

COUNCIL

Tuesday, 31 October 2006

Present: Councillor Mary Wilson (Mayor), Councillor Adrian Lowe (Deputy Mayor), Councillors Peter Baker, Kenneth Ball, Thomas Bedford, Eric Bell, Andrew Birchall, Terry Brown, Alan Cain, Mrs Pat Case, Henry Caunce, Alan Cullens, Magda Cullens, Francis Culshaw, Michael Davies, David Dickinson, Doreen Dickinson, Dennis Edgerley, Anthony Gee, Daniel Gee, Peter Goldsworthy, Mrs Marie Gray, Harold Heaton, Catherine Hoyle, Keith Iddon, Miss Margaret Iddon, Hasina Khan, Margaret Lees, Roy Lees, Marion Lowe, Peter Malpas, Miss June Molyneaux, Greg Morgan, Michael Muncaster, Mark Perks, Geoffrey Russell, Rosemary Russell, Edward Smith, Mrs Iris Smith, Shaun Smith, Mrs Joyce Snape, Ralph Snape, Christopher Snow, John Walker, Mrs Stella Walsh and John Wilson

06.C.103 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Thomas McGowan.

06.C.104 DECLARATIONS OF ANY INTERESTS

The following Members of the Council each delivered a prejudicial interest in the item indicated.

Councillor Dennis Edgerley – Agenda Item 16 Housing Transfer Committee
Councillor Christopher Snow – Agenda Item 16 Housing Transfer Committee
Councillor Mrs Marie Gray – Agenda Item 16 Housing Transfer Committee

06.C.105 MINUTES

RESOLVED – That the Minutes of the Ordinary Council meeting held on 19 September 2006 and the Extraordinary Council meeting held on 11 October 2006 be confirmed as a correct record and signed by the Mayor.

06.C.106 MAYORAL ANNOUNCEMENTS

The Mayor informed Members of her Charity Concert to be held in the Lancastrian Room, on Friday 24 November 2006 at 7.00pm. Tickets were £2.50 and available from the Mayor's Secretary and the concert was with Rivington and Adlington Band, St Michael's High School Choir and Steel Band and St Laurence's School Choir. All tickets are in support of the Mayor's Charities.

The Mayor reminded Councillors and Officers that the Annual Remembrance Day Service would be held at the Parish Church of St Laurence on Sunday, 12 November 2006 at 10.00am.

Members and Officers wishing to join the procession to the church should meet in the Lancastrian Suite using the Town Hall entrance no later than 9.15am.

The Executive Leader took the opportunity to thank those who contributed to the Council achieving the North West Charter for Member Development.

The Mayor announced that Councillor John Wilson would be standing down as Leader of the Labour Group with immediate effect and that Councillor Dennis Edgerley would

become Leader, Councillor Adrian Lowe would become Deputy Leader of the Opposition and Councillor Mrs Margaret Lees to become the Group Secretary.

The Executive Leader along with the Leaders of the Liberal Democrat Group and Independents all thanked Councillor John Wilson for his work in Chorley.

The Mayor informed Members that Mary Mathews, the Assistant to Chief Executive would shortly be retiring from the authority and wished to place on record the Council's thanks and appreciation for her work.

The Executive Leader, Leaders of the Labour Group, Liberal Democrats, Independents and those Councillors who had been Mayors of Chorley all paid tribute to the dedicated and professional service which Mary Mathews had given to the Council and extended their best wishes for the future to her.

06.C.107 PUBLIC QUESTIONS/SPEAKING AT COUNCIL MEETINGS - RECOMMENDATION

The Executive Member for Customer, Democratic and Legal Services presented a report putting forward proposals to allow the public to speak and/or ask questions at meetings of the Council, Executive Cabinet, Development Control Committee and the Overview and Scrutiny bodies within a defined criteria.

The proposals were submitted to the Council meeting held on 19 September 2006 (Minute 06.C.93 refers) and in accordance with Paragraph 27.2 of the Council Procedure Rules, the recommendations were adjourned without further discussion to this Council meeting.

The proposals had evolved from the research work undertaken by the former Community and Overview Scrutiny Panel as part of its Scrutiny inquiry into public participation in the Council's decision making process. The plan to allow public speaking at Development Control Committee had, in fact, been supported by the Committee, subject to the preparation and implementation of appropriate procedure rules.

Members indicated that the following recommendation relating to the Development Control Committee be amended.

"In the event of several people wishing to speak either in favour or against the recommendation, the respective group(s) be requested to select one spokesperson to address the Committee."

It was considered that with the authority of the Chair of the Development Control Committee, the process be varied and that two or more people be allowed to speak, as some planning applications may be complex, with more than one group either in favour or against the recommendation expressing their views.

