

COUNCIL

Tuesday, 15 December 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 Caunce, Alan Cullens, Magda Cullens, Mike Devaney, David Dickinson, Doreen Dickinson, Dennis Edgerley, Christopher France, Anthony Gee, Peter Goldsworthy, Marie Gray, Pat Haughton, Harold Heaton, Catherine Hoyle, Keith Iddon, Kevin Joyce, Hasina Khan, Roy Lees, Laura Lennox, Adrian Lowe, 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.42 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Joyce and Ralph Snape and the Mayor welcomed back Councillor Terry Brown following his recovery from a major operation.

09.C.43 MINUTES OF MEETING TUESDAY, 3RD NOVEMBER 2009 OF COUNCIL

RESOLVED – That the minutes of the meeting of the Council held on 3 November 2009 be confirmed as a correct record and signed by the Mayor.

09.C.44 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

09.C.45 MAYORAL ANNOUNCEMENTS

The Mayor referred to the Council's success in achieving the highest score possible under the new Comprehensive Area Assessment and also in achieving Level 2 of the NW Employers Member Development Charter. She thanked Members of all parties for their contributions.

The Mayor referred to the forthcoming Charity Ball on 5 February 2010 and wished all Members a very happy Christmas and best wishes for the New Year.

09.C.46 PUBLIC QUESTIONS

There were no public questions.

09.C.47 CAPITAL PROGRAMME, 2009/10 TO 2011/12

The Council considered a report monitoring the Capital Programme for 2009/10 to 2011/12. The report referred to the capitalising of redundancy payments from recent restructure proposals and the impairment of the Icelandic investment which would otherwise be charged to the 2010/11 revenue budget. The increased use of the VAT shelter income from CCH would minimise the temporary increase in borrowing in 2009/10 to offset the rephasing of asset sales receipts to a later year when market values are expected to rise.

The Executive Member for Resources, Councillor K Joyce moved, the Executive Leader seconded and it was **RESOLVED**

1. **That the revised Capital Programme for 2009/10 as set out in the appendix to the report be approved.**
2. **That the proposed amendments to the provisional capital programme for 2010/11 as indicated in the appendix to the report be noted**
3. **That the request to apply for capitalisation of redundancy and pension strain costs and the impairment of the Icelandic investment be agreed.**
4. **That budget holders be requested to review their uncommitted 2009/10 budgets in order to identify whether any expenditure could be rephased to a later financial year.**

09.C.48 GENERAL REPORT OF MEETINGS OF THE EXECUTIVE CABINET HELD ON 1 OCTOBER AND 12 NOVEMBER 2009

Consideration was given to a general report summarising Executive Cabinet business from meetings on 1 October and 12 November 2009.

Discussions took place on a number of issues including Treasury Management Activity and Neighbourhood Working Action Plans.

The Executive Leader Councillor P Goldsworthy moved, the Deputy Leader Councillor P Case seconded and it was **RESOLVED - that the report be noted.**

09.C.49 GENERAL REPORT OF MEETING OF THE EXECUTIVE CABINET HELD ON 3 DECEMBER 2009

A general report of the Executive Cabinet meeting held on 3 December 2009 was considered.

Discussions took place on a number of issues including restructuring proposals from the Value for Money Review of Corporate Support Services, the Senior Management Restructure and the booking of the Lancastrian Suite.

The Executive Leader, Councillor P Goldsworthy moved and the Deputy Leader, Councillor P Case seconded and it was **RESOLVED - that the report be noted.**

09.C.50 GENERAL REPORT OF MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE HELD ON 28 SEPTEMBER AND 9 NOVEMBER 2009

The Council meeting considered a general report of meetings of the Overview and Scrutiny Committee, including the work of Task and Finish Groups on 28 September and 9 November 2009.

The Chair of the Overview and Scrutiny Committee, Councillor D Edgerley moved, the Vice Chair Councillor A Cullens seconded and it was **RESOLVED - that the report be noted.**

09.C.51 GENERAL REPORT OF THE MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE HELD ON 1 DECEMBER 2009

The Council meeting considered a further report from the Overview and Scrutiny Committee meeting on 1 December 2009 which has focussed on the Scrutiny of the work

of the Safer Chorley and South Ribble Partnership. Councillor D Edgerley moved, Councillor A Cullens seconded and it was **RESOLVED - that the report be noted.**

09.C.52 REPORT OF DEVELOPMENT CONTROL COMMITTEE : PLANNING APPLICATION 09/00702/CB3 TATTON COMMUNITY CENTRE AND PARK, CHORLEY

The Council meeting considered a report of the Development Control Committee recommending that planning permission be granted for the erection of a flagpole at Tatton Community Centre and Park in Chorley.

