

COUNCIL

Tuesday, 6 March 2007

Present: Councillor Adrian Lowe (Deputy Mayor), Councillors Peter Baker, Kenneth Ball, Eric Bell, Mrs Pat Case, Henry Caunce, Alan Cullens, Francis Culshaw, Michael Davies, David Dickinson, Anthony Gee, Daniel Gee, Peter Goldsworthy, Harold Heaton, Catherine Hoyle, Keith Iddon, Miss Margaret Iddon, Hasina Khan, 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, John Walker and Mrs Stella Walsh

07.C.28 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of the Mayor (Councillor Mary Wilson) and Councillors Andrew Birchall, Alan Cain, Magda Cullens, Doreen Dickinson, Dennis Edgerley, Marie Gray, Margaret Lees, Roy Lees, Christopher Snow and John Wilson.

Councillors Alan Cain, Dennis Edgerley, Marie Gray and Christopher Snow were ineligible to participate in the debate and vote on Minute 07.C.34 (Housing Stock Transfer Agreement) by virtue of their membership of the Chorley Community Housing Shadow Board.

07.C.29 COUNCILLOR MARGARET LEES - CONDOLENCES

The Deputy Mayor informed the Council of the recent death of Councillor Margaret Lees' father and the Members requested that their sincere condolences be conveyed to Councillor Mrs Lees and her family.

07.C.30 EXECUTIVE DIRECTOR - ENVIRONMENT AND COMMUNITY - RETIREMENT

The Deputy Mayor reminded the Members that this would be the last Council meeting attended by Colin Campbell in his capacity as Executive Director –Environment and Community, pending his retirement at the end of March 2007.

The Deputy Mayor paid tribute to Mr Campbell's long period of service with the Council, during which he had risen to his present Deputy Chief Executive status and had played an instrumental role in guiding the Authority through a number of important and complex transactions (eg the transfer of the housing stock; the town centre developments; and the Buckshaw Village development).

The Deputy Mayor's sentiments were echoed by Councillors Peter Goldsworthy, Kenneth Ball, Daniel Gee, Anthony Gee and Ralph Snape, who all thanked Mr Campbell for his past services and wished him and his wife, Mary, well in their retirement.

07.C.31 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by Members of the Council in any of the items on the Council agenda.

07.C.32 DEVELOPMENT CONTROL COMMITTEE-VACANCY

Councillor Kenneth Ball submitted his resignation from the membership of the Development Control Committee, and the Council's instructions were sought on the appointment of a replacement member.

RESOLVED – That Councillor Ball's resignation from the Development Control Committee be received and that the appointment of a replacement member be deferred to await the reappointment of the Committee at the next Annual Meeting of the Council on 15 May 2007.

07.C.33 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

07.C.34 HOUSING STOCK TRANSFER AGREEMENT

The Council considered a confidential report of the Executive Leader and the Chair of the Housing Transfer Committee recommending Members' formal approval of the transfer of the Council's housing stock to Chorley Community Housing Limited, subject to delegated authority being granted to the Housing Transfer Committee to agree all outstanding matters in relation to the transfer.

The report was the culmination of a lengthy process of negotiation between the Council's Officers and its consultant advisors with Chorley Community Housing and its funders, following the substantial majority of tenants having voted in favour of the stock transfer in the summer of 2006.

The Council had been provided with a note prepared by the Council's legal consultants, Trowers and Hamblins, outlining and commenting on the principal elements, terms and provisions of the draft Transfer Agreement. The Agreement covered all financial, operational and resource aspects of the transfer process, and the two reports highlighted the most significant risks to both the Council and Chorley Community Housing in concluding the transfer, together with the means by which those risks would be mitigated through the provision of various warranties and indemnities within the terms of the contract and through appropriate insurance cover.

The report clarified that, while good progress had been made to date in the agreement of the principal terms of contract, a number of financial issues still under negotiation would require formal agreement prior to completion of the stock transfer on the envisaged date of 26 March 2007. Consequently, in the light of the Officer's expected positive outcome of the negotiations on the outstanding matters, the Council was recommended to approve the transfer on the basis of the draft transfer contract as now reported and to grant delegated authority to the Housing Transfer Committee to approve all outstanding and consequential matters.

The Executive Leader, in proposing agreement to the transfer of the Council's housing stock, thanked all of the Members, Officers and tenants who had been involved in the long and complex process and negotiations, the purpose of which ultimately would be to ensure the continuing improvement of the housing stock for the benefit of existing and future tenants.

It was moved by the Executive Leader (Councillor Peter Goldsworthy), seconded by the Lead Member for Housing (Councillor Francis Culshaw), and unanimously **RESOLVED:**

(1) That subject to the consent of the Secretary of State, approval be given to the transfer of the Council's housing stock to Chorley Community Housing Limited on the best acceptable final terms that can be negotiated as based upon the draft terms and provisions outlined in the Council's legal consultants' report.

(2) That full delegated authority be granted to the Housing Transfer Committee to approve all outstanding matters in relation to the stock transfer and Contract, including any consequential variations that may be required to complete the transaction.

Mayor