

Chorley Council



Council Papers

for consideration on

19 September 2006



www.chorley.gov.uk

Chief Executive's Office

Please ask for: Gordon Banks
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Date: 8 September 2006



Chief Executive: Donna Hall

Dear Councillor

COUNCIL - TUESDAY, 19TH SEPTEMBER 2006

You are invited to attend a meeting of the Chorley Borough Council to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 19th September 2006 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)**

To confirm the minutes of the Council meeting held on 18 July 2006 as a correct record for signature by the Mayor (Copy enclosed)

4. **Mayoral Announcements**

5. **Town Hall Project - Expenditure**

The Executive Leader to report on the expenditure on the Town Hall Project

6. **Executive Cabinet**

a) **Housing Stock Transfer Update** (Pages 7 - 14)

Report enclosed

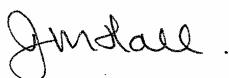
b) **Capital Programme 2006/07 - Monitoring Report** (Pages 15 - 34)

Report enclosed

Continued....

- c) Clean Neighbourhoods and Environment Act, 2005 - Adoption of Powers
(Pages 35 - 44)
Report enclosed
- d) Public Questions/Speaking at Council Meetings - Recommendations (Pages
45 - 50)
Report enclosed
- e) General Report (Pages 51 - 52)
Copy enclosed
7. **Development Control Committee (Pages 53 - 56)**
General Report (Copy enclosed)
8. **Licensing and Safety Committee and Statutory Licensing Committee (Pages 57
- 58)**
General Report (Copy enclosed)
9. **Overview and Scrutiny Committee and Panels (Pages 59 - 62)**
General Report (Copy enclosed)
10. **Appointments to Committees**
To appoint one Conservative Member on both the Licensing and Safety Committee
and the Statutory Licensing Committee to replace Councillor S Smith, who has
resigned from the membership of these two Committees.
11. **Appointment to Outside Bodies**
The Council is requested to appoint a representative to serve on each of the following
outside bodies:-
 - Chorley and District Neighbourhood Watch Association (Executive Member for
Streetscene, Neighbourhoods and Environment)
 - Lancashire Economic Partnership Forum (Executive Leader)
12. **Questions Asked under Council Procedure Rule 7 (if any)**
13. **To consider the Notices of Motion (if any) given in accordance with Council
procedure Rule 8**
14. **Any other item(s) the Mayor decides is/are urgent**

Yours sincerely



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

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COUNCIL**Tuesday, 18 July 2006**

Present: Councillor Mary Wilson (Mayor), Councillor Adrian Lowe (Deputy Mayor), Councillors Peter Baker, Kenneth Ball, Thomas Bedford, Eric Bell, Andrew Birchall, Terence Brown, Alan Cain, Mrs Pat Case, Henry Counce, Alan Cullens, 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, 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.67 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors David Dickinson, Margaret Lees and Anthony Gee.

06.C.68 DECLARATIONS OF ANY INTERESTS

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

Councillor Harold Heaton - Agenda Item 6 (23 May 2006 Development Control Committee Planning Application 05/00688 Ful)

Councillor Mark Perks - Agenda Item 5a (Outturn of Capital Programme 2005/06 and Capital Programme for 2006/07 Recommendation 5(f)(2) (Music Café Project)

06.C.69 MINUTES

RESOLVED - That the Minutes of the Annual Council meeting held on 16 May 2006 be confirmed as a correct record.

06.C.70 MAYORAL ANNOUNCEMENTS

The Mayor formally notified Members of the recent death of ex-Councillor John Holme and John Muir.

John Holme was on the Council between 1974 and 1988 and was Mayor between 1983 and 1984 whilst John Muir was on the Council between 1985 and 1987.

Members and Officers stood to observe a one minutes silence.

The Mayor informed Members of her Sponsored Morecambe Bay walk in support of St Catherine's Hospice, Derian House Children's Hospice, Age Concern, Chorley and Five Star Scanner Appeal.

The walk commences at 11.45am on 2 September from Arnside to Kents Bank with a mini bus leaving from Chorley. Contact the Mayor's secretary for more information.

The Mayor thanked all those that took part in the Annual Charity Cricket match between Officers and Councillors on Friday, 14 July, with a win for the Councillors.

The Mayor informed members of a dinner at Sharjus, Adlington immediately after the next Council meeting on 19 September.

EXECUTIVE CABINET

06.C.71 OUTTURN OF CAPITAL PROGRAMME, 2005/06 AND CAPITAL PROGRAMME FOR 2006/07

The Executive Member for Resources presented a report on the provisional outturn for the 2005/06 Capital Programme and a revised Capital Programme for 2006/07.

RESOLVED That the following recommendations of the Executive Cabinet be approved,

- (a) to note the provisional outturn of the 2005/06 Capital Programme;
- (b) to approve the reduced Capital Programme for 2006/07, totalling £12,160,320, as presented in Appendix 3 to the submitted report, and the financing arrangements therefore;
- (c) to approve the reduction of the Housing Revenue Account budget for 2006/07 by £264,330, as a result of the overspend in 2005/06;
- (d) to approve the following recommendations of the Capital Programme Board:

New Capital Schemes and Projects

- (e) That the following new schemes be placed on the reserve list (Category C) for future consideration when resources become available:
 - 1. Integration software
 - 2. Union Street/Market Street/St Thomas's Road Mini Roundabouts and zebra crossings
 - 3. APP/Civica Housing Assessment Module
- (f) That the following new schemes be placed in Category B of the 2006/07 Capital Programme:
 - 1. Euxton Villa Football Club
 - 2. Music Café Project
 - 3. Gillibrand Street Site Assembly
 - 4. Affordable Housing Project
 - 5. Website Refresh
 - 6. Migration to OS Master Map
 - 7. eDevelopment and Building Control Project
 - 8. Pedestrian improvements to Southport Road and St Thomas's Road
 - 9. Section 106 Funded - Various Highway Improvements linked to Gillibrand Estate and Southlands High School
 - 10. Various Traffic Calming/Local Road Safety Schemes
 - 11. Litter/Dog Waste/On-street recycling bins

06.C.72 HOUSEHOLDER DESIGN GUIDANCE SUPPLEMENTARY PLANNING DOCUMENT

The Executive Member for Economic Development and Regeneration presented a report seeking endorsement of the new draft Householder Design Guidance

Supplementary Planning Guidance, which was to replace the current House Extension Guidelines.

The new guidance was intended to offer advice on the extensions of residential dwellings, as well as replacement dwellings and garden extensions in the countryside. The guidance was also intended to provide a higher standard of design, and to assist the integration and consistent delivery of design objectives within Development and Local Plan policies.

RESOLVED - That the draft Householder Design Supplementary Planning Guidance document be approved for consultation and community involvement purposes, subject to delegated authority being granted to the Director of Development and Regeneration to agree any minor technical or illustrative amendments.

06.C.73 CENTRAL LANCASHIRE CITY - LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY - JOINT ISSUES AND OPTIONS PAPER

The Executive Member for Economic Development and Regeneration presented a report recommending approval of an attached joint Issues and Options document for consultation purposes.

The Issues and Options paper had been produced by a Joint Working Group of Officers from Chorley, Preston and South Ribble Councils. The document aimed to identify the key strategic spatial planning issues affecting the Central Lancashire City region and to encourage debate on the identified and other option for addressing defined issues. It was envisaged that the process will evolve into the production of a Core Strategy to set out the vision, objectives and spatial strategy for the Central Lancashire area.

The Issues and Options paper had been considered at a joint meeting of the three Authorities' Local Development Framework Member Working Groups and the final consultation document would reflect the views expressed at the meeting.

RESOLVED - That the Central Lancashire City Core Strategy Issues and Options paper be approved for consultation purposes, subject to any major changes proposed by either Preston or South Ribble Councils being approved by an Executive Member, and the Director of Development and Regeneration being granted delegated authority to agree any minor revising of a factual or technical nature.

06.C.74 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 25 May and 29 June 2006.

RESOLVED - That the report be noted.

06.C.75 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 April 2006, 23 May 2006 and 20 June 2006.

RESOLVED - That the report be noted.

06.C.76 STATUTORY LICENSING COMMITTEE AND THE LICENSING AND SAFETY COMMITTEE

The Chair of the Statutory Licensing Committee and the Licensing and Safety Committee presented a report which summarised the principal matters which had been considered at meetings of the Committee held on 7 June 2006, 5 April 2006 and 20 April 2006.

RESOLVED - That the report be noted.

06.C.77 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 27 June 2006 as well as the ongoing work of the Corporate and Customer Overview and Scrutiny Panel and Environmental and Community Overview and Scrutiny Panel.

RESOLVED - That the report be noted.

06.C.78 AUDIT COMMITTEE

The Chair of the Audit Committee presented a report which summarised briefly the items discussed at the meeting of the Audit Committee held on 22 June 2006.

RESOLVED - That the report be noted.

06.C.79 ACCOUNTS COMMITTEE

The Chair of the Accounts Committee presented a report of the Accounts Committee held on 29 June 2006 which considered the draft Annual Accounts for 2005/06 which had been prepared in accordance with the Code of Practice on Local Government accounting.

RESOLVED - That the report be noted.

06.C.80 GENERAL PURPOSES COMMITTEE

The Chair of the General Purposes Committee presented a report which summarised briefly the matters considered at a meeting of the Committee held on 7 June 2006.

RESOLVED - That the report be noted.

06.C.81 AREA FORUM PILOT SCHEME - UPDATE REPORT

The Chief Executive submitted an update report on the three pilot area forums following their second round of meetings.

Feedback from the public at meetings held in Coppull, Clayton-le-Woods North and Lostock had been very positive and there was a good attendance overall.

The report indicated that the third and final round of Pilot Forum meetings would be held in September and October with a comprehensive evaluation of the pilot taking place following completion of the final rounds in October 2006.

RESOLVED - That the report be noted.

06.C.82 TO CONSIDER THE FOLLOWING NOTICE OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 8

The following Notice of Motion submitted in accordance with provision of Rule 8 of the Council Procedure Rules was moved by Councillor C Hoyle and seconded by Councillor P Case.