The Chair of the Development Control Committee, Councillor H Heaton moved, the Vice Chair Councillor G Russell seconded and it was **RESOLVED - that the Council grant planning permission to application 09/00702/CB3 for advertisement consent and the erection of an 8m flagpole to display the Green Flag award logo on the proposed site approximately 12m north of the Tatton Community Centre building, Silverdale Road, Chorley.**

09.C.53 REPORT OF DEVELOPMENT CONTROL COMMITTEE: PLANNING APPLICATION 09/00703/CB3 NATURE RESERVE, WITHNELL.

The Council meeting considered a report of the Development Control Committee recommending planning permission be granted for the erection of a flagpole at Withnell Nature Reserve.

The Chair of the Development Control Committee, Councillor H Heaton moved, and the Vice Chair, Councillor G Russell seconded and it was **RESOLVED – that the Council grant planning permission to application 09/00703/CB3 for advertisement consent and the erection of an 8m flagpole to display the Green Flag award logo at Withnell Nature Reserve.**

09.C.54 AUDIT COMMITTEE

Consideration was given to a report on the business of the Audit Committee meeting held on 24 September 2009.

The Chair of the Audit Committee, Councillor A Gee moved, and the Vice Chair, Councillor L Lennox seconded and it was **RESOLVED - that the report be noted.**

09.C.55 REVIEW OF THE COUNCIL'S CONSTITUTION

Members considered a report of the Corporate Director (Governance) on a number of changes to the Council's Constitution. The changes were required to comply with the new organisational structure for the Council, new legislation and to improve the way the Council conducts its business.

The report detailed the rationale for each of the eight changes proposed. Councillor D Edgerley reported that his group were in general agreement with all proposals with the exception of the proposal to no longer require Council approval for planning applications by the Council or on Council owned land. He moved an amendment that recommendation (2.3) be deleted from the report, seconded by Councillor R Lees.

The amendment was put to the vote and **LOST.**

The Executive Leader, Councillor P Goldsworthy moved the changes proposed as set out in the report, seconded by the Deputy Leader, Councillor P Case and it was

RESOLVED that

- 1. The current petitions procedures be revised to ensure a more customer focussed approach. When a petition is received it will immediately be referred for consideration by the Executive Member or Executive Cabinet and a report with proposed actions will be sent to the lead petitioner. The receipt of the petition and action taken to be reported to full Council at a later date. Any petition received regarding staffing issues to be dealt with directly by the Chief Executive as the Head of the Paid Service.**
- 2. The protocol appended to the report be approved as the Council's arrangements for public speaking in place of existing arrangements for public and Ward Councillor participation at Development Control Committee.**
- 3. The requirement for full Council to determine planning applications for Council developments or on Council land no longer apply, and be removed from the Constitution. Any related decision which involves the disposal or lease of land will continue to be made by the Executive.**
- 4. The terms of reference of the Overview and Scrutiny Committee be revised to include the following two new powers under scrutiny regulations issued in 2009 under the Local Government and Involvement in Health Act 2007:**

4.1 "At least one meeting a year of the Council's Overview and Scrutiny Committee be dedicated to the review and scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions through the Safer Chorley and South Ribble Partnership – Responsible Authorities Group.

4.2 The Overview and Scrutiny Committee may scrutinise the local improvement targets included in the Local Area Agreement and make and publish reports and recommendations to the County Council on LAA matters where the Council has a role in delivering a target. The Committee may also send a copy to any other partner to which the target relates. This includes local authorities, the Regional Development Agency, probation, the Environment Agency, but excludes health bodies, housing associations, colleges and the voluntary sector, although these may choose to work with scrutiny on a voluntary basis".

- 5. Recognition of the legal basis of Councillor Call for Action, the local provision whereby any Councillor or member of the public can raise an issue for consideration by the Overview and Scrutiny Committee, be included in the Constitution under the Overview and Scrutiny procedure rules and the Overview and Scrutiny Information and Guidance booklet be similarly revised.**
- 6. A new section be included in the Responsibility for Functions section of the Constitution on Joint Committees, to include the terms of reference for both the Lancashire Locals and the Shared Services Joint Committee with South Ribble, and any other Joint Committee which the Council may enter into.**
- 7. When the new senior management structure is implemented, the current scheme of delegations be amended so that existing delegated powers to Corporate Directors are transferred to the Director who will be**

responsible for the function in question and the Chief Executive be given authority to make consequent amendments to the Constitution.

- 8. That under the new senior management restructure the Director of Transformation be designated as the section 151 Officer and the Head of Governance be designated as the Council's Monitoring Officer.**

09.C.56 CHANGES TO THE CURRENT GRADING STRUCTURE

Consideration was given to a report of the Corporate Director (Human Resources and Organisational Development) proposing that the existing salary grading structure be extended in order to accommodate changes in the Senior Management restructure of the Council.

