

# COUNCIL

**Tuesday, 13 April 2010**

**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, Geoffrey Russell, Rosie Russell, Joyce Snape, Ralph Snape, John Walker, Stella Walsh and Peter Wilson

## **10.C.80 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Debra Platt and Edward Smith.

## **10.C.81 MINUTES OF THE MEETING OF THE COUNCIL HELD ON TUESDAY, 2 MARCH 2010**

**RESOLVED – That the minutes of the last Council meeting held on 2 March 2010 be confirmed as a correct record and signed by the Mayor.**

## **10.C.82 DECLARATIONS OF ANY INTERESTS**

The following Councillors each declared a personal interest in the agenda items indicated:

<b>Councillor</b>	<b>Agenda Item in which interest declared</b>
Alan Cain	Minute 10.C.92(b) (question asked of Executive Member (Resources) )
Alan Cullens	Minute 10.C.92(b)
Marie Gray	Minute 10.C.92(b)
Adrian Lowe	Minute 10.C.92(b)
Laura Lennox	Minute 10.C.92(b)
Peter Wilson	Minute 10.C.88(b) (Standards Committee – Appointment of a Town and Parish Council representative)

## **10.C.83 MAYORAL ANNOUNCEMENTS**

The Mayor thanked everyone who had supported her Easter Raffle which had raised over £100 for her charity appeal. She also referred to a bedding plant sale in April and a fishing competition for young people aged between 8 and 16 years on the Leeds-Liverpool Canal on Saturday, 17 April, the proceeds from both of which would be donated to the Mayor's charity appeal.

The Mayor also reminded the Members that she, along with Councillors Alan Cain and Thomas McGowan, was not seeking re-election at the forthcoming Borough Council election on 6 May. The Executive Leader (Councillor Peter Goldsworthy) paid tribute to the dedication and past services of Councillors McGowan and Iris Smith. Councillor Dennis Edgerley (Leader of the Labour Group) associated himself with the Executive Leader's

remarks and expressed his appreciation of the work of each of the three retiring Councillors during their respective terms of office and wished them well in the future. Those sentiments were also supported by Councillors Ken Ball and Ralph Snape. Councillors Tom McGowan and Iris Smith responded and thanked all Council Members for their kind wishes.

The Deputy Mayor-Elect (Councillor Ken Ball) also expressed his personal thanks to the Mayor for her dedication and support over the past municipal year.

#### **10.C.84 PUBLIC QUESTIONS**

There had been no requests from any member of the public to speak at the meeting.

#### **10.C.85 EXECUTIVE CABINET**

Consideration was given to a general report which summarised the principal items of business from the meetings of the Executive Cabinet held on 18 February and 25 March 2010.

The Executive Leader (Councillor Peter Goldsworthy) moved, the Deputy Leader (Councillor Pat Case) seconded, and it was **RESOLVED that the report be noted**.

#### **10.C.86 OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS**

The Council considered a general report summarising the business of the Overview and Scrutiny Committee and the Task and Finish Groups at two meetings of the Committee held on 15 February and 22 March 2010.

The Chair of the Committee (Councillor Dennis Edgerley) moved, the Vice-Chair (Councillor Alan Cullens) seconded, and it was **RESOLVED that the report be noted**.

#### **10.C.87 AUDIT COMMITTEE**

Consideration was given to a general report which summarised the matters considered at a meeting of the Audit Committee on 15 March 2010.

The Chair of the Committee (Councillor Anthony Gee) moved, the Vice-Chair (Councillor Laura Lennox) seconded, and it was **RESOLVED that the report be noted**.

#### **10.C.88 STANDARDS COMMITTEE**

##### **(a) Appointment of a Town and Parish Council Representative**

The Monitoring Officer presented a report seeking endorsement of the Standards Committee's recommendation to appoint a third Town and Parish Council representative on the Standards Committee.

Following the retirement of Parish Councillor Joan Geddes from the Standards Committee, Parish and Town Councils had been invited to submit nominations for the vacant appointment.

It was moved by the Vice-Chair of the Standards Committee (Councillor Mike Devaney), seconded by Councillor Stella Wash, and subsequently **RESOLVED that, on the**

**recommendation of the Standards Committee, Adlington Town Councillor Anthony Wilson be appointed to serve as a Town and Parish Council representative on the Standards Committee for the remainder of his term of office on the Adlington Town Council.**

**(b) Annual Report**

The Council received and considered the Annual Report of the Standards Committee for 2009/10.