“The Maplewood Respite Centre in Bamber Bridge is a vital resource to support families with severely disabled children across Lancashire, including many families from Chorley. It provides parents and siblings with a short, regular relief from the twenty-four hour care and attention needed by providing the children with care away from the home. Without this relief it is likely that the permanent strain on families, even with increased in-home support, could continue indefinitely, leading to the children moving to full time care away from home and the break-up of the family unit.

Chorley Borough Council is pleased that Lancashire County Council have changed their minds regarding the potential closure of Maplewood House as part of a budgetary requirement to reduce expenditure in the Children’s Directorate”.

The Motion was put to the vote and the Mayor declared it unanimously carried.

RESOLVED - That “The Maplewood Respite Centre in Bamber Bridge is a vital resource to support families with severely disabled children across Lancashire, including many families from Chorley. It provides parents and siblings with a short, regular relief from the twenty-four hour care and attention needed by providing the children with care away from the home. Without this relief it is likely that the permanent strain on families, even with increased in-home support, could continue indefinitely, leading to the children moving into full time care away from home and the break-up of the family unit.

Chorley Borough Council is pleased that Lancashire County Council have changed their minds regarding the potential closure of Maplewood House as part of a budgetary requirement to reduce expenditure in the Children’s Directorate”.

06.C.83 TO CONSIDER THE FOLLOWING NOTICE OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 8

The following Notice of Motion submitted in accordance with provision of Rule 8 of the Council Procedure Rules was moved by Councillor J Wilson and seconded by Councillor Edgerley.

“That the Council requests that the Executive Leader reconsiders the composition of our membership in the Lancashire Local Committee so that it better reflects the composition of the Council”.

The Executive Leader accepted the Notice of Motion.

RESOLVED - That the Executive Leader would look at the composition of the Council’s membership of the Lancashire Local Committee and report back to the Council.

06.C.84 TO CONSIDER THE FOLLOWING NOTICE OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 8

The following Notice of Motion submitted in accordance with provision of Rule 8 of the Council Procedure Rules was moved by Councillor Peter Goldsworthy and seconded by Councillor J Wilson.

“That Chorley Borough Council writes to the Lord Chancellor to formally object to the proposed merger of the three Local Justice Areas of Chorley, Ormskirk and South Ribble.

This means, for example, that prosecutions for offences committed in Chorley could be dealt with in Ormskirk Magistrates Court. This is a long distance to travel particularly by public transport. We do, however, support a merger with South Ribble on the grounds of economies of Scale”.

The Motion was put to the vote and the Mayor declared it unanimously carried.

RESOLVED - That Chorley Borough Council writes to the Local Chancellor to formally object to the proposed merger of the three Local Justice Areas of Chorley, Ormskirk and South Ribble.

This means, for example, that prosecutions for offences committed in Chorley could be dealt with in Ormskirk Magistrates Court. This is a long distance to travel, particularly by public transport. We do, however, support a merger with South Ribble on the grounds of economies of Scale”.

Mayor

REPORT OF EXECUTIVE CABINET**HOUSING STOCK TRANSFER UPDATE**

1. The Executive Cabinet received a confidential report of the Chief Executive 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 measures to progress and effect the transfer. The content of this report is not confidential and seeks approval to the recommendations set out below in paragraph 14.

Background

2. The Council resolved to pursue an application for a large-scale voluntary transfer of its housing stock to a housing association in December 2004, having considered a comprehensive housing options appraisal and the recommendations of the Project Steering Group and Executive Cabinet. The application was approved by the Secretary of State and accepted onto the ODPM's 2005 Transfer Programme. Following the selection of a preferred Registered Social Landlord partner (Adactus Group) and approval of the formal consultation document setting out its 'offer' to tenants, the Council proceeded to formally ballot tenants on the transfer proposal. The result of the month long tenant ballot, carried out by the independent Electoral Reform Society, was received on 8 August 2006. Overall there was a 69.6 per cent turnout and 63.1 per cent of tenants voting voted in favour of the Borough Council transferring its housing stock to CCH. Only 36.9 per cent voted no.
3. The Secretary of State will only give consent to transfers where (s)he is satisfied that a majority of affected tenants are not opposed to transfer. The ballot result evidences that this requirement has been met and the Council is recommended to accept the ballot result, to proceed with the transfer process and put in place the necessary arrangements and capacity to oversee, co-ordinate and implement the transfer by the previously agreed target date of 26 March 2007.

Post Ballot Process

4. The post ballot phase of the transfer process involves a complex range of operational, financial and legal activities and a very substantial amount of detailed work in order, inter alia, to: manage the transfer process; establish CCH as a registered social landlord with effective operational capability; maintain the Council's landlord service up to the point of transfer; achieve the disengagement of the Council's landlord and support functions at transfer; identify all the assets to be either transferred or retained by the Council; determine all applicable warranty and indemnity issues; identify the Council's direct and support staff to transfer to CCH under TUPE protection; determine the stock valuation; negotiate arrangements with CCH and pursue other actions to minimise the impact of the transfer on the General Fund revenue budget; and, agree the transfer contract that covers all aspects of the transfer, provides the necessary safeguards for the Council and CCH and the confidence required by CCH's funders to enable the transfer to be completed. The transfer contract is also the legal device by which the Council can ensure its pre-ballot promises to tenants are delivered by CCH.

Cabinet Committee

5. The transfer contract will be a lengthy and detailed document. Negotiations on the contract will continue throughout the post-ballot period and officers will require effective and timely member level decision making arrangements to support that process.
6. The Executive Cabinet has, therefore, appointed a special Cabinet Committee entitled Housing Transfer Committee, comprising Councillors Culshaw, Goldsworthy, Malpas and

Morgan, with delegated authority to deal with all aspects of the draft transfer contract and related matters and to recommend to the Council the final transfer contract, setting out the terms for the disposal of the Council's housing stock.

Negotiating Structures and Staffing Adjustments

- 7. The Executive Cabinet has agreed revised arrangements and structures for the negotiation of the transfer contract and completion of the transfer. In particular, there is a need for these structures to reflect the requirement for Officers who currently work for the Council to begin to represent CCH and arrangements, therefore, need to ensure the avoidance of conflicts of interest. In addition, the Executive Cabinet has authorised a number of temporary Officer secondments to CCH and other staffing backfilling arrangements required to project manage the transfer process and ensure the smooth disengagement of the Housing Directorate.

Shadow Board of Chorley Community Housing

- 8. Councillor Malpas and Councillor Culshaw are currently the Council's representatives on the Shadow Board of CCH. However, due to their responsibilities for housing within the Council's new executive structure (as Executive Member for Economic Development and Regeneration and Lead Member for Housing, respectively) there is significant potential for conflicts of interest to arise, which could preclude them from being involved in decisions of both the Council and CCH. This is clearly unsatisfactory for both parties.
- 9. The Executive Cabinet has, therefore, recommended that the two Councillors step down from the Board of CCH and that the Council nominates Councillors A Cain and Mrs M Gray to replace Councillors Culshaw and Malpas on the Shadow Board. An assessment of the Board, both in terms of individual skills and collective working, will form a key part of the Housing Corporation assessment of CCH prior to registration. Registration with the Housing Corporation is a requirement for the transfer to be approved by the Secretary of State. The nomination of new Board members should, therefore, be made as soon as practicable.

Other Matters

- 10. An indicative list of key activities and milestones for the post-ballot phase are set out in Appendix 1.
- 11. Following a competitive procurement process, Enterprise BWNL and Trowers & Hamlins have now been appointed as the Council-side's new lead and legal consultant advisors respectively for the post-ballot stage of the transfer process. Tribal and Wright Hassall have been retained as the lead and legal advisors respectively to CCH.

Comments of the Director of Finance

- 12. The costs of the transfer are netted off against any receipt that the Council receives from the sale of the stock to CCH. This includes pre as well as post ballot costs. The details of the next phase of costs are shown in Appendix 2, but in summary the costs are as follows:

	£'000
Pre Ballot costs	0.650
Creation of CCH	1.043
Council's costs	0.432
Total	2.125

13. The Council is, in effect, required to loan CCH the money it needs until the transfer date, at which point it will have access to its own finance and, therefore, there remains a small but significant risk that if a transfer deal cannot be negotiated to the satisfaction of both parties the total post-ballot costs would fall on the Council.

Recommendations

14. The Council is, therefore, recommended:
 - 1) to accept the tenants' ballot result and to resolve to proceed with the 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) to approve the nomination of Councillors A Cain and Mrs M Gray to replace Councillors F Culshaw and P Malpas as the Council's representatives on the Board of Chorley Community Housing Limited; and
 - 3) to approve the revised post-ballot budget, as set out in Appendix 2 to this report.

COUNCILLOR P GOLDSWORTHY
Executive Leader

There are no background papers to this report.

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HOUSING TRANSFER
POST- BALLOT KEY ACTIVITIES & MILESTONES

Purpose:

To provide a brief overview of the key activities and decisions in the period from the end of ballot to the completion of transfer. This paper is primarily concerned with the Council side, though critical stages for Chorley Community Housing Limited (CCH) are included for completeness. Dates are indicative at this time.

Date	Action	Comments
8 August 2006	Ballot result received late afternoon.	Ballot result to be communicated internally and externally in pre-agreed sequence.
August 2006	Ratification of ballot result and decision to proceed.	Executive Cabinet 24 August 2006 Council 19 September 2006.
August 2006	Apply for Section 25 consent to fund CCH until completion of transfer.	
August 2006	Secondment of staff from council to CCH	Core team of 5 – 10 officers
August 2006	Appoint MD to CCH	
September 2006	Recommendation from Homeless/Allocations Services review to Housing Transfer Committee	Decision made whether to retain homeless assessment service in house or contract out. Staff consultation will need to take place.
September 2006	Shadow Board of CCH becomes the Board	
Mid October 2006	Valuation agreed with CCH	
Mid October 2006	Interim CCH business plan	
November 2006	Agree TUPE I & TUPE II list.	TUPE II list includes those staff who do not spend more than 50% of their time working on housing, but who will be transferred to CCH.
November 2006	Submission of registration application to Housing Corporation	CCH will be subject to pre-registration assessment over winter 06/07.
November 2006	Agree asset package to be transferred in addition to properties.	This includes land to be transferred or retained. Land may have development value or maintenance liabilities.
December 2006	Agree sharing agreement for Right to Buy receipts and VAT shelter	
December 2006	Agree services Council will provide to CCH, if any, and relevant Service Level agreements.	These will generally be for 12 months only.

