

MINUTES OF COUNCIL

MEETING DATE Tuesday, 25 July 2017

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

OFFICERS: Gary Hall (Chief Executive), Jamie Carson (Director (Early Intervention and Support)), Chris Sinnott (Director (Policy and Governance)), Asim Khan (Director (Customer and Digital)), Mark Lester (Director (Business, Development and Growth)), Chris Moister (Head of Legal, Democratic & HR Services) and Carol Russell (Democratic Services Manager)

APOLOGIES: Councillors Paul Clark, Christopher France, Jane Fitzsimons, Keith Iddon, Debra Platt and Richard Toon

MINUTE SILENCE

The Mayor asked that everyone join him in a minute's silence to remember those who had lost their lives or their loved ones, or suffered injury, as a result of tragic events which had taken place since the last time the Council met, including terrorist related events in Manchester and London and the Grenfell Tower fire disaster.

17.C.437 Declarations of Any Interests

There were no declarations of interest received.

17.C.438 Minutes of the last meeting of the Council held on Tuesday, 16 May 2017

RESOLVED – that the minutes of the last meeting of the Council held on 16 May 2017 be approved as a correct record for signature by the Mayor.

17.C.439 Mayoral Announcements

The Mayor thanked those who had attended the Freedom of the Borough event on 22 July when the Duke of Lancaster's Regiment had marched through the town centre led by the Band of the Lancashire Artillery. It was a spectacular event with many people lining the streets to show their support for the armed forces.

The Mayor referred to his support for the charity Youth Addaction which would be running a Mayor's Award during his 2017/18 Mayoral year. The award would promote learning and personal development through a bespoke package of challenges and activities for 11 to 13 year olds in Chorley, and would be launched to high schools in the new academic year.

17.C.440 Public Questions

There were no public questions for consideration.

17.C.441 Chorley Council Annual Report 2016/17

Councillor Alistair Bradley, Leader of the Council presented the Council's Annual Report for 2016/17 summarising the Council's achievements during that period and looking ahead to activity in the delivery of corporate priorities in 2017/18.

Councillor Peter Wilson, Deputy Leader referred to his pride in the Council's progress and achievements across the whole Borough and thanked officers for their work delivering projects and services.

Councillor Alistair Bradley, Leader of the Council proposed, Councillor Peter Wilson, Deputy Leader, seconded and it was **RESOLVED – that the Annual Report be noted.**

17.C.442 Executive Cabinet

Councillor Alistair Bradley, Executive Leader presented a general report of the Executive Cabinet meeting held on 22 June 2017.

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

17.C.443 Provisional Revenue and Capital Outturn 2016/17

Councillor Peter Wilson, Executive Member for Resources presented a report of the Chief Executive on the provisional revenue and capital outturn figures for 2016/17 which had been agreed at the Executive Cabinet meeting on 22 June 2017 and required Council approval to a number of recommendations.

The Leader of the Council commented on the sound financial management of the Council and referred to the overall underspend of £320,000 with a number of areas achieving better than expected income targets.

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

1. **That approval be given to the slippage requests and other transfers to reserves outlined in Appendix 2 of the report to finance expenditure on specific items or projects in 2017/18.**
2. **That approval be given to the contribution of £49,000 from in-year revenue underspends to the Change Management Reserve to finance one-off redundancy and pension strain costs arising from transformation and shared service strategies. This will supplement the £200k budget set aside in 2017/18 to increase the reserve.**
3. **That approval be given to the contribution of £49,000 from in-year revenue underspends to the Buildings Maintenance Reserve to finance one-off costs relating to office utilisation and transformational change.**
4. **That approval be given to the financing of the 2016/17 capital programme to maximise the use of funding resources available to the Council.**

17.C.444 Scrutiny Reporting Back - Annual Report 2016/17

Councillor John Walker, Chair of the Overview and Scrutiny Committee presented Scrutiny Reporting Back, the Annual Report of the work of the Committee in 2016/17. He referred to the volume of work undertaken and thanked Members and officers for their contributions.

Councillor John Walker, Chair of the Overview and Scrutiny Committee proposed, Councillor Roy Lees, Vice Chair, seconded and it was **RESOLVED – that the Annual Report be noted.**

17.C.445 Overview and Scrutiny Committee

Councillor John Walker, Chair of the Overview and Scrutiny Committee presented a general report of the work of the Committee held on 6 July, including a meeting of the Performance Panel on 22 June and an update from task groups.