The report summarised the work undertaken by the Standards Committee during the past year to promote and ensure compliance with the Members Code of Conduct and maintain good standards of ethical governance within both the Borough and Parish and Town Councils.

The report highlighted the Standards Committee's assessment of complaints received during the year and its training programmes, and the Vice-Chair commented on the success of the Parish and Town Council mentoring scheme.

It was moved by the Vice-Chair of the Standards Committee, Councillor Mike Devaney, seconded by Councillor Stella Walsh, and subsequently **RESOLVED that the report be noted.**

**10.C.89 EXECUTIVE AND ELECTORAL ARRANGEMENTS REVIEW**

The Council received and considered a report of the Chief Executive on the outcome of the recent consultation exercise authorised by the Council at its meeting on 2 March 2010 to seek local residents' views on the available options to revise both the current executive and electoral arrangements.

The Council was statutorily required by the Local Government and Public Involvement in Health Act 2007 to alter its executive arrangements and adopt either an Elected Mayor and Cabinet or a new style of Strong Leader and Cabinet Executive. The Act also provided an opportunity for the Council to amend its electoral arrangements.

The consultation exercise had entailed a direct approach to the Citizens' Panel, a web-based questionnaire, a direct approach to Parish Councils and a local press advertisement. Respondents had indicated a higher level of support for a new style Strong Leader and Cabinet Executive than for a Directly Elected Mayor and Cabinet model. Respondents had also shown greater support in favour of election by thirds as opposed to the introduction of elections for all Wards once every four years.

It was moved by the Executive Leader (Councillor Peter Goldsworthy), seconded by the Deputy leader (Councillor Pat Case), and subsequently **RESOLVED:**

- (1) **That, based on the results of the consultation, the Council adopts the Strong Leader with Cabinet executive arrangement with effect from May, 2011.**
- (2) **That, based on the results of the consultation, the Council continues to hold local Borough elections by thirds.**

**10.C.90 PUBLICATION VERSION OF CENTRAL LANCASHIRE LOCAL DEVELOPMENT FRAMEWORK (LDF) CORE STRATEGY**

The Council considered a report presented by the Director of Partnerships, Planning and Policy seeking approval of the revised draft Publication Version of the Central Lancashire Local Development Framework Core Strategy.

A joint informal meeting of the Cabinets of Chorley, Preston and South Ribble Councils had been held on 31 March 2010 to discuss the draft Core Strategy, at which a number of

minor clarifications and/or corrections had been suggested. A Special meeting of Chorley Council's Executive Cabinet had been held immediately after the joint informal meeting, at which the draft Core Strategy had been recommended for approval by the Council, subject to the incorporation of the amendments suggested at the informal joint meeting.

The Council Members had been provided with a copy of the draft Core Strategy, together with a note of the specific issues raised at the joint meeting of the three Authorities' Cabinets on 31 March 2010, and the possible responses. In addition, a further note proposing the revision of Paragraphs 2.15 and 5.9 in relation to the Central Lancashire and Blackpool Growth Point was circulated at the meeting.

The Director's report drew attention to the principal changes that had been made to the draft Publication Version of the Core Strategy in comparison with the earlier Preferred Version. While the proposals within the new Core Strategy could be accommodated without the need to extend Green Belt boundaries, the Strategy now incorporated ambitious targets for both the reduction of carbon emissions from new developments and affordable housing.

Each of the three Central Lancashire authorities had been requested to consider and agree the revised draft version of the LDF Core Strategy for publication and placing on public deposit in June 2010 for a period of 6 weeks. Representations raised during the deposit stage would be submitted to the Secretary of State in advance of the appointment of an Inspector to conduct examination hearings. The Inspector's binding recommendations would determine any necessary amendments to the Core Strategy before the Strategy could be adopted. It was envisaged that the Core Strategy would reach final adoption stage in June 2011.

The Executive Leader and the Executive Member (Business) highlighted the concerted efforts and collaborative working between the three Central Lancashire authorities that had resulted in the production of the revised Core Strategy. Members commented on or queried a number of relevant issues, including the inclusion of the Botany/Great Knowley site in the list of sub-regional potential employment development sites; the reference to Brinscall/Withnell in the list of rural Local Service Centres where limited growth and investment will be encouraged to meet local housing and employment needs; the funding of the Buckshaw Railway Station project; and the implications of the reduced funding allocation for the Growth Point initiative.

