

COUNCIL

Tuesday, 19 September 2006

Present: Councillor Mary Wilson (Mayor), Councillor Adrian Lowe (Deputy Mayor), Councillors Peter Baker, Thomas Bedford, Eric Bell, Andrew Birchall, Terry Brown, Alan Cain, Mrs Pat Case, Henry Caunce, Magda Cullens, Francis Culshaw, Michael Davies, Doreen Dickinson, Dennis Edgerley, Daniel Gee, Peter Goldsworthy, Mrs Marie Gray, Harold Heaton, Catherine Hoyle, Keith Iddon, Miss Margaret Iddon, Hasina Khan, Margaret Lees, Roy Lees, Marion Lowe, Peter Malpas, Thomas McGowan, Miss June Molyneaux, Greg Morgan, Michael Muncaster, Mark Perks, Geoffrey Russell, Rosemary Russell, Edward Smith, Mrs Iris Smith, Shaun Smith, Mrs Joyce Snape, Ralph Snape, Christopher Snow, John Walker, Mrs Stella Walsh and John Wilson

06.C.85 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Kenneth Ball, Alan Cullens, David Dickinson, Anthony Gee.

06.C.86 DECLARATIONS OF ANY INTERESTS

The following Members of the Council each declared a prejudicial interest in the item indicated.

Councillor Dennis Edgerley – Agenda Item 6a) Housing Stock Transfer Update
Councillor Peter Malpas – Agenda Item 6a) Housing Stock Transfer Update
Councillor Christopher Snow – Agenda Item 6a) Housing Stock Transfer Update

06.C.87 MINUTES

RESOLVED – That the Minutes of the meeting of the Council held on 18 July 2006 be confirmed as a correct record.

06.C.88 MAYORAL ANNOUNCEMENTS

The Mayor informed Members that owing to bad weather conditions the Morecambe Bay sponsored walk for her Charities on Saturday, 2 September had to be abandoned. All the people who had already donated sponsorship money were thanked and the walk would be re-arranged to take place in late April or early May 2007.

The Mayor reminded Members of the meal booked at Sharju's Restaurant, Adlington later that evening.

The Mayor welcomed two new officers to the Authority, Lesley-Ann Fenton the Director of Policy and Performance and Andy Docherty the Director of Customer, Democratic and Legal Services.

The Executive Leader took the opportunity to thank those who contributed to the North West in Bloom in which Chorley received the The Environment Award for Local Authorities, Best Newcomer Award and 2nd runner up in the Best Large Town Category.

06.C.89 TOWN HALL PROJECT - EXPENDITURE

The Executive Leader read out a statement relating to work that he commissioned on the investigation into the overspend on expenditure on the Town Hall Project. It was important to brief all Members with an understanding and the way to proceed with the investigation. Legal proceedings were pending limiting what could be said at the time.

Members received the background to the project along with the expenditure that had been approved by the General Purposes Committee and Executive Cabinet.

There had been an 18 week delay in the contract with claims submitted against the contractor for this and for increase in the costs.

Building and financial advice had still to be received and by mid-November a final account was likely to be received, with Members receiving an updated report about the same time.

EXECUTIVE CABINET

(Councillors Dennis Edgerley, Peter Malpas and Christopher Snow each declared a prejudicial interest in the following item of business and left the meeting during the consideration of and voting on the item).

06.C.90 HOUSING STOCK TRANSFER UPDATE

The Executive Leader presented an update report on the results of the ballot of secure and introductory tenants on the transfer of the Council's housing stock to Chorley Community Housing Limited (CCH) and seeking approval to a number of recommendations to progress and effect the transfer.

The report confirmed that there had been a 69.6% turnout and that 63.1% of the tenants had voted in favour of the stock transfer. Only 36.9% voted no. Consequently the report sought Council's acceptance of the ballot result and recommended changes to the membership of the Board of Chorley Community Housing Limited and a revised post-ballot budget.

RESOLVED – 1) That the tenant's ballot result be accepted and that the Council proceeds with its transfer of its housing stock to Chorley Community Housing Limited, subject to the Council agreeing a satisfactory Transfer Contract and obtaining the Secretary of State's consent under the Housing Act 1985.

2) That Councillors A Cain and Mrs M Gray be nominated to replace Councillors F Culshaw and P Malpas as the Council's representative on the Board of Chorley Community Housing Limited.

