06
-Lottery	95,740	107,236	11,496	
-Other Local Authorities	0	28,250	28,250	
-RDA	1,190,000	1,190,920	920	
Government Grants				
-Local Gov't on-line	350,000	35,097	(314,903)	Slipped to 05/06
-E-voting	903,880	903,879	(1)	Slipped to 05/06
-Defra recycling	365,300	307,756	(57,544)	
-Disabled facilities grant	180,000	153,523	(26,477)	Slipped to 05/06
-Other	71,000	71,034	34	



Specific Revenue Reserves	88,940	95,197	6,257	
Major Repairs Allowance	1,810,000	1,809,907	(93)	
	<u>10,723,770</u>	<u>9,182,553</u>		

- (3) the additional Capital Programme expenditure being financed from either additional unallocated resources or by way of budget adjustments from approved commitments.
- (4) the addition of £22,000 to the Capital Programme to cover the cost of the Bengal Street Depot welfare facilities to be met from existing resources.

**05.C.72 REVIEW OF MEMBERS ALLOWANCES SCHEME BY INDEPENDENT REMUNERATION PANEL**

The Executive Leader presented a report which incorporated the report from the Independent Remuneration Panel on the review of the Members Allowances Scheme it had undertaken in accordance with statutory provisions. The Executive Cabinet had considered the Panel's report at its meeting on 30 June 2005 and resolved that the recommendations be not accepted in their present form.

**RESOLVED – That the views of the Executive Cabinet on the Independent Remuneration Panel's report be accepted and that a Members Panel comprising of Councillors Ball, Edgerley, Goldsworthy, R. Snape and J. Wilson be established to take the issue of members allowances forward.**

**05.C.73 GENERAL REPORT**

The Executive Leader presented a report summarising the more significant items of Business dealt with at meetings of the Executive Cabinet held on 26 May and 30 June 2005.

**RESOLVED – That the report be noted.**

Mayor

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## **REPORT OF DEVELOPMENT CONTROL COMMITTEE**

### **GENERAL REPORT**

1. Since the last Council meeting, the Development Control Committee has met twice on 26 July and 30 August 2005. This report refers briefly to the more significant planning proposals and other important issues considered at the two meetings.

#### **26 July 2005 meeting**

##### **High Hedges Legislation**

2. We were presented with a report of the Head of Planning Services on the implications of Part 8 of the Anti-Social Behaviour Act 2003 that introduces new powers for Councils to determine complaints by owners/occupiers of domestic property adversely affected by evergreen/semi-evergreen hedges over 2 metres high. The Council's role is to adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of their property, after taking account of all relevant factors.
3. As the Government had allowed Councils to decide the appropriate level of fees, the Committee decided to set a fee of £500 for the processing of complaints of high hedges, but gave Officers the power to waive the application fee in extreme case of hardship. The fee is to be reviewed in 6 months in the light of the earlier meeting. The Committee also decided to make representations to the Office of the Deputy Prime Minister expressing disappointment that the problems caused by the planting of high hedges had not been addressed.

##### **Planning Application 005/00516**

4. We considered the above planning application for outline planning permission for the residential development of a 4.42 ha site at Lower Burgh Way, Chorley by 149 dwelling units, with 2.05 ha of public open space and associated infrastructure work.
5. The site lies at the southern side of Chorley town and represents the completion of the Eaves Green development, which has been an area of housing growth since the emergence of the New Town proposals developed from the 1970s.
6. The principle of residential development on the site is acceptable given its New Town Consent status. The proposal also conforms with Local Plan policies in that the proposed 34 dwellings is just higher than the 30 dwellings per hectare required. We did grant outline planning permission of the development, subject to prior completion of a Section 106 Agreement.

#### **30 August 2005**

##### **Structure Plan Statement of Non-Conformity - Authorisations**

7. We received a report of the Head of Planning Services informing the Committee that a Statement of Non-Conformity had been served on the Council in relation to certain planning policies within the Chorley Borough Local Plan Review which do not totally accord with policies in the Joint Lancashire Structure Plan.