December 2006	Draft transfer contract predominantly agreed	Comprehensive legal agreement between the Council and CCH covering all matters relevant to the transfer, including obligations on CCH to fulfil the Council 'promises' made in the offer document to tenants,
January 2007	Agree valuation and net receipt to Council	
January 2007	Selection of CCH Funders	
End February 2007	Finalise Council post ballot strategic service delivery plans	
mid/end February 2007	Final business plan and funding in place	
March 2007		
March 2007	Agree final transfer contract	Council 6 March 2007
12 March 2007	CCH is registered with the Housing Corporation	This is a pre-requisite for transfer.
19 March 2007	DCLG gives approval to transfer	Application to be submitted 6 weeks prior
By 26 March 2007	Completion of transfer.	

APPENDIX 2

HOUSING TRANSFER
REVISED POST-BALLOT BUDGET

Post Ballot Transfer Costs**New Landlord**

	<u>£</u>
Salaries	251000
NI	15000
Superann	29000
Car Leasing	6000
Employee Insurances	2000
Consultants and Advisors' Fees	427000
Land Registry	10000
Training	20000
Stock Condition Evaluation	10000
DLO Health Check	15000
Supplies and Services	58000
Premises/Accommodation	66000
Transport	4000
Interest on Loan	19000
Non-recoverable VAT	111000
	<u>1043000</u>

Council

Salaries (incl. on costs)	199000
Consultants and Advisors' fees	173000
Superannuation Valuation	10000
IT Systems	20000
Software	30000
	<u>432000</u>

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REPORT OF EXECUTIVE CABINET**CAPITAL PROGRAMME, 2006/07 - MONITORING REPORT**

1. We were presented at our meeting on 24 August 2006 with a joint report of the Executive Director - Corporate and Customer and the Director of Finance on the progress of the 2006/07 Capital Programme through the monitoring and performance control mechanisms in place.
2. 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 include a new Category 'C' scheme on the programme's reserve list.
3. We endorsed the proposals in the report to alter the Capital Programme and present the recommendations for approval by the Council. A copy of the report presented to the 24 August Executive Cabinet meeting is attached so that the Council is able to take account of all the relevant factors before taking decisions on the Capital Programme. The suggested revisions to the Capital Programme are detailed in three appendices to the attached report.

Recommendations

4. The Council is recommended:
 - 1) to approve the revised, increased Capital programme for 2006/07, totalling £14,081,420, as presented in Appendix 1 to the attached report; and
 - 2) to approve the following recommendations of the Capital Programme Board:

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.

COUNCILLOR G MORGAN
Executive Member for Resources

There are no background papers to this report.

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Report of	Meeting	Date
Executive Director – Corporate & Customer and the Director of Finance (Introduced by the Executive Member for Resources, Councillor G Morgan)	Executive Cabinet	24 August 2006

CAPITAL PROGRAMME MONITORING 2006/07

PURPOSE OF REPORT

- To update members on the progress of the 2006/07 Capital Programme, and to seek member support and approval for a number of recommendations from the Capital Programme Board.

CORPORATE PRIORITIES

- The schemes within the Capital Programme contribute to the achievement of all the Councils corporate priorities.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	✓	Information	
Reputation	✓	Regulatory/Legal	
Financial	✓	Operational	
People		Other	

- The Capital Programme sets out the council strategic investment plans and if these are not delivered it will not fully achieve its strategic objectives, running the risk of damaging the Councils reputation.
- The Capital Programme also carries a significant financial risk. This is in terms of ensuring value for money, maximising resources available, and managing the performance to ensure the least possible impact on the revenue account.
- The estimated financing of the programme in 2006/07 takes into account capital receipts from the sales of assets that have not yet been received. Should they not be received some schemes within the programme may need to be frozen or the level of external borrowing increased.

BACKGROUND

- This report follows the same format as the Capital Monitoring reports in 2005/06, which details the performance of the capital programme followed by recommendations from the Capital Programme Board.
- On the 29th June 2006 Executive Cabinet approved the 2006/07 capital programme budget of £12,160,320.

HOW ARE WE PERFORMING?

- 9. The Capital Programme Board has been established now for 15 months, and has made good progress ensuring a more controlled and successful delivery of the programme.
- 10. Chorley Council’s approach to project management is a well thought of method within the North West. In May we hosted a North West eGovernment Group event, which involved a presentation on how we approach project management here in Chorley. Recently the North West Centre of Excellence also chose our project management toolkit, to promote as being best practice for managing projects.

(A) Key Performance Indicators

- 11. High level monitoring of the Capital Programme is carried out through 4 Performance Indicators, which have been described in previous Executive Cabinet reports. Table 1 lists these and shows targets and current performance.

Performance Indicator	Target 2006/07	Performance August 2006
	%	%
1. The % of the Capital Programme budget actually spent.	90	49
2. The % of projects using the toolkit.	70	59
3. The % of successful projects.	90	0
4. The % of capital schemes intended to be completed during the year actually completed.	85	0

Table 1 - Capital Programme 2006/07 - Key Performance Indicators

- 12. The performance of the first two targets is already very promising and ahead of schedule.
- 13. The percentage of the budget actually spent is ahead of target, but this is mainly due to a recent £4.5 million payment in respect of the Eaves Green Link Road.
- 14. The percentage of projects using the toolkit is already ahead of the 2005/06 year-end result of 34%.
- 15. The Project Support Officer is working with project managers to increase the number of schemes using the project management toolkit, starting with the largest projects in terms of cost, timescale, and risk, as these schemes will benefit the most from being managed and controlled more effectively.
- 16. The percentage of successful projects can only be measured on schemes that both use the toolkit, and that have been completed. As no schemes have yet been completed this year, there is currently no data for these measures. This is not uncommon for this time of year.

(C) Capital Monitoring 2006/07

- 17. The latest Capital Programme forecast for 2006/07 shows an increase in the programme of £1,921,100 to £14,081,420. Table 2 below summarises the changes.

Executive Cabinet Date	Details	£	Note
29/06/06	Approved Capital Programme Plus	12,160,320	
	Slippage from 2005/06	100,620	A
	Other changes	1,820,480	B
24/08/06	Revised Capital Programme	14,081,420	

Table 2 - Capital Programme 2006/07 - Total Capital Spending

Note A: A scheme by scheme analysis of the expenditure slipped from last year is shown in appendix 1.

Note B: A scheme by scheme analysis of the 'other changes' is given in appendix 1, with brief explanations of the changes given in appendix 2.

(D) Capital Receipts Monitoring

18. Appendix 3 gives a high level summary of the capital receipts expected and achieved to date this year. As detailed in the risks above, the financing of the programme depends on these receipts being achieved.
19. The Right To Buy (RTB) sales are on target, however there are issues with the sale of some assets which were expected to be achieved last year.
20. The Capital Programme Board is monitoring the progress of the sales of assets, and where necessary are putting measures into place, in an effort to ensure they are received within this financial year as required.

PROGRAMME BOARD RECOMENDATIONS

21. Set out below are a summary of requests received at the last two meetings of the Capital Programme Board on the 21st and 31st July 2006, and in each case the Boards recommendations. These are listed under the two headings of 'Exception Reports' and 'New Schemes and Projects'.

Exception Reports

22. All exception reports relate to schemes, which were overspent at the end of 2005/06.

(A) Access to Home Working

23. A retrospective exception report was submitted by the Director of ICT Services requesting an additional £14,254 of LGOL grant funding in order to widen the scope of the scheme. The original scope was to enable remote access to the Council's network and applications, however the additional funding would also provide a fully featured home working solution for Revenues and Benefits. No additional Council funding will be required.
24. Board Recommendations - To approve a £14,254 increase in budget to be financed from LGOL grant funding.

(B) Chorley Cemetery Extension

- 25. This scheme was overspent by £5,380 at the end of 2005/06 as a result of slippage being accounted for before the final salary recharge. The exception report by the Interim Streetscene Manager recommended reducing this year’s budget by the amount of last year’s overspend.
- 26. Board Recommendations – To reduce this year’s budget by £5,380 to cover the overspend in 2005/06.

(C) New & Replacement Litter & Dog Waste Bins

- 27. This scheme was overspent by £2,766 at the end of 2005/06. This was due to a number of incidents of bins being damaged by vehicles and vandalised toward the end of the year. This meant that replacement bins and emergency repairs were required.
- 28. Boards Recommendations – To reduce this year’s budget by £2,766 to account for last years overspend.

New Schemes and Projects

- 29. A business cases for a new project was submitted to the Board for consideration. This has been uploaded onto the Loop and can be found here, <http://theloop/section.asp?sectionType=list&catid=12334>, under ‘New Projects for Consideration’.

Project	Priority	Outcome	Estimated Budget
PIMSS Asset Management	Place	5.1 5.2	£25,000

Table 3 - Summary of new scheme recommended for inclusion into Category C

- 30. The Board recommends that the new project listed in Table 3 be included as a category 'C' scheme and as such on the reserve list for future consideration when resources become available.

Allocation of the Regional Housing Capital Grant

- 31. The Board reviewed the options for the allocation of the £493,000 Regional Housing Capital Grant. They agreed that the first priority should be to use the grant to replace the £150,000 Housing Revenue Account revenue contribution to capital. The Board felt that more information was required on other priorities such as affordable housing and additional disabled facilities grants before recommendations can be made regarding the allocation of the remaining grant.
- 32. The board therefore recommends that £150,000 of the regional housing capital grant be used to replace the HRA revenue contribution to capital.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

- 33. There are no Human Resources implications to this report.

RECOMMENDATION(S)

- 34. That the revised Capital Programme for 2006/067 in the sum of £14,081,420 be approved.

