

# Council

Agenda and Reports

For consideration on

**Tuesday, 17th April 2007**

In the Council Chamber, Town Hall, Chorley

At 6.30 pm



## **PROCEDURE FOR PUBLIC QUESTIONS/SPEAKING AT COUNCIL MEETINGS**

- 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 (12 Noon on the Friday prior to the meeting).
- 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, excluding the Annual Meeting.
- 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.

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## Chief Executive's Office

Please ask for: Gordon Banks  
Direct Dial: (01257) 515123  
E-mail address: gordon.banks@chorley.gov.uk  
Date: 5 April 2007

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**Chief Executive:** Donna Hall

**Chorley**  
Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

### **COUNCIL - TUESDAY, 17TH APRIL 2007**

You are invited to attend a meeting of the Chorley Borough Council to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 17th April 2007 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 - 18)**

To confirm the minutes of the Council meetings held on 27 February 2007 and 6 March 2007 as a correct record for signature by the Mayor (enclosed)

4. **Mayoral Announcements**
5. **Public Questions**

Members of the public who have requested the opportunity to ask a question(s) on any item(s) on the agenda will be asked to put their questions(s) to the Council. Members of the public will be allowed to ask one supplementary question within their allocated 3 minutes.

6. **Executive Cabinet**

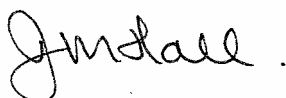
- a) **Capital Programme 2006/07 - Monitoring (Pages 19 - 32)**

Report enclosed

Continued....

- b) **Clean Neighbourhoods and Environment Act 2005 - Fouling of Land by Dogs Order** (Pages 33 - 44)  
Report enclosed
- c) **Smoke Free Implementation** (Pages 45 - 50)  
Report enclosed
- d) **General Report** (Pages 51 - 54)  
Copy enclosed.
7. **Audit Committee** (Pages 55 - 58)  
General Report (enclosed)
8. **Development Control Committee** (Pages 59 - 62)  
General Report (enclosed)
9. **General Purposes Committee** (Pages 63 - 64)  
General Report (enclosed)
10. **Licensing and Safety Committee** (Pages 65 - 66)  
General Report (enclosed)
11. **Overview and Scrutiny Committee and Panels** (Pages 67 - 70)  
General Report (enclosed)
12. **Standards Committee** (Pages 71 - 72)  
General Report (enclosed)
13. **Housing Transfer Committee** (Pages 73 - 74)  
General Report (enclosed)
14. **Questions Asked under Council Procedure Rule 7 (if any)**
15. **To consider the Notices of Motion (if any) given in accordance with Council Procedure Rule 8**
16. **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 آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823 کیجئے:

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**COUNCIL****Tuesday, 27 February 2007**

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

**07.C.12 APOLOGIES FOR ABSENCE**

No apologies were received.

**07.C.13 DECLARATIONS OF ANY INTERESTS**

No Member disclosed an interest in relation to matters under consideration at the meeting.

**07.C.14 MINUTES**

**RESOLVED – That the Minutes of the Council meeting held on 23 January 2007 be confirmed as a correct record and signed by the Mayor.**

**07.C.15 MAYORAL ANNOUNCEMENTS**

The Mayor thanked all Councillors and Officers who attended the Charity Ball in her absence and made the Ball a success and special thanks given to Councillor Adrian Lowe who stepped in at short notice.

The Mayor thanked everyone who supported the Charity Quiz Night on Friday, 16 February 2007 which raised £180.50.

The Mayor welcomed the Deputy Leader of Ribble Valley Borough Council, Councillor Michael Ranson and the Chief Executive of the Council, Mr David Morris. They attended to observe the format of the meeting as their Council was currently looking at reviewing Council meetings and Committee structure.

The Mayor requested a one minutes silence as a tribute to 23 year old Royal Marine, Jonathan Holland killed by a landmine in Afghanistan – he served with 45 Commando and had been a Royal Marine since 2002 and was a former Parklands High School pupil.

**07.C.16 CAPITAL PROGRAMME 2006/07 - MONITORING**

The Executive Member for Resources presented a report monitoring the performance of the 2006/07 Capital Programme and containing recommendations of the Corporate Improvements Board (the former Capital and Efficiency Board).

The report recommended changes to the 2006/07 Capital Programme, the effect of which was to reduce the programme from £16,695,400 to £13,767,340, as a result of the suggested slippage of £2,402,730 to 2007/08 and other changes totalling £535,330.

The recommended slippage of expenditure as a number of schemes to 2007/08 was detailed in Appendix A to the submitted report, with other changes to schemes explained in Appendix B. Appendix C to the report summarised both the capital receipts achieved to date and the anticipated receipts.

**RESOLVED - 1) That the revised Capital Programme for 2006/07 in the sum of £13,767,340 be approved.**

**2) That the addition of the slippage for 2006/07 of £2,402,730 to the approved Capital Programme for 2007/08 to 2009/10 be approved.**

#### **07.C.17 GENERAL FUND REVENUE AND CAPITAL BUDGET AND COUNCIL TAX, 2007/08**

Before the Council debated the Budget three members of the public had been invited to ask questions that had been previously submitted by the deadline.

Each member of the public read out the question and received a response from the appropriate Executive Member.

They were then given an opportunity to ask a supplementary question if they wished and receive a response but this was not required.

In accordance with Paragraph 11.4 of the Council Procedure Rules it was **RESOLVED** that the length of the speeches by the proposers of the Ruling Group and Opposition Council Tax Resolutions, to be for a period which exceeded five minutes during the consideration on the Council Tax 2007/08 of the agenda.

The Executive Leader presented a report putting forward proposals for the General Fund Revenue Budget and Council Tax levels for 2007/08 which had received approval by the Executive Cabinet at its meeting held on 27 February 2007.

The report contained the representations received in response to consultations on the draft budget proposals and which highlighted the key concerns that had been expressed by respondents.

The Executive Leader explained that the proposals had been formulated to feed directly into the Council's key objectives, targets and actions for 2007/2008 and beyond. The Council's priorities addressed the key issues identified and codified in the Community Strategy. The updated Corporate Strategy represented the Council's commitment to achieving the objectives and outcomes specified in that document.

The report set out the Executive Cabinet's proposals, including appendices relating to budget consultation responses, including the Executive's response to issues raised by the Overview and Scrutiny Committee in relation to its review of the budget.

Appended to the report was the Director of Finance's report to satisfy the provisions of Section 25 of the Local Government Act 2003 requiring the officer to report



independently to Members on the robustness of the estimates and the adequacy of the Councils' reserves.

Treasury management issues were also included as a specific requirement following the introduction of the Prudential Code for Capital Finance in Local Authorities. The report aimed to fulfil all these various requirements.

The report indicated that the budget continued to direct resources into key Corporate Priorities and addressed concerns identified by the Borough citizens. Particular focus on this year's budget in terms of involvement given to the Town Centre, were the administration was determined to build on the town's strengths. The objectives for the 2007/08 budget was a freeze in the Chorley Borough Council's element in the Council Tax, together with the impact of the Stock Transfer had meant that significant savings/efficiencies had been made, with a balanced budget achieved.

It was moved by the Executive Leader and seconded by the Deputy Leader of the Council that the Executive Cabinet's budget proposals as detailed in the submitted report, be approved.

In respect of the budget proposals it was moved by Councillor Alan Cullens and seconded by Councillor Peter Goldsworthy that the budget and estimates of the Executive Cabinet be amended as follows:

"To add an additional £50,000 to the Streetscene, Neighbourhood and Environment Department (SNED) budget, which will fund a Hot Spot rapid response team, which will operate afternoons and evenings. This will be funded by reducing the contingency fund by the same amount and does not change the Council Tax Resolution previously circulated to Members of the Council".

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

In respect of the budget proposals it was moved by Councillor Dennis Edgerley and seconded by Councillor Adrian Lowe that the budget and estimates of the Executive Cabinet be amended as follows:

Reinstate 10 Neighbourhood Wardens	£229,000
Funded by increase in Council Tax 3.2%	£192,000
and contribution of £37,000 from headroom identified in budget update	

The amendment was put to the vote and the Mayor declared it lost.

In respect of the budget proposals it was moved by Councillor Dennis Edgerley and seconded by Councillor Adrian Lowe that the budget and estimates of the Executive Cabinet be amended as follows:

Additional Street Cleaning (Funding for 3 operatives)	£ 70,000
Additional activities for Young People	£ 50,000
Remove the charge for rodent control	£ 10,000
Funded by amending the assumption regarding the cost of job evaluation from a 2% increase to 1% and a contribution of £2,000 from the headroom identified in the budget update	£128,000

This would provide a reduction of 0.5% in the Council Tax because of the availability of all the budget headroom.

The amendment was put to the vote and the Mayor declared it lost.

In respect of the budget proposals it was moved by Councillor Dennis Edgerley and seconded by Councillor Adrian Lowe that the budget and estimates of the Executive Cabinet be amended as follows:

Free off peak concessionary travel across the Borough for one year, funded from balances	£160,000
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A request was made under the Council Procedure Rule 17(2) for a recorded vote on the Labour Group amendment.

For: Councillors Ball, Birchall, Brown, Davies, Edgerley, A Gee, D Gee, Hoyle, Miss M Iddon, Khan, M Lees, R Lees, A Lowe, M Lowe, McGowan, Miss Molyneaux, Mrs J Snape, R Snape, Snow, Mrs Walsh, J Wilson, Mrs M Wilson (22).

Against: Councillors Baker, Bedford, Bell, Cain, Mrs Case, Caounce, A Cullens, M Cullens, Culshaw, David Dickinson, Doreen Dickinson, Goldsworthy, Mrs Gray, Heaton, K Iddon, Malpas, Morgan, Muncaster, Perks, G Russell, R Russell, E Smith, Mrs Smith, S Smith and Walker (25).

Abstentions: None.

The Mayor declared the amendment lost.

In respect of the budget proposals it was moved by Councillor Dennis Edgerley and seconded by Councillor Adrian Lowe that the budget and estimates of the Executive Cabinet be amended as follows:

Implementation of alleygate pilot schemes funded from Revenue Balances	£40,000
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It was RESOLVED to suspend Standing Orders in order for the Director of Finance to clarify the funding arrangements for the scheme.

The Executive Member for Streetscene, Neighbourhoods and the Environment accepted the amendment.

The Mayor declared the amendment carried.

The necessary formal resolutions in the setting of the 2007/08 Council Tax for the Borough to reflect the Council's net revenue estimates together with the necessary addition to meet Lancashire County Council, Lancashire Police Authority, Lancashire Fire Authority and Parish Council precepts were moved by the Executive Leader and Deputy Leader of the Council.

#### **RESOLVED:**

**1. That it be noted that acting under delegated powers the Director of Finance calculated the amount of 34,965.00 as its Council Tax Base for the year 2007/08 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992.**

*(a) 34,965.00 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax Base for the year.*

*(b) Part of the Council's Area*

	<b>(b)Part of the Council's area</b>	<b>2007/08</b>
		<b>£</b>
<b>Parish of:</b>	Adlington	1,959.40
	Anderton	474.00
	Anglezarke	16.50
	Astley Village	1,112.50
	Bretherton	284.20
	Brindle	453.30
	Charnock Richard	669.50
	Clayton le Woods	4,744.50
	Coppull	2,341.60
	Croston	1,036.30
	Cuerden	41.20
	Eccleston	1,551.80
	Euxton	3,283.20
	Heapey	378.60
	Heath Charnock	796.70
	Heskin	347.00
	Hoghton	364.70
	Mawdesley	746.60
	Rivington	50.30
	Ulnes Walton	261.10
	Wheelton	396.70
	Whittle Woods	1,838.40
	Withnell	1,245.50
	All other parts of the Council's area	10,571.40
	<b>Total</b>	<b>34,965.00</b>

*being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate.*

2. *That the following amounts be now calculated by the Council for the year 2007/08 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:*
  - (a) *£40,028,136 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act;*
  - (b) *£25,472,360 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act;*
  - (c) *£14,555,776 being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;*
  - (d) *£8,008,230 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, Revenue Support Grant, increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) of the Local Government Finance Act 1988;*
  - (e) *£187.26 being the amount at 2(c) above less the amount at 2(d) above, all divided by the amount at 2(a) above, calculated by the Council, in*

*accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;*

- (f) *£1,243,411 being the aggregated amount of all special items referred to in Section 34(1) of the Act;*
- (g) *£151.69 being the amount at 2(e) above less the result given by dividing the amount at 2(f) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relates;*
- (h) *Part of the Council's Area*

	£
<b>Parish of:</b> Adlington	178.64
Anderton	161.71
Anglezarke	151.69
Astley Village	196.12
Bretherton	181.40
Brindle	169.38
Charnock Richard	186.16
Clayton le Woods	211.93
Coppull	197.56
Croston	180.39
Cuerden	183.82
Eccleston	182.56
Euxton	199.07
Heapey	191.43
Heath Charnock	177.53
Heskin	177.57
Hoghton	168.91
Mawdesley	183.76
Rivington	173.56
Ulnes Walton	168.92
Wheelton	178.11
Whittle le Woods	189.32
Withnell	180.78
All other parts of the Council's area	177.55

*being the amounts given by adding to the amount at 2(g) above to the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate;*