RESOLVED – 1) That the Council introduces a regulated scheme for public speaking at meetings of the Council, Executive Cabinet, Development Control Committee and the Overview and Scrutiny bodies in accordance with the criteria set out below and, accordingly, to authorise the addition of the following text to the Council Procedure Rules, as set out in Part A of Appendix 3 of the Council's Constitution:

"PUBLIC QUESTIONS/SPEAKING

1) Council and Executive Cabinet Meetings

- A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each ordinary Council meeting (ie excluding the Annual Meeting).
- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Council meeting to allow time to prepare appropriate responses and investigate the issue if necessary.
- The question to be answered by the Executive Member with responsibility for the service area or whoever is most appropriate.
- On receiving a reply the member of the public will be allowed to ask one supplementary question.
- Members of the public will be able to stay for the rest of the meeting should they so wish but will not be able to speak on any other agenda item upon using their allocated three minutes.

2) Development Control Committee

- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer's recommendations.
- Persons must give notice of their wish to address the Committee to the Democratic Services Section by no later than midday, two working days before the day of the meeting.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person be allowed to address the Committee.
- Each person/group addressing the Committee be allowed a maximum of three minutes to speak.
- The Committee debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

3) Overview and Scrutiny Committee/Panels

- A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allowed for public questions if necessary at each meeting of the Overview and Scrutiny Committee and its appropriate panels. This will provide an opportunity for members of the public to raise and ask questions on any issue falling within the remit of the Committee or Panel.
- Questions must be submitted to the Democratic Services Section by no later than midday, two working days before the day of the meeting to allow time to prepare appropriate responses and investigate issues if necessary.' "

2) That the undermentioned recommendation relating to the regulated scheme for public speaking at meetings of the Development Control Committee be referred to a meeting of the All Party Leaders Liaison Meeting.

"In the event of several people wishing to speak either in favour or against the recommendation, the respective group(s) be requested to select one spokesperson to address the Committee."

06.C.108 GENERAL REPORT

The Executive Leader presented a report summarising the more significant items of business dealt with at a meeting of the Executive Cabinet held on 5 October 2006.

RESOLVED – That the report be noted.

06.C.109 PLANNING APPLICATION 06/00850/CB3 - LAND SOUTH OF VERTEX TRAINING AND CONFERENCE CENTRE, LITTLE CARR LANE, CHORLEY

The Chair of Development Control Committee presented a report requesting the Council to approve full planning permission for a planning application for the creation of an access junction off the proposed Eaves Green Link Road on land south of Vertex Training and Conference Centre, Little Carr Lane, Chorley.

In accordance with Paragraph 1(b) in Part B of Appendix 2 of the Council's Constitution, this application for deemed planning permission by the Council would not be determined by the Development Control Committee and must be submitted to the Council for consideration.

RESOLVED – That full planning permission for application 06/00850/CB3 be approved subject to the undermentioned conditions:

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

4. The access junction hereby permitted shall only be constructed in conjunction with the mitigation measures specified in the Environmental Statement which accompanied the planning application for the Eaves Green Link Road (Ref: 9/02/00907/CB3ESM) and the junction shall not be opened for use by vehicular traffic until all mitigation measures so specified have been completed in full, except as may otherwise be agreed in writing by the Council as Local Planning Authority.

Reason: To ensure the environmental impacts of the development are satisfactorily mitigated and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

06.C.110 PLANNING APPLICATION 06/00851/CB3 - CREATION OF ACCESS JUNCTION OFF THE PROPOSED EAVES GREEN LINK ROAD ON LAND 20M SOUTH OF 24-26 THE BOWERS, CHORLEY

The Chair of Development Control Committee presented a report requesting the Council to approve full planning permission for the creation of an access junction off the proposed Eaves Green Link Road on land 20m south of 24-26 The Bowers, Chorley.

In accordance with Paragraph 1(b) in Part B of Appendix 2 of the Council's Constitution, this application for deemed planning permission by the Council cannot be determined by the Development Control Committee and must be submitted to the Council for consideration.

RESOLVED – That full planning permission for application No: 06/00851/CB3 be approved subject to the undermentioned conditions:

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

4. The access junction hereby permitted shall only be constructed in conjunction with the mitigation measures specified in the Environmental Statement which accompanied the planning application for the Eaves Green Link Road (Ref: 9/02/00907/CB3ESM) and the junction shall not be opened for use by vehicular traffic until all mitigation measures so specified have been completed in full, except as may otherwise be agreed in writing by the Council as local Planning Authority.

Reason: To ensure the environmental impacts of the development are satisfactorily mitigated and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

06.C.111 DEVELOPMENT CONTROL GENERAL REPORT

The Chair and the Vice-Chair presented reports which summarised the more significant proposals that had been considered at meetings of the Development Control Committee held on 26 September 2006 and 17 October 2006.