8. In the draft Statement of Non-Conformity, the County Council had highlighted 32 policies in the Local Plan Review that were considered to be out of conformity, but, following representations made by Borough Council Officers, this number has been reduced to 14. The submitted report set out and commented on the policy areas most significantly affected (ie Settlement Status; Housing; Employment, Transport; Retail; and Tourism and Leisure).
9. The impact of the Statement means that when a planning application is being determined, the appropriate policies in the Joint Lancashire Plan may supersede the equivalent policies in the Local Plan.

#### **Planning Application 05/00425/FULMAJ**

10. We considered the above application for the erection of a 3 storey, flat roof block of B1 use offices on land to the north of Units 1 and 2 in Chorley North Industrial Park, Drumhead Road, Chorley. The site is currently densely populated by trees protected by a Tree Preservation Order.
11. There were a number of complex issues that required consideration. The advantages of the proposed development inclusive of the commuted payments to be secured by a Section 106 Agreement to assist in the improvement of the local bus service and on critical tree planting projects were considered to outweigh the somewhat remote nature of the site off a main transportation corridor and the loss of TPO trees on this occasion, while there are no clear cut alternative sites within or close to the town centre.
12. On balance, we, therefore, decided to grant planning permission for the development, subject to completion of the Section 106 Agreement to cover the commuted payment.

#### **Recommendation**

13. The Council is recommended to note this report.

COUNCILLOR A LOWE

Chair of Development Control Committee and Executive Member for Development and Planning.

AU

There are no background papers to this report.

## **REPORT OF LICENSING AND SAFETY COMMITTEE AND STATUTORY LICENSING COMMITTEE**

### **GENERAL REPORT**

1. This report sets out a brief summary of the main items considered at a special meeting of the Licensing and Safety Committee held on 19 July 2005 and the meeting held on 24 August 2005, as well as the Statutory Licensing Committee held on 24 August 2005.

#### **19 July 2005 Special Meeting**

##### **Cedar Farm Galleries - Remission of Fee**

2. We agreed to a request from Cedar Farm Galleries for the fee for an occasional public entertainment licence to be remitted in respect of a forthcoming fund raising event. The event was to raise funds for the Galleries which run children's workshops and art based events on a non-profit making basis.

##### **Croston Community Centre - Remission of Fee**

3. I accepted as urgent, consideration of a request received from the Chairman of Croston Community Centre for the fee for an occasional public licence fee to be remitted in respect of an event to be held on Bank Holiday Monday, 29 August to raise funds for the Community Centre.
4. The Committee agreed to the remittance.

##### **Private Hire Operator - Complaint**

5. The Committee received information from the Director of Legal Services relating to continuing problems associated with a Private Hire Operator in Chorley and the failure by the operator to come to an arrangement with the complainant. An assurance had been given by the operator that a refund would be given to the complainant and this had not been forthcoming.
6. We agreed that a letter be sent to the licensed operator requesting confirmation of the action and informing him that if no response was received within 14 days of the date of the letter, the matter would be referred to the Committee for consideration.

##### **Applications for Licence to Drive Hackney Carriage/Private Hire Vehicles in Chorley**

7. The Committee approved two requests for a Hackney Carriage and Private Hire Drivers Licence. The applications had been brought to Committee following a Criminal Record Bureau check had revealed offences that indicated that the applications be considered by the Committee as to whether to grant a Licence or otherwise.

#### **24 August 2005 Meeting**

##### **Application to Licence Over Age Vehicle**

8. The Committee was requested to consider an application to licence a private hire vehicle that was over the Council's age limit.

9. The condition of private hire vehicle licences issued by the Council are that “on the date of first licensing, a vehicle shall normally be no older than four years from the date of manufacture”. The Committee considered the application in respect of a vehicle that was nine years old.
10. Although a Council can have a policy on age of vehicles, this policy cannot be inflexible and that is the reason for the word “normally” being inserted in the licence conditions.
11. A check on the vehicle had found it to be in above average condition for its age, with a full service history and mileage of 65,000.
12. The Committee agreed to issue a private hire vehicle licence on condition it successfully completes a vehicle inspection test.