- (i) *Part of the Council's Area*

	<b>Valuation Bands</b>							
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	£	£	£	£	£	£	£	£
<b>Parish of:</b>								
Adlington	119.09	138.94	158.79	178.64	218.34	258.04	297.73	357.28
Anderton	107.81	125.77	143.74	161.71	197.65	233.58	269.52	323.42
Anglezarke	101.12	117.98	134.83	151.69	185.39	219.10	252.81	303.37
Astley Village	130.75	152.54	174.33	196.12	239.70	283.28	326.87	392.24
Bretherton	120.93	141.09	161.24	181.40	221.71	262.02	302.33	362.80
Brindle	112.92	131.74	150.56	169.38	207.02	244.66	282.30	338.76
Charnock Richard	124.11	144.79	165.48	186.16	227.53	268.90	310.27	372.32
Clayton le Woods	141.29	164.83	188.38	211.93	259.03	306.12	353.22	423.86
Coppull	131.71	153.66	175.61	197.56	241.46	285.36	329.27	395.12
Croston	120.26	140.30	160.35	180.39	220.48	260.56	300.65	360.78
Cuerden	122.55	142.97	163.40	183.82	224.67	265.52	306.37	367.64
Eccleston	121.71	141.99	162.28	182.56	223.13	263.70	304.27	365.12
Euxton	132.71	154.83	176.95	199.07	243.31	287.55	331.78	398.14
Heapey	127.62	148.89	170.16	191.43	233.97	276.51	319.05	382.86
Heath Charnock	118.35	138.08	157.80	177.53	216.98	256.43	295.88	355.06
Heskin	118.38	138.11	157.84	177.57	217.03	256.49	295.95	355.14
Hoghton	112.61	131.37	150.14	168.91	206.45	243.98	281.52	337.82
Mawdesley	122.51	142.92	163.34	183.76	224.60	265.43	306.27	367.52
Rivington	115.71	134.99	154.28	173.56	212.13	250.70	289.27	347.12
Ulnes Walton	112.61	131.38	150.15	168.92	206.46	244.00	281.53	337.84
Wheelton	118.74	138.53	158.32	178.11	217.69	257.27	296.85	356.22
Whittle le Woods	126.21	147.25	168.28	189.32	231.39	273.46	315.53	378.64
Withnell	120.52	140.61	160.69	180.78	220.95	261.13	301.30	361.56
All other parts of the Council's area	118.37	138.09	157.82	177.55	217.01	256.46	295.92	355.10

*being the amounts given by multiplying the amounts at 2(g) and 2(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.*

3. *That it be noted that for the year 2007/08 the Lancashire County Council, Lancashire Police Authority, and the Lancashire Combined Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:*

	<b>Valuation Bands</b>							
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	£	£	£	£	£	£	£	£
<b>Precepting authority</b>								
Lancashire County Council *	697.47	813.71	929.96	<b>1,046.20</b>	1,278.69	1,511.18	1,743.67	2,092.40
Lancashire Combined Fire Authority *	38.29	44.68	51.06	<b>57.44</b>	70.20	82.97	95.73	114.88
Lancashire Police Authority*	83.97	97.96	111.96	<b>125.95</b>	153.94	181.93	209.92	251.90

*\* These values are assessments and have to be confirmed by the precepting authority.*

4. That, having calculated the aggregate in each case of the amounts at 2(i) and 3 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2007/08 for each of the categories of dwellings shown below:

(i) Part of the Council's Area

	<b>Valuation Bands</b>							
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
<b>Parish of:</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Adlington	938.82	1,095.29	1,251.77	1,408.23	1,721.17	2,034.12	2,347.05	2,816.46
Anderton	927.54	1,082.12	1,236.72	1,391.30	1,700.48	2,009.66	2,318.84	2,782.60
Anglezarke	920.85	1,074.33	1,227.81	1,381.28	1,688.22	1,995.18	2,302.13	2,762.55
Astley Village	950.48	1,108.89	1,267.31	1,425.71	1,742.53	2,059.36	2,376.19	2,851.42
Bretherton	940.66	1,097.44	1,254.22	1,410.99	1,724.54	2,038.10	2,351.65	2,821.98
Brindle	932.65	1,088.09	1,243.54	1,398.97	1,709.85	2,020.74	2,331.62	2,797.94
Charnock Richard	943.84	1,101.14	1,258.46	1,415.75	1,730.36	2,044.98	2,359.59	2,831.50
Clayton le Woods	961.02	1,121.18	1,281.36	1,441.52	1,761.86	2,082.20	2,402.54	2,883.04
Coppull	951.44	1,110.01	1,268.59	1,427.15	1,744.29	2,061.44	2,378.59	2,854.30
Croston	939.99	1,096.65	1,253.33	1,409.98	1,723.31	2,036.64	2,349.97	2,819.96
Cuerden	942.28	1,099.32	1,256.38	1,413.41	1,727.50	2,041.60	2,355.69	2,826.82
Eccleston	941.44	1,098.34	1,255.26	1,412.15	1,725.96	2,039.78	2,353.59	2,824.30
Euxton	952.44	1,111.18	1,269.93	1,428.66	1,746.14	2,063.63	2,381.10	2,857.32
Heapey	947.35	1,105.24	1,263.14	1,421.02	1,736.80	2,052.59	2,368.37	2,842.04
Heath Charnock	938.08	1,094.43	1,250.78	1,407.12	1,719.81	2,032.51	2,345.20	2,814.24
Heskin	938.11	1,094.46	1,250.82	1,407.16	1,719.86	2,032.57	2,345.27	2,814.32
Hoghton	932.34	1,087.72	1,243.12	1,398.50	1,709.28	2,020.06	2,330.84	2,797.00
Mawdesley	942.24	1,099.27	1,256.32	1,413.35	1,727.43	2,041.51	2,355.59	2,826.70
Rivington	935.44	1,091.34	1,247.26	1,403.15	1,714.96	2,026.78	2,338.59	2,806.30
Ulnes Walton	932.34	1,087.73	1,243.13	1,398.51	1,709.29	2,020.08	2,330.85	2,797.02
Wheelton	938.47	1,094.88	1,251.30	1,407.70	1,720.52	2,033.35	2,346.17	2,815.40
Whittle le Woods	945.94	1,103.60	1,261.26	1,418.91	1,734.22	2,049.54	2,364.85	2,837.82
Withnell	940.25	1,096.96	1,253.67	1,410.37	1,723.78	2,037.21	2,350.62	2,820.74
All other parts of the Council's area	938.10	1,094.44	1,250.80	1,407.14	1,719.84	2,032.54	2,345.24	2,814.28

5. That the Director of Finance and his officers be authorised to take any action necessary to ensure collection and recovery of the Council Tax and Non-Domestic Rates.
6. That an additional £50,000 be added to the Streetscene, Neighbourhood and Environment Department (SNED) budget, which will fund a Hot Spot rapid response team, which will operate afternoons and evenings. This will be funded by reducing the contingency fund by the same amount and does not change the Council Tax Resolution.
7. That an alley gate pilot scheme be funded from Revenue Balances at a cost of £40,000.

8. *That the advice of the Chief Finance Officer under Section 25 of the Local Government Act 2003, as set out in the submitted report be noted and the Council have regard to it when considering the budget for 2007/08.*
9. *That the Treasury Management Strategy for 2007/08 be approved.*

<b>EXPLANATION OF COUNCIL TAX SETTING RESOLUTION</b>	
<b>RESOLUTION 1</b>	
(a)	<i>Before we can calculate the Council Tax to be charged, we first have to calculate the Council Tax base. The Council Tax base is the amount which a Band D Council Tax of £1.00 would raise. For 2007/08 we estimate that a £1.00 Council Tax at Band D would raise £34,965.00 in the Chorley area.</i>
(b)	<i>This shows the "base" figure for each Parish in the area. For example, a £1.00 Band D Council Tax in Adlington would raise £1,959.40.</i>
<b>RESOLUTION 2</b>	
(a)	<i>This is the grand total of money which the Council estimates it will spend on all services in 2007/08. It also includes £549,835 which Parish Councils need to run their services.</i>
(b)	<i>This is the grand total of money which the Council estimates it will receive from various sources in the year. This includes, for example, car park charges, investment income, government grants in respect of benefits, etc.</i>
(c)	<i>This is the difference between 2(a) and 2(b) and is in effect the Council's and Parishes net spending on services.</i>
(d)	<i>This is the amount that the Government will contribute towards the cost of our services. Also included is extra Council Tax resulting from new properties and expected collection rates in previous years.</i>
(e)	<i>The difference between 2(c) and 2(d) is £6,547,546 and this is the amount we need to charge Council Taxpayers. This is divided by the base (see 1(a) above) and the resulting figure of £187.26 is the average Band D Council Tax for all Borough and Parish services.</i>
(f)	<i>The total of all the amounts needed from Council Taxpayers by the Parish Councils in the area and for Chorley Borough Special Expenses.</i>
(g)	<i>This is the Band D Council Tax for Chorley Borough Council's own services, ie excluding Parish Council spending and Special Expenses</i>
(h)	<i>This table shows the Band D Council Tax for all parishes including the cost of the Parish Councils and Chorley Borough Council. For example, Adlington's Band D Council Tax is £151.69 for Chorley Borough services and £9.01 for Adlington Town Council services and £17.95 for Chorley Borough Special Expenses.</i>



The rate for each property Band is calculated by reference to the Band D charge.  
The following ratios apply:

Band A	6/9 ths of Band D
Band B	7/9 ths of Band D
Band C	8/9 ths of Band D
Band D	9/9 ths of Band D
Band E	11/9 ths of Band D
Band F	13/9 ths of Band D
Band G	15/9 ths of Band D
Band H	18/9 ths of Band D

For Adlington Band A, for example, the charge is £178.65 x 6 ÷ 9 = £119.10; for Band B it is £178.65 x 7 ÷ 9 = £138.95.

**RESOLUTION 3**

Lancashire County Council, Lancashire Fire Authority and Lancashire Police Authority are separate bodies who have worked out their own estimates of spending and income for 2007/08 and have set taxes in a similar way to Chorley Borough Council. This resolution notes their final decision.

**RESOLUTION 4**

This pulls together the Council Taxes for Lancashire County Council, Lancashire Fire Authority, Lancashire Police Authority, Chorley Borough Council and the Parish Councils. For example, the Band D for Adlington is £1,408.23 made up as follows:

	£
Lancashire County Council (as in 4 above)	1,046.20
Lancashire Fire Authority (as in 4 above)	57.44
Lancashire Police Authority (as in 4 above)	125.95
Chorley Borough Council (as in 3(g) above)	151.69
Adlington Town Council	
Special Expenses	9.01
	17.95

**RESOLUTION 5**

Formally authorise the necessary staff to take legal action to collect arrears as and when this is necessary. For the vast majority of taxpayers, this is not needed

**07.C.18 TIMETABLE OF MEETINGS 2007/08**

The Executive Member for Customer, Democratic and Legal Services presented a report seeking the endorsement of the draft calendar of meetings for the 2007/08 Municipal Year from the Annual Meeting in May 2007.

**RESOLVED – That the timetable of meetings to be held during the 2007/08 Municipal Year, as presented be approved.**

**07.C.19 GENERAL REPORT**

The Executive Leader presented a report summarising the more significant items of business dealt with at a meeting of the Executive Cabinet held on 22 February 2007.

**RESOLVED – That the report be noted.**

**07.C.20 DEVELOPMENT CONTROL COMMITTEE**

The Chair of the Development Control Committee presented a report which summarised the more significant planning proposals that had been considered at the meetings held on 16 January 2007 and 13 February 2007.

**RESOLVED – That the report be noted.**

**07.C.21 LICENSING AND SAFETY COMMITTEE AND STATUTORY LICENSING COMMITTEE**

The Chairman of the Licensing and Safety Committee and the Statutory Licensing Committee presented a report which summarised the principal matters which had been considered at meetings of the Committees held on 17 January 2007.

**RESOLVED – That the report be noted.**

**07.C.22 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 20 February 2007, as well as a brief summary of the recent activities and matters discussed at a meeting of the Environment and Community Overview and Scrutiny Panel held on 25 January 2007 and two meetings of the Corporate and Customer Overview and Scrutiny Panel held on 30 January and 15 February 2007 (Special Meeting).

**RESOLVED – That the report be noted.**

**07.C.23 GENERAL PURPOSES COMMITTEE**

The Chairman of the General Purposes Committee presented a report which summarised briefly the principal matters that had been considered at a meeting of the General Purposes Committee held on 7 February 2007.

**RESOLVED – That the report be noted.**

**07.C.24 AUDIT COMMITTEE**

The Chairman of the Audit Committee presented a report which summarised briefly the principal matters that had been considered at a meeting of the Audit Committee held on 18 January 2007.

**RESOLVED – That the report be noted.**

**07.C.25 APPOINTMENT TO OUTSIDE BODIES**

This item would be considered at the Annual General meeting on 15 May 2007.

**07.C.26 TO CONSIDER THE 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 Ralph Snape and seconded by Councillor Dennis Edgerley.

That this Council supports the campaign by:

- The MP
- The Chair of the Hospital Trust
- Churches Together
- And the wider community

to oppose the awarding of a Clinical Assessment Treatment and Support (CATS) Centre contract to a private sector company.

The Council condemns the unfair way in which the contractor will be guaranteed elective work leaving expensive treatment including cancer treatment to be carried out by the hospital. This ability to cherry pick is unfair and will damage the hospital's capacity to carry out the remaining work.

The Council further calls for a CATS Centre based at Chorley Hospital and run by Chorley Hospital with no private sector CATS system being established in Chorley. In this way the viability of the Hospital and the interests of the patients will be protected.

An amendment was moved by Councillor Mark Perks and seconded by Councillor Rosemary Russell as follows:

“That this Council welcomes the proposed introduction of a Chorley hospital based NHS operated CATS, to operate along side a Preston based private sector CATS. We believe that the two arrangements operating together will give GP's and patients a real choice and will improve health outcomes for the people of Chorley”.