RESOLVED – That the report be noted.

06.C.112 OVERVIEW AND SCRUTINY COMMITTEE AND PANELS

The Chair of the Overview and Scrutiny Committee presented a report which summarised briefly the principal matters that had been considered a meeting of the Overview and Scrutiny Committee held on 4 October 2006 as well as the ongoing work of the Corporate and Customer Overview and Scrutiny Panel and the Environmental and Community Overview and Scrutiny Panel.

RESOLVED – That the report be noted.

06.C.113 LICENSING AND SAFETY COMMITTEE AND THE STATUTORY LICENSING COMMITTEE

The Chairman of the Licensing and Safety Committee and Statutory Licensing Committee presented a report which summarised briefly the principal matters that had been considered at meetings of the Committees held on 20 September 2006 and 11 October 2006.

RESOLVED – That the report be noted.

06.C.114 AUDIT COMMITTEE

The Chairman for the meeting of the Audit Committee held on 26 September 2006 presented a report which summarised the items discussed at the meeting.

RESOLVED – That the report be noted.

06.C.115 GENERAL PURPOSES COMMITTEE

The Chairman of the General Purposes Committee presented a report which summarised the only matter discussed at the meeting of the General Purposes Committee held on 11 October 2006.

RESOLVED – That the report be noted.

06.C.116 APPOINTMENTS TO EXECUTIVE CABINET AND ENVIRONMENT AND COMMUNITY OVERVIEW AND SCRUTINY PANEL/CHORLEY COMMUNITY SAFETY PARTNERSHIP (CHAIRMAN)

RESOLVED – 1) That Councillor Alan Cullens be appointed Executive Member for Resources replacing Councillor Greg Morgan on the Executive Cabinet.

2) That Councillor Greg Morgan be appointed Chairman of the Environment and Community Overview and Scrutiny Committee and member of the Overview and Scrutiny Committee replacing Councillor Alan Cullens.

3) That Councillor Alan Cullens be replaced by Councillor Eric Bell as Chairman of the Chorley Community Safety Partnership.

4) That Councillor Alan Cullens be replaced by Councillor John Walker on the Area Forum Working Group.

06.C.117 TO CONSIDER THE FOLLOWING NOTICE OF MOTION GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 8

The following Notice of Motion submitted in accordance with provision of Rule 8 of the Council Procedure Rules was moved by Councillor C Hoyle and seconded by Councillor Edgerley.

The Sustainable Communities Bill aims to empower communities and local communities to decide how to make their local areas sustainable. It covers four main areas:

- (a) Protecting or renewing local economic activity including shops, services, facilities and jobs and locally based industry
- (b) Protecting the local environment
- (c) Increasing social inclusion and decreasing social exclusion
- (d) Increasing participation in democratic, civic and political activity

The Bills sets out a duty on the Secretary of State to promote the sustainability of local communities and it establishes a 'bottom-up' procedure whereby local authorities (and through their citizens and local groups) define how this should be carried out in their own area. Over 300 MPs from all political parties support the introduction of the Bill.

Chorley Borough Council expresses the support for the measures within this Bill as a means of empowering local communities and allowing local authorities to influence government policy and actions and urges the government to find time within the legislative calendar to introduce this Bill.

The Motion was put to the vote and the Mayor declared it unanimously carried.

RESOLVED – That “The Sustainable Communities Bill aims to empower communities and local councils to decide how to make their local areas sustainable. It covers four main areas:

- (a) Protecting or renewing local economic activity including shops, services, facilities and jobs and locally based industry;**
- (b) Protecting the local environment;**
- (c) Increasing social inclusion and decreasing social exclusion;**
- (d) Increasing participation in democratic, civic and political activity.**

The Bill sets a duty on the Secretary of State to promote the sustainability of local communities and it establishes a 'bottom-up' procedure whereby local authorities (and through them citizens and local groups) define how this should be carried out in their own area. Over 300 MP's from all political parties support the introduction of the Bill.

Chorley Borough Council expresses its support for the measures within this Bill as a means of empowering local communities and allowing local authorities to influence government policy and actions and urges the government to find time within the legislative calendar to introduce this Bill.”

06.C.118 EXCLUSION OT THE PRESS AND PUBLIC

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

06.C.119 HOUSING TRANSFER COMMITTEE

The Chairman of the Housing Transfer Committee presented a report on the second meeting of the Housing Stock Transfer Committee held on 10 October 2006 which briefly summarised the matters considered at that meeting.

RESOLVED – That the report be noted.

(Councillors Dennis Edgerley, Christopher Snow and Marie Gray each declared a prejudicial interest in the above item of business and left the meeting during the consideration of and voting on the item)

Mayor