#### **Application for a Public Entertainment Licence - The Beaumont Public House, Clayton Green**

13. We were requested to determine an application for a Public Entertainment Licence in respect of The Beaumont Public House, Clayton Green following recommendations received from the Council’s Environmental Services Unit and objections from nearby residents.
14. The application was based on Monday to Thursday 11.00am until 23.30pm Friday and Saturday 11.00am until 24.00 and Sunday 12 noon until 23.30pm.
15. The Committee agreed to the application on the hours requested subject to specific conditions.

#### **Applications for Licence to Drive Hackney Carriages/Private Hire Vehicles within the Borough of Chorley**

16. The Committee approved two requests for a Hackney Carriage and Private Hire Drivers Licence. The applications had been brought to the Committee following a Criminal Record Bureau check had revealed offences that indicated the application be considered by the Committee as to whether to grant a licence or otherwise.

#### **STATUTORY LICENSING COMMITTEE - 24 AUGUST 2005**

17. The meeting had been called in order to reconsider the allocation of the reserve members of the Sub-Committees.
18. The Statutory Licensing Sub-Committee A and Sub-Committee B were established to determine applications under the Licensing Act 2003 and appointed four Members for each Sub-Committee to act as reserves should a member be unable to attend or declare an interest in the application. To enable greater flexibility in times of holidays and arranging future meetings, the Committee agreed that there would be a single reserve list of eight members, each member would be taken in order from this list.

#### **Recommendation**

19. The Council is requested to note this report.

COUNCILLOR R SNAPE

Chairman of the Licensing and Safety Committee and the Statutory Licensing Committee

GKB

There are no background papers to this report.

## **REPORT OF OVERVIEW AND SCRUTINY COMMITTEE AND PANELS**

### **GENERAL REPORT**

1. This report briefly summarises the business transacted at the Overview and Scrutiny Committee held on 6 September 2005, as well as a brief summary of the recent activities and matters discussed at meetings of the Community, Customer and Environment Overview and Scrutiny Panels.

### **Overview and Scrutiny Committee**

#### **Budget Timetable and the Involvement of Overview and Scrutiny in the Budget Process**

2. The Committee's views were sought by the Director of Finance on the future role and involvement of the non-Executive Members in the scrutiny of the budget setting and monitoring processes.
3. We were reminded of the revised guidance in relation to the new Comprehensive Performance Assessment regime, which places greater emphasis and relevance on Authorities' financial management processes and on internal 'value for money' assessments of the use of resources. We were asked if we wanted to identify any particular area or key issue on which we considered that non-Executive Members should concentrate and how much we thought that the overview and scrutiny regime might contribute effectively to the budget setting process and subsequent performance management.
4. Following a comprehensive debate, the Committee affirmed its wish to retain its consultative role during the preparation of the draft budget for 2006/07 and requested the Director of Finance to submit to the next meeting suggestions as to the most effective means by which Overview and Scrutiny Members can be consulted on the 2006/07 budget process. In addition, Members also accepted the need to develop our role in relation to the monitoring and scrutiny of the Council's financial management performance and to consider how that role can be undertaken most effectively in the future.

#### **Performance Management and the role of Overview and Scrutiny**

5. The Head of Corporate and Policy Services attended our meeting to clarify the differing roles and responsibilities of Executive and non-Executive Members in relation to performance management. The role and objectives of Overview and Scrutiny Members is identified as:
  - Providing a check on the activities of the Executive through its 'Call In' powers.
  - Involvement in policy development and monitoring and review of policy formulation and implementation within the community-planning framework.
  - Involvement in improvement review.
  - Scrutiny of external bodies and agencies.
6. We were told that, in order to assist our roles, the Overview and Scrutiny Committee will receive quarterly reports on both the Corporate Plan Key Performance Indicators and Best Value Performance Indicators (BVPs). In addition, quarterly Business Plan updates will be presented to the Committee and the three Associate Panels.
7. We were also reminded by the Head of Corporate and Policy Services that the new Performance Management Plus software package has enabled the publication on the intranet of data showing each Unit's performance in relation to its achievement of BVPs and the Council's corporate priorities. We welcomed the new system, which has been designed to make the information more accessible and useful. One Member did suggest that it would

benefit from the inclusion of the previous quarter's performance indicators.