**RESOLVED - “That this Council welcomes the proposed introduction of a Chorley hospital based NHS operated CATS, to operate along side a Preston based private sector CATS. We believe that the two arrangements operating together will give GP's and patients a real choice and will improve health outcomes for the people of Chorley”.**

**07.C.27 HOUSING TRANSFER COMMITTEE**

This item was withdrawn from the agenda, as the Council will be considering it at its meeting on 6 March 2007.

Mayor

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**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

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## REPORT OF EXECUTIVE CABINET

### CAPITAL PROGRAMME 2006/07 - MONITORING

1. We were presented with a report of the Executive Director (Corporate and Customer) and the Director of Finance monitoring the performance of the 2006/07 Capital Programme and containing recommendations of the Corporate Improvement Board.
2. The table below summarises the recommended changes to the 2006/07 Capital Programme, which shows a reduction from £13,767,340 to £12,324,570:

Executive Cabinet Date	Details	£
22/02/07	Approved Capital Programme	13,767,340
	<u>Less</u>	
	Slippage to 2007/08	1,623,890
	<u>Plus</u>	
	Other Changes	181,120
		12,324,570
29/03/07	Revised Capital Programme	12,324,570

3. The Executive Cabinet 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 29 March 2007 Executive Cabinet meeting is attached so that the Council is able to take account of the relevant factors before taking decisions on the Capital Programme. The recommended slippage of expenditure on a number of schemes to 2007/08 is detailed in Appendix A to the attached report, with other changes to schemes explained in Appendix B. Appendix C to the report summarises both the capital receipts achieved to date and the anticipated receipts.

### Recommendations

4. The Council is recommended:
  - (a) to approve the revised Capital Programme for 2006/07 in the sum of £12,324,570;
  - (b) to approve the recommendation of the Corporate Improvement Board to endorse the delivery of the Music Café project by the South Lancashire Arts Partnership at the Chorley Community Centre instead of the originally proposed venue of the Chorley Interchange.

COUNCILLOR A CULLENS  
Executive Member for Resources

AU

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 A Cullens)	Executive Cabinet	29 <sup>th</sup> March 2007

## 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 Corporate Improvement Board.

### CORPORATE PRIORITIES

- The schemes within the Capital Programme contribute to the achievement of each of the Council's 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's strategic investment plans and if these are not delivered it will not fully achieve its strategic objectives, running the risk of damaging the Council's 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. Should changes be made to the work programme of grant-funded schemes, there is a risk that the grant awarding bodies will not provide grant funding for such changes.
- 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 by 31<sup>st</sup> March 2007 the level of external borrowing would probably be increased to make up the shortfall.



7. In addition, increased borrowing may be required should any project exceed the approved budgets. Overspending may be outside of the control of the project managers in some circumstances. In particular, the basis for settling compensation for the land assembly required for the Gillibrand Link Road may lead to a final payment that exceeds the Council's budget for the scheme. The financing of the budgeted sum has been amended to use a S106 commuted sum available for transport improvement purposes, but there is a risk that the final compensation total will exceed the sum available.

**BACKGROUND**

8. This report details the performance of the Capital Programme followed by recommendations from the Corporate Improvement Board.
9. On the 22<sup>nd</sup> February 2007 Executive Cabinet approved the 2006/07 capital programme budget of £13,767,340.

**HOW ARE WE PERFORMING?**

10. The Corporate Improvement Board is continuing to make good progress ensuring a more controlled and successful delivery of the programme.

**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 current performance against the targets.

<b>Performance Indicator</b>	<b>Target 06/07</b>	<b>Jan 2007</b>	<b>Feb 2007</b>	<b>-/+</b>
	%	%	%	%
1. The % of the Capital Programme budget actually spent.	90	73	77	+4
2. The % of projects using the toolkit.	70	66	66	-
3. The % of successful projects.	90	0	14	+14
4. The % of capital schemes intended to be completed during the year actually completed.	85	21	38	+17

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

12. To achieve the target for the percentage of projects using the toolkit only two further capital schemes need to use it. To achieve this the projects not using the toolkit will be reviewed, and the two largest, and most high-risk projects suitable for using it will be targeted, and given the help and support they need to start using the toolkit.
13. In addition, a campaign to ensure all project managers responsible for capital projects complete the internal training on project management is currently underway.
14. This follows an internal audit of project management where one of the recommendations was that 'everyone who is either undertaking a project manager role or is a member of a project board should attend a project management training session run by the Project

Support Officer'. At the time of the audit at the end of 2006 it was found that out of 27 capital projects in category A, 13 of those were being managed by staff that had not attended the training. Training is now underway for these project managers.

15. The percentage of successful projects can only be measured on schemes that both use the toolkit, and that have been completed. As schemes are now starting to complete, project managers need to ensure they complete end project report, to review how well the project has performed, particularly assessing the critical success factors identified in the business case, which then feeds into this performance indicator.
16. Although the percentage of projects completed continues to be low, there are a number of schemes, which are near completion. All schemes are being closely monitored to ensure that projects will complete on time as intended, or to identify slippage as early as possible.

### Capital Monitoring 2006/07

17. The latest Capital Programme forecast for 2006/07 shows a reduction in the programme of £1,442,770 to £12,324,570. Table 2 below summarises the changes.

Executive Cabinet Date	Details	£	Note
22/02/07	Approved Capital Programme	13,767,340	
	<u>Less</u> Slippage to 2007/08	1,623,890	A
	<u>Plus</u> Other change	<u>181,120</u>	B
29/03/07	Revised Capital Programme	12,324,570	

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

Note A: A scheme-by-scheme analysis of the capital sums slipping to/from 2007/08 is shown in appendix 1.

Note B: The other change of £181,120 represents an increase in the budget for capitalised restructuring to agree with the sum approved by CLG.

### 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. Right to Buy (RTB) sales of Council dwellings to tenants are on target. The result of the stock transfer ballot does not seem to have had a significant impact on sales this year. Progress in achieving capital receipts other than RTB sales has been slow. One disposal is outstanding at present: the King Street premises. Should this sale not complete by 31<sup>st</sup> March there would be a shortfall of budgeted capital resources that would probably have to be met by incurring unbudgeted borrowing. It is now known that the sale of the former Friday Street depot will not complete during 2006/07. The financing of the programme has been amended to show the £400,000 shortfall in capital receipts being met by additional borrowing. There would be an increase in the Minimum Revenue provision by £16,000 in 2007/08 as a consequence, which was not anticipated in setting the revenue budget for that year.

20. In his report on the Capital Programme 2007/08 to 2009/10 to Executive Cabinet of 7<sup>th</sup> December 2007, the Director of Finance proposed that the Council develops a programme of disposal of surplus assets that earn a low rate of return in order to ensure the availability of capital resources to finance future capital investment.

### **PROGRAMME BOARD RECOMMENDATIONS**

21. Set out below are a summary of reports received at the last meeting of the Corporate Improvement Board on the 1<sup>st</sup> March, and the Boards recommendations where appropriate.

#### **Exception Reports**

22. (A) Astley Park

The Astley Park scheme is the subject of a separate report on this agenda. In future there will be a regular separate report to Executive Cabinet, updating members on the progress of this project.

- (B) Town Centre Paving Project

There have been a number of issues with Phase 3 of the Town Centre Paving Project relating to drainage and the fit of the pattern to the alignment of the street. The cost of work for both Phases 3 and 4 is expected to be contained within the total budget available.

- (C) Music Café Project

The Director of Policy and Performance has reported that the £20,000 budget allocated for a music café at the interchange has been used by the South Lancashire Arts Partnership to deliver this project at another venue. A music studio and a juice bar have now been created at the community centre very close to the interchange. The café at the interchange is to be let as a retail unit.

Board Recommendation – to note the change of venue.

### **COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

23. There are no direct human resource implications of this report.

#### **RECOMMENDATION(S)**

24. That the revised Capital Programme for 2006/07 in the sum of £12,324,570 be approved.

25. That the following recommendations of the Capital and Efficiency Programme Board be approved:

#### Exception Reports

- a. To note the change of venue for the Music Café project.

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

26. To revise the 2006/07 Capital Programme.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

27. None.

PAUL MORRIS  
EXECUTIVE DIRECTOR – CORPORATE & CUSTOMER

GARY HALL  
DIRECTOR OF FINANCE

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Barbara Charnock	5457	06 March	CPB Cabinet Report Mar 07

## Appendix 1

**Capital Programme 2006/2007****Slippage – Report To Cabinet 29 March 2007**

	£
<u>Play and Recreational Facilities (S106 funded)</u> This budget has been earmarked as part of a bigger scheme for a potential neighbourhood park in the Eaves Green area. The £22,880 is made up of three individual sums, one of which we've now had for nearly seven years, and the other two for five years.	22,880
<u>Ulnes Walton Play Scheme (S106) funded</u> This sum has been awarded to the parish council but is being withheld until they secure additional funding. This is very recent S106 money	10,630
<u>Highway Improvements – Gillibrand Estate/Southlands</u> Contribution to an LCC scheme, which is funded by developer's contribution.	90,000
<u>Thin Client</u> The desktop refresh has been delayed as a result of the delay in the thin client evaluation. As the Council's desktop equipment must be replaced during the next financial year, appropriate funding must be made available. In order to achieve this, it is recommended that the capital funding allocation for the project is slipped from 2006/7 to 2007/8.	500,000
<u>Chorley Strategic Regional site</u> No further payments to be made until mid year 2007	576,530
<u>Brinscall FC Football Pitch Improvements</u> The original business case estimated that the pitches drainage work would be completed and ready for use during the 2006/07-football season however the project is currently behind schedule by 6 months. The delay in the project has been caused by a failure of the school to supply the supplementary information to the Football Foundation. This has been the result of a number of staff departures, and changes in the lead project officer at the school. As the match funder, rather than project applicant we have had little control over this issue. We have offered both practical advice and support, and issued letters stating that the school risks losing its offer of section 106 funding. This carrot and stick approach has resulted in the paperwork being completed, albeit at the absolute deadline. It is therefore recommended that the budget be slipped to 2007/2008.	4,000
<u>Various traffic calming/local road safety schemes</u> Contributions to LCC schemes <ul style="list-style-type: none"> <li>• Brown St, Stump Lane Area Chorley £6,000</li> <li>• Park Rd Area, Adlington £8,000</li> <li>• Devonport Way Area, Chorley £4,000</li> </ul>	18,000
<u>Leisure Centre Capital Grant for Investment</u> Value of work to be completed in 2007/08. The budget profiling for this scheme was incorrect as the scheme was always intended to span two financial years.	450,000
<u>Vacant dwellings</u> Balance of budget taking into account virement of £10,000 to Cemetery Lodge repairs	21,660
<u>Town Centre Paving Project</u> Effect of combining Phase 3 and 4 of the project.	(69,810)
<b>TOTAL</b>	<b>1,623,890</b>



**Capital Programme - 2006/07**

Scheme

**Strategy Group**

**Policy & Performance**

Project Management Support Capitalisation  
 External Funding Pot  
 - Euxton Villa Football Club  
 - Music Café Project  
 - Brinscall FC Football Pitch Improvements  
 Website Refresh  
 Contribution to Pitch Drainage Bishop Rawsthorne School

**Policy & Performance Total**

**Strategy Group Total**

**Corporate & Customer Challenge Group**

**Finance**

Capitalised Restructuring Costs

**Finance Total**

**ICT Services**

IT Support (incl. salary capitalisation)  
 PDG Scheme - Migration to OS Master Map  
 Integration Software  
 Telephony  
 Thin Client Pilot/Full Integration

**ICT Services Total**

	2006/07 Current Estimate £	Slippage to/from 2007/08 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
A	40,000			40,000		40,000
A	10,000			10,000		10,000
A	20,000			20,000		20,000
B	4,000	(4,000)		0		0
A	66,550			66,550		66,550
B	19,950			19,950	19,950	0
	<b>160,500</b>	<b>(4,000)</b>	<b>0</b>	<b>156,500</b>	<b>19,950</b>	<b>136,550</b>
	<b>160,500</b>	<b>(4,000)</b>	<b>0</b>	<b>156,500</b>	<b>19,950</b>	<b>136,550</b>
A	533,700		181,120	714,820		714,820
	<b>533,700</b>	<b>0</b>	<b>181,120</b>	<b>714,820</b>	<b>0</b>	<b>714,820</b>
A	30,000			30,000		30,000
A	29,260			29,260	29,260	0
A	20,250			20,250		20,250
B	15,000			15,000		15,000
B	500,000	(500,000)		0		0
	<b>594,510</b>	<b>(500,000)</b>	<b>0</b>	<b>94,510</b>	<b>29,260</b>	<b>65,250</b>

**Capital Programme - 2006/07**

Scheme

**Property Services**

- Town Hall Access/Improvements
- Bengal Street Depot Improvements
- Market Toilets (completion of 2005/06 scheme)
- Union Street Offices Accommodation Improvements
- Invest in Success - Gillibrand Scheme

**Property Services Total**

***Corporate & Customer Challenge Group Total***

**Environment & Community Challenge Group**

**Development & Regeneration**

- Astley Park Improvements - Construction
- Disabled Facilities Grants
- Housing Renewal
- Home Repair Grants
- Energy Grants
- Handyperson Scheme
- Eaves Green Link Road (S106 funded)
- Town Centre Paving Project
- Planning Delivery Grant-funded capital schemes
- eDevelopment and Building Control Project
- Development of S106 Database
- Regeneration Projects - Design Fees
- Chorley Strategic Regional Site
- Groundwork Projects
- Adlington Rail Station Improvements (S106 funded)

