



**MINUTES OF**

**COUNCIL**

**MEETING DATE**

**Tuesday, 20 September 2016**

**MEMBERS PRESENT:**

Councillor Doreen Dickinson (Mayor), Councillor Mark Perks (Deputy Mayor) and Councillors Aaron Beaver, Eric Bell, Martin Boardman, Alistair Bradley, Charlie Bromilow, Terry Brown, Henry Counce, Paul Clark, Jean Cronshaw, Alan Cullens, John Dalton, Graham Dunn, Christopher France, Gordon France, Margaret France, Jane Fitzsimons, Anthony Gee, Danny Gee, Keith Iddon, Mark Jarnell, Hasina Khan, Zara Khan, Paul Leadbetter, Margaret Lees, Roy Lees, Sheila Long, Adrian Lowe, Marion Lowe, Matthew Lynch, June Molyneaux, Greg Morgan, Alistair Morwood, Mick Muncaster, Steve Murfitt, Beverley Murray, Debra Platt, Kim Snape, Richard Toon, John Walker, Paul Walmsley, Alan Whittaker and Peter Wilson

**OFFICERS:**

Gary Hall (Chief Executive), Jamie Carson (Director (Early Intervention and Support)), Asim Khan (Director (Customer and Digital)), Chris Moister (Head of Legal, Democratic & HR Services) and Carol Russell (Democratic Services Manager)

**APOLOGIES:**

Councillors Tom Gray, Joyce Snape and Ralph Snape

**16.C.364 Declarations of Any Interests**

There were no declarations of interest received.

**16.C.365 Minutes of the Council meeting held on Tuesday, 19 July 2016**

**RESOLVED – That the minutes of the last Council meeting held on 19 July 2016 be approved as a correct record for signature by the Mayor.**

**16.C.366 Mayoral Announcements**

The Mayor updated Members of the Council on her fundraising activities including her Charity Skydive in aid of the Alzheimer's Society on 26 September 2016.

She was also organising a Tea Dance on 18 October in the Lancastrian and provided dates for her Christmas by Candlelight event at Astley Hall and her Charity Ball at Park Hall Hotel in February 2017.

**16.C.367 Public Questions**

There were no public questions for consideration.

### **16.C.368 Executive Cabinet**

Members considered a general report of the meeting of Executive Cabinet held on 25 August 2016.

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

### **16.C.369 Governance Committee**

Members considered a general report of the meeting of Governance Committee held on 14 September 2016.

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

### **16.C.370 Efficiency Plan**

Members were advised in a report of the Chief Executive that as part of the December 2015 Spending Review, the Government had offered local authorities a four year funding settlement subject to the publication of an Efficiency Plan by 14 October 2016. This was for the funding period 2016/17 to 2019/20.

The report set out the benefits of a four year funding settlement which would create much greater certainty of resources and would allow consistency with the Council's Medium Term Financial Strategy (MTFS). In presenting the report, Councillor Peter Wilson indicated that whilst he did not agree with the changes and reduction in funding, if the Council did not accept the four year offer it would be exposed to a major risk that levels of funding would reduce. A table setting out Revenue Support and Transitional Grant for the years 2016/17 to 2019/20 was included in the report and showed a steep decline in support from Central Government to be met in part by business rates retention.

The proposed Efficiency Plan for the Council was appended to the report and drew together existing corporate plans and strategies including the Transformation and Corporate Strategies; the MTFS; the Chorley Local Plan and the Economic Regeneration Strategy.

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

- 1. That Council approves the Efficiency Plan set out in Appendix 1 of the report.**
- 2. That it be agreed that the Council should submit the Efficiency Plan to satisfy the conditions of acceptance of the four year funding settlement for the period 2016/17 to 2019/20; and**
- 3. It be noted that the budget gap and savings identified in the Efficiency Plan are subject to change and will be updated and refined during the budget setting process.**

### **16.C.371 Draft Householder Design Guidance Supplementary Planning Document**

Members considered a report of the Chief Executive proposing a revised draft Householder Design Guidance Supplementary Planning Document. This was to replace the previous version adopted in 2008 and provided guidance to those wishing to extend or alter their property to achieve high quality extensions which respect their surroundings and protect the amenity of neighbours.

The draft document would be subject to a period of consultation and be brought back for Council approval in January 2017.

The Executive Member for Public Protection, Councillor Paul Walmsley proposed, Councillor June Molyneaux, Chair of the Development Control Committee seconded and it was **RESOLVED – that the draft Householder Design Guidance Supplementary Planning Document be approved for public consultation for a 6 week period from 4 October to 15 November 2016.**

#### **16.C.372 Footpath No 1 Croston: Proposed Confirmation of Public Path Extinguishment Order Section 118 Highways Act 1980**

The Director of Policy and Governance submitted a report on a longstanding issue regarding the need to legally divert a footpath at Croston. A report had been considered by the Council on 6 November 2012 on this matter but the legal extinguishment of the previous path had not been progressed to completion. This report proposed actions to rectify this and formally divert the footpath which would then allow it to be maintained by Lancashire County Council as the responsible body for footpaths.

