

# Council

**Tuesday, 7 January 2014**

**Present:** Councillor John Walker (Mayor), Councillor Roy Lees (Deputy Mayor) and Councillors Ken Ball, Eric Bell, Julia Berry, Alistair Bradley, Terry Brown, Henry Caunce, Jean Cronshaw, Matthew Crow, Magda Cullens, John Dalton, Doreen 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, Adrian Lowe, Marion Lowe, June Molyneaux, Greg Morgan, Mick Muncaster, Steve Murfitt, Beverley Murray, Mark Perks, Alan Platt, Pauline Phipps, Dave Rogerson, Geoffrey Russell, Rosie Russell, Joyce Snape, Kim Snape, Ralph Snape, Paul Walmsley and Peter Wilson.

## **Also in attendance**

**Officers:** Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jamie Carson (Director of People and Places), Chris Moister (Head of Governance) and Carol Russell (Democratic Services Manager).

## **14.C.99 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors David Dickinson and Harold Heaton.

The Mayor informed Members that Councillor David Dickinson was currently in hospital recovering from a recent heart attack. He was in touch with David's family and would convey the best wishes of all Members of the Council for his speedy recovery.

## **14.C.100 MINUTES OF THE LAST MEETING OF THE COUNCIL HELD ON THURSDAY, 28 NOVEMBER 2013**

**RESOLVED – that the minutes of the last Council meeting be confirmed as a correct record and signed by the Chair.**

## **14.C.101 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest.

## **14.C.102 MAYORAL ANNOUNCEMENTS**

The Mayor thanked everyone for their donations and sponsorship for fundraising events arranged before Christmas in aid of his chosen Charities. He also informed Members of forthcoming fundraising events, in particular the Charity Ball on 14 February.

The Mayor invited all Members to accompany him to the Holocaust Memorial Day on Saturday 25 January at Astley Park.

#### 14.C.103 PUBLIC QUESTIONS

The following question was submitted by Mr Bertram, on behalf of Mr Norris of Chorley Rd Charnock Richard in relation to the Chorley Local Plan 2012-2026.

***“Through the provisions of the finally approved Chorley Local Plan 2012-2026, individual developments will be identified and taken forward to completion.***

***Would Councillor Dennis Edgerley, please confirm, that in the matter of the design and construction of residential developments, Chorley Borough Council, will continue its current policy of ensuring, that the minimum traffic and highway design standards to be applied will be those of Manual for Streets, or its successor document.”***

In response, Councillor Edgerley stated that the advice used to determine the highway implications of a planning application was consultation with Lancashire County Council (LCC) as the Highway Authority. They would advise whether proposals were satisfactory. The Council does have regard to the County Council's judgement about whether proposals accord with the Manual for Streets, or if not, whether the difference is significant enough to warrant objection on the County Council's part. Chorley Council can challenge Highway Authority advice but needs very strong technical evidence if it wishes to reject it.

A supplementary question was posed by Mr Bertram on behalf of Mr Norris, relating to a specific planning application, alleging that false advice was provided by the County Council in relation to the highway implications of the planning application and asking what action Chorley Council was going to take as a consequence.

In response, Councillor Edgerley referred to a site visit which had taken place prior to the decision on the planning application and this had included attendance by an LCC Highways Officer. Specific discussions took place on site on the issue of visibility. The view was taken that there were no grounds for refusal on this point. On that basis, Chorley Council would take no further action and any concerns about the highway information provided by LCC, would need to be taken up directly with them.

In response to a subsequent request, Councillor Edgerley agreed to consider further written information to be provided by Mr Bertram and if he saw a need to go back to LCC, he would do so.

#### 14.C.104 EXECUTIVE CABINET

Members considered a general report of meetings of the Executive Cabinet held on 24 October, 21 November and 12 December 2013.