**Development & Regeneration Total**

	2006/07 Current Estimate £	Slippage to/from 2007/08 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
A	148,800			148,800		148,800
A	10,000			10,000		10,000
A	1,200			1,200		1,200
A	50,000			50,000		50,000
B	757,300			757,300	757,300	0
	<b>967,300</b>	<b>0</b>	<b>0</b>	<b>967,300</b>	<b>757,300</b>	<b>210,000</b>
	<b>2,095,510</b>	<b>(500,000)</b>	<b>181,120</b>	<b>1,776,630</b>	<b>786,560</b>	<b>990,070</b>
A	434,020			434,020	309,620	124,400
A	300,000			300,000	180,000	120,000
A	145,000			145,000		145,000
A	125,000			125,000		125,000
A	10,000			10,000		10,000
A	4,519,650			4,519,650	4,519,650	0
A	20,000	69,810		89,810	69,810	20,000
A	212,160			212,160	159,090	53,070
A	6,000			6,000	6,000	0
A	103,220			103,220		103,220
A	1,369,570	(576,530)		793,040		793,040
B	15,000			15,000		15,000
B	7,500			7,500	7,500	0
	<b>7,267,120</b>	<b>(506,720)</b>	<b>0</b>	<b>6,760,400</b>	<b>5,251,670</b>	<b>1,508,730</b>

**Capital Programme - 2006/07**

**Scheme**

**Housing Services**

- Housing Investment Programme (Council Dwellings)
- Heating Systems
- Replacement Windows & Doors
- Community Safety - Lifeline Alarms
- Estate Improvements - Hillside Crescent
- Adaptations for Disabled
- Major Void Works
- Miscellaneous Renewal Works
- Fascias and Soffits
- Cotswold House CCTV
- Capitalised Salaries - to reallocate to schemes

**Housing Services Total**

**Leisure & Cultural Services**

- Leisure Centres Capital Investment
- Duxbury Park Golf Course capital investment
- YVP Extension Flood Alleviation

**Leisure & Cultural Services Total**

	2006/07 Current Estimate £	Slippage to/from 2007/08 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
A	253,170			253,170	253,170	0
A	840,000			840,000	615,150	224,850
A	21,500			21,500	21,500	0
A	800			800	800	0
A	270,000			270,000	270,000	0
A	350,140			350,140	350,140	0
A	15,950			15,950	15,950	0
A	81,110			81,110	81,110	0
A	28,730			28,730		28,730
A	113,000			113,000		113,000
	<b>1,974,400</b>	<b>0</b>	<b>0</b>	<b>1,974,400</b>	<b>1,607,820</b>	<b>366,580</b>
A	1,529,790	(450,000)		1,079,790		1,079,790
A	92,920			92,920		92,920
B	2,500			2,500		2,500
	<b>1,625,210</b>	<b>(450,000)</b>	<b>0</b>	<b>1,175,210</b>	<b>0</b>	<b>1,175,210</b>

**Capital Programme - 2006/07**

**Scheme**

**Streetscene, Neighbourhoods & Environment**

- Extension to Chorley Cemetery (new burial area)
- Kerbside Recycling Schemes
- Litter/Dog Waste/On-street recycling bins
- Fleet Management System
- Tesco superstore cycle path (S106 funded)
- Traffic Calming
- Pedestrian improvements Southport Rd/St Thomas's Rd
- Various traffic calming/local road safety schemes
- Euxton Play Facilities (S106 funded) - Mile Stone Meadow
- Euxton Play Facilities (S106 funded) - Balshaw Lane
- Adlington Play Development (S106 funded)
- Capitalised Salaries re private sector housing
- CPO Unfit Dwellings
- Vacant Dwellings
- Chorley Cemetery Lodge Refurbishment
- Highway improvements - Gillibrand estate/Southlands
- Clayton Brook Village Green Development
- Harpers Lane Recreation Ground Imps (S106 funded)
- Ulines Walton Play/Leisure Schemes (S106 funded)
- Play & recreational Facilities (S106 funded)
- Planting Schemes IT System

	2006/07 Current Estimate £	Slippage to/from 2007/08 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
A	4,620			4,620		4,620
A	125,400			125,400	2,770	122,630
A	40,170			40,170	40,170	0
A	3,970			3,970		3,970
A	13,920			13,920	13,920	0
A	30,000			30,000		30,000
B	18,000	(18,000)		0		0
A	50,780			50,780	50,780	0
A	1,100			1,100	1,100	0
A	25,000			25,000	25,000	0
A	2,000			2,000		2,000
A	87,500			87,500		87,500
B	31,660	(21,660)	(10,000)	0		0
B	0		10,000	10,000		10,000
B	100,000	(90,000)		10,000	10,000	0
B	43,470			43,470		43,470
B	30,000			30,000	30,000	0
B	10,630	(10,630)		0	0	0
B	22,880	(22,880)		0	0	0
B	3,500			3,500		3,500
	<b>644,600</b>	<b>(163,170)</b>	<b>0</b>	<b>481,430</b>	<b>173,740</b>	<b>307,690</b>
	<b>11,511,330</b>	<b>(1,119,890)</b>	<b>0</b>	<b>10,391,440</b>	<b>7,033,230</b>	<b>3,358,210</b>
	<b>13,767,340</b>	<b>(1,623,890)</b>	<b>181,120</b>	<b>12,324,570</b>	<b>7,839,740</b>	<b>4,484,830</b>

**Streetscene, Neighbourhoods & Environment Total**

**Environment & Community Challenge Group Total**

**Capital Programme Total**

**Capital Programme - 2006/07**

**Scheme**

**Financing the Capital Programme**

- Prudential Borrowing
- Unrestricted Capital Receipts
- Housing Investment Programme Restricted Capital Receipts
- Capital Receipt earmarked for Strategic Regional Site
- Revenue Budget - Specific Revenue Reserves or Budgets
- Revenue Savings
- Ext. Contributions - Developers
- Ext. Contributions - Lottery Bodies
- Government Grants - Planning Delivery Grant
- Government Grants - Disabled Facilities Grants
- Government Grants - Major Repairs Allowance
- Government Grants - DEFRA
- Government Grants - Housing Capital Grant

2006/07 Current Estimate £	Slippage to/from 2007/08 £	Other Changes £	2006/07 Revised Estimate £	External Funding £	CBC Funding £
1,023,950	(468,000)	654,090	1,210,040		1,210,040
1,982,870		(400,000)	1,582,870		1,582,870
800,240	(21,660)		778,580		778,580
1,369,570	(576,530)		793,040		793,040
124,300	(4,000)		120,300		120,300
519,900	(500,000)	(19,900)	0		0
5,558,710	(53,700)		5,505,010	5,505,010	
309,620			309,620	309,620	
247,420		(53,070)	194,350	194,350	
180,000			180,000	180,000	
1,457,820			1,457,820	1,457,820	
42,940			42,940	42,940	
150,000			150,000	150,000	
<b>13,767,340</b>	<b>(1,623,890)</b>	<b>181,120</b>	<b>12,324,570</b>	<b>7,839,740</b>	<b>4,484,830</b>

**TOTAL CAPITAL FINANCING**

Monitoring of Usable Capital Receipts 2006/07

	Unrestricted Receipts £	HIP Restricted Receipts £	Strategic Regional Site £	Total Usable Receipts £
Balance brought forward 1 April 2006	101,866	1,035,910	1,369,570	2,507,346
Received to date	1,108,737	390,000		1,498,737
Total Usable Receipts in hand	1,210,603	1,425,910	1,369,570	4,006,083
Required for capital financing	(1,582,870)	(778,580)	(793,040)	(3,154,490)
Sub total	(372,267)	647,330	576,530	851,593
Usable Receipts due in remainder of year	372,267	0	0	372,267
<b>Estimated balance 31 March 2007</b>	<b>0</b>	<b>647,330</b>	<b>576,530</b>	<b>1,223,860</b>

**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.

**REPORT OF EXECUTIVE CABINET****CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 – FOULING OF LAND BY DOGS**

1. We were presented with a report by the Director of Streetscene, Neighbourhoods and Environment on the adoption of powers created by the Clean Neighbourhoods and Environment Act 2005, following the introduction of regulations to deal with dog fouling to replace regulations issued under the Dogs (Fouling of Land) Act 1996.
2. The Executive Cabinet approved the introduction of a new Order to prohibit the fouling of land by dogs to replace the current Order and set the default fixed penalty notice charge at £75.00, with an early payment charge of £50.00 being allowed if payment is received within 10 days of receipt of the fixed penalty notice. This proposed Order has, in fact, already been advertised in the local press and 20 generally supportive responses (which are summarised in an appendix to the report) have been received.
3. In order that Members may be aware of all the relevant factors, a copy of the Director's report submitted to the Executive Cabinet is attached.

**Recommendation**

4. The Council is recommended to approve the amendment of the Council's Constitution to extend the Director of Streetscene, Neighbourhoods and Environment's delegated powers as listed in Appendix 2 in order to allow the proper authorisation of Officers to undertake enforcement work against persons suspected of committing offences under the terms of the new proposed Order and relevant sections of the Clean Neighbourhoods and Environment Act 2005.

COUNCILLOR E BELL

Executive Member for Streetscene, Neighbourhoods and Environment

AU

There are no background papers to this report.

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Report of	Meeting	Date
Director of Streetscene Neighbourhood and Environment (Introduced by the Executive Member for Streetscene Neighbourhood and Environment)	Executive Cabinet	29 March 2007

**CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005  
THE DOG CONTROL ORDERS (PROCEDURES) REGULATIONS  
2006  
THE FOULING OF LAND BY DOGS ORDER (CHORLEY  
COUNCIL AREA) 2007**

**PURPOSE OF REPORT**

- To seek Member approval for the making of a Fouling of Land By Dogs Order, to replace the current Order which was made under The Dogs (Fouling of Land) Act 1996 and to set the payment level for fixed penalty notices issued under the new Order. In addition the necessary delegations and authorisations are sought to enable enforcement of the new proposed Order.

**CORPORATE PRIORITIES**

- Place – the continuation of the control of dog fouling will contribute to an improved local environment

**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 risks associated with not making this Order are that the existing Dog Control Order provisions will lapse in time preventing any enforcement of dog fouling legislation. This will remove an effective operational deterrent which currently contributes to the Councils environmental aspirations and credentials.

**BACKGROUND**

5. Members considered a report on 24 August 2006 detailing the adoption of powers created by the Clean Neighbourhoods and Environment Act 2005 relating to environmental crime issues such as littering, graffiti, vehicle sales and repair on roads and fly posting amongst others. The Government have now prescribed regulations to deal with dog fouling in order to replace The Dogs (Fouling of Land) Act 1996 which is repealed by the introduction of the Clean Neighbourhoods and Environment Act 2005. The new Order effectively replaces the existing Borough of Chorley Dogs (Fouling of Land) Order 1998, but must be introduced in accordance with the Dog Control Orders (Procedures) Regulations 2006.

**CONSULTATION**

6. It is a requirement of the above mention procedural regulations that prior to the making of the Order, a period of consultation has to take place following the advertising of the proposed Order in a local newspaper.
7. The proposed Order was advertised in the Chorley Guardian on 1 February 2007 inviting comments to be returned to the Director of Streetscene Neighbourhood and Environment within 28 days. At the close of the consultation period a total of 20 responses had been received. These are listed as Appendix A to the report and in general, support the making of the Order.

**DELEGATIONS AND AUTHORISATIONS**

8. The Clean Neighbourhood and Environment Act 2005 makes provision under section 59(2) for the power to serve fixed penalty notices for Dog Control Order offences and under section 61 the power for authorised officers to require persons suspected of committing an offence under a Dog Control Order to supply their name and address.

**PENALTIES**

9. The effect of the new Order will be to introduce flexibility for the Council to set the level of a fixed penalty notice payment for the offence of failing to clean up after your dog. It is proposed to set the level of payment to £75.00 with a discounted level of £50.00 if paid within 10 days of issue of the fixed penalty notice. The existing provision of taking summary action through a magistrates court remains and the fine upon conviction is set at level 3 (currently £1000.00).

**EXTENT OF THE ORDER**

10. It is proposed that the new Order will have the same effect and extent of the existing Order insofar as the designated areas to which the Order applies. In effect the new Order specifies the same descriptions of land where it will be an offence to fail to clean up after your dog. A copy of the proposed Order is at Appendix B.

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

11. There are no direct Human Resources implications from the report.

**COMMENTS OF THE DIRECTOR OF FINANCE**

12. The Council has previously agreed the scale of charges and the expected income flows are already built into the Council's budget.

### RECOMMENDATIONS

13. It is recommended that approval be given to the making of an Order titled The Fouling of Land By Dogs (Chorley Council Area) Order 2007.  
Subject to Council approval it is proposed that the Order comes into effect on 1 May 2007.
14. It is recommended that the necessary delegated powers and authorisations be given to the Director of Streetscene Neighbourhood and Environment to allow the proper authorisation of officers to undertake enforcement work against persons suspected of committing offences under the terms of the Order and relevant sections of the Clean Neighbourhoods and Environment Act 2005 and that the Constitution be amended accordingly.
15. It is recommended that the default fixed penalty notice charge be set at £75.00 with an early payment charge of £50.00 within 10 days of receipt of the fixed penalty notice.