3) That the revised post ballot budget set out in Appendix 2 in the submitted report, be approved.

06.C.91 CAPITAL PROGRAMME 2006/07 - MONITORING REPORT

The Executive Member for Resources presented a report on the progress of the 2006/07 Capital Programme through the monitoring and performance contact mechanisms in place.

The report recommended an increase of the 2006/07 programme by £1,921,100 to £14,081,420 and contained a number of recommendations of the Capital Programme

Board to revise the capital budget allocation for a number of proposals and to initiate a new Category 'C' scheme on the programme's reserve list.

RESOLVED - 1) That the revised increased Capital programme for 2006/07 totalling £14,081,420 as presented in Appendix 1 of the submitted report, be approved.

2) That the following recommendations of the Capital Programme Board be approved.

Exception Reports

- (a) an increase of £14,254 in the 2005/06 Access to Home Working budget to be financed from Local Government On-Line (LGOL) grant funding;**
- (b) a reduction of the current Chorley Cemetery Extension budget by £5,380 to cover the overspend in 2005/06;**
- (c) a reduction of the current Litter/Dog Waste/On-street recycling bins budget by £2,766 to take account of the overspend in 2005/06;**

New Capital Schemes and Projects

- (d) the inclusion of the Planned Investment Maintenance Strategy Systems (PIMSS) Asset Management scheme on the Capital Programme reserve list (Category C) for future consideration when resources become available;**
- (e) the utilisation of £150,000 of the regional housing capital grant to replace the Housing Revenue Account revenue contribution to capital.**

06.C.92 CLEAN NEIGHBOURHOODS AND ENVIRONMENTAL ACT 2005 - ADOPTION OF POWERS

The Executive Member for Streetscene, Neighbourhoods and Environment submitted a report on the implications of the Clean Neighbourhoods and Environment Act 2005.

The Act, which had received Royal Assent on 7 April 2005, had emerged from the Government's review of the legislative framework for providing and maintaining a clean and safe environment.

A number of sections of the Act provided new and extended powers to local authorities had already become effective, including a discretionary power to agree the amount of certain fixed penalties.

RESOLVED – 1) That the following Executive Functions be allocated to the Director of Streetscene, Neighbourhoods and Environment under Executive Arrangements made pursuant to Section 15 of the Local Government Act 2000 and be discharged by the Director under that Section:

The functions of:

- a) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;**
- b) issuing formal cautions;**
- c) recommending to the Director of Legal Services the institution of legal proceedings; and**
- d) authorising officers to exercise statutory powers of entry (including obtaining warrants)..**

i) Pursuant to Sections 77 to 79 of the Clean Neighbourhoods and Environment Act 2005 (silencing intruder alarms) Section 7 of the Clean Neighbourhoods and Environment Act 2005 (Power to require name and address – nuisance vehicle fixed penalty) and Pursuant to Section 10 of The Clean Neighbourhoods and Environment Act 2005 (Power to require name and address – abandoned vehicle fixed penalty) and:

ii) That the following fixed penalty notice default and early payment charges be adopted:

| Section and legislation | Description of Offence | Recommended amount |
|---|---|---------------------------------|
| S6(1) Clean Neighbourhoods and Environment Act 2005 | Selling vehicles on a road | Fixed £100, early payment £60 |
| S6(1) Clean Neighbourhoods and Environment Act 2005 | Repairing vehicles on a road | Fixed £100, early payment £60 |
| S2A Refuse Disposal (Amenity) Act 1978 | Abandoning a vehicle | Fixed £200, early payment £120 |
| S88(1) Environmental Protection Act 1990 | Litter | Default £75, early payment £50 |
| S94A(2) Environmental Protection Act 1990 | Street litter control notices and litter clearing notices | Default £100, early payment £60 |
| S43 Anti-Social Behaviour Act 2003 | Graffiti and flyposting | Default £75, early payment £50 |
| S34A(2) Environmental Protection Act 1990 | Failure to furnish documentation (waste carriers licence) | Fixed £300, early payment £180 |
| S47ZA(2) Environmental Protection Act 1990 | Offences in relation to waste receptacles | Default £100, early payment £60 |
| S5B(2) Control of Pollution (Amendment) Act 1989 | Failure to produce authority (waste transfer notes) | Fixed £300, early payment £180 |
| S34A2 Environmental Protection Act 1990 | Failure to furnish documentation (waste transfer notes) | Fixed £300, early payment £180 |

06.C.93 PUBLIC QUESTIONS/SPEAKING AT COUNCIL MEETINGS - RECOMMENDATIONS

The Executive Member for Customer, Democratic and Legal Services presented a report putting forward proposals to allow the public to speak and/or ask questions at meetings of the Council, Executive Cabinet, Development Control Committee and the Overview and Scrutiny bodies within defined criteria.