The Executive Member for Public Protection, Councillor Paul Walmsley proposed, Councillor Chris France, Vice Chair of the Development Control Committee seconded and it was **RESOLVED –**

1. That it be noted that a public footpath dedication agreement had been completed on 24 May 2016 under Section 25 Highways Act 1980, between the landowners and Lancashire County Council, adjacent to a ditch under the railway line at Croston, as shown between the points A - B on the map attached as Appendix B to the report.
2. That Members approve the certification of the footpath diversion order made by Chorley Council under Section 257 Town and Country Planning Act 1990 in 1996 and confirmed in 2011 in light of the fact that the works requested by Lancashire County Council notified to the landowner have been completed following a satisfactory inspection by officers of the Public Rights of Way Team at Lancashire County Council. The section of footpath between the points A - B - C on the plan in Appendix C to the report shall not be so certified as this section is subject of the extinguishment order.
3. That Members approve the confirmation as an unopposed order of the public path extinguishment order made by Chorley Borough Council under Section 118 Highways Act 1980 on 14 May 2015, in respect of a short length of newly diverted Footpath No.1 Croston, subject of the 1996 Order once the 1996 order has been certified in accordance with paragraph 3 above; and
4. That Members approve the placing of any notices required under legislation to effect the above, including advertisement in the local press.

#### **16.C.373 Questions Asked under Council Procedure Rule 8**

There were no questions for consideration under Procedure Rule 8.

#### **16.C.374 Notices of Motion given in accordance with Council procedure Rule 10**

There were no motions for consideration under Procedure Rule 10.

#### **16.C.375 Member Appointments**

A number of changes were proposed to Council appointments.

The Executive Leader, Councillor Alistair Bradley proposed and the Deputy Leader, Councillor Peter Wilson seconded and it was **RESOLVED – that the following Councillors replace Councillor Mark Jarnell on Committees and other positions:**

- **Councillor Adrian Lowe on Licensing and Public Services Committee with Councillor Aaron Beaver as a substitute member.**

- **Councillor Gordon France on Overview and Scrutiny Committee.**
- **Councillor Anthony Gee on General Purposes Committee**
- **Councillor June Molyneaux on the Chorley, South Ribble and West Lancs Children's Partnership Board**
- **Councillor Beverley Murray to take on the duties of the Council Champion for Young People until the next Council meeting.**

#### **16.C.376 Exclusion of the Public and Press**

**RESOLVED – that the press and public be excluded for the remaining items of business on the grounds that it involves the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act.**

#### **16.C.377 Fleet Street Extra Care Scheme**

Councillor Graham Dunn, Executive Member for Customer and Advice Services presented a report with a detailed update on the proposal to develop the Fleet Street Extra Care Scheme, and seeking approval to proceed with the project.

Councillor Dunn indicated that demographic forecasts showed a clear need for this type of supported accommodation both now and into the future to avoid over use of residential care. The type of retirement village proposed would provide additional care and support for older people, and was still a fairly new concept, with only a few similar schemes in existence elsewhere.

It had taken some time to get the proposals to this point, but funding was now in place with Government support through a Homes and Community Agency grant of almost £3m and support from Lancashire County Council of £1m in return for this Council's commitment to a Partnership Agreement and associated grant conditions. LCC would procure the care and support provider for the scheme, linked to their adult social care responsibilities.

Previous reports to Council had considered the detail of the proposals including location and consultation; community facilities including dance hall and café; and the public realm proposals including car parking. The report submitted, provided detailed financial implications for the capital scheme and also ongoing revenue financing. There was an element of financial risk linked to both the take up of the accommodation and any changes in welfare reform as well as the need for prudential borrowing if the expected level of S106 funding was delayed. Overall it was felt that there would be significant demand for tenancies and in the long term the scheme would generate income for the Council.

Councillor Paul Leadbetter, Leader of the Conservative Group expressed his group's support for the scheme and queried whether any early stage deficit would be shared with LCC. This was not likely to be the case as the Council's preference would be for Chorley Borough residents to be offered tenancies.