### REASONS FOR RECOMMENDATIONS (If the recommendations are accepted)

16. To enable the continuation of dog waste control measures and ensure that officers are appropriately authorised.

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

17. No alternatives were considered as this would not meet the Councils corporate priorities.

JOHN LECHMERE  
DIRECTOR OF STREETSCENE NEIGHBOURHOOD AND ENVIRONMENT

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	12 March 2007	ADMINREP/REPORT

Appendix A – Responses to Consultation  
Appendix B – Draft Order

**APPENDIX A****Clean Neighbourhood and Environment Act 2005****Dog Control Order****Parish Council****1 Anderton**

**Response:** The Parish Council support the general proposals and are interested in any joint initiatives to reduce fouling from their land. Emphasis for ample provision of bins throughout the Borough to deter “doggy bags” being left hanging in trees and hedges.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

**2 Astley Village**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.

**3 Brindle**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.

**4 Croston Parish Council**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

**5 Houghton Parish Council**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

**6 Eccleston Parish Council**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

#### **7 Ecclestone Parish Councillor Rosina Monks**

Cllr Monks supports the proposals generally but has identified Private land i.e front gardens, adjacent to a public pavement . Advice requested on how to dispose of mess on football fields.

**Comments of the Director of SNED: contact will be made to provide the advice requested.**

#### **8 Euxton Parish Council**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of the Director of SNED: support accepted**

#### **9 Heapey Parish Council**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

#### **10 Houghton Parish Council**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

#### **11 Mawdesley Parish Council**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

They would welcome a greater number of bins to reduce dog bags being left in hedges etc.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

#### **12 Ulnes Walton Parish Council**

The Parish Council support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

#### **13 British Waterways**

British Waterways support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of ...****14 Contour Homes – Preston**

Contour Homes support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

**15 Cuerden Valley Park Trust - Bamber Bridge**

Cuerden Valley Park Trust support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land. They would like the rangers to be authorised to issue Fixed Penalty Notices.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility. We will look into the legal and operational implications of authorising employed by the Trust.**

**16 Lancashire CC, Engineering Services, Cuerden**

Lay -by not mentioned, but feels that the description are so comprehensive to cover this.

Lancashire CC support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility. Noted that lay bys not specifically mention but will be included as part of highway and land referenced in the Schedule**

**17 Places for People Mr David Rigby**

Places for people support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land. Press material requested.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

**18 Morrisons, Brooke Street Chorley**

Morrisons support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

**19 Leisure Services Manager Chorley Council**

Morrisons support generally the proposals and are interested in any joint initiatives to reduce dog fouling on their land.

**Comments of Director of SNED: Dog waste bins will be provided on Council owned Land and on land which is privately owned, subject to a 50% contribution to the emptying costs by the Land owner, and providing the area needs the facility.**

**20 Mr A Staveley – Resident**

General support for principle of dog waste control but concerned that provision of dog waste bins in rural areas, particularly Rvington area maybe counter productive.

***Comments of Director of SNED: Support noted and will carry out an assessment of the likely effect of dog waste bins prior to installation.***

**APPENDIX B**

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.)  
Regulations 2006 (S.I.2006 No. 1059)

**The Fouling of Land by Dogs (Chorley Council Area) Order 2007**

The Chorley Borough Council hereby makes the following Order:

1. This Order comes into force on 1 May 2007
2. This Order applies to the land specified in the Schedule.

**Offence**

3. (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who -
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article -
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
  - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
  - (d) each of the following is a "prescribed charity" -
    - (i) Dogs for the Disabled (registered charity number 700454);



(ii) Support Dogs (registered charity number 1088281);

(iii) Canine Partners for Independence (registered charity number 803680).

### Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[Date] *to be inserted*

[Attestation clause] *to be inserted*

### SCHEDULE

#### Description of Land affected by the Order

1. Carriageways with a speed limit of 40 mph or less and adjoining footpaths and verges.
2. Adopted, publicly maintained footways, footway links and adjoining verges.
3. Privately maintained footpaths, footways, footway links, access ways, passages, back streets, roads, or carriageways and adjoining verges.
4. Land, which is a private footpath or bridleway and adjoining verges.
5. Land which is used as a car park, parking bay, vehicle turning, waiting or stopping space, cycle or motorcycle parking space and adjoining footpaths, footways and verges.
6. Parks and open space maintained by Chorley Council
7. Land provided or used for public enjoyment, recreation and sporting or educational purposes.
8. Land, which is used as a market or fair or for the sale of goods.
9. Land which is a nature reserve, site of biological heritage or County Park.
10. Lever Park, Rivington.
11. The Cuerden Valley Park, Clayton-le-Woods.
12. Yarrow Valley Park, Coppull/Chorley.
13. Land, which is wooded public open space.
14. Land adjacent to any inland waterway or enclosed body of water, which is a footpath, footway, towpath, boat mooring or launching site or adjoining verges.
15. Land, which is a site for the deposit by the public of materials to be recycled or a household waste disposal site and its adjoining footways, access-ways and car parking/waiting area.
16. Land used for the consumption of food or drink in connection with any trade, business or undertaking supplying food or drink.

17. Land which is any forecourt, terrace, yard or walkway providing access to or adjoining any building to which the public resort or have access to.
18. Land, which is any platform, forecourt, waiting area, walkway or shelter at any bus, or rail station, hackney carriage rank or designated hackney carriage waiting place.
19. Land, which is used as memorial, burial ground, cemetery, garden or remembrance and adjoining footpaths and verges.
20. All land which is open to the air and to which the public are entitled or permitted to have access (with or without payment) within the Borough of Chorley including but not limited to parks, public open spaces and highways in the area.

## **REPORT OF EXECUTIVE CABINET**

### **IMPLEMENTATION OF SMOKEFREE LEGISLATION**

1. The Executive Cabinet considered a report of the Director of Streetscene, Neighbourhoods and Environment drawing attention to the likely impact of the Health Act 2006 which introduced the legal framework to make enclosed workplaces and public spaces smoke free from 1 July 2007, and proposing measures to assist the enforcement of the legislation.
2. A copy of the Director's report to the 29 March 2007 meeting of the Executive Cabinet is attached so that Members are aware of all the relevant information on this topic before considering this report's recommendations.
3. We approved the Director's recommendation to appoint a temporary Smokefree Enforcement Officer to undertake enforcement work within the Council and to help ensure that the public buildings and places affected by the legislation are compliant with the new law. The cost of the temporary post will be funded by a £42,000 Government grant towards the Council's initial implementation and enforcement costs in 2007/08.

### **Recommendation**

4. The Council is recommended to amend the Council's Constitution by (i) the addition of the implementation of appropriate provisions of the Health Act 2006 to the Council's functions outlined in Appendix 2; and (ii) the extension of the Director of Streetscene, Neighbourhoods and Environment's delegated powers to implement appropriate provisions of the Act, including the appointment of duly authorised Officers to undertake enforcement activity.

COUNCILLOR E BELL

Executive Member for Streetscene, Neighbourhoods and Environment

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There are no background papers to this report.

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Report of	Meeting	Date
Director Streetscene Neighbourhood and Environment (Introduced by the Executive Member for Community Safety)	Executive Cabinet	29 March 2007

**SMOKEFREE IMPLEMENTATION**

**PURPOSE OF REPORT`**

- To inform Members of the impact of the new Smokefree Legislation and seek approval to appoint a temporary officer to assist in enforcement action during the initial implementation phase.

**CORPORATE PRIORITIES**

- Place – Smokefree implementation will be a significant contributor to improving the local environment.  
Performance – Smokefree implementation and enforcement is essential to ensuring Chorley Council is a performing organisation.

**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	

- Reputation – failure to successfully implement smokefree legislation and to address internal issues with regard to smoking in the work place could have an adverse effect on our reputation as a performing organisation.

Regulatory/Legal – The smokefree legislation provides powers for the Council to take enforcement action, therefore properly and duly authorised officers are necessary to prevent enforcement action being undertaken ultra vires.

Operational – Failing to utilise the Department of Health funding for the implementation of this legislation will mean resources are stretched and overburdened in other areas of the Directorates work.



**BACKGROUND**

5. The health effects of direct smoking have been well documented and make a significant contribution to the number of deaths caused by heart, circulatory and lung disease. In recent years studies have shown that indirect or second hand smoke has very similar health effects to that of direct smoking and in particular affects workers who are exposed to lengthy periods of secondary smoke.
6. The Health Act 2006 introduced the legal framework to make enclosed workplaces and public spaces smoke free from the 1 July 2007. Several statutory instruments have been or are currently before Parliament to define the extent of the smoke free requirements and to fix the penalties for contraventions.

These are :   The Smokefree (Premises and Enforcement) Regulations 2006  
                  The Smokefree (Exemptions and Vehicles ) Regulations 2007  
                  The Smokefree (Signs) Regulations 2007  
                  The Smokefree (Penalties and Discounted Amounts) Regulations 2007

7. Similar legislation has been operational in Ireland since 2005 and introduced in Scotland in June 2006. Feedback from enforcement agencies indicates that provided the new legislation is effectively communicated to employers and public and that properly resourced enforcement is available then in general there has been compliance with the requirements.
8. A direct effect of the legislation will be the desire for significant numbers of people to give up smoking and it is essential that partnership work with other health professionals is supported to signpost potential 'quitters' to the smoking cessation services available as well as having trained officers within Chorley Council to provide 'brief interventions'.

**ENFORCEMENT**

9. In order to provide effective and legitimate enforcement of the new smoke free legislation the Council will need to include the Health Act 2006 within the delegated powers provisions of the Constitution. This will enable the Director of Streetscene Neighbourhood and Environment to authorise officers within the Directorate to undertake enforcement work. The legislation creates three new offences:
  - a) Failing to display the correct signs on a building which indicates it is a no smoking premises – this offence can be dealt with initially by way of a fixed penalty notice.
  - b) Smoking in a prohibited building or place – this offence can be dealt with by way of a fixed penalty notice.
  - c) Allowing smoking to take place in prohibited buildings or places under your control – there is no fixed penalty provision here and the offender would be subject to summary action in a Magistrates Court.
10. Members will be aware that similar legislation has been operating in Ireland and Scotland over the past 18 months and the experience in respect of enforcement there has been the need for dedicated officers to handle the volume of enquiries about the effect of the legislation and investigate complaints and allegations of offences. It is proposed to appoint a Smokefree Enforcement Officer to undertake enforcement work and to ensure that the buildings and places affected by the legislation are compliant.

**COMMUNICATION**

11. The effective communication of the new legislation and its implications are essential to ensure smokers, employers, employees and persons having control of affected buildings and premises are fully aware of their rights and responsibilities. This activity has already commenced in Chorley, with the use of local media and business newsletters. In addition we have organised and run a seminar and workshop on the new legislation for local business and working in partnership with the Central Lancashire Primary Care Trust have provided signposting to their 'Stop Smoking' services.

**FUNDING**

12. Central Government have provided funding for the implementation phase and first year of enforcement activity in recognition of the fact that there will be a hiatus of activity during this time and that existing resources would not be sufficient to manage this period. Chorley Borough Council have been allocated £42, 000 in 2007/8 and it is proposed that this funding is utilised to create a temporary post of Smokefree Enforcement Officer. This post will be assigned to the Councils Public Health Team where the existing work and contact with business will be augmented. Due to the nature of the enforcement work and the type of premises where enforcement is likely, it is anticipated that a significant amount of time will need to be resourced in the evenings and weekends. In addition the funding will be utilised to provide information and additional workshops for business to enable them to fully understand their responsibilities under the new legislation.

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

8. The forthcoming legislation will affect the Council as a service provider, an enforcer and as an employer. Under the Health and Safety at Work Act 1974 an employer must 'provide and maintain a safe working environment, without risk to health'. By eliminating exposure to second hand smoke we are actively protecting the health and safety of staff, which will result in a healthier workforce. The Council's Smoking Policy is currently being reviewed in light of the new legislation.

In order that we can comply with the legislation additional resources will be required initially.

**COMMENTS OF THE DIRECTOR OF FINANCE**

9. The grant allocation of £42,000 is presently not factored into the Council's 2007/08 budget. However, the impact will be cost neutral to the Council as the grant will be spent on creating the additional post and ancillary costs of implementing enforcement.

**RECOMMENDATIONS**

13. It is recommended that the Council's Constitution be amended to include reference to the Health Act 2006 in order that the Director of Streetscene Neighbourhood and Environment has delegated powers under the Act and can appoint duly authorised officers to undertake enforcement activity.
14. It is recommended that approval be given to create a temporary post of Smokefree Enforcement Officer on salary scale SO1 effective up to 31 March 2008.

**REASONS FOR RECOMMENDATIONS**

15. To ensure that the Council is properly equipped and effectively resourced to deliver the implementation of the new smoke free legislation.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

16. None

JOHN LECHMERE  
DIRECTOR OF STREETSCENE NEIGHBOURHOOD AND ENVIRONMENT

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Simon Clark	5732	12 March 2007	ADMINREP/REPORT



## **REPORT OF EXECUTIVE CABINET**

### **GENERAL REPORT**

1. The Executive Cabinet has met once on 29 March 2007 since the last ordinary Council meeting and this report summarises briefly the principal matters considered at that meeting. Separate reports appear on the Council's agenda in respect of the matters that require specific decisions.

### **Contact Centre Efficiencies and Partnership with Lancashire County Council – Scrutiny Inquiry**

2. The Executive Cabinet received and considered the final report of the Corporate and Customer Overview and Scrutiny Panel's Inquiry into the Lancashire Shared Services Contact Centre. The report had been endorsed, with one minor correction, by the Overview and Scrutiny Committee at its last meeting.
3. The Inquiry has been conducted by two Sub-Groups of the Panel, with separate remits to examine (i) the contribution of the Contact Centre to the achievement of the Council's efficiency measures; (ii) the effectiveness of the partnership arrangements with the Lancashire County Council and other District Councils; and (iii) the delivery of a high quality customer service.
4. While the innovative partnership has already achieved measurable efficiencies, the Inquiry report makes a number of recommendations aimed principally at maximising the effectiveness of the Contact Centre, particularly through the introduction of the Customer Relationship Management scheme, and improving both the effectiveness of the partnership arrangements and customers' access to services at the Centre. These recommendations were approved by the Executive Cabinet for adoption.
5. Driving the discussions, Members accepted that the volume of recorded calls taken at the Contact Centre on 'general environmental issues' warranted on examination of the nature and type of calls, with a view to any identified problems being addressed.