### **Best Value Indicators – Quarterly Monitoring Reports**

8. We were presented with two reports compiled by the Head of Corporate and Policy Services monitoring the Authority's performance in respect of both the Best Value Performance Indicators and the Council's Corporate Key Performance Indicators during the first quarter period of 2005/06 to assist our role in ensuring that effective performance management is being operated throughout the Authority.

### **Draft Policy Documents**

9. The Committee debated its role in the development and scrutiny of draft policies and strategies. We ultimately agreed to request the Executive Cabinet to take heed of this aspect of the role of Overview and Scrutiny Members and agree mechanisms to ensure that non-Executive Members are consulted on new policy proposals in advance of the consultation stage. .

### **Forward Plan**

10. The Committee received the Council's September Forward Plan setting out details of the key executive decisions which are expected to be taken during the four months period expiring on 23 December 2005 and noted that the majority of envisaged decisions were scheduled to be taken before the end of September 2005.

### **Customer Overview and Scrutiny Panel – Parkwise Inquiry**

11. We approved the Inquiry Project Outline (Scoping) document which had been drawn up by the Customer Overview and Scrutiny Panel in readiness for its projected scrutiny inquiry in to the Decriminalisation of Parking Enforcement and authorised a budget allocation of £1,200 for the conduct of the inquiry.
12. A number of Committee Members hoped that the Inquiry would achieve a reduction in the number of incorrectly issued penalty notices.

### **Smoking in Public Places – Consultation Document**

13. We were advised of a Government Consultation Paper on proposals to introduce a ban on smoking in public places and that the Chorley and South Ribble Primary Care Trust had sought the Council's views on the proposed response to the consultation. We have accordingly asked both the Customer Overview and Scrutiny Panel and the Environment Overview and Scrutiny Panel to each consider the Consultation Paper and inform the next meeting of our Committee on 13 October of their respective views so that we can co-ordinate a response.

### **Self Evaluation Workshop**

14. I reminded the Committee of the Overview and Scrutiny Self-Evaluation Workshop to be held on 20 October 2005, which will result in the production of an Overview and Scrutiny Improvement Plan. I urge all Councillors to endeavour to attend this event.



**Community Overview and Scrutiny Panel – Meeting held on 13 September 2005****Scrutiny Inquiry into Juvenile Nuisance – Update**

15. The Panel received an update report from the Head of Corporate and Policy Services on the progress that had been made to implement the recommendations contained in the Panel's Inquiry report into Juvenile Nuisance. The Panel were pleased to note the actions that have so far been instigated and appreciates the constraints caused by the limited resources and capacity of a number of the organisations and agencies with whom collaboration to effect the implementation of a number of the recommendations is dependent. In this context, the Panel has urged the officers to actively encourage these bodies to commit adequate funding for the suggested projects.
16. The Chairman of the Panel (Councillor Perks) also drew attention to the new arrangements introduced for the funding of Community Safety Partnerships which will alter the previous system of direct funding for individual Partnerships. The Panel shared the Officers' concern at the impact this arrangement might have on the future funding levels of the Chorley Partnership and asked to be kept informed of developments.