Members raised issues relating to car park tariffs and the impact on income; the delivery of the Council's ICT strategy; responses to the consultation on the draft Parks and Open Space Strategy; and changes to Performance Indicators.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Executive Member for Resources, Policy and Performance seconded and it was **RESOLVED – that the report be noted.**

#### **14.C.105 SCRAP METAL DEALERS ACT 2013**

Members considered a report of the Director of People and Places, approved by the Executive Cabinet in October 2013 on new legislation relating to the scrap metal industry and proposals for the Council to discharge its functions under the Scrap Metal Dealers Act 2013.

The report sought approval to changes to the Council's Constitution giving authority to the Director of People and Places to administer the licensing scheme and for Executive Cabinet to set the licence fees.

Member welcomed the legislation and licensing scheme which aimed to raise trading standards across the scrap metal industry.

Councillor Adrian Lowe, Executive Member for Places proposed and Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED – that approval be given to the necessary changes to the Council Constitution to ensure that:**

- 1. The Director of People and Places is authorised to:**
  - **grant or renew a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.**
  - **serve Notice of a proposal to refuse or cancel a licence of a Scrap Metal dealer under the Scrap Metal Dealers Act 2013.**
  - **serve notice of a proposal to vary a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.**
  - **determine applications for a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013 where it is the intention to refuse or cancel a licence or to vary a licence under section 4 of the Act where the applicant has not served notice requiring the opportunity to make representations to the authority in respect of the proposal to refuse or cancel a licence, or to impose conditions on a licence.**
  - **institute legal proceedings in respect of any breaches of the provisions of the Act.**
  
- 2. Where the Director of People and Places proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority within the prescribed time that they require the opportunity to make representations about that proposal, the relevant Cabinet Member be authorised to conduct the hearing and determine the application on the Cabinet's behalf.**
  
- 3. The Executive Cabinet be authorised to approve the fees set out in paragraph 53 of the report in respect of Scrap Metal Dealers Licences.**

#### **14.C.106 REVENUE AND CAPITAL BUDGET MONITORING 2013/14 REPORT 2 (END OF SEPTEMBER 2013)**

Members considered a report of the Chief Executive, approved by the Executive Cabinet in November 2013 on the provisional revenue and capital outturn figures for the Council against the budget and efficiency savings targets set for the

2013/14 financial year. The report sought Council approval to a number of proposed changes to the capital and revenue budget.

During discussion, Members raised issues regarding the rent payable by Recycling Lives at Bengal Street depot; the costs of Council borrowing; the use of the New Homes Bonus and any future reliance on it as an income source; and the use of Disabled Facilities Grant and delays caused by the LCC assessment process.

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

- 1. That approval be given to the use of funds held on the Council's balance sheet, in the Council's role as trustee of The Avondale Library Trust, to contribute £24k to the Home Start Children's Play Area.**
- 2. The transfer of £50k from the Hut Lane earmarked reserve to the Local Development Framework reserve to cover the additional budget requirement in 2013/14 as detailed in paragraph 36 of the report, be approved.**
- 3. Approval be given to an £80k budget transfer of Council resources (carried over from the former Regional Housing Pot and currently within the disabled adaptations capital programme) to fund improvements at Cotswold House; and**
- 4. The proposed re-profiling of the Capital Programme to better reflect delivery in 2013/14, be approved.**

#### **14.C.107 OVERVIEW AND SCRUTINY**

Members considered a general report of the Overview and Scrutiny Committee and Performance Panel meetings held on 26 September, 10 October and 5 December 2013, including updates on the work of scrutiny task groups.

The work of the Parks and Open Spaces Strategy Scrutiny Task Group looking at health impact assessments had now concluded and Councillor Berry was thanked for her chairship of that group. The final report would be considered at the Overview and Scrutiny Committee on 9 January 2014.

