

COUNCIL

Tuesday, 14 July 2009

Present: Councillor Iris Smith (Mayor), Councillor Ken Ball (Deputy Mayor), Councillors Nora Ball, Eric Bell, Julia Berry, Judith Boothman, Alistair Bradley, Terry Brown, Alan Cain, Pat Case, Henry Counce, Alan Cullens, Magda Cullens, Mike Devaney, David Dickinson, Doreen Dickinson, Dennis Edgerley, Christopher France, Anthony Gee, Peter Goldsworthy, Marie Gray, Harold Heaton, Catherine Hoyle, Keith Iddon, Kevin Joyce, Hasina Khan, Roy Lees, Laura Lennox, Marion Lowe, Peter Malpas, Thomas McGowan, June Molyneaux, Greg Morgan, Simon Moulton, Mick Muncaster, Mark Perks, Debra Platt, Geoffrey Russell, Rosie Russell, Edward Smith, John Walker, Stella Walsh and Peter Wilson

09.C.12 COUNCILLOR C FRANCE

The Mayor welcomed Councillor Christopher France, the newly elected Member for Wheelton and Withnell Ward, to his first Council meeting.

09.C.13 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Pat Haughton, Adrian Lowe, Joyce Snape and Ralph Snape.

09.C.14 MINUTES OF ANNUAL MEETING

RESOLVED – That the minutes of the Annual Meeting of the Council held on 13 May 2009 be confirmed as a correct record and signed by the Mayor.

09.C.15 DECLARATIONS OF ANY INTERESTS

Councillors Alan Cain, Laura Lennox, Mark Perks and Debra Platt each declared a personal and prejudicial interest in Agenda Item 12 (Planning Application 09/0024/FUL for a Multi-Use Games Area at Astley Village) (Minute No 09.C.18) and left the meeting during consideration of this item.

09.C.16 MAYORAL ANNOUNCEMENTS

The Mayor invited Members to join her at the following events being organised to raise money for her selected Charities:

- The Mayor's Charity Cricket Match between Members and Officers on Friday 24 July 2009 at 6.00pm.
- A Ten Pin Bowling 'Team Challenge' at the Hollywood Bowl, Middlebrook, Bolton on Wednesday 9 September 2009 at 7.00pm.
- "Music of 4 Decades" live entertainment in the Lancastrian Room on Friday, 18 September 2009.
- A Quiz Night in St Gregory's Club, Chorley on Friday 9 October 2009.

09.C.17 PUBLIC QUESTIONS

Questions had been received from 11 members of the public in respect of the planning application for the erection of a multi-use games area on Chancery Road, Astley Village. Each of the 11 persons attended the meeting to put their respective question and, in some instances, a supplementary question. In essence, the questions related to the following key issues and factors:

- Objections to the use of a potential alternative site at the rear of Judeland, Astley Village.

- The circumstances of the Council's offer of the lease of the land adjacent to Buckshaw Primary School on Chancery Road for the games area.
- The time limited availability of Lancashire County Council funding for the facility.
- A request that the matter be referred back to Astley Village Parish Council for them to consider the recommendations of a residents' meeting.
- The availability of alternative sites for the development.
- Advice from Sport England on the proximity of multi-use games areas to trees.
- The road safety implications of siting the multi-use games area close to a busy T-junction.
- Concerns about the loss of green open space within the village.

The Chair of the Development Control Committee, Councillor Harold Heaton, responded to each of the 11 questions clarifying the Council's position and highlighting:

- the fact that the Council could only consider the development site for which planning permission had been sought;
- the Council would only determine the application for the use of the Chancery Road site after taking account of relevant planning considerations;
- the Council's lease of the land would be conditional on planning permission having been granted;
- it was inappropriate for the Council to consider at this meeting the potential use of alternative sites;
- that all relevant planning considerations, including local impact, Local Plan guidance and the outcome of local consultation, would be assessed.

(Councillors Alan Cain, Laura Lennox, Mark Perks and Debra Platt each declared a personal and prejudicial interest in the following agenda item (Minute 09.C.18) and left the meeting room during the discussion and voting on the item.)

09.C.18 PLANNING APPLICATION 09/00024/FUL FOR MULTI USE GAMES AREA AT ASTLEY VILLAGE

Consideration was given to a report of the Corporate Director (Business) on the application for planning permission for the erection of a multi-use games area, including provision for 3m steel fencing, tarmac playing surface area and access footpaths on land 80m east of Buckshaw Primary School, Chancery Road, Astley Village, highlighting material factors that the Council would need to take into account.

Following the Council's referral of the application back to the Development Control Committee for re-assessment after a site visit organised for the benefit of all Councillors, the Development Control Committee had reiterated its recommendation for conditional planning permission to be granted to the proposals. The application required full Council approval as the land was in Council ownership.

