

# Council

**Tuesday, 25 September 2012**

**Present:** Councillor June Molyneaux (Mayor), Councillor John Walker (Deputy Mayor) and Ken Ball, Eric Bell, Julia Berry, Alistair Bradley, Terry Brown, Henry Caunce, Jean Cronshaw, Matthew Crow, Magda Cullens, John Dalton, David Dickinson, Graham Dunn, Dennis Edgerley, Robert Finnamore, Christopher France, Anthony Gee, Danny Gee, Peter Goldsworthy, Marie Gray, Alison Hansford, Steve Holgate, Keith Iddon, Kevin Joyce, Hasina Khan, Paul Leadbetter, Roy Lees, Adrian Lowe, Marion Lowe, Greg Morgan, Mick Muncaster, Steve Murfitt, Beverley Murray, Mark Perks, Alan Platt, Pauline Phipps, Dave Rogerson, Geoffrey Russell, Rosie Russell, Kim Snape, Paul Walmsley and Peter Wilson

## **12.C.323 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Doreen Dickinson, Harold Heaton, Joyce and Ralph Snape.

## **12.C.324 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest received.

## **12.C.325 MINUTES OF LAST MEETING**

**RESOLVED – that the minutes of the last meeting held on 17 July 2012 be confirmed as a correct record and signed by the Mayor.**

## **12.C.326 MAYORAL ANNOUNCEMENTS**

The Mayor referred to the overwhelming success of the Olympic and Paralympic Games and congratulated all of the local athletes who had taken part - Bradley Wiggins, Graeme Ballard, Rik Waddon, Natalie Waddon, Holly Bleasdale and Stuart Stokes.

The Council was keen to mark their achievements by creating the role of sporting ambassador which all would be invited to take up. The role would recognise their special contribution to the reputation of Chorley and work in encouraging others to take part in sport. There was all party support for the proposal.

The Mayor referred to a number of charity events she was organising, including a Charity Bingo Night on 30 October and the Charity Ball on 15 February and thanked Councillor Hasina Khan for her fundraising through a sponsored fast which had raised £300. She also referred to both a Town Hall Open Day on 20 October and the Christmas Lights Switch On on 24 November which she hoped all Members would support.

## **12.C.327 PUBLIC QUESTIONS**

Mr Mohammed Shah of Wigan Road, Clayton le Woods asked Councillor Dennis Edgerley, Executive Member for LDF and Planning the following question:

"I am Mohammed Shah and I live on Wigan Road in Clayton le Woods. I own a small parcel of land next to my house and fronting the main road. I want to know why my objection to the Site Allocations document to have my land included has not been accepted?

My land is in a very sustainable location and right across the road I will have to look at hundreds of new houses which you have allowed. You have called this a "growth area", but your officers' unwillingness to treat my land the same as that across the road is really very unfair. It meets your criteria for availability, and as a small site it would be suitable for small builders and you have not planned for that anywhere else. You have only found sites for big builders and that does not create the choice you are meant to provide.

For purely historic reasons the site is still shown as green belt. But you have not reviewed it when the government is saying that you should do. That zoning does not meet the criteria for having a green belt as spelt out in the new National Planning Policy Framework. So it seems to me that it is already out of date before you print it. It is obvious that you will have to review the green belt boundaries very soon so I do not understand why you are not doing this as part of this document?

Madam Mayor. I am asking the question tonight because I simply want to be treated the same as the people across the road. I simply hope that Councillors will be able to help me. Thank you."

In response Councillor Edgerley, Executive Member for LDF and Planning thanked Mr Shah for his question and explained that his land was in green belt and serving as a divide between the two settlements of Clayton and Farington. During the LDF process the development of land within the green belt had been found to be unnecessary as there was sufficient land available for the borough's development requirements. The Council's policy was to rigorously defend its green belt and so regrettably the Council could not meet his request.

#### **12.C.328 EXECUTIVE CABINET**

The Council considered a general report of Executive Cabinet meetings held on 16 August and 13 September 2012.

Members raised questions regarding the earmarking of £300,000 to fund town centre projects and initiatives and how the success of such projects would be measured. In response, the Executive Member for Resources, Policy and Performance agreed to keep Members updated on town centre projects and initiatives.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED – that the report be noted.**

#### **12.C.329 CAPITAL PROGRAMME MONITORING 2012/13 - 2014/15**

The Council considered a report of the Chief Executive updating the capital programmes for financial years 2012/2013 to 2014/2015 to take account of rephrasing of expenditure and other budget changes and to report the use of contributions from developers for the same period.

Members raised questions in relation to Section 106 funding towards the expansion of Buckshaw Primary School and the latest position in the development of the Chorley East Health Centre.