### **'Getting Involved in Shaping the Future of your Neighbourhood' – Response to Consultation**

6. The Chief Executive submitted a report on a consultation paper issued by the Lancashire County Council entitled 'Getting Involved in Shaping the future of your Neighbourhood'. The document sets out the County Council's plans to encourage people to get involved in the Authority's functions and ways of operation, with the ultimate aim of local residents accepting a degree of ownership and management of local services and facilities.
7. A draft response letter to the Chief Executive on behalf of the Borough Council and the Local Strategic Partnership welcomed the plans as a sound framework for future joint working within neighbourhoods to encourage the engagement of local communities, but highlighted a number of key issues that would require resolution before the neighbourhood approach could be implemented successfully. We accepted the Chief Executive's comments and endorsed her letter as the Council's formal response to the County Council's consultation.

### **Civic Events Working Group**

8. We received and considered the minutes and recommendations of the first meeting of the Civic Events Working Group held on 12 March 2007. The Group has recently been set up to co-ordinate the arrangements for major civic events. The first meeting had discussed the

arrangements for the visit in 2007 of delegates from Szekesfehervar, the Mayoral Evening on 18 May 2007, the Freedom of the Borough event on 9 June 2007 and the commemoration of the 25<sup>th</sup> anniversary of the Falklands conflict.

9. We approved and adopted the recommendations of the Civic Events Working Group, subject to a minor correction.

#### **Best Value Residents' Survey 2006**

10. The Executive Cabinet considered a report of the Director of Policy and Performance appraising the findings of the triennial Best Value Survey of residents' satisfaction rating of local services as conducted by MORI on behalf of the Borough Council in 2006.
11. The survey's findings has revealed a reduction in the level of residents' overall general satisfaction with the Council's services since 2003, which does, in fact, accord with national trends. The major variances occurred in the areas of waste collection, museums and galleries, and theatres and concert halls, but residents' satisfaction with the Council's complaints handling procedures has increased. The reduction in satisfaction levels is, in fact, anomalous with the statistic that shows residents' acceptance of Council services have improved over the past three years. This conflict can be accredited to the public's aspirations and expectations of the level of public services being raised.
12. The report also contains a series of recommended actions and measures for the Council's Directorates to instigate in order to ensure that identified concerns are addressed and future services are designed and delivered in a manner that will meet residents' increasing expectations.

#### **Transport and Services Accessibility Plan for Chorley Borough**

13. The Director of Development and Regeneration presented a report which sought our endorsement of the Transport and Accessibility Plan for Chorley, which had been instigated by the Lancashire County Council as a pathfinder project within the Lancashire Local Transport Plan for 2006 – 2010.
14. The Plan focuses primarily on public transport provision and its role in enabling the local community to access key services and, particularly, those residents who do not have the use of a car. The Plan concentrates on the non-car modes of transport and the key services that can be accessed by those means.
15. We welcomed and approved the Accessibility Plan for Chorley and recommended the production of an action plan to guide implementation of the planned improvements to both transport and service provision.

#### **Revised Local Development Scheme, 2007 – 2010**

16. Following consideration of a report of the Director of Development and Regeneration, the Executive Cabinet approved the timetable to accompany the revised Local Development Scheme for the Local Development Framework to run from 2007 – 2010 and gave the Director delegated authority to amend the existing scheme to reflect recent changes.
17. The Council is required to produce a Local Development Scheme each year, including a timetable of significant dates, or 'milestones', when the relevant documents will be produced. The new timetable has been compiled on the most realistic basis as possible, whilst taking account of the intention to align timetables in the separate strategies of Chorley, South Ribble and Preston and the envisaged delays in the issue of the Regional Spatial Strategy for the North West.

**Planning and Compulsory Purchase Act, 2004 – Extension of ‘Saved’ Policies**

18. The Director of Development and Regeneration presented a report requesting delegated authority to extend the use of existing planning policies beyond September 2007.
19. Under the provisions of the Planning and Compulsory Purchase Act 2004, the Council's adopted planning policy documents, within the Borough Local Plan will expire on 27 September 2007, unless the Secretary of State consents to the extension of the policies beyond that date.
20. It had been envisaged that the new planning system would have been operative by September 2007, but this has only been implemented by a few authorities. It is, therefore, essential to ensure that the Borough is covered beyond September by appropriate policies tailored to the needs of Chorley, against which development proposals can be judged. The Executive Cabinet consequently granted delegated authority to the Director of Development and Regeneration to request the Secretary of State for Communities and Local Government to save the majority of the policies contained in the Chorley Borough Local Plan Review, pending the implementation of the new planning system.

**Action Plans for Every Child Matters, Choosing Health and Improving the Quality of Life for Older People**

21. The Executive Cabinet was presented with a report from the Director of Leisure and Cultural Services and approved for adoption the three appended Action Plans relating to Every Child Matters, Choosing Health and Improving the Quality of Life for Older People.
22. Those three work areas are identified as priority areas within both the Community Strategy and the Council's Corporate Strategy, and the action plans produced for each themed area set out the key projects from 2006/07. The action plans are intended to assist the Council in prioritising requests for further investment and involvement in the three work areas and facilitating consultation with all of the Council's partners to ensure that targeted resources are used most effectively.

**Astley Park Update**

23. The Director of Leisure and Cultural Services submitted a progress report updating the Executive Cabinet on the on-going works to regenerate and enhance Astley Park.
24. In particular, our instructions were sought on the retention, or otherwise, of the Pets Corner facility in the Park. The results of a recent public survey conducted by external consultants has revealed significant support for the inclusion of a pets corner within the project and, taking this factor into account, the Executive Cabinet has agreed to retain the facility in Astley Park. Further detailed plans for the pets corner will need to be presented to the Executive Cabinet to ensure that any potential impact on neighbouring residents is minimised.
25. A wide ranging review of the capital and revenue implications of the project is currently being undertaken in advance of a future report to Members.

**2006/07 Core Funding Awards in excess of £5,000**

26. We received a report of the Director of Leisure and Cultural Services and gave approval to the making of Core Fund grants in excess of £5,000 to each of the following key local organisations, subject to the Director agreeing, and signing off, a Core Funding Agreement with each organisation:
  - Chorley and South Ribble Shopmobility;

- The Lifestyle Centre, Chorley (formerly Age Concern);
- South Lancashire Arts Partnership;
- Chorley and District Sports Forum; and
- Chorley, South Ribble and Districts Citizens' Advice Bureau.

### **Staffing Changes following the retirement of the Executive Director**

27. We considered a confidential report of the Chief Executive on the staffing situation in her Office and Directors' reporting procedures as a consequence of the retirement, and dis-establishment of the post, of the Executive Director (Environment and Community).
28. We agreed for consultation the recommended staffing changes, which are expected to generate annual savings in the region of £5,000, and agreed the arrangements for the Directors who previously reported to the Executive Director (ie Director of Development and Regeneration, Director of Leisure and Cultural Services and Director of Streetscene, Neighbourhoods and Environment) to report in future directly to the Chief Executive. In addition, we accepted the recommendation to alter the designation of the Director of Policy and Performance (who already reports directly to the Chief Executive) to Director of Policy and Performance (Assistant Chief Executive).

### **Waste and Recycling Collection Contract**

29. We received and noted a confidential report from the Director of Streetscene, Neighbourhoods and Environment on the action being taken to procure a new waste and recycling collection contract upon the termination of the current contract with Cleanaway/Veolia on 31 March 2009.
30. A Procurement Group, comprising Members, Officers and waste management and vehicle specialists, has already been set up and the Lancashire Waste Partnership has secured Government funding to appoint consultants to produce a procurement model for all partner authorities, with Chorley having been selected as the pilot authority.
31. The forthcoming procurement process will entail extensive consultations with Members and residents in our efforts to ensure the new contract consolidates the considerable achievements of the existing contract and enhances customer satisfaction and recycling levels.

### **Customer, Democratic and Legal Services Directorate – Restructure Proposals**

32. We received a confidential report of the Director of Customer, Democratic and Legal Services and granted delegated authority to the Executive Leader and the Executive Member for Customer, Democratic and Legal Services to respond to the restructure proposals for the Officer's Directorate in the light of the consultation responses received, with the proviso that any material changes to the original proposals will be reported back to the Executive Cabinet. This will enable contractual consultation requirements to be met and will allow a decision on the proposals to be taken without undue delay.

### **Recommendation**

33. The Council is recommended to note this report.

COUNCILLOR MRS P CASE

Deputy Leader of the Council in the Chair of the Executive Cabinet meeting on 29 March 2007

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There are no background papers to this report.

## REPORT OF THE AUDIT COMMITTEE

## GENERAL REPORT

1. This report gives a brief summary of the items discussed at the meeting of the Audit Committee held on 29 March 2007.

Annual Audit and Inspection Letter

2. The Audit Commission submitted a report on the Annual Audit and Inspection Letter. The report provided an overall summary of the Audit Commission's assessment of the Council.
3. The letter included a review of how well the Council had progressed, under the Direction of Travel report and the auditor's assessment of how well the Authority had managed its finances, through the Use of Resources scores. These results would feed into any future decision regarding the potential for rescoring the Council's Comprehensive Performance Assessment (CPA) category.
4. The findings of the report were pleasing and the main messages for the Council included, that:
  - more significant improvements in our performance had been made over the last three years;
  - our service level performance was good in all areas except minor planning although performance had been above the Governments stipulated target;
  - support was being given to the Lancashire children and young people partnership;
  - we continue to perform well in our use of resources; and
  - further improvements have been secured that enable us to perform strongly in delivering value for money.
5. The Council had improved on its value for money in the delivery of its services and had scored 4 out of 4 in its use of resources category. The Authority is one of only a few district councils to have achieved this top performance.
6. The Director of Finance explained that a lot of work had been done to improve on our partnership working arrangements and the results of this were now being driven forward.
7. The Audit Commission had been liaising with the Director of Customer, Democratic and Legal Services regarding the management of Governance arrangements. The Ethical Governance Workshops had been very well received and it was planned to hold more in the future. Members of the Committee made a commitment to encourage the Members of their political groups to attend these sessions.

8. To facilitate the strategic involvement of Members in performance management, the Audit Committee had been restructured in May 2006 as a cross party group to consider corporate governance. The committee was advised that the Chair of this Committee does not receive a special responsibility allowance and it was agreed that the Independent Remuneration Panel should be requested to examine this issue.
9. It was acknowledged that the work of the Committee is more specialised and Members need a degree of knowledge. A smaller Committee benefiting from extra training on its role may be the answer.
10. The Executive Cabinet will be requested at its next meeting on 24 May 2007 to produce a response to the issues set out in the Annual Audit and Inspection Letter.

#### Use of Resources

11. The Audit Commission submitted a report on the annual Use of Resources assessment that evaluates how well the Council manage and use their financial resources.
12. The assessment focused on the importance of having sound and strategic financial management to ensure that resources are available to support the Council's priorities and improve services covering five themes.
  - Financial Reporting
  - Financial Management
  - Financial Standing
  - Internal Control
  - Value for Money
13. The Council had scored highly on its use of resources, scoring a 3 on four of the themes and scoring a 4 on its value for money.
14. Findings show that the Council delivered a range of services in line with statutory duties and local needs. High performance and resident satisfaction was evident in key priority service areas. 71 per cent of all Best Value Performance Indicators had improved, achieved or exceeded target, and resident satisfaction with Council services remained high in priority areas.

#### Data Quality Review

15. The Audit Commission submitted a report giving details of a Data Quality Review of the Council. The Audit Commission had developed a new three-stage approach to the audit of performance indicators in local government that focused on the Authority's arrangements to ensure quality data comprising:

(i) Management arrangements

A review had been taken to determine whether corporate management arrangements for data quality against five key lines of enquiry (KLOE):

- Governance and leadership
- Policies and procedures
- Systems and processes
- People and skills
- Data use

(ii) Completeness check

An arithmetical check of specified BVPIs and non-BVPIs had been completed.

(iii) Data quality spot checks

An in-depth review of a sample of specified BVPIs and non-BVPIs had been carried out based on an assessment of risk.

16. The Council's Best Value Performance Plan had also been reviewed to establish if it had been prepared and published within statutory guidance. The review had identified future targets.

Internal Audit Plan

17. The Director of Finance submitted a report to remind Members of the respective roles of senior officers, members and Internal Audit to maintain a sound system of internal control within the Council and sought Members approval of the Annual Internal Audit Plan.

18. The responsibility for the implementation of a sound system of governance and internal control lies primarily with the Council's senior management. To facilitate this the Corporate Improvement Board, comprising the following key officers had conducted a governance self-assessment:

- Director of Customer, Democratic and Legal Services (Monitoring Officer)
- Director of Finance (Section 151 Officer)
- Director of Policy and Performance

19. The 2007/08 Annual Internal Audit Plan sets out a programme of reviews of the key business risks/systems that are pertinent at the time, and is structured into seven sections:

- Corporate Governance

- Risk Management
  - Ant-Fraud and Corruption
  - Review of Key Business Systems
  - Review of Financial Systems
  - Review of Key Operations
  - Contingency
20. The plan is required to ensure that the Council has in place an adequate and effective internal audit of its system of governance, risk management and internal control in accordance with best practice and professional standards. It will be submitted to the Executive Cabinet on 24 May 2007 for adoption and approval.