35. That the following recommendations of the Capital Programme Board be approved:

Exception Reports

- a. To approve a £14,254 increase in the 2005/06 Access to Home Working budget to be financed from LGOL grant funding.
- b. To reduce this year's 'Chorley Cemetery Extension' budget by £5,380 to cover the overspend in 2005/06.
- c. To reduce this year's 'Litter/Dog Waste/On-street recycling bins' budget by £2,766 to account for last years overspend.

New Capital Schemes and Projects

- d. That the PIMSS Asset Management scheme be placed on the reserve list (category C) for future consideration when resources become available:
- e. That £150,000 of the regional housing capital grant be used to replace the HRA revenue contribution to capital.

**REASONS FOR RECOMMENDATION(S)
(If the recommendations are accepted)**

- 36. To revise the 2006/07 Capital Programme.
- 37. To approve considered recommendations for schemes which are either overspending or require additional resources.
- 38. To bring forward a new scheme which members may consider for inclusion in the future Capital Programme.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 39. None.

PAUL MORRIS
EXECUTIVE DIRECTOR – CORPORATE & CUSTOMER

GARY HALL
DIRECTOR OF FINANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Rebecca Ostapski	5779	02 August 2006	CPB Cabinet Report Aug 06

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Capital Programme - 2006/07

Scheme	2006/07 Current Estimate £	Slippage from 2005/06 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
<u>Strategy Group</u>						
<u>Policy & Performance</u>						
Project Management Support Capitalisation	40,000			40,000		40,000
External Funding Pot	50,000		(30,000)	20,000		20,000
- Euxton Villa Football Club			10,000	10,000		10,000
- Music Café Project			20,000	20,000		20,000
Contribution to Pitch Drainage Bishop Rawsthorne School	19,950			19,950	19,950	0
Website Refresh			50,000	50,000		50,000
Policy & Performance Total	109,950	0	50,000	159,950	19,950	140,000
Strategy Group Total	109,950	0	50,000	159,950	19,950	140,000
<u>Corporate & Customer Challenge Group</u>						
<u>Finance</u>						
e-Claims travel and subsistence	6,000			6,000		6,000
Capitalised Restructuring Costs	33,700			33,700		33,700
Finance Total	39,700	0	0	39,700	0	39,700
<u>Human Resources</u>						
e-Enabling HR systems - Training	30,000			30,000		30,000
Human Resources Total	30,000	0	0	30,000	0	30,000

Scheme	2006/07 Current Estimate £	Slippage from 2005/06 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
<u>ICT Services</u>						
IT Support (incl. salary capitalisation)	30,000			30,000		30,000
PDG Scheme - Migration to OS Master Map			29,260	29,260	29,260	0
Telephony	42,100			42,100		42,100
Single business account	13,500			13,500		13,500
ICT Services Total	85,600	0	29,260	114,860	29,260	85,600
<u>Property Services</u>						
Planned Maintenance of Fixed Assets	200,000			200,000		200,000
Union Street Offices Heating and Ventilation	25,000			25,000		25,000
Invest in Success - Gillibrand Scheme	757,300			757,300		757,300
Gillibrand Street Site Assembly			370,000	370,000	370,000	0
Affordable Housing Project (Site Assembly)			980,000	980,000	980,000	0
Property Services Total	982,300	0	1,350,000	2,332,300	1,350,000	982,300
Corporate & Customer Challenge Group Total	1,137,600	0	1,379,260	2,516,860	1,379,260	1,137,600

Scheme	2006/07 Current Estimate £	Slippage from 2005/06 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
<u>Environment & Community Challenge Group</u>						
<u>Development & Regeneration</u>						
A	1,663,970	28,110		1,692,080	1,364,630	327,450
A	300,000			300,000	180,000	120,000
A	353,660		(290,000)	63,660		63,660
A			150,000	150,000		150,000
A			130,000	130,000		130,000
A			10,000	10,000		10,000
A	4,300,000		219,650	4,519,650	4,519,650	0
A	20,000			20,000		20,000
A	123,370		(123,370)	0	0	0
A	103,220		152,000	152,000	152,000	0
A	15,000			103,220		103,220
B	101,670			15,000		15,000
B	7,500			101,670		101,670
B				7,500	7,500	0
	6,988,390	28,110	248,280	7,264,780	6,223,780	1,041,000
<u>Housing Services</u>						
A	1,789,670	34,730	(1,824,400)	0	0	0
A			253,170	253,170	253,170	0
A			770,000	770,000	770,000	0
A			21,500	21,500	21,500	0
A			1,000	1,000	1,000	0
A			250,000	250,000	250,000	0
A			300,000	300,000	300,000	0
A			81,000	81,000	81,000	0
A			34,730	34,730		34,730
A			113,000	113,000	113,000	0
	1,789,670	34,730	0	1,824,400	1,789,670	34,730
<u>Development & Regeneration Total</u>						
<u>Housing Services</u>						
Housing Investment Programme (Council Dwellings)						
- Heating Systems						
- Replacement Windows & Doors						
- Community Safety - Lifeline Alarms						
- Estate Improvements - Hillside Crescent						
- Adaptations for Disabled						
- Major Void Works						
- Fascias and Soffits						
- Cotswold House CCTV						
- Capitalised Salaries - to reallocate to schemes						
	1,789,670	34,730	0	1,824,400	1,789,670	34,730

Scheme	2006/07 Current Estimate £	Slippage from 2005/06 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
<u>Leisure & Cultural Services</u>						
A Leisure Centres DDA Works	139,650	7,350		147,000		147,000
A Leisure Centres Capital Investment	1,355,250	12,540		1,367,790		1,367,790
A Duxbury Park Golf Course capital investment	92,920			92,920		92,920
B YVP Extension Flood Alleviation	2,500			2,500		2,500
Leisure & Cultural Services Total	1,590,320	19,890	0	1,610,210	0	1,610,210
<u>Streetscene, Neighbourhoods & Environment</u>						
A Extension to Chorley Cemetery (new burial area)	10,000			10,000		10,000
A Kerbside Recycling Schemes	112,490			112,490		112,490
A Fleet Management System		3,970		3,970		3,970
A Tesco superstore cycle path (S106 funded)		13,920		13,920	13,920	0
B Traffic Calming	128,000		(48,000)	80,000		80,000
B - Pedestrian improvements Southport Rd/St Thomas's Rd	151,380		30,000	30,000	151,380	0
B - Various traffic calming/local road safety schemes			18,000	18,000	100,000	30,000
B Transport Improvements (S106 funded)			100,000	151,380	151,380	0
B Highway improvements - Gillibrand estate/Southlands	43,470			43,470	100,000	0
B Parks and Play Areas Refurbishment	30,000			30,000	30,000	43,470
B Chorley Play Facilities (S106 funded)	50,780			50,780	30,000	0
B Euxton Play Facilities (S106 funded) - Mile Stone Meadow	1,100			1,100	50,780	0
B Euxton Play Facilities (S106 funded) - Balshaw Lane			42,940	42,940	1,100	0
B Litter/Dog Waste/On-street recycling bins					42,940	0
B PSS Planting Schemes	3,500			3,500		3,500
B PSS Computerised Cemetery records	13,670			13,670		13,670
Streetscene, Neighbourhoods & Environment Total	544,390	17,890	142,940	705,220	390,120	315,100
<i>Environment & Community Challenge Group Total</i>						
	10,912,770	100,620	391,220	11,404,610	8,403,570	3,001,040
Capital Programme Total						
	12,160,320	100,620	1,820,480	14,081,420	9,802,780	4,278,640

Scheme	2006/07 Current Estimate £	Slippage from 2005/06 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
<u>Financing the Capital Programme</u>						
Prudential Borrowing	1,673,590	34,620		1,708,210		1,708,210
Unrestricted Capital Receipts	1,895,370			1,895,370		1,895,370
Housing Investment Programme Restricted Capital Receipts	473,660	34,730		508,390		508,390
Revenue Budget - Specific Revenue Reserves or Budgets	116,670		50,000	166,670		166,670
Ext. Contributions - Developers	4,560,710	13,920	1,669,650	6,244,280	6,244,280	
Ext. Contributions - Lottery Bodies	1,347,280	17,350		1,364,630	1,364,630	
Government Grants - Planning Delivery Grant	123,370		57,890	181,260	181,260	
Government Grants - Disabled Facilities Grants	180,000			180,000	180,000	
Government Grants - Major Repairs Allowance	1,789,670			1,789,670	1,789,670	
Government Grants - DEFRA			42,940	42,940	42,940	
TOTAL CAPITAL FINANCING	12,160,320	100,620	1,820,480	14,081,420	9,802,780	4,278,640

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Other Changes August 2006/07

Other Changes £	Reallocation £	From Reserve List £	Externally Funded £	Comments
(30,000)	(30,000)			See below
10,000	10,000			Allocation of External Funding Pot as approved by Executive Cabinet on the 29/06/06
20,000	20,000			Allocation of External Funding Pot as approved by Executive Cabinet on the 29/06/06
50,000		50,000		To be funded from the eWorkforce reserve, as approved by Executive Cabinet on the 29/06/06
50,000	0	50,000	0	
50,000	0	50,000	0	
29,260	29,260			Allocation of the Planning Delivery Grant as approved by Executive Cabinet on the 29/06/06
29,260	29,260	0	0	
370,000			370,000	New scheme funded by back to back agreements as approved by Executive Cabinet on the 29/06/06
980,000			980,000	New scheme funded by back to back agreements as approved by Executive Cabinet on the 29/06/06
1,350,000	0	0	1,350,000	

Scheme

Strategy GroupPolicy & Performance

External Funding Pot

- Euxton Villa Football Club

- Music Café Project

Website Refresh

Policy & Performance Total**Strategy Group Total**Corporate & Customer Challenge GroupICT Services

PDG Funded Scheme - Migration to OS Master Map

ICT Services TotalProperty Services

Gillibrand Street Site Assembly

Affordable Housing Project (Site Assembly)