Councillor Peter Wilson, Executive Member for Resources, Policy and Performance proposed, Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED –**

- 1. That the Council approves the rephrasing of capital budgets between 2012/13 and 2013/14 – 2014/15, as presented in columns (2), (6) and (10) of Appendix 1 of the report; and**
- 2. That the Council approves the other amendments to the Capital Programmes for 2012/13, 2013/14 and 2014/15, as presented in columns (3), (7) and (11) of Appendix 1 of the report.**

### **12.C.330 LOCALISATION OF COUNCIL TAX BENEFIT**

Councillor Peter Wilson, Executive Member for Resources, Policy and Performance presented a report on the development of a draft Council Tax support scheme from 1 April 2013.

The Government has determined that from April 2013 Council Tax benefit will be abolished and that local authorities must design their own localised scheme of support. The Government grant which councils currently receive to fund this benefit will be reduced by 10%. This will represent a shortfall of £826,000 in 2013/14 across all precepting authorities.

The report detailed three alternative approaches to developing a localised scheme and recommended a preferred option. There was a need to undertake detailed consultation before the full agreement and implementation of the scheme. The recommended approach was to achieve the necessary savings by maintaining the current Council Tax benefit scheme but reducing the level of Council Tax support or reducing the amount of Council Tax eligible for support.

Other precepting authorities – Lancashire County Council; Lancashire Police Authority; and Lancashire Fire and Rescue had been consulted on the options and had submitted their responses which had been circulated to all Members.

Members raised concern about undertaking consultation on just one proposal when other options were available. Consultation would commence on 1 October and conclude on 3 December 2012.

Councillor Peter Wilson, Executive Member for Resources, Policy and Performance proposed, Executive Leader Councillor Alistair Bradley, seconded and it was

**RESOLVED – that consultation take place on all three main options for a draft scheme summarised below, but with a preferred option of C.**

- A. Maintaining the current scheme but introducing further means testing;**
- B. Basing a scheme on the status of the claimant; or**

**C. Achieving a saving by maintaining the current scheme but reducing the level of Council Tax support or reducing the amount of Council Tax eligible for support.**

**12.C.331 OVERVIEW AND SCRUTINY COMMITTEE AND TASK AND FINISH GROUPS**

The Council considered a general report of the meeting of the Overview and Scrutiny Committee held on 3 September 2012, including the work of the Performance Panel and Task and Finish Group.

Councillor Steve Holgate, Chair of the Committee proposed, Councillor Roy Lees, Vice Chair seconded and it was **RESOLVED – that the report be noted.**

**12.C.332 LOCAL DEVELOPMENT FRAMEWORK CHORLEY LOCAL PLAN - PUBLICATION STAGE**

Councillor Dennis Edgerley, Executive Member for LDF and Planning presented a report of the Director of Partnerships, Planning and Policy seeking approval to the publication version of the Chorley Local Plan.

The report summarising the progress of the Site Allocations and Development Management Policies Development Plan Document which would now be known as the Chorley Local Plan. In addition Members received:

- The proposed Publication Version of the Chorley Local Plan 2012 – 2016 (Appendix 1)
- Policies Maps for the Local Plan (Appendix 2)
- Sustainability Appraisal of the Local Plan (Appendix 3)
- A summary of Preferred Option Representations received (Appendix 4); and in addition
- A schedule of minor amendments to the Local Plan was circulated at the meeting, including changes to Appendix 4.

In presenting the report, Councillor Edgerley referred to the recent decision of the Planning Inspector to grant permission for the Lucas Lane application for 135 dwellings. This would allow the phasing of development within the Local Plan to be revisited.

He referred to the need to approve the publication stage of the Local Plan to avoid any further delay in the process. It was important that the Council conducted its planning role supported by the Local Plan and could therefore better defend its decisions on planning applications.

During debate, Members raised the following concerns:

- the balance of allocations
- The phasing of development
- Windfall housing
- Areas of separation

Councillor Greg Morgan proposed and Councillor Alan Platt seconded the following amendment to the Local Plan:

*“This Council does not agree to the publication version of the Chorley Local Plan. Officers are requested to review this document to revisit the following points:*

1. *The Balance of Allocation within the plan. Officially provided numbers make plain that in excess of one third of the planned allocation will take place within the Euxton Parish Boundary and this is unacceptable to the parish residents.*

2. *The current plan for future phasing is unnecessary and unacceptable. Currently planning permission is in place for 8.4 years worth of housing which would take us to 2020 so the phasing schedule on agenda page 91 should load the preponderance of development into the 2021 - 2026 element of the plan to protect the residents of Chorley from rogue development - such as has just been approved at Lucas Lane*

3. *The current failure to include windfall housing in the plan should be revisited. Paragraph 5.17 on page 37 of the document shows that an average of 47 windfall housing permissions are granted per year. Over the lifetime of the strategy this will provide approximately 700 houses not currently allowed for in the planning numbers.*

4. *Areas of separation are not maintained. The allocation of Strawberry Fields on Euxton Lane for industrial development provides too little separation between development areas.”*

**On being put to the vote, the amendment was LOST, with votes being recorded as follows:**

**For the amendment**

Councillors Bell, Counce, Cullens, Dalton, David Dickinson, Goldsworthy, Gray, Hansford, Iddon, Joyce, Leadbetter, Morgan, Muncaster, Perks, Platt, G Russell, R Russell, J Walker.