**Public Participation in the Council's Decision-Making Process**

17. The Panel received a report of the Chief Executive which outlined the background to the Panel's scrutiny inquiry and the reasons for the Executive Cabinet's decisions to authorise the introduction of three Area Forum pilot schemes in the Lostock Ward, Coppull Parish area and an area of Clayton Brook to be defined.
18. The Panel received and considered two schedules compiled from the results of recent surveys of Lancashire Districts containing comparative information on the arrangements operated in 13 Lancashire Districts in relation to Area Forums/Committees and the allowance of public speaking/questions at Council/Committee meetings. The Panel also received a presentation from Mr R Matthews, Head of Area Committee Development with South Ribble Borough Council, on the arrangements operating at South Ribble. The Council currently operates 8 Area Committees covering the whole of the Borough, each with limited decision making and spending powers, and allows the public to ask questions and/or statements at all of its Council and Committee meetings held in public.
19. At the instigation of the Chairman, the Panel has formed two Sub-Groups to examine in depth the two distinct strands of the Inquiry (ie Area Forums/Committees and Public Speaking/Questions at meetings). The Members of the two Sub-Groups will be charged with responsibility to visit a number of surrounding local authorities to examine at first hand the operating arrangements and perceived effectiveness of the respective Authorities' specific arrangements and report their findings to the Panel. Members of the Area Forum Working Group will be invited to accompany the Members of the Area Forums/Committees Sub-Group on their visits.

**Customer Overview and Scrutiny Panel – Meeting on 7 September 2005****Draft declaration on "Standards for Better Health"**

20. The Director of Clinical Governance from Chorley and South Ribble Primary Care Trust presented their draft declaration on "Standards for Better Health". We discussed the draft declarations and clarified several points. We welcomed the draft declarations and noted that the Panel would be consulted in April prior to the final declaration.

**One Stop Shop**

21. We received a report from the Assistant Head of Customer Services updating the Panel on

the Actions taken following the recommendations made to the Executive Cabinet in June 2004. The Panel welcomed the update and congratulated the Council and its staff on the result of the recent Customer Access and Focus Best Value Inspection where a rating of Excellent was received.

### **Review of Racial Equality Scheme and Corporate Equalities Plan**

22. The Panel considered a report of the Head of Corporate and Policy Services on the Review of Racial Equality Scheme and the Corporate Equalities Plan informing them of progress made since the update presented in July. We discussed the report with the officers answering Members' queries. A further update would be reported to a future meeting of the Panel.

### **Decriminalisation of Parking Enforcement Inquiry**

23. As part of the ongoing inquiry into the Panel received the report of the recent Sub-Groups and articles relating to a study of how the public perceive Decriminalisation of Parking Enforcement. The information would provide useful evidence for the Panel. Information received by drivers with disabled badges and an overview of the appeals procedure was considered. A questionnaire to seek the views of the public was drafted and would be undertaken by the end of the month.

### **Environment Overview and Scrutiny Panel – 1 September 2005**

#### **Accessibility of Cycling as a Leisure Pursuit**

24. As part of the ongoing inquiry into the 'Accessibility of Cycling as a Leisure Pursuit' the Panel received a presentation from Mr Michael Prescott from the Cycling Touring Club (CTC) Right to Ride Network on how his involvement within the CTC related to the inquiry.
25. He provided the Panel with useful evidence which would form the basis of the Panels recommendations.
26. The Panel considered that enough evidence had been presented to the Committee to enable recommendations to be formulated. These would be circulated to the next meeting for consideration in the final reports.

#### **Recommendation**

27. The Council is recommended to note this report.

COUNCILLOR J WALKER  
Chair of Overview and Scrutiny Committee

There are no background papers to this report.

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## **REPORT OF EXECUTIVE CABINET**

### **HOUSING SERVICES - AMENDMENT TO SCHEME OF DELEGATION**

1. We received a report of the Head of Housing Services on the need to amend the Council's Constitution in order to expand the Officer's delegated powers to allow him to deal with issues under the Right to Buy legislation.

#### **Background**

2. Following the transfer of the Right to Buy function to the Housing Services Department from the Customer, Democratic and Office Support Services Unit in July 2004 and changes resulting from the Housing Act 2004, the Head of Housing Services is now required to make decisions on various matters relating to the Right to Buy scheme within a Government designated time scale.
3. Under Section 123 of the Housing Act 1985, the Council may consent to any family member/spouse being added to the application in order to share in the right to buy, when they were not initially included on the right to Buy application. In addition, the landlord may also consent to family members who have not lived at the property for the pre-requisite 12 month qualifying period to share the right to buy.
4. The Right of First Refusal became law in August 2005, as a result of which all Council owned properties sold since 17 January 2005 have to be offered back to the Council should the owners wish to dispose of their property within the first 10 years of ownership. The Council is then allowed eight weeks to either purchase the property or nominate another social landlord who has shown an interest in acquiring the property. If no response is received within the stipulated timescale, the property will be lost as social housing and can be sold on the open market.