Gareth Kelly

21. The Director of Finance advised the Committee that this would be the last meeting that Mr Gareth Kelly of the Audit Commission would be attending, as he was transferring to the Cumbria area. The Members and Officers of the Audit Committee thanked Mr Kelly for all his work and support with the Authority over the years and extended best wishes for the future.

Recommendations

22. (i) That the Council notes the report.
- (ii) That the Leaders Liason Group be asked to reduce the membership of the Audit Committee be reduced to 6 Members at the Annual Council Meeting in May 2007
- (iii) That the Independent Remuneration Panel be requested to examine the possibility of giving a special responsibility allowance to the Chair of Audit Committee.

COUNCILLOR A GEE  
Vice-Chair of Audit Committee

DS

There are no background papers to this report.



## REPORT OF THE DEVELOPMENT CONTROL COMMITTEE

## GENERAL REPORT

1. Since the last Council the Development Control Committee met on 13 March 2007 and 3 April 2007. This report refers briefly to the more significant planning proposals that were considered at these meetings.

13 March 2007

Planning Application 05/00394/OUTMAJ

2. We considered the above planning application that proposed a mixed-use development of mainly B1, B2 and B8 use classes with site entrance allocated for C1 and A4 use classes on land between the M61 Motorway and the Leeds and Liverpool Canal, Millennium Way, Chorley
3. The application had been originally reported to the Development Control Committee on 6 March 2006 wherein it was resolved to grant planning permission subject to the conditions and a legal agreement to secure a contribution to improve accessibility of the site and that the end users enter onto a Travel Plan.
4. The ownership of a large portion of the site had since changed hands and the new owners of the site wished to amend the application by reducing the overall size of the area for development.
5. Access for the site would remain as per the previous approval from the A674 roundabout that has already been constructed and adopted by the Lancashire Highways Authority. A section of the access road had been constructed and it was proposed to remove the part that had the temporary permission to construct a new road that would serve all the proposed development and the existing Mill beyond.
6. Two applications were previously considered by the Development Control Committee on 14 February 2006 relating to
  - (i) The erection of a two storey office unit with associated car parking relating to the north eastern corner of parcel C.
  - (ii) The erection of two single storey industrial units with associated service yards and car parking on the northern portion of parcel B.
7. Until recently, all three of the above applications had been pending the Section 106 agreement hence no decision had been issued. Now that the ownership of the site had changed hands and a reduced area

application submitted, instructions had been sent to Legal Services to draft the said agreement, as the applicant was keen to progress with the development of the site.

8. After considering the information in the officer's report we decided to grant full planning permission subject to a Section 106 Legal Agreement and the conditions set out in the report.

Planning Application 07/00088/COU

9. We considered the above planning application that proposed a change of use of a previously retail premise to a hot food takeaway. The premises were located in a block of seven all of which are in retail or commercial use.
10. The applicant proposed to install an external extraction vent to be fitted to the rear elevation of the premises and would extend from ground floor level with a diameter of 0.3 metres.
11. The first floor of the premises would be used for storage purposes and the provision of male and female toilets.
12. It was noted that the upper floors in a number of the neighbouring commercial and retail properties appear to be in residential use and to the rear of the proposed development there are a number of residential properties located on Beacon Street, within an established housing area.
13. Given that the location of the premises was within the Chorley Shopping Area, officers considered that the premises as proposed was an appropriate use for this area.
14. The Committee received representations from an objector and a supporter of the application. Representations were also received from a Ward Councillor.
15. Members were concerned that the proposed development by virtue of its location in close proximity to residential properties in particular Beacon Street was likely to result in noise and disturbance to such a degree that it would be detrimental to nearby residential amenity and would be contrary to policy EP20 of the Chorley Borough Local Plan Review.
16. For the reason stated above we decided to refuse planning permission for the proposed development.

3 April 2007

Planning Application 06/01371/FULMAJ

17. We considered the above planning application for erection of a residential development comprising of 19 houses and 6 flats and associated works at the Vale Works, Star Lane, Horwich
18. Bolton Metropolitan Borough Council had granted permission, subject to a Section 106 Agreement, for the demolition of industrial buildings and erection of 141 dwellings on land at Crown Lane/Star Lane, Horwich in 1999.
19. An adjoining area of this former industrial site lies within Chorley Borough, the boundary of which was defined by the River Douglas on which planning permission had also been granted in the past for residential development.
20. The application was an amendment to the application submitted in April 2006. The Section 106 agreement that had been attached to the previous application had never been completed and the application had been subsequently withdrawn.
21. The current application proposed alternative locations for some of the houses that had been necessary due to the location of the aqueduct across the site. It had previously been believed that the aqueduct had been in a different location than it actually was.
22. The site was excluded from the Green Belt and within the settlement area wherein Policy GN1 of the Adopted Local Plan Review states that there is a presumption in favour of appropriate development.
23. Planning Policy Statement 3 required that housing proposals be assessed against a number of criteria. As well as encouraging the re-use of previously developed sites and empty or underused buildings. Priority is to be given to urban sites.
24. After considering the information in the officer's report we decided to grant planning permission subject to a Section 106 Agreement.

Planning Application 07/00244/FULMAJ

25. We considered the above planning application for the construction of 30 houses and 28 apartments with associated parking on Parcel 7 Land 30m South of 60 Main Street, Buckshaw Village, Euxton
26. The parcel was located to the south of the village centre and was situated immediately adjacent to the eastern side of Central Avenue. The northern boundary of the parcel abuts Main Street whilst the land situated to the south and the east was presently undeveloped.

27. The layout of the parcel would be mainly in two groups comprising 2 three-storey apartment blocks situated in the northwest corner of the site with the remainder given over to residential dwelling houses comprising a mixed development.
28. Policy Guidance Note 2 of the Adopted Chorley Borough Local Plan Review applies to the Royal Ordnance Site. This states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village.
29. It was thought that the proposed design of the development would compliment the neighbouring proposals thus complying with Policy Guidance Note 5.
30. The design of the dwellings fronting Central Avenue related well to the existing development and also to the proposed surface water pond, which is required in relation to the wider Sustainable Urban Drainage System. Members noted the positioning of the Sustainable Urban Drainage System on the plan.
30. The Highways Engineer had requested some revisions on a previous planning application relating to the road layout, parking areas and footpath links. This application had since been withdrawn. Chorley Community Partnership and the Director of Environmental Services had also made comments on the proposals. All the proposals had been accommodated in the revised scheme and all the concerned parties were now satisfied.
31. After considering the information in the officer's report we decided to grant the reserved matters application

#### Recommendation

32. That the report be noted.

COUNCILLOR H HEATON  
Chair of Development Control Committee

DS

There are no background papers to this report.

## **REPORT OF GENERAL PURPOSES COMMITTEE**

### **GENERAL REPORT**

1. The General Purposes Committee has met once on 15 March 2007 since the last Ordinary Council meeting and this report summarises briefly the matters dealt with at the meeting.

#### **Highways Act 1980 – Proposed Diversion of part of Public Footpaths 76 and 80 and Extinguishment of part of Public Footpath 79 at Coppull**

2. The Committee considered a report of the Director of Customer, Democratic and Legal Services on a proposal submitted to the Lancashire County Council for the diversion of lengths of Public Footpaths Nos 76 and 80 in conjunction with the extinguishment of a length of Public Footpath No 79 at Coppull.
3. A request has been made by the landowner for authority to divert lengths of Public Footpath Nos 76 and 80 from their current routes leading to and through Bogburn Hall Farm, Coppull to new routes to the south of the farm building, skirting the periphery of the site. These diversions will render the northernmost length of Public Footpath No 79 redundant which can, therefore be extinguished.
4. At the request of a Member of the Committee, at the previous meeting, this item had been deferred pending further consideration of the proposals and to take into account Coppull Parish Council's opinion on the consultation, following its meeting with appropriate County Council officers.
5. The Parish Council has now met and resolved to offer no objection to the proposal. The Committee therefore agreed that no objection be raised to the making by the Lancashire County Council of a Public Footpath Extinguishment Order under Section 118 of the Highways Act 1980.

#### **Highways Act 1980 – Section 26 and 118 Proposed Creation of Public Footpath and Extinguishment of Part of Public Footpath Nos 6 and 8 Ulnes Walton, Chorley Borough**

6. The Committee considered a report of the Director of Customer, Democratic and Legal Services on a proposal submitted by the Lancashire County Council for the creation of a Public Footpath in conjunction with the extinguishment of a length of Public Footpath Nos 6 and 8 Ulnes Walton.
7. The report indicated that the length of Footpath No 8 that ran along the bank of a river had been washed away and because of the tendency for the river to overflow its banks at this location, the County Council consider that in order to preserve the public footpath system in this area the best solution is to extinguish the majority of the Public Footpath No 8 and create a replacement footpath further to the south on ground not vulnerable to flooding.
8. The Committee agreed that no objection be raised to the making by Lancashire County Council of a Public Footpath Extinguishment Order under Section 118 of the Highways Act 1980.

#### **Wildlife and Countryside Act 1981 – Part III Claim for Definitive Map Modification Order Application No 804/449 (Brinscall, Wheelton and Heapey)**

9. The Committee considered a report of the Director of Customer, Democratic and Legal Services on a claim submitted to Lancashire County Council for the status of Bridleway to be conferred on Dick Lane, Brinscall and for the status of Public Footpath Nos 3, 22 and 29 Wheelton to be changed to that of Bridleway.

10. The claim lodged with Lancashire County Council has been made on the basis that the “claimed” route has been used by the public at large for horse riding purposes for more than 20 years without interruption and the County Council are obliged to investigate the claim and to consult with every local authority in whose area the claimed way is situated.
11. The Committee agreed that in view of the fact that there are a number of riding establishments in the area and that these had been considered in the County Council consultation, no objections be made to the claim for the grant of bridleway status being conferred on Dick Lane, Brinscall and for the status of Public Footpath Nos 3, 22 (part) and 29 (part) Wheelton, and on a short length of unnamed road/track running south to Chapel Lane/Four Lanes End, Heapey.

**Recommendation**

12. The Council is recommended to note this report.

COUNCILLOR P GOLDSWORTHY  
Executive Leader and Chair of General Purposes Committee

GKB

There are no background papers to this report.

## **REPORT OF LICENSING AND SAFETY COMMITTEE**

### **GENERAL REPORT**

1. This report sets out a brief summary of the main items considered at the meeting of the Licensing and Safety Committee held on 28 March 2007.

#### **Licensing and Registration – Summary of Activity from 1 January 2007 to 9 March 2007**

2. We received and noted a report of the Director of Customer, Democratic and Legal Services on the various licences and permits issued and the regulations effected by the Licensing Section for the period 1 February 2007 to 9 March 2007 under the Licensing Act 2003.

#### **Application for Private Hire Drivers Licence – Failure to Meet Medical Standards**

3. We considered an application to drive private hire vehicles following the failure of the applicant to pass the Group 2 medical on the grounds of him having lost one eye when he was 11 years old.
4. The report indicated that under Section 51(1) of the Local Government (Miscellaneous Provisions) Act 1976 it was a requirement that a Council should not grant a licence to drive hackney carriage or private hire vehicle 'unless they are satisfied that the applicant is a fit and proper person to hold a drivers licence'. Chorley Borough Council adopted Group 2 standards for medical checks on 7 June 2000.
5. The Committee after fully considering his application and the Council policy in this respect, agreed to grant him a licence to drive private hire vehicle provided that he attains Group 2 medical standard in all aspects apart from vision. However, the applicant must show that the visual field in the remaining eye is normal. The Committee in reaching this decision took into account the fact that he had only ever driven with sight in one eye, with many years of driving experience and excellent accident record. The Committee also requested that he ensures that his employer and any future employer are aware of the fact that he only has sight in one eye.

#### **Licensed Private Hire Proprietor – Allowing vehicles to be used without Insurance and Road Tax**

6. We received a report of the Director of Customer, Democratic and Legal Services bringing to our attention a complaint that had been made by a member of the public that two private hire vehicles were being used on a public road without current tax discs.
7. On 15 March 2007 suspension notices were served in respect of both vehicles and when the person currently in charge of running the taxi firm attended the Council Offices, no explanation was offered.
8. The Committee had previously received a report at its meeting on 11 October 2006 following information received that the firm was running a vehicle in a dangerous condition and ordered that all vehicles licensed by the firm be suspended until all vehicles had been subjected to a vehicle test by an accredited testing station.
9. The person currently in charge of running the firm attended the meeting along with a colleague to put forward an explanation as to why the vehicles were being used on a public road without current tax discs and no insurance on one vehicle. The Committee was not satisfied with the explanation given and agreed that the person who is currently the holder of the private hire operator's licence be invited to a future meeting of the Committee to give a full explanation and to answer any questions the Committee may have.

**Application for Licence to Drive Hackney Carriage/Private Hire Vehicles within the Borough**

10. We received a report of the Director of Customer, Democratic and Legal Services requesting the Committee to consider an application for a licence to drive Hackney Carriage/Private Hire vehicles within the Borough of Chorley.
11. The applicant had been invited to attend the meeting but had notified Officers that he requested his application to be adjourned to a future meeting.

**Recommendation**

12. The Council is recommended to note the report.

COUNCILLOR MRS I SMITH  
Chair of the Licensing and Safety Committee

GKB

There are no background papers to this report.