Property Services Total

Scheme
Corporate & Customer Challenge Group Total

Environment & Community Challenge Group

Development & Regeneration

Housing Renewal						See below
- Home Repair Grants	(290,000)	(290,000)				Allocation of the Housing Renewal budget
- Energy Grants	150,000	150,000				Allocation of the Housing Renewal budget
- Handyperson Scheme	130,000	130,000				Allocation of the Housing Renewal budget
Eaves Green Link Road (S106 funded)	10,000	10,000				Cumulative interest earned on S106 commuted sum, paid to LCC to implement Link Road scheme
Planning Delivery Grant-funded capital schemes	219,650			219,650		See below + Migration to Master Map
- e-Development and Building Control Project	(123,370)	(123,370)				Allocation of the Planning Delivery Grant as approved by Executive Cabinet on the 29/06/06

Development & Regeneration Total

Housing Services

Housing Investment Programme (Council Dwellings)						
- Heating Systems	(1,824,400)	(1,824,400)				See below
- Replacement Windows & Doors	253,170	253,170				Allocation of HIP
- Community Safety - Lifeline Alarms	770,000	770,000				Allocation of HIP
- Estate Improvements - Hillside Crescent	21,500	21,500				Allocation of HIP
- Adaptations for Disabled	1,000	1,000				Allocation of HIP
- Major Void Works	250,000	250,000				Allocation of HIP
- Fascias and Soffits	300,000	300,000				Allocation of HIP
- Cotswold House CCTV	81,000	81,000				Allocation of HIP
- Capitalised Salaries - to reallocate to schemes	34,730	34,730				Allocation of HIP

Housing Services Total

Streetscene, Neighbourhoods & Environment

Traffic Calming

Other Changes £	Reallocation £	From Reserve List £	Externally Funded £	Comments
1,379,260	29,260	0	1,350,000	
(290,000)	(290,000)			
150,000	150,000			
130,000	130,000			
10,000	10,000			
219,650			219,650	
(123,370)	(123,370)			
152,000	94,110		57,890	
248,280	(29,260)	0	277,540	
(1,824,400)	(1,824,400)			
253,170	253,170			
770,000	770,000			
21,500	21,500			
1,000	1,000			
250,000	250,000			
300,000	300,000			
81,000	81,000			
34,730	34,730			
113,000	113,000			
0	0	0	0	
(48,000)	(48,000)			See below

Other Changes £	Reallocation £	From Reserve List £	Externally Funded £	Comments
30,000	30,000			Allocation of the Traffic Calming budget as approved by Executive Cabinet on the 29/06/06
18,000	18,000			Allocation of the Traffic Calming budget as approved by Executive Cabinet on the 29/06/06
100,000			100,000	Funded from S106 money as approved by Executive Cabinet on the 29/06/06
42,940			42,940	Funded from an external DEFRA grant as approved by Executive Cabinet on the 29/06/06
142,940	0	0	142,940	
391,220	(29,260)	0	420,480	
1,820,480	0	50,000	1,770,480	
50,000		50,000		From eWorkforce Reserve
1,669,650			1,669,650	S106 contributions and land assembly 'back to back' agreements
57,890			57,890	
42,940			42,940	
1,820,480	0	50,000	1,770,480	

Scheme

- Pedestrian improvements Southport Rd/St Thomas's Rd
- Various traffic calming/local road safety schemes
- Highway improvements - Gillibrand estate/Southlands
- Litter/Dog Waste/On-street recycling bins

Streetscene, Neighbourhoods & Environment Total

Environment & Community Challenge Group Total

Capital Programme Total

Effect on Financing

- Revenue Budget - Specific Revenue Reserves or Budgets
- Ext. Contributions - Developers
- Government Grants - Planning Delivery Grant
- Government Grants - DEFRA

TOTAL EFFECT ON FINANCING

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Monitoring of Usable Capital Receipts 2006/07

	Unrestricted Receipts £	HIP Restricted Receipts £	Total Usable Receipts £
Balance brought forward 1 April 2006	101,866	1,035,910	1,137,776
Received to date	184,404	151,367	335,771
Total Usable Receipts in hand	286,270	1,187,277	1,473,547
Required for capital financing	(1,895,370)	(508,390)	(2,403,760)
Sub total	(1,609,100)	678,887	(930,213)
Usable Receipts due in remainder of year	1,609,100	120,503	1,729,603
Estimated balance 31 March 2007	0	799,390	799,390

Note:

The 'HIP Restricted Receipts' are available for capital expenditure in respect of the housing function of the authority only. They are a proportion of RTB sales available under the transitional arrangements for the pooling of housing capital receipts, which apply from 2004/05 to 2006/07. Such restricted receipts can be carried forward for use in later years. The use of these restricted receipts has already been taken account of in the 2006/07 to 2008/09 capital programme.

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REPORT OF EXECUTIVE CABINET

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 – ADOPTION OF POWERS

1. The Director of Streetscene, Neighbourhoods and Environment submitted a report on the implications of the Clean Neighbourhoods and Environment Act 2005.
2. A number of sections of the Act providing new or extended powers to local authorities had already become effective, and the report identified those functions for which the Council was now responsible, including a discretionary power to agree the amount of certain fixed penalties. A copy of this report is attached for Members clarification.
3. We accepted the recommendations contained within the report to confer the respective executive functions to the Director of Streetscene, Neighbourhoods and Environment. As this entails an extension of the Executive Arrangements outlined in the Council’s Constitution, the Council’s approval of the proposals to alter the Constitution is required.

Recommendations

4. The Council is recommended:
 - 1) To approve that the following executive functions conferred by the Clean Neighbourhoods and Environment Act 2005 be allocated to the Director of Streetscene, Neighbourhoods and Environment under the Executive Arrangements made pursuant to Section 15 of the Local Government Act 2000 to 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).”
 - 2) To approve that, pursuant to Sections 77 to 79 of the Clean Neighbourhoods and Environment Act 2005 (Silencing of intruder alarms), Section 7 of the Act (Power to require name and address – nuisance vehicle fixed penalty) and Section 10 of the Act (Power to require name and address – abandoned vehicle fixed penalty), the following fixed penalty noticed, 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 of £60
S2A Refuse Disposal (Amenity) Act 1978	Abandoning a vehicle	Fixed £200, early payment £120

Section and legislation	Description of Offence	Recommended Amount
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 fly posting	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

COUNCILLOR E BELL
Executive Member for Streetscene, Neighbourhoods and Environment

AU

There are no background papers to this report.

Report of	Meeting	Date
Director of Streetscene, Neighbourhoods and Environment (Introduced by the Executive Member for Environment and Community Safety, Cllr Eric Bell)	Executive Cabinet	24 August 2006.

CLEAN NEIGHBOURHOODS & ENVIRONMENT ACT 2005 (CNEA)

PURPOSE OF REPORT

- To approve the delegations and authorisations to the Director of Streetscene, Neighbourhoods and Environment (SNED) necessary for the enforcement of various sections of the Clean Neighbourhoods & Environment Act 2005 and to inform members.

CORPORATE PRIORITIES

- This report is relevant to the corporate priority which seeks to develop the character and feel of Chorley as a good place to live.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	4
Financial	4	Operational	4
People		Other	

- The risk/consequences of not adopting the provisions of The Clean Neighbourhoods and Environment Act 2005 ('CNEA') would be that SNED would be unable to perform the statutory functions of the council by investigating matters dealt with by the act.
- There are potential resource implications with adopting the provisions, however it is envisaged that in the short term this work can be absorbed within the Services existing staffing structure and budget. In the medium term the resource requirements will be considered in the reorganisation of the directorate.

BACKGROUND

- The Clean Neighbourhoods and Environment Bill was published on 8 December 2004 and received Royal Assent on 7 April 2005. The act is a result of DEFRA's review of the legislative framework for providing and maintaining a clean and safe local environment to accompany the Cross-Government report Living Places - Cleaner, Safer, Greener.

7. This is the second report on the sections of the act that are relevant to SNED, some sections provide new powers and others extend existing powers to new areas. Most of the measures in this report were commenced by orders of the Secretary of State this year. However the provisions relating to selling and repairing vehicles on a road and extension of the littering offence to all open places came into effect on 7 June 2005 and the Director of SNED has been authorised for those provisions.
8. There are some sections that have yet to be commenced or will be the subject of a later report which are:
- Repealing the provisions of the Dogs (Fouling of Land) Act 1996 and its replacement by a more comprehensive system of Dog Control Orders.
 - Termination of the Police responsibility for stray dogs.
 - Designation of alarm notification area for intruder alarms on property.
 - Controls on free distribution of printed matter.

This report deals with the additional relevant sections of the act that have been commenced and:

1. Require authorisation of the Director of SNED.

- Improving powers of entry for the silencing of audible intruder alarms.
- Power to require name and address for parking fixed penalties.
- Power to require name and address for abandoned vehicles.

2. Require a decision from members to put them into effect.

- Local discretion to fix the amount of certain fixed penalties. Fixed penalty offences are a simple way of discharging an offence if paid within 14 days – failure to pay would normally result in prosecution.

3. Are administrative changes to legislation for which the Director of SNED is already authorised and are for Information.

- Failure to give name and address for a fixed penalty offence for littering.
- Power to require name and address for noise offence.
- Litter and Street Litter Clearing Notices.
- Power to require name and address for graffiti and flyposting fixed penalties.
- Power to require owner of land to remove waste.
- Waste supplementary powers.
- Power to issue fixed penalty notice for noise from licenced premises.
- Defferal of duty to serve an abatement notice for noise.
- Removal of requirement to serve notices on certain abandoned vehicles.
- Including insects and artificial lighting within the Statutory Notice regime of s79 of the Environmental Protection Act 1990.

PROVISIONS THAT REQUIRE AUTHORISATION OF THE DIRECTOR OF SNED

9. Powers of Entry to Silence an Audible Intruder Alarm at Premises (Section 77 to 79 of CNEA)

Sections 77 to 79 of the act provide local authorities additional powers to deal with sounding intruder alarms causing likely annoyance. These powers are not linked to designated areas and the alarm must be sounding continuously for more than 20 minutes or intermittently for more than an hour. Once on the premises an authorised officer, with assistance if necessary, can take whatever steps are necessary to silence the alarm. This might include disabling an external alarm after serving a notice but would not include

picking a lock etc which would require a warrant from a justice of the peace. A property would have to be left in a secure state after such intervention and costs incurred may be recharged.