#### **Current Delegation and Proposal**

5. The power to add persons onto Right to Buy applications is presently delegated to the Head of Legal Services. However, after taking account of the number of applications received and the operational problems caused by the present delegation, it will be more appropriate and convenient if the delegated authority were to be transferred to the Head of Housing Services, in whose Unit the Right to Buy function now lies.
6. The revision of the Officers' scheme of delegations can only be effected by an amendment of the scheme in the Council's Constitution.

#### **Recommendation**

7. The Council is, accordingly, recommended to approve the amendment of the Executive Functions in Appendix 2 of Part D of the Council's Constitution to allow the Head of Housing Services.
  - to consent on behalf of the Council to the addition of family members onto Right to Buy applications where either they were not included originally or they do not fulfil the 12 months residency requirement; and
  - to act on behalf of the Council in respect of officers/requests received under the Right of First Refusal regulations.

COUNCILLOR L LENNOX

Executive Member for Housing and Neighbourhood Renewal

<b>BACKGROUND PAPERS</b>			
<b>DOCUMENT</b>	<b>DATE</b>	<b>FILE</b>	<b>PLACE OF INSPECTION</b>
Report of Head of Housing Services to Executive Cabinet	8/9/2005	-	Town Hall, Chorley

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## **REPORT OF EXECUTIVE CABINET**

### **ENVIRONMENTAL SERVICES – AMENDMENT TO SCHEME OF DELEGATION**

1. The Clean Neighbourhood and Environment Bill was published on 8 December 2004 and received Royal Assent on 7 April 2005. The new legislation results from the Department for Food and Rural Affairs' review of the legislative framework for the provision of and maintenance of a clean and safe local environment.
2. The Act provides new powers for local authority action and extends existing powers to new areas in relation to the following offences:

#### **PART 2: VEHICLES - Nuisance Parking Offences**

##### Section 3 - Selling Vehicles on a Road

The offence of selling vehicles on the road is intended to target those people who run a business selling motor vehicles and use the road as a mock showroom. This behaviour is unfair to local residents who are thereby deprived of using the road themselves to part vehicles and go about their daily lives. It is not intended to target individual sellers of single vehicles, but the nuisance that is caused by the presence of numbers of vehicles being offered for sale by the same person or business.

This is why the offence may only be committed where there are two or more vehicles being offered for sale. It is recognised that a private individual may at one time or another have more than one car to sell and decide to offer them by parking them close together on a road, but it is anticipated that this will only happen on rare occasions.

##### Section 4 - Repairing Vehicles on a Road

The offence of repairing a vehicle is also aimed primarily at those that act irresponsibly as part of a business and which are attempting to use the road as a mock workshop. It is not intended to target private individuals who are carrying out minor work to their vehicles (unless the repairs cause annoyance to persons in the vicinity), or those who carry out necessary work to vehicles by the side of the road in order to get them moving again after a breakdown or accident (such as breakdown organisation and mobile mechanics), provided the work is completed within 72 hours.

3. We received a report of the Head of Environmental Services recommending revisions to the scheme of Officer delegations in order to allow the Officers to issue the required notices and institute the appropriate enforcement action authorised under the new legislation. The revision of the Officers' scheme of delegations can only be effected by an amendment of the scheme in the Council's Constitution.

#### **Recommendation**

4. The Council is, therefore, recommended to approve the amendment of the Executive Functions in Appendix 2, Part D of the Council's Constitution to allow the Head of Environmental Services to discharge the following functions pursuant to Sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005:
  - i) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;
  - ii) issuing formal cautions;
  - iii) recommending to the Director of Legal Services the institution of legal proceedings;and

- iv) authorising Officers to exercise statutory powers of entry (including attaining warrants).

