

COUNCIL

Tuesday, 20 July 2010

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

10.C.109 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Alistair Bradley, Henry Counce, Doreen Dickinson and Edward Smith.

10.C.110 MINUTES OF ANNUAL COUNCIL MEETING

RESOLVED – That the minutes of the Annual Council Meeting held on 18 May 2010 be confirmed as a correct record for signature by the Mayor.

10.C.111 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by any Member in relation to matters under consideration at the meeting.

10.C.112 MAYORAL ANNOUNCEMENTS

The Mayor thanked everyone who had taken part or otherwise supported the annual Cricket Match on Friday, 9 July 2010. The match had been won by the Members' Team and had raised more than £280 for the Mayor's Charity Appeal.

The Mayor also reminded Members of the following forthcoming events being organised in the Lancastrian Room to raise funds for his Charity Appeal:

- Charity Big Band Night on Friday, 17 September 2010;
- Fashion Show on Friday, 8 October 2010;
- Brass Band Concert on Friday, 19 November 2010.

10.C.113 PUBLIC QUESTIONS

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

10.C.114 EXECUTIVE CABINET

(a) Revenue and Capital Outturn for 2009/10

The Council considered a report of the Director of Transformation on the provisional final outturns in respect of the General Fund Revenue Account and the Capital Programme at the end of the 2009/10 financial year.

The report indicated that, after taking account of an envisaged underspend on the cost of concessionary travel and the HM Revenue and Customs reimbursement of VAT paid in earlier years, there was expected to be an underspend in the region of £181,000 in the General Fund revenue account at the year end.

Appendices to the report provided a detailed analysis of the Capital Programme's provisional outturn for 2009/10. The forecast outturn expenditure of £5,668,296 showed a reduction of £851,754 on the approved revised programme, owing principally to the re-phasing of £729,000 expenditure to 2010/11.

It was moved by the Executive Member (Transformation) (Councillor Kevin Joyce), seconded by the Executive Leader (Councillor Peter Goldsworthy) and **RESOLVED:**

(1) That the report be noted.

(2) That the financing arrangements for the 2009/10 Capital Programme, as set out in Appendix 3 to the submitted report, be approved.

(b) General Report

Consideration was given to a general report which summarised the principal items of business discussed at the meeting of the Executive Cabinet on 3 June 2010.

The respective Executive Members responded to a number of queries and concerns raised by Members, particularly in respect of the delivery of the target number of affordable homes in the Borough, recyclable kitchen waste and the newly introduced Tree Management and Maintenance Policy.

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

10.C.115 OVERVIEW AND SCRUTINY COMMITTEE

(a) Scrutiny Reporting Back: Annual Report on Overview and Scrutiny Activity in 2009/10

The Council received the annual report on the Council's overview and scrutiny activities during 2009/10.

The report outlined and commented on the outcome of the two major scrutiny reviews undertaken on highways issues and the vitality of the town centre, in addition to the conclusion of the joint scrutiny of affordable housing issues with Preston and South Ribble Councils. The Overview and Scrutiny Committee had also embraced its new role to scrutinise crime and disorder by reviewing the Safer Chorley and South Ribble Partnership with South Ribble Council.

Whilst the Committee's work plan for 2010/11 had not been determined when the annual report was compiled, the Committee had been requested to authorise reviews around the management of the Council's assets and the provision of allotments in the Borough.

The current Chair of the Overview and Scrutiny Committee (Councillor Adrian Lowe) thanked the Committee and Task Group members for their work during the past year and paid tribute to the commitment of Councillor Dennis Edgerley as former Chair of the Overview and Scrutiny Committee.

It was moved by the Chair of the Committee (Councillor Adrian Lowe), seconded by the Vice-Chair (Councillor Alan Cullens), and **RESOLVED that the annual report be noted.**

(b) General Report

The Council considered a general report summarising the business of the Overview and Scrutiny Committee at its meeting on 1 June 2010.

Concern was expressed about decisions being undertaken by the Executive which could impact on the effectiveness of the Allotments Overview and Scrutiny Task Group which was just starting a review. In response, the Executive Leader confirmed that £40,000 had been allocated in the 2010/11 budget to develop new allotment sites, work was underway but as yet, no executive decisions had yet been taken on specific schemes.

It was moved by the Chair of the Overview and Scrutiny Committee (Councillor Adrian Lowe), seconded by the Vice-Chair (Councillor Alan Cullens), and **RESOLVED that the report be noted.**

10.C.116 AUDIT COMMITTEE

Consideration was given to a general report which summarised the matters considered at a meeting of the Audit Committee held on 30 June 2010.

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

10.C.117 CHORLEY COUNCIL'S ANNUAL REPORT FOR 2009/10

The Director of Partnerships, Planning and Policy submitted a report presenting the Council's Annual Report for 2009/10.

The report gave an overview of the Council's performance in 2009/10 and summarised the Authority's plans for 2010/11. The report highlighted the Council's achievements in the past year, which had culminated in the Council being judged to be among the best Councils in the country by the Audit Commission.

It was moved by the Executive Leader (Councillor Peter Goldsworthy), seconded by the Deputy Leader of the Council (Councillor Pat Case), and **RESOLVED that the Council's Annual Report for 2009/10 be noted.**

10.C.118 OFFICERS' CODE OF CONDUCT

The Council considered a report of the Director of Transformation seeking approval to a number of amendments to the Officers' Code of Conduct which would require to be reflected in changes to the Council's Constitution.