In answer to queries raised at the meeting, the Executive Leader (Councillor Peter Goldsworthy) confirmed that the Council would seek assurances from the Astley Village Parish Council that they were wholly satisfied with the appropriateness of the Chancery Road site only after an examination of other potential alternative sites before the lease of the land was completed.

It was moved by the Chair of the Development Control Committee (Councillor Harold Heaton) and seconded by the Vice Chair (Councillor Geoffrey Russell) that the application be approved.

A request was made for a recorded vote, which was as follows:

FOR THE MOTION: Councillors E Bell, J Boothman, T Brown, P Case, H Counce, A Cullens, M Cullens, M Devaney, David Dickinson, Doreen Dickinson, P Goldsworthy, M

Gray, H Heaton, K Iddon, K Joyce, P Malpas, G Morgan, M Muncaster, G.Russell and J Walker

AGAINST THE MOTION: Councillors K Ball, N Ball, J Berry, A Bradley, D Edgerley, C France, A Gee, C Hoyle, H Khan, R Lees, M Lowe, T McGowan, J Molyneaux, S Moulton, R Russell, E Smith, S Walsh and P Wilson

ABSTENTATION: Councillor I Smith

It was subsequently **RESOLVED** that planning permission be granted to application **09/00024/FUL** for the erection of a multi-use games area, including the provision of 3m steel fencing, tarmac playing surface and access footpaths on land 80m east of Buckshaw Primary School, Chancery Road, Astley Village, subject to the following conditions:

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not commence until full details of the colour, form and texture of the perimeter fencing of the MUGA (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan review.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others or similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

4. At the commencement of ground excavations the site shall be inspected for the presence of bluebells and if found the bulbs shall be translocated to an alternative location within the open space as agreed in writing by the Local Planning Authority.

Reason: To secure the preservation of a protected plant species in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

5. Notwithstanding the submitted plans no development shall take place until a scheme of landscaping for the area of land to the north east of the perimeter fence of the Multi-Use Games Area between it and the flats at Brown's Hey has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate all existing trees on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

09.C.19 EXECUTIVE CABINET

(a) General Report

The Executive Leader presented a report which summarised the key items of business considered at meetings of the Executive Cabinet held on 28 May and 25 June 2009.

Questions were raised by Members in relation to the Council's investment policies and practices; the funding of the concessionary travel scheme; and the projected future arrangements for the provision of 'off-street' enforcement services in the Borough.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council (Councillor Pat Case) and subsequently **RESOLVED that the report be noted.**

(b) Capital Programme - Provisional Outturn for 2008/09 and Monitoring of Programme for 2009/10 and onwards

The Executive Member (Resources) presented a report which set out the provisional outturn of the Council's Capital Programme for 2008/09 and a progress report on the 2009/10 Capital Programme.

The provisional outturn for 2008/09 had been projected as £5,235,092 a reduction of £3,347,528 on the budget approved in January 2009, caused primarily by slippage of expenditure to 2009/10. The proposed programme for 2009/10 had increased to £9,672,620 as a result principally of the £3,601,000 slippage of expenditure from 2008/09 and an increased capital grant from the Regional Housing Pot in 2009/10.

Appendices to the report analysed the projected funding arrangements for the respective programmes.

It was moved by the Executive Member (Resources) (Councillor K Joyce), seconded by the Executive Leader and subsequently **RESOLVED:**

(1) That the provisional outturn for 2008/09 Capital Programme, totalling £5,235,092, be noted.

(2) That the financing of the 2008/09 Capital Programme, as set out in Appendix 1 to the submitted report, be approved.

(3) That the revised Capital Programme for 2009/10, totalling £9,672,620, taking account of slippage from 2008/09, increased resources and other increases, be approved.

09.C.20 ANNUAL REPORT FROM OVERVIEW AND SCRUTINY, 2008/09

The annual report on the Council's overview and scrutiny activities during 2008/09 was presented to Members.

The report outlined and commented on the outcome of the five major scrutiny reviews undertaken during the year and highlighted those other areas in which the Overview and Scrutiny Committee had monitored and challenged the Executive's performance. The report also referred to the projected programme and review themes for 2009/10.

The Chair of the Overview and Scrutiny Committee (Councillor Dennis Edgerley) commended the report and the commitment of the Overview and Scrutiny Committee and Task Group members and officers in embedding the new structure which had strengthened the overview and scrutiny function.

It was moved by Councillor Edgerley seconded by Councillor Alan Cain (Vice Chair of the Overview and Scrutiny Committee in 2008/09) and subsequently **RESOLVED that the report be noted.**

09.C.21 OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS

The Chair of the Overview and Scrutiny Committee presented a report summarising the matters considered by the Committee at meetings held on 21 May and 22 June 2009, including new legislation which impacts on the scrutiny role, performance monitoring and updates on the work of the Task Groups.

