

# COUNCIL

**Tuesday, 19 December 2006**

**Present:** Councillor Mary Wilson (Mayor), Councillor Adrian Lowe (Deputy Mayor), Councillors Peter Baker, Kenneth Ball, Thomas Bedford, Eric Bell, Terry Brown, Alan Cain, Mrs Pat Case, Henry Counce, 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, Thomas McGowan, Miss June Molyneaux, Greg Morgan, Michael Muncaster, Mark Perks, Geoffrey Russell, Rosemary Russell, Edward Smith, Mrs Iris Smith, Mrs Joyce Snape, Ralph Snape, Christopher Snow, John Walker, Mrs Stella Walsh and John Wilson

## **06.C.120 DECLARATIONS OF ANY INTERESTS**

The following Members of the Council each declared a prejudicial interest in the item indicated:

Councillor Dennis Edgerley – Agenda Item 18 Housing Transfer Committee.  
Councillor Christopher Snow – Agenda Item 18 Housing Transfer Committee.  
Councillor Mrs Marie Gray – Agenda Item 18 Housing Transfer Committee.  
Councillor Alan Cain – Agenda Item 18 Housing Transfer Committee.

## **06.C.121 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Andrew Birchall and Shaun Smith.

## **06.C.122 MINUTES**

**RESOLVED – That the Minutes of the Council meeting held on 31 October 2006 be confirmed as a correct and signed by the Mayor.**

## **06.C.123 MAYORAL ANNOUNCEMENTS**

The Mayor informed Members of a New Year meal after the Council meeting on 23 January 2007 commencing at 8.00pm to be held at the Gourmet Buffet and tickets were £10 each.

The Mayor reminded Members of the Mayor's Charity Ball to be held on Friday, 2 February 2007 in the Lancastrian Room, commencing at 7.30pm for Dinner at 8.00pm. Tickets were £25.00.

The Mayor wished all Members and Officers a Merry Christmas and welcomed everyone for drinks and mince pies at the conclusion of the meeting and informal meeting that followed.

## **06.C.124 CORPORATE STRATEGY FOR 2006 - 2009**

The Executive Leader presented a report seeking approval to a number of amendments to the Council's Corporate Strategy for 2006-2009.

The Corporate Strategy set out the Council's issues and corporate priorities for the 3 year period up to 2009, together with a work programme for the coming year, and stood as the key document in taking forward the Council's agenda for improvement.

The Executive Cabinet and Strategy group had recently undertaken a thorough revision of the Corporate Strategy's commitments to assess their feasibility and reflection of the key objectives of the new administration. The view had identified a number of recommended changes to the Corporate Strategy. Changes to the Corporate Strategy included amendment and expansion of the Vision Statement in order to clarify more precisely the Council's aims and overarching vision for the future of the Borough. A number of changes to the Council's strategic objectives, measures and targets, and key projects were also proposed.

The Corporate Strategy had also been considered by the Overview and Scrutiny Committee with the Executive assessing a number of the Committees comments and recommendations.

It was moved by Councillor Edgerley and seconded by Councillor Brown that the Strategic Objective 2 "reduce pockets of inequality" should remain in the Corporate Strategy rather than change to "improving equality of opportunity and life chances".

The amendment was put to the vote and the Mayor declared it lost.

It was moved by Councillor Edgerley and seconded by Councillor Brown that "Develop a strategy to deliver a 0% Council Tax increase in 2007/08" be amended to read "Develop a strategy to deliver low cost, efficient effective services at minimal cost to Council tax payers".

The amendment was put to the vote and the Mayor declared it lost.

It was moved by Councillor Snow and seconded by Councillor R Lees that the "Develop and deliver a strategy and action plan to increase voter turnout at Borough Council elections" should remain in the Corporate Strategy.

The amendment was put to the vote and the Mayor declared it lost.