Councillor Steve Holgate, Chair of the Overview and Scrutiny Committee proposed and Councillor Mark Perks, Vice Chair seconded and it was **RESOLVED – that the report be noted.**

#### **14.C.108 PARISH COUNCIL SPEAKING RIGHTS AT DEVELOPMENT CONTROL COMMITTEE**

Members considered a report of the Director of Partnerships, Planning and Policy, approved at Development Control Committee on 10 December 2013, proposing the introduction of speaking rights for Parish and Town Councillors in relation to the determination of planning applications by the Committee.

The report sought full Council approval to the change to the section of the Constitution on speaking rights at Development Control Committee.

The changes had been proposed by a Parish Council and supported through the Borough Parish Liaison Meeting. A suggested revision to the recommendation in the report on procedure at meetings was suggested.

Councillor Paul Walmsley, Chair of Development Control Committee proposed and Councillor Dennis Edgerley, Executive Member for LDF and Planning seconded and it was **RESOLVED –**

**That speaking rights for Parish and Town Councillors for planning applications heard by Development Control Committee be established and the procedures for speaking be approved as follows:**

- 1. Order of speaking: objector, supporter, parish/town councillor, ward councillor, applicant/agent**
- 2. Parish/Town Councillors wishing to speak must advise the Democratic Services Officer on the Friday before the Committee meets.**
- 3. A request to speak must be accompanied by an appropriate form of authority from the clerk or chairperson of the Parish/Town Council. This should be in the form of an email or letter of authority.**
- 4. Parish/Town Councils should seek to utilise the services of a Ward Councillor to address the committee, and must represent the authorised views of the parish/town council that they represent.**
- 5. Parish/Town Councillors will have three minutes to speak.**
- 6. In the event that all speakers are against the application, the Chair will grant the applicant a time extension.**

#### **14.C.109 PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 4 CHORLEY**

The Head of Governance submitted a report seeking approval for a diversion order for two lengths of public footpath at Rivington View Estate, Chorley in compliance with Section 257 of the Town and Country Planning Act 1990.

The Development Control Committee had agreed the diversion of the footpath in principle when the planning application for the housing development on this site was approved in 2010. The costs of the footpath diversion order would be met by the developer.

Councillor Paul Walmsley, Chair of Development Control Committee proposed and Councillor Dennis Edgerley, Executive Member for LDF and Planning seconded and it was **RESOLVED –**

- 1. That the Head of Governance be authorised to make a diversion order under Section 119 Highways Act 1990 in respect of the lengths of footpath no. 4, shown on the plan attached to the report as Appendix B.**
- 2. That when the diversion order referred to in paragraph 1 above comes into effect, the Head of Governance be authorised to certify that Article 2 of the footpath diversion order made on 14 September 2010 under Section 257 of the Town and Country Planning Act 1990 as contained in Appendix A to the report, has been complied with.**

**14.C.110 QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8**

There were no questions for consideration under procedure rule 8.

**14.C.111 TO CONSIDER THE NOTICES OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10**

There were no motions to be considered under procedure rule 10.

**14.C.112 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED – that the press and public be excluded for consideration on the following item of business under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act.**

**14.C.113 LOCAL DEVELOPMENT FRAMEWORK : LOCAL PLAN UPDATE**

Councillor Dennis Edgerley, Executive Member for LDF and Planning provided Members with an update in relation to the progression of the Local Plan to adoption and the need to comply with the Inspectors requirements for an updated Gypsy, Traveller and Travelling Showpeople's Accommodation Assessment (GTAA) to be undertaken and provision subsequently agreed. An updated GTAA had been commissioned and the final report was awaited.

The Executive Member reported that he had written to the Inspector in December 2013 to seek an extension in time to the proposed timetable as it did not allow sufficient time for the Council to consider the outcome of the assessment; fully understand the requirements; and to make appropriate provision.

**RESOLVED – that approval be given to the Council's position as reported by the Executive Member for LDF and Planning, with a special meeting of the LDF Working Group being organised in January to consider the final GTAA report and a Member Learning session being organised as soon as possible so that all Councillors have the opportunity to fully understand the issues.**

Chair