Councillor John Walker, Chair of the Overview and Scrutiny Committee proposed, Councillor Roy Lees, Vice Chair, seconded and it was **RESOLVED – that the report be noted.**

17.C.446 Governance Committee

Councillor Paul Leadbetter, Chair of the Governance Committee presented a general report on the work of the Committee meeting on 21 June 2017.

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

17.C.447 Council Appointments

Agreement was sought to a number of changes in committee and outside body appointments.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader, seconded and it was **RESOLVED - that the following appointments be approved:**

- **Councillor Debra Platt to replace Councillor Mark Jarnell on Licensing and Public Safety Committee.**
- **Councillor Matt Lynch to replace Councillor Mark Jarnell on General Purposes Committee.**
- **Councillor Roy Lees to become a full Member of the Licensing and Public Safety Committee with Councillor Steve Murfitt becoming a substitute Member.**
- **Councillor Gordon France to become a full Member of the Development Control Committee with Councillor Aaron Beaver becoming a substitute Member.**
- **Councillor Hasina Khan to replace Councillor Margaret France as the Council's representative on the LCC Health and Social Care Scrutiny Committee.**
- **Councillor Margaret France to be appointed as the Council's representative on the LCC Wellbeing, Prevention and Early Help Advisory Board for Chorley.**

17.C.448 Questions Asked under Council Procedure Rule 8

There were no questions for consideration under Procedure Rule 8.

17.C.449 To consider a Notice of Motion in accordance with Council Procedure Rule 10

Councillor Alistair Morwood presented the following Motion submitted in accordance with Procedure Rule 10.

MAKE FAIR TRANSITIONAL STATE PENSION ARRANGEMENTS FOR 1950'S WOMEN

"The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

The Council calls upon the Government to reconsider current transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements."

Councillor Alistair Morwood spoke in support of the motion which he said was not about pension age but about the rise in state pension age for women born after on or after 6 April 1951 which had been imposed too quickly, without the opportunity to plan for it financially. It impacted on 6,100 women in Chorley alone and he asked that if the motion was supported by Members, that the Town Hall clock be illuminated in purple, the campaign colour.

Councillor June Molyneaux seconded the motion and spoke in support of it.

RESOLVED - on being put to the vote, there was unanimous support for the motion, including the Town Hall clock being illuminated in the national campaign colour of purple.

17.C.450 Amendment to Scheme of Delegation for Taxi Licensing

The Mayor indicated that he had agreed to the consideration of this urgent item which had been referred for determination by the Licensing and Public Safety Committee on 19 July 2017 as a result of recent case law.

Councillor Paul Walmsley, Executive Member for Public Protection presented a report of the Director of Policy and Governance seeking an amendment to the scheme of delegation contained within the Council's Constitution under section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 and following case law Reigate and Banstead Borough Council v Pawlowski 2017.

Councillor Paul Walmsley, Executive Member for Public Protection proposed, Councillor Marion Lowe, Chair of Licensing and Public Safety Committee, seconded and it was **RESOLVED – that the Head of Legal, Democratic and HR Services be authorised to amend the current Responsibility for Functions section in the Constitution (Scheme of Delegation) to allow the following decisions to be made by Officers:**

Delegated power to the Director of Early Intervention and Support (or another senior officer in the event that the Director is not available) in consultation with Chair or Vice Chair of Licensing & Public Safety Committee to revoke a hackney carriage driver licence or private hire driver licence with or without immediate effect under Section 61[2B] of the Local Government (Miscellaneous Provisions) Act 1976.

17.C.451 Exclusion of the Public and Press

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader, seconded and it was **RESOLVED – that the press and public be excluded for the remaining item of business due to the disclosure of exempt information under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act.**

17.C.452 Market Walk Extension - Award of Contract

Councillor Alistair Bradley, Executive Leader presented a detailed report updating Members on work undertaken to progress the Market Walk Extension and wider town centre plans since the last report to Council in September 2016. The report sought

approval to the awarding of the contract to continue with the main build and associated enabling works for the extension and the first phase of the town centre public realm plans.

The following Appendices were attached to the report:

- Appendix A – Site plan
- Appendices B and C – Elevational drawings
- Appendix D – Aerial 3D view
- Appendix E – Tenant schedule
- Appendix F – Public realm phasing plan
- Appendix G - Gateway 4 report containing
 - GA RIBA plan of work
 - GB Proposed contract document control sheet
 - GC Contractor proposals
 - GD Master programme
 - GE Risk and opportunities register
 - GF summary market tested cost plan
 - GG CMW cladding benchmarking report
 - GH change control log
- Appendix H – Chorley parking options appraisal

In presenting the report, Councillor Bradley reminded Members that at this stage, the content of the report remained confidential. A number of briefings/drop in sessions had been arranged to give all Councillors the opportunity to fully understand the proposals. He summarised the background and history to the project; the objectives of the scheme and the wider context of the town centre masterplan; the current position in relation to commitments from retailers; and previous discussions about the level of pre-lets. He also looked at the financial implications of the scheme including funding sources and the risks involved in both progressing and not progressing. A decision was now required for the Council to achieve completion of the Market Walk Extension by December 2018.