10. Power to Require Name and Address (section 7 CNEA “Nuisance Vehicle Fixed Penalties”)

Power to require name and address in respect of nuisance vehicle fixed penalty notices under section 6 of CNEA. Fine up to level 3 for failure of alleged offenders to give correct details.

11. Power to Require Name and Address (section 10 CNEA “Abandoning Vehicles”)

Power to require name and address in respect of abandoned vehicle fixed penalty notices under section 6 of CNEA. Fine up to level 3 for failure of alleged offenders to give correct details.

PROVISIONS THAT REQUIRE A DECISION FROM MEMBERS

12. The amount of most of the existing and new proposed fixed penalty charges can be set locally within a range, with a default charge should the Council decide not to make a local decision, some are however fixed centrally for England. The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 specify minimum penalty charges and the appropriate discounted rates for payment within 10 days.

13. Nuisance Vehicle Fixed Penalty Notice (Section 6 of CNEA)

(a) Section 6(1) - Selling Vehicles on a Road

The fixed penalty offence under the nuisance vehicle sections 6 to 9 of the act is set at a fixed charge of £100 and £60 for early payment within 10 days.

(b) Section 6(1) - Repairing Vehicles on a Road

The fixed penalty offence under the nuisance vehicle sections 6 to 9 of the act is set at a fixed charge of £100 and £60 for early payment within 10 days.

14. Abandoned Vehicle Fixed Penalty Notice (Introduced by Section 10 CNEA)

The fixed penalty offence introduced into the provisions of Section 2 of the Refuse Disposal (Amenity) Act 1978 is set at a fixed charge of £200 and £120 for early payment within 10 days.

15. Litter Offences in all Open Places Fixed Penalty Notice (Introduced by Section 19 of CNEA)

The fixed penalty offence introduced into the provisions of Section 88 of the Environmental Protection Act 1990 can be set at a local level between £50 and £80 with the default at £75 and £50 for early payment within 10 days.

16. Litter Clearing Notices and Street Litter Control Notices (Introduced by Sections 20 and 21 of CNEA Respectively)

The fixed penalty offence introduced into the provisions of Section 94 of the Environmental Protection Act 1990 can be set at a local level between £75 and £110 with the default at £100 and £60 for early payment within 10 days.

17. Graffiti and Flyposting (Introduced by Section 28 CNEA)

The fixed penalty offence introduced by Section 43 of the Anti-social behaviour Act 2003 can be set at a local level between £50 and £80 with the default at £75 and £50 for early payment within 10 days.

18. Failure to Furnish Documentation (Waste Carriers Licence) (Introduced by Section 45 of CNEA)

The fixed penalty offence introduced into Section 34 of the Environmental Protection Act 1990 is set at £300 and £180 for early payment within 10 days.

19. Offences in Relation to Waste Receptacles (Type and Presentation for Collection of Household, Commercial and Industrial Waste) Introduced by Section 48 CNEA)

The fixed penalty offence introduced into Section 47 of the Environmental Protection Act 1990 can be set at a local level between £75 and £110 with the default at £100 and £60 for early payment within 10 days.

20. Failure to Furnish Documentation (Waste Transfer Notes – Produce Authority to Transport) Introduced by Section 38 CNEA)

The fixed penalty offence introduced into Section 5 of the Control of Pollution (Amendment) Act 1989 is set at £300 and £180 for early payment within 10 days.

21. Failure to Furnish Documentation (Waste Transfer Notes – Duty of Care) Introduced by Section 38 CNEA)

The fixed penalty offence introduced into Section 34 of the Environmental Protection Act 1990 is set at £300 and £180 for early payment within 10 days.

PROVISIONS THAT ARE ADMINISTRATIVE CHANGES TO LEGISLATION FOR WHICH THE DIRECTOR OF SNED IS CURRENTLY AUTHOURISED AND ARE REPORTED HERE FOR INFORMATION ONLY

22. Failure to Give Name and Address (section 19 CNEA “Litter Offence”)

Introduces an offence under section 88 of the Environmental Protection Act 1990 for failure to give name and address when requested to do so or gives inaccurate information. Fine up to level 3 for alleged offenders to give correct details.

23. Power to Require Name and Address (section 82 CNEA “Noise Offence”)

Power to require name and address in respect of noise offence fixed penalty notices under section 8 B of the Noise Act 1996. Fine of up to level 3 for failure of alleged offenders to give correct details

24. Litter Clearing Notices and Street Litter Control Notices (Introduced by section 20 and 21 of CNEA respectively)

Litter Control Areas are repealed but Litter Clearing Notices are introduced into section 92 of the Environmental Protection Act 1990. The notice can be served in relation to any land in the open air which is defaced with litter to the extent that it is detrimental to amenity. The notice is served on the occupier or owner if unoccupied and can require

litter or refuse to be cleared and, if likely to recur, specify steps to be taken to prevent it becoming so defaced. Litter clearing notices may not be served in relation to land which is a highway, Crown land, statutory undertakers, litter authority [ourselves and the County Council] and educational institutions. There is an appeals procedure and a fine not exceeding level 4 on summary conviction and the authority can carry out work in default and charge for reasonable costs.

Street Litter Control Notices are already in force but section 21 of CNEA extends their application to a vehicle or store or other moveable structure set at place on or verging a street. There is a fine not exceeding level 4 on summary conviction.

25. Power to Require Name and Address (section 29 CNEA "Graffiti and flyposting")

Power to require name and address in respect of graffiti and flyposting fixed penalty notices under section 43 B of the Antisocial Behaviour Act 2003. Fine up to level 3 for failure of alleged offenders to give correct details.

26. Power to Require Owner of Land to Remove Waste (Introduced by section 50 Of CNEA)

The power to serve a notice requiring the owner of land to remove waste is introduced into the provisions of section 59 of the Environmental Protection Act 1990. Notices can be served on the land owner where there is no occupier, or the occupier can not be found without incurring reasonable expense. Notices can also be served where the owner is not the occupier if a notice has been served on the occupier but has not been complied with or the notice has been quashed and reasonable removal costs can be claimed. There is a defence that the owner was not aware nor knowingly permitted the deposit.

27. Waste Supplementary enforcement powers (Introduced by section 53 of CNEA)

This section builds on the powers of collection authorities in section 108 of the Environment Act 1995, in relation to duties under section 59 of the Environmental Protection Act 1990, to investigate waste on land to any of their functions under Part ii (waste) of the act. The specific powers are:

- To enter premises;
- To bring an authorised officer, a constable and equipment;
- To examine and investigate as required;
- To direct that premises are undisturbed;
- To take measurements and photographs as necessary;
- To take samples or articles or substances found;
- To dismantle or test any substance or article;
- To take possession of these substances;
- To require a person to give information relevant to the investigation;
- To require production of relevant information and records;
- To require any person to assist the investigation; and any other power conferred by regulations.

The current maximum penalty for an offence under section 108 is £5,000.

28. Noise from Licensed Premises etc (Introduced by section 84 of CNEA)

The fixed penalty offence introduced into the provisions of Section 8 of the Noise Act 1996 is set at £500 issued by a local authority authorised officer, there is no discount for early payment. Section 8 has not yet been used by Chorley Borough Council but this may change with the new licensing regime and has been included here for completeness.

29. Deferral of Duty to Serve an Abatement Notice (Introduced by section 86 of CNEA)

Section 86 of the act was introduced into the provisions of Section 80 of the Environmental Protection Act 1990 Subsection (2A) to enable the local authority to defer, for up to 7 days, the issue of an abatement notice in the case of a statutory nuisance under Section 79 (1)(g) (i.e. noise emitted from premises). This is to allow discussion leading to abatement to take place, such as shutting of doors and windows or fitting a silencer to a fan etc.

30. Removal of requirement to give notice where vehicle abandoned on road or a vehicle that ought to be destroyed (Introduced by section 11 of CNEA)

The power to remove a vehicle abandoned on a road or a vehicle elsewhere in the open air that ought to be destroyed, without serving notice, is introduced into the provisions of section 3 of the Refuse Disposal (Amenity) Act 1978. The power to destroy vehicles only fit for destruction immediately has been introduced section 4 of the Refuse Disposal (Amenity) Act 1978.

31. Including Insects and Artificial Lighting within Statutory Nuisance Regime (Introduced by Section 101 AND 102 of CNEA Respectively)

Insects and artificial light are now included in section 79 of the Environmental Protection Act 1990.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

32. Whilst there will be some HR implications from the adoption of these new duties these are matters which can be resolved by training and retraining. Significant implications will be dealt with by the Director of Streetscene, Neighbourhoods and Environment during further phases of the SNED restructure proposals.

COMMENTS OF THE DIRECTOR OF FINANCE

33. The Director of Streetscene, Neighbourhoods and Environment has indicated that there will be some resource implications from the enforcement of new powers and duties. There will also be an effect within Legal Services. The level of these resources is not quantifiable at this time but will need to be reported at the point when the effects crystalize.

COMMENTS OF THE DIRECTOR OF LEGAL SERVICES

34. The adoption of the provisions of the Clean Neighbourhoods and Environment Act 2005, will enable local authorities to intervene in a wider range of issues in ways that were not previously open to them. The putting in place of a system of fixed penalty notices is a reflection of this. However, as has been pointed out in the report, failure to pay such penalties may well result in the Council seeking to pursue such non-payments through court action. Whilst it is not possible to predict at this stage the degree to which those served with fixed penalty notices may decide to default on payment, there could potentially be a resources issue if non-compliance with the fixed penalty system were to reach any significant degree.