Councillor Graham Dunn, Executive Member for Customer and Advice Services proposed and Councillor Bev Murray, Executive Member for Early Intervention seconded and it was **RESOLVED (subject to the removal of reference to the Camelot site in paragraph 68 of the report) –**

- 1. That the Care and Specialised Care Grant be accepted in the sum of £2,868,750 from the HCA and the Council be authorised to enter into a grant agreement with the HCA.**
- 2. The income and expenditure in the financial models outlined in Appendix One at both LHA and affordable weekly rental levels be noted. The overall financial impact (para 72) including the revenue deficit identified in early years of occupation under both models be also noted.**
- 3. That the use of temporary prudential borrowing of approximately £5.9m with consequent revenue costs of £223k per annum be approved. It be noted that this will be replaced with offsite Section 106 contributions that have been identified but not**

yet realised.

4. That an increase of £275k of the extra care capital budget from £9.472m to £9.747m be approved to fund estimated additional project management and quantity surveyor fees.
5. That the Lancashire Regeneration Property Partnership be used as the procurement route for the main contractor for the development of the building.
6. That the award of the contract for the construction be made at a future General Purposes Committee if required.
7. That the scheme be named as 'Primrose Village' and described as 'Retirement Living'.
8. That delegated power be granted to the Director of Business, Development and Growth (or the Chief Executive in the event that the appointee is not in post) in consultation with the Head of Legal, Democratic and HR Services to negotiate and complete various agreements including:
  - a. with local residents on shared use and maintenance of the unadopted street along the northern boundary of the development;
  - b. an agreement with local residents and any other interested parties regarding improvement and landscaping of land to the rear of properties along Gillibrand Walks;
  - c. an agreement with the owner of the Job Centre and any other interested parties for the improvement of the land between the southern boundary of the development and the Job Centre; and
  - d. any other necessary legal documentation.
9. That the Council elects under Section 124 of the Housing Act 1996 to operate an introductory tenancy regime.
10. That authority be delegated to the Head of Legal, Democratic and HR Services to effect appropriation of the part of the site used as a car park away from purposes under the Road Traffic Regulation Act 1984 to purposes under the Housing Acts.
11. That a Variation of the Off Street Car Parking Order made by Chorley Council in 2008 be made, to remove the Fleet Street Car Park, subject to consultation with the Police and Lancashire County Council and publication of the proposal.
12. That a tender be developed to secure a commercial tenant for the café.
13. That the arrangements for the temporary decant of the St John building users be noted.

#### **16.C.378 Market Walk Extension**

The Executive Leader Councillor Alistair Bradley presented a report updating Members on the work undertaken to progress the Market Walk Extension proposals and wider town centre plans since the last report to Council in September 2015. The report sought approval to proceed with the extension and the first phase of the town centre plans. A number of appendices with comprehensive information as background and supporting documentation accompanied the report as follows:

- Appendix A - Planning approval and conditions
- Appendices B1, B2 and B3 - Layout plans
- Appendix C - Chorley Markets Strategy 2017/26
- Appendix D - Markets Consultation Plan
- Appendix E - Gerald Eve: Review of Covenants

- Appendix F - Estimated Rental Value Schedule
- Appendix G - High Level Cost Estimate
- Appendix H - Phasing and Programme Plans
- Appendix I - Town Centre Car Parking Strategy
- Appendix J - Public Realm Images
- Appendix K - Initial Design: Existing Market Walk

Councillor Bradley asked in considering this important decision, that Members focus on why the Council was proposing to invest in Market Walk with a 7 unit retail and leisure extension; what the effects would be in the short term; and what the impact would be for the longer term. He referred to the shift of retail focus from Market Street towards the bypass and the revamped draft Masterplan proposals for the town centre and proposals for car parking.

The Market Walk extension would bring in much needed national chains for the long term viability and vitality of Market Walk and the rest of the town centre along with a cinema and more food outlets to provide evening attraction. The proposals would importantly also bring in income for the Council through rental and business rates in future years when government support would reduce significantly. It would increase the value of the shopping centre as a key Council asset.

In the short term there would be disruption to the town centre and plans to mitigate this were contained in the report but the longer term outcomes would be worthwhile. Surrounding towns were starting to revamp their town centres and it was important that Chorley did so to give it the best chance of a thriving future.

In seconding the proposals, the Deputy Leader, Councillor Peter Wilson referred to the importance of the proposals before Members, building on the Council decision of 2013 to go ahead with the purchase of Market Walk Shopping Centre. That decision had proved to be financially advantageous for the Council and these proposals would reinforce that position. Significant work had gone into looking at both the short term and the longer term financial viability of the scheme using outside expertise.

Councillor Paul Leadbetter, Leader of the Conservative Group acknowledged the extensive work that had gone into the proposals which he felt amounted to 5 distinct projects: the actual extension; the improvements to the existing Market Walk; the relocation of the Flat Iron; the creation of a civic square; and other public realm work. He referred to the impact of online shopping on the high street leading to the closure of many major and minor stores. Whilst he accepted that town centres needed to change and become more socially and economically vibrant, in his opinion the proposals under consideration provided too great a risk to Chorley Council taxpayers and he felt unable to support them.