Councillor Peter Wilson, Executive Member for Resources stressed the need to revitalise the town centre and urged all councillors to look at the wider picture and the creation of the Civic Square and public realm improvements as well as the retail addition through the Market Walk Extension.

Councillor Morgan asked about the position on the full sign up to the scheme by key retailers. The Leader stressed the criteria that would be adopted before the Council would go ahead. A number of retailers who had previously withdrawn their interest were now coming back to negotiate and the position looked very optimistic, however sign up by the major retailer in question was required for the scheme to progress and this was clear from the recommendations Members were being asked to approve.

Councillor Paul Leadbetter referred to the proposed 50% occupancy sign up and the risks it posed. He also referred to the risk in relation to the Council's investment and whether the rate of return was an acceptable one. In response, Councillor Wilson referred to the risk of buying Market Walk originally and the financial benefits that had brought, with now full occupancy levels. He also stressed the need to look to the future and ensure the development of the town centre and this included the public realm work.

Councillor John Walker expressed concern that money was being spent in the town centre that could help resolve issues elsewhere in the borough, in particular he referred to parking problems on Buckshaw. The Leader stated that the Council was looking into solutions to this issue and potentially S106 funding would be used to address this problem which was infrastructure related.

Councillor Martin Boardman referred to the proposals in the report as a merging of both the Market Walk Extension and the town centre public realm works, not as the standalone schemes originally intended. There was an opportunity to pause and consider whether the proposed works should go ahead at this stage. Potentially they represented a risk too far, with a cost to the Council of business rates on any empty units; doubt as to whether overage and CIL money would be received as expected; risks around potential extra costs from the contractor; and an impact on independent retailers in the town. Overall it was not clear what the full cost of the work would be to the Borough and its residents.

In response, the Executive Leader and Councillor Peter Wilson both commented on the need to make a decision to let the contract, so that materials could be ordered, the build could commence and the extension opened for Christmas 2018. CIL money was likely to be received and the report contained detailed financial information on both costs and funding sources. There were risks but these would be managed and mitigations put in place. Most town centre traders were supportive of the proposals and the attraction of new businesses. The borough has a growing population with a good income level. The proposals were clear, Table 2 in the report summarised the costs and the public would get national retailers; more car parking; a cinema and a civic space, plus the creation of an evening economy.

Councillor Bell expressed concerns at the loss of the Flat Iron car park and its impact in a small market town which could not compete with major out of town retail parks.

Councillor Cullens referred to concerns raised previously, about the use of the LRPP framework and asked that Overview and Scrutiny Committee investigate its use. He referred to the success of the relocation of the market and the need to enhance and support independent traders. He suggested the proposals should be paused to allow more pre-lets to be signed up and to consider the likely impact of other retail development proposals at Cuerden and Botany Bay. He referred to the need to mitigate risks and that if timescales required, a Special Council meeting could be arranged.

Councillor Bradley referred to the success of the market relocation, the alleviation of car parking issues and the fact that Chorley was bucking the national trend with fewer vacant premises and a high footfall on Tuesdays and Saturdays. The future was optimistic with a better retail and evening offer, he felt it unlikely that the opposition would agree to the proposals even if delayed. He requested a recorded vote on the recommendations contained in the report.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Executive Member for Resources, seconded and on being put to the vote, **the recommendations were APPROVED with the votes being recorded as follows:**

FOR Councillors A Beaver, A Bradley, C Bromilow, T Brown, J Cronshaw, G Dunn, G France, M France, A Gee, D Gee, T Gray, M Jarnell, H Khan, Z Khan, M Lees, R

Lees, A Lowe, M Lowe, M Lynch, J Molyneaux, A Morwood, S Murfitt, B Murray, J Snape, K Snape, R Snape, P Walmsley, A Whittaker and P Wilson.

AGAINST Councillors E Bell, M Boardman, H Counce, A Cullens, J Dalton, D Dickinson, P Leadbetter, S Long, G Morgan, M Muncaster and J Walker.

ABSTAIN The Mayor, Councillor Mark Perks.

Mayor

Date