The proposals had evolved from the research work undertaken by the former Community Overview and Scrutiny Panel as part of its scrutiny inquiry into public participation in the Council's decision making process. The plans to allow public speaking at Development Control Committees had, in fact, been supported by the Committee, subject to the preparation and implementation of appropriate procedure rules.

RESOLVED – 1) That in accordance with Paragraph 27.2 of the Council's Procedure Rules the following recommendation be adjourned without further discussion to the next Ordinary Council meeting on 31 October 2006:

“To approve the principle of allowing a regulated scheme for public speaking at meetings of the Council, Executive Cabinet, Development Control Committee and the Overview and Scrutiny bodies in accordance with the criteria set out below, and, accordingly, to authorise the addition of the following text to the Council Procedure Rules, as set out in Part A of Appendix 3 of the Council’s Constitution.

PUBLIC QUESTIONS/SPEAKING

1) Council and Executive Cabinet Meetings

- A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each ordinary Council meeting (ie excluding the Annual Meeting).
- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Council meeting to allow time to prepare appropriate responses and investigate the issue if necessary.
- The question to be answered by the Executive Member with responsibility for the service area or whoever is most appropriate.
- On receiving a reply the member of the public will be allowed to ask one supplementary question.
- Members of the public will be able to stay for the rest of the meeting should they so wish but will not be able to speak on any other agenda item upon using their allocated three minutes.

2) Development Control Committee

- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer’s recommendations.
- Persons must give notice of their wish to address the Committee to the Democratic Services Section by no later than midday, two working days before the day of the meeting.
- In the event of several people wishing to speak either in favour or against the recommendation, the respective group(s) be requested to select one spokesperson to address the Committee.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person be allowed to address the Committee.
- Each person/group addressing the Committee be allowed a maximum of three minutes to speak.
- The Committee debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

3) Overview and Scrutiny Committee/Panels

- A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allowed for public questions if necessary at each meeting of the Overview and Scrutiny Committee and its appropriate panels. This will provide an opportunity for members of the public to raise and ask questions on any issue falling within the remit of the Committee or Panel.

- **Questions must be submitted to the Democratic Services Section by no later than midday, two working days before the day of the meeting to allow time to prepare appropriate responses and investigate issues if necessary.’ “**

06.C.94 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 24 August 2006.

RESOLVED – That the report be noted.

06.C.95 DEVELOPMENT CONTROL COMMITTEE

The Chair of the Development Control Committee presented a report which summarised the more significant proposals that had been considered at meetings of the Committee held on 25 July 2006 and 22 August 2006.

RESOLVED – That the report be noted.

06.C.96 LICENSING AND SAFETY COMMITTEE AND STATUTORY LICENSING COMMITTEE

The Chair of the Licensing and Safety Committee and Statutory Licensing Committee presented a report which summarised the principal matters which had been considered at meetings of the Committees held on 19 July 2006.

RESOLVED – That the report be noted.

06.C.97 OVERVIEW AND SCRUTINY COMMITTEE AND PANELS

The Chair of the Overview and Scrutiny Committee presented a report which summarised briefly the principal matters that had been considered at a meeting of the Overview and Scrutiny Committee held on 5 September 2006.

RESOLVED – That the report be noted.

06.C.98 APPOINTMENTS TO COMMITTEES

RESOLVED – That Councillor Henry Counce replaces Councillor Shaun Smith on the Licensing and Safety Committee and Statutory Licensing Committee following the resignation of Councillor Smith from the membership of these two Committees

06.C.99 APPOINTMENT TO OUTSIDE BODIES

RESOLVED – 1) That Councillor Eric Bell, the Executive Member for Streetscene, Neighbourhood and Environment, be appointed this Council’s representative for Chorley and District Neighbourhood Watch Association.

2) That the Executive Leader, Councillor Peter Goldsworthy, be appointed to represent the Council on the Lancashire Economic Partnership Forum.

Mayor