**RESOLVED – That the updated Corporate Strategy and Vision for the Borough, as presented, as the key strategic document for the Authority, be approved.**

#### **06.C.125 MANAGING HOUSING LAND SUPPLY**

The Executive Member for Economic Development and Regeneration presented a report outlining the reasons for changes to the existing approach to the management of housing land in the Borough and setting out the various options for change.

The report pointed out the likely changes to network and regional policies that were likely to allow the annual construction of a greater number of houses in the Borough. In the circumstances the report advocated the discontinuance of the use of the Windfall Housing Supplementary Planning Guidance that sought to manage the release of unallocated sites, accepting that the provisions of the Structure Plan would continue to apply to proposed developments of 10 dwellings or more which are referred to the County Council for comment.

This would allow scope to negotiate greater proportions of affordable/special needs housing in the larger development schemes and support mixed-use regeneration schemes.

**RESOLVED - 1) That the Windfall Housing Developments Supplementary Planning Guidance cease use forthwith in favour of sole reliance upon the application of Structure Plan restriction in respect of schemes of 10 or more dwellings, subject to the following Initiatives and safeguards:**

**“In relation to sites of less than 10 dwellings there would need to be controls over deliberately low densities proposed by applicants to get under the 10 dwelling threshold. A density of less than 30 per hectare (the minimum normally expected by national guidance) would only be acceptable if this was appropriate to the particular site and in keeping with the character of the surrounding area. Sub-divisions of larger sites into less than 10 dwelling parcels applied for separately would also need to be prevented. On large sites involving mixed uses safeguards would need to be imposed where there was a possibility of only the housing element being built.”**

**2) That at least a 30% proportion of affordable or special needs housing on market housing schemes of 25 or more dwellings on sites of 1 hectare or more in size be sought.**

**06.C.126 MAXIMISING THE OPPORTUNITIES IN THE NEW LOCAL GOVERNMENT WHITE PAPER**

The Executive Leader presented a report which gave a general overview of the provisions contained in the new Local Government White Paper and their implications for Chorley.

The report highlighted, in particular, the Government’s encouragement of two-tier Authorities to explore ways of improving the two-tier system for the benefit of local communities and services, including the submission of a limited number of two-tier pathfinder bids.

It was moved by Councillor Edgerley and seconded by the Deputy Mayor, Councillor A Lowe that Recommendation 4 be amended to read:

“To request the Leader of the Council to regularly involve the Executive Cabinet, Scrutiny Committee and other Members of the Council in the development of the bid and the potential implications for Chorley Borough Council”.

The amendment was accepted by the Executive Leader.

**RESOLVED – 1) That the Council enters into a discussion with Lancashire County Council and other Lancashire Authorities with a view to preparing an Improving Two-Tier Pathfinder bid for submission by 25 January 2007.**

**2) That this Council’s Director of Policy and Performance Chair the meetings of officers across Lancashire to prepare a bid.**

**3) That a bid be submitted to the North West Improvement Networks Communities of Interest programme for resources to support the development of the bid.**

**4) That the Leader of the Council be requested to regularly involve the Executive Cabinet, Scrutiny Committee and other Members of the Council in the development of the bid and the potential implications for Chorley Borough Council.**

**06.C.127 CHORLEY COUNCIL DRAFT EQUALITY SCHEME**

The Executive Member for Corporate Policy and Performance presented a report seeking the Council's agreement to a draft Equality Scheme.

The Council, in partnership with South Ribble Council, had commissioned Consultants in April 2006 to develop an Equality Scheme, which would meet the Council's statutory requirements. The draft scheme produced would assist the Authority's delivery of the strategic objective requiring the improvements of the equality of opportunity and life changes for the Borough's residents by embedding equality and diversity outcomes across the Authority.

The Equality Scheme, which had been compiled following an extensive consultation with Chorley Members, Officers and community groups, outlined a commitment to the achievement of Level Three of the Equality Standard by March 2009. This Standard provided a framework for improving equality practice and producing equitable outcomes in service delivery, employment and pay.