A recent audit review of the Officers' Code of Conduct had recommended the strengthening of the arrangements for the management, implementation and monitoring of the Code. The opportunity had also been taken to address other aspects of the Code, including a requirement for the disclosure of gifts and hospitality above a £5 value, to establish procedures to ensure that Officers act in an unbiased and transparent manner.

It was moved by the Executive Member (Transformation) (Councillor Kevin Joyce), seconded by the Executive Leader (Councillor Peter Goldsworthy), and **RESOLVED:**

(1) That approval be given to the amendment of the Officers' Code of Conduct to include provision for:

- responsibility for the implementation of the Code of Conduct to be assigned to the Human Resources Team within the Transformation Directorate;
- quarterly monitoring reports of disclosures to be produced for the Strategy Group;
- all disclosures to be considered by the relevant Director;
- the declaration by Officers of all gifts and hospitality with a monetary value of £5 or above;
- revised criteria being set for determining when gifts and hospitality should be declared.

(2) That the above revision of the Officers' Code of Conduct be reflected in an appropriate amendment to the Council's Constitution.

10.C.119 APPOINTMENTS TO COMMITTEES

It was moved by the Executive Leader (Councillor Peter Goldsworthy), seconded by the Deputy Leader of the Council (Councillor Pat Case), and **RESOLVED that Councillor Mike Devaney be replaced by Councillor Alan Cullens on the Development Control Committee.**

It was further moved by the Deputy Leader of the Labour Group (Councillor Peter Wilson), seconded by Councillor Dennis Edgerley, and **RESOLVED that Councillor Catherine Hoyle be replaced by Councillor Marion Lowe on the Licensing and Public Safety Committee.**

10.C.120 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8

There were no questions asked by Members under Council Procedure Rule 8.

10.C.121 NOTICES OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10

(a) Notice of Motion - VAT

The Council considered the following motion submitted by Councillor Peter Wilson and seconded by Councillor Dennis Edgerley:

"This Council believes that Value Added Tax (VAT) is an unfair and regressive tax which disproportionately affects people on lower incomes. This included pensioners and the unemployed who do not pay income tax or national insurance. Furthermore this Council believes that the temporary reduction in VAT to 15% in 2009 was a successful measure in stimulating the economy during the recession. Therefore, this Council opposes the unfair increase in VAT to 20% announced in the 2010 Budget which will hit the poorest families and pensioners hardest."

Following a debate on the motion, the following amendment was moved by the Executive Leader (Councillor Peter Goldsworthy) and seconded by the Deputy Leader of the Council (Councillor Pat Case):

"This Council has no powers to determine the rate of VAT and therefore it is inappropriate for us as a body to reach a consensus. Individuals are free to reach their own conclusions on decisions taken by a correctly constituted Government."

A request was made under Council Procedure Rule 17.2 for a recorded vote on the amendment, which was as follows:

FOR: Councillors Nora Ball, Eric Bell, Judith Boothman, Pat Case, Alan Cullens, Magda Cullens, Michael Devaney, David Dickinson, Peter Goldsworthy, Marie Gray, Alison Hansford, Pat Haughton, Harold Heaton, Keith Iddon, Kevin Joyce, Peter Malpas, Greg Morgan, Simon Moulton, Michael Muncaster, Mark Perks, Alan Platt, Debra Platt, Geoffrey Russell, Rosemary Russell, John Walker and Stella Walsh.

AGAINST: Councillors Julia Berry, Terry Brown, Dennis Edgerley, Christopher France, Anthony Gee, Catherine Hoyle, Hasina Khan, Roy Lees, Laura Lennox, Adrian Lowe, Marion Lowe, June Molyneaux, Beverley Murray, Joyce Snape, Ralph Snape and Peter Wilson.

ABSTAIN: Councillor Ken Ball.

The Mayor declared the amendment carried and it was **RESOLVED** - that it be approved accordingly.

(b) Notice of Motion - Local Democracy and the Planning Process

The Council considered the following motion submitted by Councillor Roy Lees and seconded by Councillor Peter Wilson:

“This Council recognises the importance of empowering local people in the decision making process and supports the Council’s vision outlined in our Constitution which commits the Council to involving people in their communities. We recognise the importance of this in respect of the planning process and the vital role Councillors play in representing the views of local residents. Furthermore, we believe that too many decisions are taken under delegated powers, despite opposition from Councillors and local residents. Therefore, we call on the Council to ensure that all applications are referred to the Development Control Committee where at least one objection from a Ward Councillor, who is acting following a written request from a constituent or constituents, is received, thus allowing the public to air their views and the application to be given due consideration by democratically elected Councillors from all political parties.”

Following a debate on the motion, a request was made under Council Procedure Rule 17.2 for a recorded vote on the motion, which was as follows:

FOR: Councillors Ken Ball, Nora Ball, Julia Berry, Terry Brown, Dennis Edgerley, Christopher France, Anthony Gee, Catherine Hoyle, Hasina Khan, Roy Lees, Laura Lennox, Adrian Lowe, Marion Lowe, June Molyneaux, Beverley Murray, Joyce Snape, Ralph Snape, Stella Walsh and Peter Wilson.

AGAINST: Councillors Eric Bell, Judith Boothman, Pat Case, Alan Cullens, Magda Cullens, Michael Devaney, David Dickinson, Peter Goldsworthy, Marie Gray, Alison Hansford, Pat Haughton, Harold Heaton, Keith Iddon, Kevin Joyce, Peter Malpas, Greg Morgan, Simon Moulton, Michael Muncaster, Mark Perks, Alan Platt, Debra Platt, Geoffrey Russell, Rosemary Russell and John Walker.

The Mayor declared the motion lost and it was **RESOLVED that the motion be rejected.**

Mayor