RECOMMENDATIONS

35. It is recommended that:

[Provisions that require the authorisation of the Director of SNED]

i). 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 them 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),

Pursuant to Sections 77 to 79 of The Clean Neighbourhoods and Environment Act 2005 (To silence intruder alarm) and to 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 are adopted:

Section and legislation	Description of offence	Recommended amount
s 6(1) Clean Neighbourhoods and Environment Act 2005	Selling vehicles on a road	Fixed £100, early payment £60
s 6(1) Clean Neighbourhoods and Environment Act 2005	Repairing vehicles on a road	Fixed £100, early payment £60
s 2A Refuse Disposal (Amenity) Act 1978	Abandoning a vehicle	Fixed £200, early payment £120
s 88(1) Environmental Protection Act 1990	Litter	Default £75, early payment £50
s 94A(2) Environmental Protection Act 1990	Street litter control notices and litter clearing notices	Default £100, early payment £60
s 43 Anti-social Behaviour Act 2003	Graffiti and flyposting	Default £75, early payment £50
s 34 A(2) Environmental Protection Act 1990	Failure to furnish documentation (waste carriers licence)	Fixed £300, early payment £180
s 47ZA(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
S 34A2 Environmental Protection Act 1990	Failure to furnish documentation (waste transfer notes)	Fixed £300, early payment £180

And:

iii) that the administrative changes to legislation for which the Director is already authorised are noted.

REASONS FOR RECOMMENDATION(S)

36. To permit the Director of Streetscene, Neighbourhoods and Environment to use the additional discretionary powers of the Clean Neighbourhoods and Environment Act 2005 which are the subject of this report and to approve the levels for fixed penalty notices specified in other legislation where local discretion exists.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

37. No alternatives were considered since these would not meet the Councils corporate priorities.

JOHN LECHMERE

DIRECTOR OF STREETSCENE, NEIGHBOURHOODS AND ENVIRONMENT

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Dave Bradley	5728	13 July 2006	ADMINREP/93051LM

REPORT OF EXECUTIVE CABINET**PUBLIC QUESTIONS/SPEAKING AT COUNCIL/COMMITTEE MEETINGS**

1. The Executive Cabinet considered a report of the Chief Executive which put 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.
2. The proposals have 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 have, in fact, been supported by the Committee, subject to the preparation and implementation of appropriate procedure rules.
3. A copy of the Chief Executive's report which sets out in more detail the background and implications of the proposals is attached for information.
4. The Executive Cabinet supports the plans to improve the level of public participation in the Council's democratic decision making processes and commends the following recommendations to the Council. We accept that there will be a number of issues, particularly in terms of the suitability of meeting rooms and the possible need for public address/loop systems, that will need to be addressed if the proposals are implemented.

Recommendations

5. The Council is recommended to note that, in accordance with Paragraph 27.2 of the Council's Procedure Rules, the following recommendation is 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.' ”

COUNCILLOR J WALKER

Executive Member for Customer, Democratic and Legal Services

There are no background papers to this report.

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Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Customer, Democratic and Legal Services, Councillor J Walker)	Executive Cabinet	24/08/06

PUBLIC QUESTIONS/SPEAKING AT COUNCIL MEETINGS - RECOMMENDATIONS

PURPOSE OF REPORT

- To set out recommendations for public speaking at Council meetings.

CORPORATE PRIORITIES

- Opening up Council meetings to public speaking will help to address the Council's corporate priority of 'Ensuring Chorley Borough Council is a performing organisation'.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	4	Information	4
Reputation	4	Regulatory/Legal	
Financial		Operational	
People	4	Other	

Risks have been evaluated in full.

BACKGROUND

- At its meeting on 14 March 2006 the Community Overview and Scrutiny Panel put forward a number of recommendations in relation to public questions/speaking at Council meetings. Considerable research went into these recommendations including visits to a number of other councils to observe how public speaking works in practice.
- In addition the Development Control Committee has considered the recommendations in full at its meeting on 23 May 2006. The Committee supported the recommendations subject to the preparation and implementation of appropriate procedure rules to regulate the public participation in meetings.
- This report builds on work on this subject that has been undertaken to date and sets out the recommendations in detail.



PUBLICITY

7. Leaflets will be produced to publicise the opportunity for members of the public to submit questions/speak at appropriate meetings and general publicity will be given through the local media and the Council's newspaper. An on-line form will also be provided on the Council's web-site to enable members of the public to submit questions electronically if they so wish.

PUBLIC ADDRESS/LOOP SYSTEM

8. The provision of a PA/loop system in the Council Chamber/Committee Room in the Town Hall to meet disability discrimination requirements will need to be investigated by Officers and a further report submitted to the Executive Cabinet.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

9. We will need to take into consideration any training needs required by elected members, or officers who may face questions from either members of the public or elected members.

COMMENTS OF THE DIRECTOR OF FINANCE

10. There are two aspects of potential cost associated with the report. The first relates to the provision of the Loop system which will have both capital and revenue implications. The Council's budget includes provision for capital works to its buildings and I would look initially to fund any scheme from this allocation once the costs are known, but it would mean another potential scheme being deferred. Virement would be sought from current cash budgets for any ongoing costs of the Loop system so that there is no net increase in the Council's budget. The other revenue costs associated with the implementation are for publicity costs which will be funded from current cash budgets.

RECOMMENDATION(S)

11. That the Executive Cabinet be requested to submit a recommendation to the next meeting of the Council on 19 September 2006 that the following text be added to the Council Procedure Rules set out in Part A, Appendix 3 of the Council's Constitution, to allow public questions/speaking at the appropriate meetings. In accordance with Paragraph 27.2 of the Council Procedure Rules, the recommendation will stand adjourned without further discussion to the next Ordinary Council meeting to be held on 31 October 2006.

PUBLIC QUESTIONS/SPEAKING**(1) Council and Executive Cabinet Meetings**

- A maximum period of 3 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 3 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 Committees 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 3 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 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.

REASONS FOR RECOMMENDATIONS

12. The introduction of Public Speaking/Questions at various Council meetings will improve the level of public participation in the Council's decision making process.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

13. None.

DONNA HALL
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Donna Hall	5104	8 August 2006	ADMINREP/93113LK

REPORT OF EXECUTIVE CABINET**GENERAL REPORT**

1. The Executive Cabinet has met once on 24 August 2006 since the last ordinary meeting and this report summarises briefly the principal matters considered at that meeting. Separate reports have been prepared in respect of the items which require Council decisions.

Revenue Budget, 2006/07 - Monitoring Report

2. We received and considered a report of the Director of Finance monitoring the current financial position of the Council in comparison with the budgetary and efficiency savings targets for 2006/07 in respect of the General Fund and the Housing Revenue Account.
3. We were pleased to note a continuing improvement in the situation with the General Fund, with a reduction in the forecast overspend from £82,000 to £66,000 since the previous monitoring report. We were assured that further savings will be pursued, with a number of areas (eg agency staff costs, income streams from the Development and Regeneration Directorate, increased refuse collection, concessionary travel and benefit costs) being closely monitored over the remainder of the year.
4. Increases in both the cost of the Job Evaluation process and forecast income had resulted in an expectation for Housing Revenue Account balances to reach £683,000 at the end of the financial year.

Learning and Development Strategy

5. We approved the amendment of the Learning and Development Strategy for 2005-2008 by the inclusion of additional challenging targets and actions relating to Member Development arrangements as recommended in a report of the Director of Human Resources.
6. The amendment of the Strategy reflects the significant improvements to Member Development that has occurred over the last 18 months and injects additional actions required to maintain the achievements made to date and ensure their continual development. This will contribute to the enhancement of Members' knowledge and capacities, especially in relation to the delivery of the Council's strategic objectives.

Streetscene, Neighbourhoods and Environment Directorate - Phase 1 Restructure

7. We considered a confidential report of the Director of Streetscene, Neighbourhood and Environment on the outcome of the consultation exercise on proposals to revise the senior management structure of his Directorate, following the recent amalgamation of the former Public Services Unit, Environmental Services Unit and part of the Corporate and Policy Unit.
8. The report explained the rationale behind the recommended alterations to the original restructure proposals and the additional revisions to the staffing structure that had been agreed through delegated powers.
9. Following the Executive Cabinet's assessment of the representations received and the Officers' responses, we agreed the recommendations in the Director's report for the adoption of the suggested revised senior management structure of the Streetscene, Neighbourhoods and Environment Directorate.

Steps to becoming an Excellent Council - Restructure of Policy and Performance Directorate

10. We received a confidential report of the Chief Executive on the outcome of the consultation exercise on proposals to restructure the Policy and Performance Directorate.
11. We were reminded of the critical role the Directorate would be required to play in the delivery of the Corporate and Community Strategies and the Authority's achievement of a higher Comprehensive Performance Assessment rating.
12. After consideration of the representations received, we approved the adoption of the recommended revised staffing structure of the Policy and Performance Directorate, aimed at producing a 'fit for purpose' structure that will be capable of meeting new internal and external challenges and demands.

Restructure of Office Support

13. The Chief Executive presented a confidential report on proposals to restructure the office support service function, which suggested the division of the service under the following three broad functional groupings:

Executive Secretariat; Directorate Support Team; Corporate Support Team.

14. The proposals aim to provide a more flexible, corporate support facility to meet the demands of the Council's new organisational structure and corporate priorities and will generate further annual financial savings.
15. We accepted the draft proposals to revise the Office Support Service staffing structure for consultation purposes and authorised the Executive Leader and the Chief Executive to agree the final structure, following consideration of the consultation responses.

Recommendation

16. The Council is recommended to note this report.

COUNCILLOR P GOLDSWORTHY
Executive Leader

There are no background papers to this report.

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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 25 July 2006 and 22 August 2006. This report refers briefly to the more significant planning proposals that were considered at these meetings.

25 July 2006 meetingPlanning Application 06/00077/REMMAJ

2. We considered the above reserved matters planning application for the construction of 56 dwellings, open space and associated infrastructure at land off Little Carr Lane, Chorley.
3. The majority of this site is allocated as a housing site in the Chorley Borough Local Plan Review under Policy HS1. However the outline application site included land to the south that is allocated for employment and industrial use under policy EM1 of the Local Plan. The encroachment of the application site into the allocated employment land is by a strip of land measuring approximately 0.4 hectares.
4. It was considered that there was a clear differentiation between public and private domains within the layout with a good degree of overlooking/natural surveillance of public areas. The landscaping scheme had been amended to take account of the revised layout and the context of the site and would build upon the mature trees, which will be visible above and between the buildings.
5. The applicants had made an effort to replace the existing habitat with the largest area of grassland that was possible.
6. After considering the information in the officer's report we decided to grant planning permission for the reserved matters application.