It was moved by the Chair of the Overview and Scrutiny Committee (Councillor Dennis Edgerley), seconded by the Vice Chair (Councillor Alan Cullens) and subsequently **RESOLVED that the report noted.**

09.C.22 AUDIT COMMITTEE

The Chair of the Audit Committee (Councillor Anthony Gee) presented a report which summarised the key elements of the items discussed by the Committee its meeting on 24 June 2009, including endorsement of the Annual Governance Statement and Statement of Accounts for 2008/09 for submission to the external auditors.

It was moved by the Chair of the Audit Committee, seconded by the Vice-Chair (Councillor Laura Lennox), and subsequently **RESOLVED that the report be noted.**

09.C.23 STANDARDS COMMITTEE ANNUAL REPORT, 2008/09

The Council received and considered the Annual Report of the Standards Committee for 2008/09.

The report contained a summary of the work undertaken by the Standards Committee during the past year to promote and ensure good standards of ethical governance, particularly since the recent transfer of responsibility for receiving and assessing complaints from the Standards Board for England to local Standards Committees.

It was moved by the Vice Chair of the Standards Committee (Councillor Keith Iddon), seconded by Councillor Judith Boothman, and subsequently **RESOLVED that the report be noted.**

09.C.24 APPOINTMENT OF TWO INDEPENDENT MEMBERS OF STANDARDS COMMITTEE

The Corporate Director of Governance submitted a report on the recommendations of the Standards Committee in relation to the appointment of two additional independent members of the Committee and the periods of office of the independent members and Parish Council representatives on the Committee.

The report recommended the Council's endorsement of the Standards Committee's recommendations on the appointment of the two persons selected during the recruitment and interview process. The report also recommended the establishment of specific terms of office for the independent members and Parish Council representatives.

The Vice Chair of the Standards Committee (Councillor Mike Devaney) also drew attention to the recent resignation of Reverend John Cree as an independent member of the Committee. The Executive Leader and Councillors Kenneth Ball, Dennis Edgerley and Mike Devaney each paid tribute to Reverend Cree's contribution to the work of the Standards Committee over the past years and wished him well in his retirement.

It was moved by the Vice Chair of the Standards Committee (Councillor Mike Devaney), seconded by Councillor Judith Boothman, and subsequently **RESOLVED**:

(1) That Hugh Evans (Deputy Chief Executive of the North and Western Lancashire Chamber of Commerce) and Gwynne Furlong (Honorary President of the Chorley Chamber of Trade and Commerce) be each appointed as an independent member of the Standards Committee.

(2) That the following terms of office be applied to the respective independent members and Parish Council representatives on the Standards Committee, with each member being eligible for reappointment at the end of the respective term:

(i) a four year term of office be applied to independent members, with the term of office for the following members expiring on the year indicated:

Anthony Ellwood - 2011
Gwynne Furlong - 2012
Hugh Evans - 2013

(ii) that the term of office of Parish Council representatives coincide with their term of office on their respective Parish Council and that, accordingly, the term of office of the following Parish Council representatives expire on the year indicated:

Parish Councillor Joan Geddes - 2010
Parish Councillor Alan Platt - 2010
Parish Councillor Bill Mason - 2011

09.C.25 ANNUAL REPORT OF THE COUNCIL FOR 2008/09 - 2009/10

The Council received and considered the finalised version of the Annual Report of the Council for 2008/09 to 2009/10, following the submission of the initial draft report to the Annual Meeting of the Council on 13 May 2009.

The report gave an overview of the Council's performance in 2008/09 and summarised the Authority's plans for 2009/10, including planned spending, confirming Chorley Council's recognised national position on one of the best Council's for providing value for money.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council, and subsequently **RESOLVED that the Annual Report for 2008/09 to 2009/10 be approved.**

09.C.26 CHANGES TO APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES, 2009/10

The Council was requested to authorise a number of alterations to Committee memberships following the election of Councillor Christopher France and also changes to representation on outside bodies.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council, and subsequently **RESOLVED**:

(1) That the following revisions be made to membership of the identified Chorley Council/Lancashire County Council Committees:

- **Councillor Adrian Lowe to replace Councillor Marie Gray on the Licensing and Public Safety Committee;**
- **Councillor Christopher France to replace Councillor Adrian Lowe on the Development Control Committee;**
- **Councillor Catherine Hoyle to replace Councillor John Walker on the General Purposes Committee;**

- **Councillor Kevin Joyce to replace Councillor Marie Gray on the Lancashire Local Committee for Chorley.**

(2) That Councillors Kevin Joyce and Geoffrey Russell be appointed to serve as Chorley Council's members on the Shared Services Joint Committee for 2009/10.

(3) That approval be given to the following appointment of Chorley Council representatives on the identified outside bodies:

- **Councillor Pat Haughton to replace Councillor Doreen Dickinson on Chorley and South Ribble Homestart;**
- **Councillor Christopher France to be appointed to serve on the Heapey and Wheelton Village Hall Committee;**
- **Councillor Greg Morgan to be appointed to serve on the Preston and Western Lancashire Racial Equality Council.**

Mayor