Councillor Dennis Edgerley proposed, and Councillor Adrian Lowe seconded, the deletion of the Botany/Great Knowley site from the list of sub-regional potential employment development sites identified in Policy 9.

The proposal was put to the vote and the Mayor declared it LOST.

It was moved by the Executive Leader (Councillor Peter Goldsworthy), seconded by the Executive Member (Business) (Councillor Peter Malpas), and subsequently **RESOLVED**:

- (1) **That the Council agrees to publish the Core Strategy, as amended to include the schedule of issues raised at the Joint Cabinet meeting with Preston and South Ribble Councils on 31 March 2010, and the revision of Paragraphs 2.15 and 5.9 relating to the Central Lancashire and Blackpool Growth Point, as set out in the note circulated at the Council meeting.**
- (2) **That approval of minor clarifications and/or corrections to the document prior to formal publication or submission be delegated to the Director of Partnerships, Planning and Policy, in consultation with the Executive Leader and the Executive Member (Business).**
- (3) **That, subject to there being no significant/fundamental issues raised as a result of representations received at publication, the Core Strategy be submitted to the Secretary of State for examination.**

- (4) **That, where issues arise following full Council or publication which require significant change(s), then the Strategy be taken to a future meeting of the Cabinet and Council to approve the changes.**

#### **10.C.91 GAMBLING ACT 2005 - LICENSING STATEMENT OF POLICY REVIEW**

The Council considered a report of the Director of People and Places seeking endorsement of the Gambling Act, 2005 Statement of Policy.

The Council was statutorily required to review every three years its Statement of Policy offering guidance on the consideration of applications for licences under the Gambling Act, 2005 and setting out the objectives to which the licensing authority must have regard. The Council had adopted its current Statement of Policy in January 2007 and had undertaken a consultation review ending on 22 January 2010.

No representations had been received and the report recommended approval of the new Policy Statement, which had been amended to take account of organisational changes over the last three years.

It was moved by the Executive Member (Neighbourhoods) (Councillor Eric Bell), seconded by the Chair of the Licensing Committee (Councillor Keith Iddon), and subsequently **RESOLVED that the Gambling Act, 2005 Statement of Policy, as set out in Appendix A to the submitted report, be approved and adopted.**

#### **10.C.92 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8**

- (a) Councillor Dennis Edgerley asked the following questions of the Executive Leader:
- Can the Leader confirm that in order to settle two cases ahead of industrial tribunal, the Council has paid out £16,000 in compensation?
  - Can he confirm that the Council chose not to defend two charges of bullying and constructive dismissal?
  - Could he tell the Council if there are any other cases pending?
  - Will he make arrangements for issues like this to be reported to Council either through the Executive or Overview and Scrutiny?

In response the Leader reported that restructures had been managed in a fair and dignified way with staff and trade unions involved throughout the process. In the same period Chorley has twice been voted by its staff as one of the Times Best Councils to work for – coming second nationally last year.

A case has recently been submitted to Employment Tribunal. In this case a commercial settlement was reached by the parties to their mutual benefit; details of which are subject to a signed confidentiality agreement which will be upheld. This is normal commercial practice as the payment was not in the form of compensation.

As is the practice in other Councils, the Chief Executive has the authority, in consultation with the Leader, to agree such cases. Given the confidential nature of the legal agreement, this approach will continue.

The Leader explained that he had instigated an investigation which could result in further legal action against those who have breached the confidentiality agreement.

Councillor Edgerley asked a supplementary question regarding the nature of the legal advice, querying whether it had been obtained internally or externally. The Executive Leader promised to provide Councillor Edgerley with a written reply to his query.

(b) Councillor Dennis Edgerley asked the following questions of the Executive Member (Resources):

- At the last Overview and Scrutiny Committee the Director of Transformation reported on a dispute between CCH and the Council on the VAT shelter. Could the Executive Member explain the nature of the dispute?
- Would he explain the impact on the Council's finances?
- Has this impacted on our borrowing requirement?

In response, the Executive Member outlined the nature of the dispute which was regarding the Council's share of VAT on property maintenance following agreement with CCH when the housing stock was transferred.

The Executive Member reported that the matter was the subject of legal proceedings and would not impact on the medium term finances of the Council or the borrowing requirement.

Mayor