COUNCILLOR T BROWN  
 Executive Member for Environment and Community Safety

<b>BACKGROUND PAPERS</b>			
<b>DOCUMENT</b>	<b>DATE</b>	<b>FILE</b>	<b>PLACE OF INSPECTION</b>
Report of Head of Environmental Services to Executive Cabinet	8/9/2005	-	Town Hall, Chorley

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## **REPORT OF EXECUTIVE CABINET**

### **GENERAL REPORT**

1. The Executive Cabinet met on 8 September 2005 and this report summarises briefly the principal matters considered at the meeting. Separate reports have been prepared in respect of those items considered which require Council decisions.

### **Lancashire Highways Partnership**

2. The Executive Cabinet considered as an urgent item, a report by the Head of Public Space Services on the decision taken by the Lancashire County Council Cabinet on 1 September 2005 to carry out consultations with District Councils on the termination of the Lancashire Highways Partnership.
3. The report indicated that the County Council Cabinet intended to consider the results of consultations at its next meeting on 6 October 2005 and that officers were currently seeking to clarify with the County Council, its intentions for staff transfers and the on-going arrangements for the delivery of client and contractor highway functions subsequent to the termination of the Partnership by the built-in end date of 30 June 2006, if it takes place.
4. The Chief Executive reported that this issue had been discussed at a meeting of the Lancashire District Council Chief Executives held that week, from which it was apparent that all of the District Councils were opposed to the decision taken by the County Council Cabinet without any discussions been held with District Councils on the current operation of the Partnership.
5. The Executive Cabinet expressed its opposition to the decision taken by the County Council Cabinet and their concerns in respect of the future management of highway functions (in particular traffic calming schemes) within Chorley. We authorised officers to enter into discussions with County Council officers on the County Council's proposal and have requested the Lancashire County Council Cabinet to delay any decision on this issue for a period of four months to allow meaningful consultations with District Councils.
6. A further report will be submitted to the Executive Cabinet meeting on 29 September 2005 for consideration of a formal response to the County Council. The Chief Executive will advise Members of the Council of the current position on this issue at the Council meeting.

### **Customer Access and Focus Best Value Inspection Report**

7. We received and noted with great pleasure a report by the Group Director on the outcome of the recent Best Value Inspection on the Council's approach to Customer Access and Focus, which incorporated a copy of the Inspection Report published by the Audit Commission in August 2005. The report indicated that "the Council is assessed as having a three star approach to customer access and focus that has excellent prospects for improvement". This is the highest award that the Inspectors can give in an inspection and puts the Council at the top nationally in the whole of local government for this key priority area.
8. The Executive Cabinet noted the reference in the Inspection Report to "the way the customer focus was embedded in the culture of the Council" and paid tribute to the Council's employees for providing an excellent customer orientated service.
9. In pursuance of one of the recommendations in the Inspection Report, the Executive Cabinet has requested the Community Overview and Scrutiny Panel to "analyse what approach to area forums would be best for the Borough based on a clear assessment of the

effectiveness of current local groups and the best way to integrate them”, during the scrutiny inquiry into Public Participation in the Council’s Decision-making Process.

#### **Overview and Scrutiny Annual Report 2004/05**

10. We received and noted the Overview and Scrutiny Annual Report for 2004/05 which had been produced by the Overview and Scrutiny Committee. The report gave details of the areas of work and scrutiny inquiries undertaken by the Committee and the three Overview and Scrutiny Panels during the last municipal year.
11. Reference was made in the report to the Overview and Scrutiny Self Assessment Workshop event for Members of the Council and Chief Officers to be held on 20 October 2005, which will facilitate the production of an Overview and Scrutiny Improvement Plan. It would be appreciated if all Councillors could endeavour to attend this important event.
12. To take into account the Overview and Scrutiny Committees role in policy development, the Executive Cabinet agreed that the Committee should be allowed the opportunity to scrutinise policy and strategy documents before they are agreed for consultation purposes.