**Against the amendment**

Councillors Ball, Berry, Bradley, Brown, Cronshaw, Crow, Dunn, Edgerley, Finnamore, France, A Gee, D Gee, Holgate, Khan, Lees, A Lowe, M Lowe, Murfitt, Murray, Phipps, Rogerson, K Snape, Walmsley, Wilson and the Mayor, Councillor Molyneaux.

Councillor Dennis Edgerley, Executive Member for LDF and Planning proposed, Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED –**

1. **The Council approves the “publication” version of the Chorley Local Plan; as appended to this report (Appendix 1), together with the Policies Maps (Appendix 2) and the Sustainability Appraisal (Appendix 3) for public consultation;**
2. **That delegated authority be granted to the Executive Member for LDF and Planning (or the Leader of the Council in his absence) in consultation with the Director for Partnerships, Planning and Policy for the following matters in relation to the Publication stage:**
  - (i) **The actual start and end dates for consultation for the Publication stage (anticipated to be for 6 weeks during October – November 2012)**
  - (ii) **to approve minor changes and amendments prior to the start of consultation including revisiting the phasing of development in the light of the decision of the Planning Inspector on the Lucas Lane site (excludes substantive changes to any policy wording, and the deletion/addition of any sites for allocation)**

(iii) the approval of other documents for consultation as listed in paragraph 86 of the report.

3. Authority be delegated to the Executive Member for LDF and Planning (or the Leader of the Council in his absence) in consultation with the Director for Partnerships, Planning and Policy for the following matters in relation to the Submission stage (anticipated in December 2012):

- (i) to prepare documentation in accordance with the regulations to detail representations made at Publication Stage;
- (ii) to submit the Chorley Local Plan, together with all relevant documents for submission to the Secretary of State for examination.

**Votes were recorded as follows:**

**For the motion**

Councillors Ball, Berry, Bradley, Brown, Cronshaw, Crow, Dunn, Edgerley, Finnamore, France, A Gee, D Gee, Holgate, Khan, Lees, A Lowe, M Lowe, Murfitt, Murray, Phipps, Rogerson, K Snape, Walmsley, Wilson and the Mayor, Councillor Molyneaux.

**Against the motion**

Councillors Bell, Counce, Cullens, Dalton, David Dickinson, Goldsworthy, Gray, Hansford, Iddon, Joyce, Leadbetter, Morgan, Muncaster, Perks, Platt, G Russell, R Russell, J Walker.

## **12.C.333 ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS**

Councillor Dennis Edgerley, Executive Member for LDF and Planning presented a report seeking approval to five Supplementary Planning Documents which had been drawn up to guide the interpretation and implementation of specific Core Strategy policies across Central Lancashire. The Supplementary Planning Documents provide the opportunity to add guidance in specific policy areas.

The five Supplementary Planning Documents were for the following areas:

- Affordable housing
- Controlling the reuse of employment premises
- Rural development
- Access to healthy food
- Design guide

The report outlined the process which had been adopted in drawing up and consulting on the documents including taking account of the implementation of the National Planning Policy Framework and the adoption of the Core Strategy during this period.

Councillor Dennis Edgerley, Executive Member for LDF and Planning proposed, Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED –**

**1. That the following five Supplementary Planning Documents be adopted:**

- **Affordable housing**
- **Controlling the reuse of employment premises**
- **Rural development**
- **Access to healthy food**

- Design guide

2. That the Executive Member for LDF and Planning and the Executive Leader be given delegated authority in consultation with the Director of Partnerships, Planning and Policy to make any minor drafting changes following the completion of the four week period stipulated by Part 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This regulation requires the final documents to be displayed at the main council offices and on websites along with a statement setting out who was consulted during the preparation of the Supplementary Planning Documents; the issues they raised; and how those issues have been addressed in the documents.

#### **12.C.334 PROPOSED CHANGES TO THE CONSTITUTION AND SCHEME OF DELEGATION: PLANNING APPLICATIONS**

The Council considered a report of the Head of Governance seeking approval to changes to the Council's Constitution and scheme of delegation in relation to planning applications, specifically the determination of section 73 applications.

Section 73 applications vary conditions to an existing planning permission, usually of a fairly minor nature eg. a change of materials. The Development Control Committee on 4 September 2012 agreed in principle to allow section 73 applications for relatively minor amendments to be determined by the Chair and Vice Chair of the Committee where they agree with the officer recommendation. In all other case the applications would be determined by the Development Control Committee.