Planning Application 06/00509/FULMAJ

7. We considered the above planning application to demolish the existing extensions, buildings and convert the existing Coach House into the new café, classroom and exhibition space and shop associated with Astley Hall. Also the conversion of part of the barn adjacent to the Farmhouse to provide toilet facilities and associated hard landscaping works. The construction of a 2.5m to 3.5m high wall to complete the enclosure of the walled garden. The construction of bin stores. The engineering operations associated with the drainage and disilting of the lake and pond. The refurbishment and extension of the existing pavilion to provide a new kiosk to serve light refreshment.

8. This application related to works within the grounds of Astley Park and to some of the existing outbuildings. The works comprise part of a larger project, which has been partly funded by the Heritage Lottery Fund and Chorley Borough Council.
9. The site is a Grade II Park on the English Heritages Register of Parks and Gardens of Historic Interest. The main hall is a Grade I Listed Building.
10. We considered that the proposals represented an opportunity to facilitate significant improvement to the historic fabric and the setting of these nationally important buildings. However the determination of the planning application should not precede the consideration of the listed building application.
11. After considering all the information in the officer's report we decided to grant full planning permission but that it would not be released until a decision had been received from the Government Office of the North West.

22 August 2006 meeting

Planning Application 06/00716/FUL

12. We considered the above retrospective planning application for the erection of an agricultural building on land 260m south west of Gardeners Cottage, 83, Rawlinson Lane, Heath Charnock.
13. The application proposal was for the erection of a steel portal-framed building that had largely been constructed. The building is sited adjacent to woodland and is accessed by a single track, beyond existing dwelling houses and agricultural buildings.
14. It was considered that the proposed agricultural building would constitute inappropriate development in the Green Belt, on the basis that there is no justified agricultural need for a development of this size, therefore planning permission was refused.

Planning Application 06/00758/FUL

15. We considered the above planning application for the erection of single storey extensions to the front and rear, porch to the side and a replacement boundary fence at the Little Acorns Nursery, 34, Sheep Hill Lane, Clayton-Le-Woods.
16. The proposal would enable the nursery to accommodate an increase in the number of children from 42 to 55, which will subsequently lead to an increase in the number of staff from 12 to 15.

17. A previous decision made by this Committee had refused planning permission as it was considered that the proposals would detrimentally impact on the neighbours' amenities in terms of noise and disturbance.
18. It was considered that the noise attenuation measures proposed as part of this application would reduce the impact of noise on the neighbours and because of this we decided to grant full planning permission for the proposed development.

Recommendation

The Council is recommended to note this report.

COUNCILLOR H HEATON
Chairman of the Development Control Committee

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There are no background papers to this report.

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REPORT OF THE LICENSING AND SAFETY COMMITTEE AND STATUTORY LICENSING COMMITTEE

1. This report sets out a brief summary of the main items considered at the meetings of the Licensing and Safety Committee and the Statutory Licensing Committee, both held on 19 July 2006.

Licensing and Safety Committee – 19 July 2006

High Street Chorley – Proposed re-appointment of 24 Hour Hackney Carriage Rank and Imposition of the Prohibition of Vehicular Waiting

2. We received a report on the proposal for the re-appointment of a 24-hour hackney carriage rank on the north side of High Street, Chorley, in conjunction with the imposition of a prohibition of vehicular waiting.
3. We agreed that subject to the formal views of the Chief Constable the hackney carriage rank be re-appointed.

Applications for Licence to Drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley

4. The Committee received two requests to consider applications for a private hire vehicle drivers licence.
5. The first application we considered indicated that checks made with the Criminal Records Bureau had revealed that the applicant had criminal convictions and that the grant of the licence could only be made by the Committee.
6. The second application related to the applicant's driving licence stating that she had held a full DVLA driving licence since August 2004. An applicant for a hackney carriage/private hire drivers licence should be over 21 years of age and have three years driving experience as a holder of a full driving licence.
7. Enquiries made had revealed that the applicant had no driving convictions recorded on her driving licence and a Criminal Records Bureau check had revealed that there were no driving convictions.
8. We agreed to grant a hackney carriage/private hire drivers licence to the two applicants.

Statutory Licensing Committee – 19 July 2006

9. We considered a report requesting the Committee to approve the draft Statement of Principles as required by the Gambling Act 2005.
10. The report provided further and updated information from previous reports to the Committee following the release of Regulations and Government Orders by the Government.
11. A timetable for implementation was submitted indicating that consultation would take place between 24 July and 13 October 2006, with the final draft prepared and approved by Council at its meeting on 19 December 2006.

Recommendation

12. The Council is recommended to note this report.

COUNCILLOR MRS I SMITH

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

GENERAL REPORT

1. This report summarises the principal matters considered by the Overview and Scrutiny Committee at its meeting on 5 September 2006.

Capital Programme, 2006/07 – Monitoring Report

2. We received a joint report of the Executive Director – Corporate and Customer and the Director of Finance on the progress of the 2006/07 Capital Programme which had been presented to the 24 August meeting of the Executive Cabinet.
3. We were advised that the Executive Cabinet had approved the recommended increase of the Capital Programme by £1,921,100 to £14,081,420 and agreed the recommendations of the Capital Programme Board to revise the capital budget allocation for a number of projects and to include a new 'Category C' scheme on the appropriate reserve list.
4. The Committee was reminded by the Director of Finance that the programme was continually monitored through the assessment and performance control mechanisms in place and the report generated a lengthy debate on the anticipated availability of sufficient resources to fund the programme.
5. At the conclusion of the Members' discussion, the Committee agreed to request the Executive Cabinet to clarify the action it proposes to take to mitigate the potential risks to the delivery of the Capital Programme should the expected capital receipts not be realised as anticipated. We have also identified in our list of potential new overview and scrutiny topics or issues for future examination a review of the strategic relevance of the Capital Programme, with a view to ensuring that the programme reflects the Council's corporate and community strategies. In addition, the Director of Finance has been asked to show likely variances in addition to target and performance statistics in future Capital Programme monitoring reports.

Revenue Budget, 2006/07 – Monitoring

6. We considered a report of the Director of Finance monitoring the performance of the 2006/07 General Fund and Housing Revenue Account which had been submitted to the Executive Cabinet on 24 August.
7. The report revealed that the situation with the General Fund continued to improve, with the forecast overspend having been reduced from £82,000 to £66,000 over the past monitoring period. Further savings will be pursued and a number of areas (eg agency staff costs, income streams from the Development and Regeneration Directorate; increased refuse collection; concessionary travel and benefits costs) will need to be monitored closely over the remainder of the year.
8. We accepted the report with the proviso that the Council supports the abandonment of the use of smart cards in relation to concessionary travel passes.

Forward Plan

9. The Committee received the Council's Forward Plan setting out details of the key executive decisions expected to be taken between 1 August and 30 November 2006 and was asked to identify the items it wished to examine in advance of consideration by the Executive.

10. In response, we indicated that we would wish to have sight of the reports on the following matters, and discuss them with the appropriate Executive Members and Directors, before firm decisions are taken by the Executive:
- Chorley Town Centre Strategy;
 - Play Strategy for the Borough;
 - Terms for acquisition of property required to construct the Gillibrand Link Road;
 - Selection of service provider for the Property Services and Market functions.

Overview and Scrutiny Improvement Plan

11. The Committee received the revised and updated Overview and Scrutiny Improvement Plan, which lists all the actions required to ensure that scrutiny improvement plans are kept on track in order to assist the delivery of the Council's performance agreement and corporate strategy.
12. In particular, our attention was drawn by the Assistant Head of Democratic Services to the approach made to a number of external local government bodies to ascertain their likely interest in undertaking a review of the current Overview and Scrutiny Toolkit and taking forward Member training and development on the overview and scrutiny function.

Overview and Scrutiny Panels – New Inquiries

13. We were presented with, and endorsed, the Scoping Documents that had been compiled by the Corporate and Customer Overview and Scrutiny Panel and the Environment and Community Overview and Scrutiny Panel for the Panels' respective scrutiny inquiries into 'Contact Centre Efficiencies and the Partnership with the Lancashire County Council' and 'Neighbourhood Working'.

Chorley Council logo

14. In response to my inquiry, the Chief Executive explained the reasons for and the circumstances under which the Council's logo had been altered from 'Chorley Borough Council' to 'Chorley Council'.
15. The decision to alter the logo, which will not affect the Authority's formal Borough status, had been taken in consultation with the Executive Leader during the Council's summer recess.
16. The Chief Executive intimated that the principal aim of the exercise had been to modernise the brand name of the Authority and to create a logo that should become more conspicuous. It was important for local residents to be able to recognise the Council as a major service provider in the Borough.
17. The Chief Executive also emphasised that the transition will not incur any additional costs. All existing vehicles, equipment and stationary will continue to be used and will only be replaced with items containing the new logo as and when necessary.

Review of Single Person Discount

18. At my request, copies of a letter requesting information from claimants of the 25% discount on Council Tax payment that had been sent to a large proportion of properties in the Borough was circulated at the meeting. The letter had caused much local controversy and anxiety.
19. The Chief Executive clarified that the letter had been sent as a partnership exercise to households in Chorley, Lancaster, Preston and South Ribble, in conjunction with an external agency. The letter aimed to target only those people who were claiming unlawfully the single

person discount. It was, however, conceded that reference in the letter to the external agency had been inappropriate.

20. The Chief Executive also stated that the exercise would be followed up by a cost/benefit analysis to ascertain the extent of the ultimate cost savings achieved.

Future Meeting Dates

21. I drew the Committee's attention to the fact that the next four scheduled meetings of the Overview and Scrutiny Committee between October 2006 and January 2007 will conflict with meetings of the Chorley Community Housing Shadow Board. As a number of Councillors are members of both bodies, we accepted the expediency of altering the dates of the next four meetings of the Overview and Scrutiny Committee. I agreed to liaise with the Assistant Head of Democratic Services to identify suitable alternative dates, which will be notified accordingly to Committee members.

Recommendation

22. The Council is recommended to note this report.

COUNCILLOR D EDGERLEY
Chair of Overview and Scrutiny Committee

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There are no background papers to this report.

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