## **REPORT OF OVERVIEW AND SCRUTINY COMMITTEE AND PANELS**

### **GENERAL REPORT**

1. This report summarises the business transacted at the Overview and Scrutiny Committee held on 27 March 2007, as well as a brief summary of the recent activities and matters discussed at meetings of the Environment and Community Overview and Scrutiny Panel and Corporate and Customer Overview and Scrutiny Panel.

### **OVERVIEW AND SCRUTINY COMMITTEE – 27 MARCH 2007**

#### **Lancashire Shared Services Contact Centre Efficiencies and Partnership with Lancashire County Council Inquiry**

2. The Committee received the draft final report of the Corporate and Customer Overview and Scrutiny Panel Inquiry into the Lancashire Shared Services Contact Centre.
3. The Inquiry had been conducted by two Sub-Groups of the Panel with remits to examine (i) the contribution of the Contact Centre to the achievement of the Council's efficiency agenda, (ii) the effectiveness of the partnership arrangement with the Lancashire County Council and other District Councils and, (iii) the delivery of a high quality customer service.
4. Whilst the innovative partnership had already made efficiencies, the Panel, after taking account of all the evidence, made recommendations in the following areas:
  - efficiencies generally within the Contact Centre
  - the Customer Relationship Management System and customer access to services
  - effectiveness of the partnership arrangements and the desired benefits of partnership working
5. The Committee endorsed the report subject to one minor correction and recommended that the report's findings and recommendations be submitted to the Executive Cabinet for approval.

#### **Capital Programme 2006/07 – Monitoring**

6. We considered a joint report of the Executive Director – Corporate and Customer and Director of Finance on the committed Capital Programme for 2006/2007, which set out a number of recommendations from the Corporate Improvement Board for consideration by the Executive Cabinet at its meeting on 29 March 2007.
7. The report indicated that the Corporate Improvement Board is continuing to make good progress ensuring a more controlled and successful delivery of the Programme.
8. The latest Capital Programme forecast for 2006/07 showed a reduction in the programme of £1,442,770 to £12,324,570 with a summary of the changes relating to slippage and an increase in the budget for capitalised restructuring.

#### **Overview and Scrutiny Inquiry**

9. We received from the Director of Policy and Performance a report on the work that had been undertaken by the Equality and Diversity Sub-Group.

10. The Chair of the Sub-Group gave Members of the Committee a presentation on the key findings of the Sub-Group and highlighted examples of the good work already being done by the Council in equality and diversity.
11. The report set out the recommendations identifying the clearest ways in which we can achieve this by using the tools at our disposal and learning from the journey that others have already taken in embedding equality and diversity in their organisations. By achieving these aims we will also be meeting many of the requirements of the CPA and embedding best practice across the organisation.
12. The Committee endorsed the recommendations of the Sub-Group and recommended that the report be submitted to the Executive Cabinet on 24 May 2007 for approval.
13. We also received the position of the Capacity/Achievement Sub-Group on the deliberations on key issues relating to the Council's Overview and Scrutiny structure. The Committee was advised that a questionnaire had been submitted to all Members of the Council seeking their views on the structure but a very limited response had been received. We therefore requested that the questionnaire be recirculated to all Members and that the findings be submitted to the Sub-Group early in the next Municipal Year, for consideration.

### **Overview and Scrutiny Work Programme**

14. We received the work programme for 2006/07 and for 2007/08 and it was agreed that the next inquiry to be undertaken by the Corporate and Customer Overview and Scrutiny Panel in the next municipal year would cover Gershon Efficiencies and staff sickness absence. The Panel would decide whether they take these issues together or separately.
15. The Committee also received notification of the progress of the Environment and Community Overview and Scrutiny Panel on the Neighbourhood Working Inquiry and that it would submit its findings and recommendations to the first meeting of the Panel in June 2007.

### **ENVIRONMENT AND COMMUNITY OVERVIEW AND SCRUTINY PANEL – 22 MARCH 2007**

16. The Panel received the third quarter Business Plan Monitoring Statement (October 2006 – December 2007) for the under mentioned Directorates whose service and functions fall within the remit and area of responsibility of the Environment and Community Overview and Scrutiny Panel:
  - Leisure and Culture
  - Housing Services
  - Development and Regeneration
  - Streetscene, Neighbourhoods and Environment
17. The Director of Leisure and Cultural Services notified the Panel of the areas of his service that had not reached the performance target, which were, the number of visits by pupils in organised groups and the processing of invoices within 30 working days which every Directorate was currently coming to terms with and action taken to improve the service.
18. All key projects set out in the Business Plan for the Development and Regeneration Directorate were on track. The performance of Development Control in relation to the major planning applications processed on time had improved and was now on track following the implementation of an action plan.
19. The Director of Streetscene, Neighbourhoods and Environment indicated that the performance variation for the number of missed collections and 100,000 collection of households had improved following initiatives taken up with the contractor to drive up collection performance and reduce missed collection.

20. Other areas of poor performance which were 5% below target were waste composted, which was a seasonal variation and sickness absence where all practicable action was being taken to be addressed with action taken to support affecting staff members.

### **Neighbourhood Working – Inquiry**

21. The Panel received from the Director of Streetscene, Neighbourhoods and Environment the current position with regard to the Panel's inquiry into Neighbourhood Working indicating that a drop-in day was taking place on 26 March 2007 at St Laurence's Church Hall, Chorley with staff available to meet representatives from Parish Councils, members of the public and elected Members.
22. A final witness interview session would be scheduled to take place in the near future and the Panel would be invited to visit the Great Lever area of Bolton to see a good example of neighbourhood management partnership.
23. A draft report containing an action plan with recommendations would be submitted to the Panel in June 2007 for consideration.

### **CORPORATE AND CUSTOMER OVERVIEW AND SCRUTINY PANEL – 20 MARCH 2007**

#### **Business Plan Monitoring Statements**

24. The Panel received the Business Plan Monitoring Statements for the period October 2006 to December 2006 for Human Resources, Information, Communication Technology Services, Customer, Democratic and Legal Services and Financial Services.
25. We clarified aspects of the Business Plans and Performance Indicators with the Directors who were all present at the meeting. The Panel noted the service developments in each area as outlined in the reports.
26. The Panel congratulated Human Resources for the achievement of Investors in People and ICT on the Geographical Information System Team receiving the NLPG Exemplar Award.
27. The Panel agreed that the performance statistics for sickness be broken down into short and long term sickness and the number of staff per team who have not had a day off sick. The Director of ICT was requested to report back any mechanism for displaying plans electronically at meetings of the Development Control Committee in the Council Chamber.

#### **Monitoring of Inquiry Recommendations – One Stop Shop Inquiry**

28. The Panel received a report of the Director of Customer, Democratic and Legal Services updating the Panel on the progress on the implementation of the recommendations made to the Executive Cabinet on 30 June 2004, in respect of the One Stop Shop.
29. The Panel had previously carried out an inquiry to assess the effectiveness of the newly implemented One Stop Shop and to identify improvements, which would benefit both the Customer and the workforce. The report listed the recommendations with the action taken against each one. There were only seven recommendations with action outstanding.
30. The Panel welcomed the format of the report, the progress that had been made since the recommendations were approved and agreed that this be the last update report for this Inquiry.

**Contact Centre Efficiencies and Partnership with Lancashire County Council Inquiry**

31. The Panel considered the draft Final Report into Contact Centre Efficiencies and Partnership with Lancashire County Council Inquiry. The Efficiency and Partnership Sub-Groups had pulled their findings and recommendations into one report.
32. It was agreed that the two Chairs of the Sub-Groups and the Chair condense the recommendations into a more manageable number and to rewrite the Executive Summary. We thanked Councillors Peter Baker and Mrs Stella Walsh for their contributions as Chairs of the Sub-Groups.

**RECOMMENDATION**

33. The Council is recommended to note this report.

COUNCILLOR D EDGERLEY  
Chair of Overview and Scrutiny Committee

GKB

There are no background papers to this report.

## **REPORT OF THE STANDARDS COMMITTEE**

### **GENERAL REPORT**

1. This report sets out a brief summary of the main items considered at the meeting of the Standards Committee held on 7 March 2007 and the Local Hearing Sub-Committee held on 20 March 2007.

#### **Local Hearing Sub-Committee - 7 March 2007**

2. We were advised that a Local Hearing Sub-Committee was required to deal with a Local Hearing scheduled to take place on 20 March 2007. As the Parish Council representative on the Standards Committee was conflicted out another Parish Council representative had been invited to be a co-opted member of the Sub-Committee on this occasion.
3. We agreed that the members of the Local Hearing Sub-Committee be: Mr. Ellwood (Independent Chair), Councillor Thomas Bedford, Mr. Darren Cranshaw (Parish Council representative), and Councillor Thomas McGowan (Reserve).

#### **Standards Board for England Road shows**

4. We were advised that the Standards Board for England would be holding road shows. Part of the road shows would be to share advice and experience on changes to the Code of Conduct and give information on the forthcoming filter for complaints. These would be held in Liverpool on 6 June and Leeds on 7 June.

#### **Local Hearing Sub-Committee - 20 March 2007**

5. We considered and determined the report of an investigation under Section 59 of the Local Government Act 2000 by Andrew Docherty, Director of Customer, Democratic and Legal Services, Chorley Borough Council, into an allegation concerning two Parish Councillors.
6. We accepted the facts within the Investigating Officers report and the reasoning as to why there had been failures to comply with the Code of Conduct. The Councillors accepted that they had inadvertently contravened the Parish Council Members Code of Conduct.
7. We determined that the Parish Councillors be censured and that they be required to send a written apology to the clerk of the Parish Council in respect of their breach of the Members Code of Conduct.

8. The Council is recommended to note the report.

MR RA ELLWOOD  
CHAIR OF STANDARDS COMMITTEE

RH

There are no background papers to this report.

## REPORT OF HOUSING TRANSFER COMMITTEE

### GENERAL REPORT

1. A meeting of the Housing Transfer Committee was convened on Thursday, 22 March 2007 principally to consider (i) the procurement of an insurance cover in respect of potential claims under the environmental warranties; and (ii) an update on the outstanding Transfer Agreement issues.
2. This report summarises briefly the Committee's discussion and decisions on these two issues.

#### Environmental Warranty

3. We were reminded by the Director of Finance that the Council will be required to grant warranties to indemnify Chorley Community Housing against claims for contamination and pollution which might arise during the 18 years from the transfer of the Council's housing stock.
4. An environmental study commissioned by the Council to assess the potential risks has identified a number of medium risk areas and quotations have been secured from two short-listed insurance companies for the provision of an insurance cover in respect of the Council's potential liability. The two quotations vary considerably and contain numerous provisos and exclusions which will require further evaluation by the Council's legal and insurance advisors.
5. We accepted the wisdom of advice to seek insurance cover against any potential liability and have given the Director of Finance delegated power to agree the best available terms for an insurance policy to cover as much as possible of its potential liability under the environmental warranty to be granted by the Council to Chorley Community Housing.

#### Transfer Completion Arrangements

6. The Council, at its meeting on 6 March, approved the transfer of the Council's housing stock to Chorley Community Housing (CCH) on the best acceptable final terms, as based upon the draft terms and provisions contained in the Consultant's report to the Council, with delegated powers being granted to the Housing Transfer Committee to agree all outstanding matters, including any consequential variations that may be required to complete the transaction.
7. We were presented at the start of our meeting on 22 March with a supplementary briefing note from the Council's Legal Consultants (Trowers and Hamblins) on the terms and provisions of the housing stock Transfer Agreement, which updated us on the issues that had remained outstanding at the last meeting of the Council on 6 March. We were informed on 22 March that a number of issues still remained to be resolved before the Transfer Agreement could be finalised and signed and that negotiations between the two parties and their respective Consultants were continuing in the hope that the transaction could be completed, as envisaged, on Monday, 26 March 2007.
8. The meeting was, in fact, adjourned twice, firstly to 2:00pm on Friday, 23 March and, secondly, to 9:00am on Monday, 26 March 2007.
9. At the adjourned session on Monday, 26 March we were told that the negotiations were still on-going, with discussion focusing on the resolution of three outstanding commercial issues centring around the Pensions Admission Agreement, the implications of the job evaluation

process and indemnities in relation to disclosures made by the Council in respect of a number of staff transferring to CCH under the TUPE regulations.

10. The Committee indicated its support of the Officers' and Consultants' negotiating stance on the outstanding issues, and resolved under their delegated powers (i) to approve the transfer of the housing stock on the basis of the terms and provisions previously agreed by the Council on 6 March, but as revised and updated by the Consultants at the three sessions of our last meeting; and (ii) to grant delegated authority to the Executive Director (Environment and Community) and the Director of Finance to determine all outstanding issues in relation to the Transfer Agreement and agree final variations to the Agreement.
11. The Committee meeting terminated at 9.30am, on Monday, 26 March, following which the negotiations between the Council, CCH and Consultants continued for the remainder of the day, concluding only in the early evening with the completion and signature of the Transfer Agreement. This was facilitated by the earlier agreement by the Executive Director (Community and Environment) and the Director of Finance to the provision of a Council indemnity to CCH in respect of staff disclosures, subject to the Council being reimbursed for any claims under the indemnity through a further tranche of the VAT sharing agreement.
12. This concludes one of the most significant, longest and complex transactions in which the Council has been involved and the Council's gratitude is extended to each of the Councillors, Officers, Consultants and tenants who have engaged in and contributed to the arduous work involved in the transfer process. We wish Chorley Community Housing well in its future management, maintenance and improvement of the housing stock.

COUNCILLOR P GOLDSWORTHY

Executive Leader and Chair of the Housing Transfer Committee

AU

There are no background papers to this report.