Councillor Dennis Edgerley, Executive Member for LDF and Planning proposed, Councillor Paul Walmsley, Chair of the Development Control Committee seconded and it was **RESOLVED – That the Constitution and the scheme of delegation be revised as detailed in paragraphs 12 and 13 of the report.**

#### **12.C.335 GOVERNMENT STATEMENT ON HOUSING AND GROWTH**

Councillor Alistair Bradley, Executive Leader presented a report of the Director of Partnerships, Planning and Policy on the key aspects of the Housing and Growth statement made by the Secretary of State for Communities and Local Government, the Rt Hon Eric Pickles.

The statement announced a major new housing and planning package designed to promote economic growth including house building, speeding up planning permissions and a boost to the construction industry. The areas covered in the statement included:

- Measures to accelerate large housing schemes
- Getting surplus public sector land back into use
- Reducing planning delays including greater involvement of the Planning Inspectorate
- Increase permitted development rights for property extensions and change of use on empty offices
- Increasing the number of private rented sector properties
- Measures to increase the number of affordable homes and bring empty homes back into use.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Dennis Edgerley, Executive Member for LDF and Planning seconded and it was **RESOLVED – that the report be noted and the Council’s position be endorsed as follows:**

**“Given our strong track record of housing delivery, whilst the package of measures put forward by the Government may help to kick-start a house building programme and provide support to the construction industry in parts of the country, it is felt that these measures are not pertinent or required within the Chorley area or relate to a lack of performance of the local planning authority. As a consequence, it is proposed that we write to the Secretary of State outlining our recent and current excellent performance in supporting delivery and outline that the measures put forward do not apply to this Borough or Local Planning Authority.”**

#### **12.C.336 LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) REGULATIONS 2012**

The Executive Leader presented a report of the Council’s Monitoring Officer advising Members of new regulations which govern public access to meetings and information relating to Executive decision making which came into force on 10 September 2012.

The new regulations revoked the Access to Information Regulations of 2000 as amended in 2002 and 2006, although many provisions remained the same. The key changes related to:

- private meetings and private business and the requirement to publish notice of the intention to hold such meetings;
- the abolition of the Forward Plan but the requirement still to publish notice of the making of key decisions;
- the recording and reporting of Executive decisions; and
- the publication of background papers to reports.

The new regulations would require the updating of Appendix 5 of the Constitution and consequential changes elsewhere in the document.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson Deputy Executive Leader seconded, and it was **RESOLVED – that the report be noted and the Constitution of the Council be revised accordingly.**

#### **12.C.337 SHADOW EXECUTIVE CABINET APPOINTMENTS**

The Council was informed of a number of changes to appointments within the Shadow Cabinet, namely:

- Councillor Paul Leadbetter to become Shadow Portfolio Holder for People and Shadow Portfolio Support Member for Resources, Policy and Performance
- Councillor Rosemary Russell to become Shadow Portfolio Support Member for People; and
- Councillor Alison Hansford to become Shadow Portfolio Support Member for Places.

In addition the Conservative Group requested a change in their nomination to Chorley and South Ribble MIND.



Councillor Peter Goldsworthy proposed, Councillor Greg Morgan seconded and it was **RESOLVED – that the changes to the Shadow Cabinet appointments be noted; and that Councillor Doreen Dickinson replace Councillor Rosemary Russell as the Council’s representative on Chorley and South Ribble MIND.**

**12.C.338 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8**

There were no questions received under procedure rule 8.

**12.C.339 TO CONSIDER THE NOTICES OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10**

There were no motions received under procedure rule 10.

**12.C.340 EMERGENCY STATEMENT - HEALTHCARE PROVISION IN CHORLEY**

The Mayor indicated that she had agreed to allow the Executive Leader to raise an emergency item following a recent report in the Daily Mail newspaper indicating that the Accident and Emergency Unit at Chorley Hospital was facing possible closure.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Deputy Leader seconded and it was **RESOLVED that the following statement be approved:**

**“Chorley Council has previously pledged ongoing support and commitment to both maintain and increase access to local healthcare for residents, and to fight to retain all existing services within the borough.**

**Further to recent press reports that the Accident & Emergency Unit at Chorley Hospital is facing possible closure and the re-location of services elsewhere, we oppose and object strongly against any attempt to re-locate healthcare resource provision from inside the borough to other areas of the country.**

**Therefore this Council will write to both the Secretary of State and the Chief Executive of the Hospitals Trust to re-iterate our position, and demand clear and unambiguous assurances regarding future plans for our local emergency unit, to ensure that 24 hour Accident & Emergency cover is retained at Chorley Hospital.”**

Chair