The Executive Member for Resources Councillor K Joyce moved, the Executive Leader seconded and it was **RESOLVED - that the proposed new grading structure as circulated, be agreed.**

09.C.57 PROPOSED CHANGES TO POLLING STATIONS

The Council meeting considered a report of the Corporate Director (Governance) on changes to current polling stations in Chisnall and Astley and Buckshaw Wards for forthcoming elections, it also sought to give authority to the Chief Executive to agree changes to polling station arrangements in an emergency.

The Executive Leader, Councillor P Goldsworthy moved, the Deputy Leader, Councillor P Case seconded and it was **RESOLVED - that the following changes be made**

- 1. That the Scout and Guide Headquarters on Charter Lane, Charnock Richard replace Charnock Richard Primary School as a polling station.**
- 2. That the new Buckshaw Community Centre be used as an additional polling station on its completion, to serve voters in polling district 02C initially and any further new build in that area.**
- 3. That the Chief Executive be authorised to make any urgent changes to polling stations should any become unavailable in the run up to elections.**

09.C.58 APPOINTMENT OF A VICE CHAIR TO THE EQUALITY FORUM

The Chair of the Equality Forum, Councillor G Morgan moved and the Executive Leader, Councillor P Goldsworthy seconded the appointment of Councillor David Dickinson as Vice Chair of the Equality Forum.

RESOLVED - that Councillor David Dickinson be appointed as Vice Chair of the Equality Forum.

09.C.59 CHANGES TO APPOINTMENTS TO OUTSIDE BODIES

Councillor D Edgerley moved and Councillor A Lowe seconded a number of changes to appointments to outside bodies.

RESOLVED - that Councillor C France replace Councillor P Wilson on the Rivington and Brinscall Advisory Group; and Councillor J Berry replace Councillor P Wilson on the West Pennine Moors Area Management Committee.

09.C.60 TO CONSIDER THE FOLLOWING NOTICES OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10

The Council considered the following motion submitted by Councillor D Edgerley and seconded by Councillor A Lowe:

“This Council would like to place on record its grateful thanks and appreciation to Chorley Lions for the very many years its Members have provided a firework display and bonfire in Astley Park for the benefit and enjoyment of the people of Chorley”.

Following a debate on this matter it was **RESOLVED to accept this motion.**

The Council considered a second motion submitted by Councillor D Edgerley and seconded by Councillor A Lowe:

“This Council deplores the way in which the Chorley Guardian reported proposals for the senior management restructure. The use of photographs and names represents a gross invasion of privacy. The Council therefore resolves to report the issue to the Press Complaints Commission”.

Following the debate on this matter and a recorded vote it was **RESOLVED that the motion be rejected.**

In favour of the motion: Councillors K Ball, N Ball, J Berry, A Bradley, T Brown, D Edgerley, C France, A Gee, C Hoyle, H Khan, R Lees, L Lennox, A Lowe, M Lowe, T McGowan, J Molyneaux, S Walsh and P Wilson

Against the motion: Councillors E Bell, A Cain, P Case, H Caunce, A Cullens, M Cullens, M Devaney, David Dickinson, Doreen Dickinson, P Goldsworthy, M Gray, P Haughton, H Heaton, K Iddon, K Joyce, P Malpas, G Morgan, S Moulton, M Muncaster, M Perks, D Platt, G Russell, R Russell, E Smith and J Walker

Abstaining from the vote: Councillor J Boothman and the Mayor, Councillor I Smith

09.C.61 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - that the press and public be now excluded from the meeting as the business to be conducted involves the disclosure of exempt information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

09.C.62 SENIOR MANAGEMENT RESTRUCTURING

Following the waiving of standing orders the Chief Executive reported on the current position in the implementation of the senior management restructuring.

Appointments Panel meetings had been held on Friday, 11 December where appointments had been made to the three new Director posts. In compliance with the Chief Officer Employment Procedure Rules, all Members of the Executive had been consulted and the posts had now been accepted as follows:

- Director of Transformation – Mr Gary Hall
- Director of People and Place – Mr Jamie Carson
- Director of Partnership, Planning and Policy – Mrs Lesley-Ann Fenton

Under the terms of the restructuring proposals the employment of the current Corporate Director (Governance), Corporate Director (Business), Corporate Director (ICT) and Corporate Director (HR and OD) with the Council would be terminated on 11 March 2010.

Interviews for the vacant Service Heads posts were taking place on 16, 17 and 18 December and the new structure would take effect from 4 January 2010.

RESOLVED – that the Council endorse the above action in implementing the restructuring of the Council’s Senior Management.

Mayor