#### **Revenue Budget 2005/06 - Monitoring**

13. The Executive Cabinet considered a report by the Director of Finance on the current position in respect of the current year’s budgets and efficiency savings for the General Fund and Housing Revenue Account.
14. The report revealed that reasonable progress has been made towards the achievement of the corporate savings target of £228,000 for 2005/06 with further savings anticipated as the year progresses. Progress was being made towards the efficiency savings target of £100,000, but this remains one of the areas to be addressed and monitored. In this situation, we have agreed to freeze any additional expenditure financed from the Contingency Fund except by the approval of the Executive Cabinet.
15. Whilst some cost pressures are causing an increase in HRA expenditure, the reduction on the right to buy sales means that additional rental is being generated for the Account, which is resulting in the overall budget remaining on target.

#### **Internal Audit Annual Report 2004/05**

16. We received and noted a report by the Director of Finance which summarised the work of the Internal Audit Service during 2004/05, appraised the performance of the Service and provided an assessment of the adequacy and effectiveness of the control systems within the Authority. The overall opinion was that the Council, in general, contributes to operate within a sound controlled environment.

#### **Draft Corporate Strategy 2006/07 - 2008/09**

17. We approved, for consultation purposes, the new draft Corporate Strategy for the next three year period for 2006/07 to 2008/09. The revised draft strategy sets out the Council’s medium term vision, ambitions and priorities for the next three years.
18. The new strategy will need to be aligned well and support the Borough’s new Community Strategy (developed under the guidance of the Chorley Partnership) to ensure that community aspirations are addressed. In turn the corporate strategy will influence the Council’s spending plans and Service Units’ projects and activities.



**Best Value and Key Performance Indicators - Update**

19. We received and noted monitoring reports submitted by the Head of Corporate and Policy Services on the performance against the Council's Best Value and Key Performance Indicators for the current Municipal Year up to 30 June 2005 to ensure that effective performance management is operating within the Authority.

**Astley Park Restoration Project - Appointment of Consultants**

20. On the advice of the Head of Economic Development, we gave approval to the re-appointment of Chris Burnett Associates and Allen Todd Architects as the lead consultants on the restoration of Astley Park and to a contract being entered into the professional team to deliver the project as set out in the Heritage Lottery Fund grant.
21. Over the last few years the Council have used Chris Burnett Associates – Landscape Consultants as the lead consultants and Allen Todd Architects as the Architectural advisors at Stage 1 and Stage 2 of the bid process. They were appointed in 2000 following interviews and tender selection process to put together the Stage 1 bid. This included Surveys, Master plan and Outline Business Plan. They were re-appointed in May 2004 to put together the Stage 2 application which was approved in March this year. The appointment of Chris Burnett Associates and his team will reduce the time needed before development commences on site as they have detailed knowledge of the park and the buildings and the issues which relate to them.

**Delivering the Drugs Strategy within Lancashire**

22. We received a report by the Head of Corporate and Policy Services on a request received from the Lancashire Drug Action Team for funding towards the countywide Enhanced Arrest Referral Scheme for the three year period 2005/06 to 2007/08. All District Councils within the County have been requested to contribute to the Enhanced Arrest Referral Scheme and the Lancashire Constabulary has indicated that the scheme will be withdrawn from those areas that are not able to financially support it.
23. The Executive Cabinet gave approval to a contribution of £5,000 being made to the Enhanced Arrest Referral Scheme for the current year to be funded from within existing cash budgets, and has requested the Lancashire Drug Action Team to submit further information on the operation of the scheme prior to consideration being given to the provision of funding for 2006/07 and 2007/08.

**Recommendation**

24. The Council is recommended to note this report.

COUNCILLOR J WILSON  
Executive Leader

<b>BACKGROUND PAPERS</b>			
<b>DOCUMENT</b>	<b>DATE</b>	<b>FILE</b>	<b>PLACE OF INSPECTION</b>
Executive Cabinet Agenda Reports for the meeting held on 8 September 2005	16/9/2005	-	Town Hall, Chorley

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