Councillor Greg Morgan also spoke against the proposals, referring to the need for a more detailed risk assessment for the project, and queried the pre let agreements and whether these should take the form of a contractual agreement. In clarification, Councillor Wilson said the pre let contract agreements were agreements to enter into a contract - rather than a formally agreed contract at this stage.

Councillor Bradley said the Council needed to generate income to be financially viable for the future and so was investing in a number of schemes, spreading the risk - the Digital Health Village; Fleet Street Extra Care Scheme; and other commercial development. Market Walk added to that list. The national retailers interested in coming to Market Walk were fully aware of how online shopping was changing their business – the Council needed to also move with the times. Retail experts had indicated that in the private sector the level of pre let interest was more than enough to go ahead with the project.

Councillor Martin Boardman challenged the development proposals and referred to the impact of potential development at Botany Bay and the effect this may have on the town

centre.

Councillors Paul Clark, Zara Khan, Danny Gee, Jane Fitzsimons and Chris France spoke in favour of the Market Walk proposals in terms of income generation; job creation and bringing the town up to date with a better offer for young people and the growing population in the borough.

Councillors Alan Cullens and Eric Bell spoke against the proposals in relation to the level of risk for Council taxpayers; the absence of a detailed risk assessment in the documentation presented; and the loss of Flat Iron car parking.

In summing up, Councillors Alistair Bradley and Peter Wilson, expressed their disappointment that the Conservative Group had chosen not to support the Market Walk proposals but also that the opposition had not provided any alternative income generation proposals. The Council was seeking to address the long term financial stability of the Council as well as creating a more viable and vibrant town centre for residents and visitors.

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

1. **That the following changes and updates be noted to the:**
  - a. **site and development plans for the extension;**
  - b. **phasing and programme plans for the extension;**
  - c. **latest position on securing tenants to the scheme;**
  - d. **progress made to date in developing options to relocate Shopmobility;**
  - e. **the latest position with regards to the negotiations with the United Reformed Church on a land swap deal which would enable the Council to secure the site to develop additional car parking and the Church to build a new Church and affordable housing scheme on Friday Street;**
  - f. **negotiations with regards to the Flat Iron covenant and the plans regarding the appropriation of the land for retail use; and**
  - g. **initial proposal for improving the existing Market Walk centre.**
  
2. **That subject to:**
  - 2.1 **Planning approval of minor amendments through a S73 application; and**
  - 2.2 **Pre-let contract agreements being in place for 75% or more of the new units.**

**Members agreed to:**

- a. **Proceed with the development of a new retail and leisure extension to Market Walk, the delivery of associated highways improvements and public realm works, at a cost of up to £12.643m excluding VAT.**
- b. **Approved the use of prudential borrowing to finance £9.965m of the development.**
- c. **Approved a budget increase of £3.035m for additional Chorley Town Centre Public Realm works bringing the total capital budget to £4.035m and noted the further proposed phases and budget estimates.**
- d. **Delegated responsibility to the Executive Member (Resources) to either procure the services of an employer's agent through an OJEU compliant framework or to create and recruit to a new temporary post.**
- e. **Created a new permanent scale 6 post of Market Walk, Markets and Town Centre Officer, to provide additional capacity within the**

Market Walk, Markets and Town Centre team, freeing up more senior officers to concentrate on the delivery of the major projects as outlined in this paper.

- f. Approved the 'Chorley Markets – Outline Strategy' for consultation on the temporary relocation of the Flat Iron market.
- g. Extended the terms of reference of the Market Walk Steering Group meeting to include reviewing the terms of any contract awarded through the Lancashire Regeneration Property Partnership and make a recommendation to Council on their acceptance or otherwise.
- h. Approved for consultation, the town centre car parking strategy 2017 – 2018 and the changes set out within it, to mitigate the impact to businesses, traders and visitors of all the developments which are planned to start during this period.
- i. Approved the progression of the phase one and some phase two actions in the draft town centre masterplan and public realm proposals for delivery alongside the Market Walk extension.

#### **16.C.379 Appropriation of Part of Flat Iron Car Park to Facilitate the Market Walk Extension**

Further to the previous decision to proceed with the Market Walk Extension, Members considered a report of the Chief Executive on the appropriation of part of the Flat Iron car park for planning purposes and to authorise the Council to exercise power under S203 of the Housing and Planning Act 2016 should it be necessary to facilitate the Market Walk extension.

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

1. That the appropriation of the land edged red on the plan attached as Appendix 1 to the report be approved for planning purposes for retail use; and
2. That the use of statutory power under S203 of the Housing and Planning Act 2016 be authorised in respect of that land in the event that a negotiated settlement with Axa/Booths is not reached.

Mayor

Date