**RESOLVED – That the draft Equality Scheme, as presented, be approved.**

#### **06.C.128 CAPITAL PROGRAMME , 2006/07 - MONITORING**

The Executive Member for Resources presented a report on the progress of the 2006/07 Capital Programme.

The report recommended an increase in the 2006/07 Capital Programme to £16,682,490 and contained a number of recommendations of the Capital Efficiency Programme Board to revise the capital budget allocation for a number of projects requiring additional resource and to include a number of new Category 'B' and Category 'C' schemes within the capital programme.

**RESOLVED –**

- (1) That the revised Capital Programme for 2006/07 in the sum of £16,682,490, as presented in Appendix 1 to the submitted report be approved.**
- (2) That Eccleston Community Centre bid be removed from the reserve list.**
- (3) That the following recommendations of the Capital and Efficiency Programme Board be approved.**

#### **Exception Reports**

- (a) a £12,910 increase in the Kerbside Recycling budget to be funded from prudential borrowing;**
- (b) the additional design fee of £16,808 to be funded from existing resources.**

#### **New Capital Schemes and Projects**

- (c) the inclusion of the following new schemes on the reserve list (Category 'C') for future consideration when resources become available:**
  - 1. Cemetery Development**
  - 2. Tree Management**
  - 3. Corporate Play Development Plan – Year Five Project 'Chorley Moor'**
  - 4. Grant towards a community centre in Eccleston**

5. Grant scheme for village halls and community centres
6. Astley Hall CCT
7. Brinscall Swimming Pool
8. HR Management System

(d) the inclusion of the following new schemes in Category 'B'; of the 2006/07 capital programme:

1. Telephony Review
2. Brinscall Village Junior Football Club Pitch Improvements
3. Ulnes Walton Parish Council Schemes
4. Adlington Play Development

#### **06.C.129 CAPITAL PROGRAMME, 2005/08 - 2009/10**

The Executive Member for Resources presented a report on the committed Capital Programme for 2007/08 to 2009/10 and a schedule of the potential Category 'C' reserve list of schemes assessed by the Capital and Efficiency Programme Board.

The Capital Programme for 2007/08 to 2009/10 totalling £4,238,700 (of which £3,074,950 would be required from Council resources) was shown within Appendix 1 to the submitted report. The projected Category 'C' bids for inclusion in the Capital Programme were scheduled in Appendix 2 to the report, with additional information on the proposed schemes being outlined in Appendix 4 to the report.

A table set out in Paragraph 17 of the Director of Finance's report identified a number of proposed new Category 'C' schemes, totalling £1,095,990, which the Officers considered would accept with the Council's corporate priorities and complement the Council's community leadership programme. The report also referred to the proposed funding arrangements and anticipated revenue implications.

**RESOLVED – That the draft Capital Programme for 2007/08 to 2009/10 be approved for consultation purposes, as outlined in the submitted report of the Director of Finance, together with the proposed financing arrangements.**

#### **06.C.130 AREA FORUM PILOT SCHEME**

The Executive Member for Customer, Democratic and Legal Services presented a report reviewing the outcome of the Area Forum Pilot Scheme, following the conclusion of the three rounds of meetings in the pilot areas of Clayton-le-Woods North Ward, Coppull Parish and Lostock Ward between February and October 2006.

As a result of the success and positive feedback from the pilot meetings, the Council was recommended to extend the pilot scheme Borough-wide by the introduction of four Community Forums (ie Central, East, South and West) that, collectively, would cover the whole of the Borough. A plan showing the boundaries and populations of each of the four projected Community Forum areas, and the recommended procedure rules to be applied to the Forums, were appended to the report.

A note summarising the views of the Overview and Scrutiny Committee on the proposals had been considered by the Executive Members. The Overview and Scrutiny Committee had expressed reservations, in particular on the size of the projected Community Forum footprints and the division and linkage of Parish Councils between the four Forum areas. The report indicated that in this context, the Member for Customer, Democratic and Legal Services clarified that the Community Forum concept was aimed at enhancing and complementing Parish Councils and the it had

been confirmed at the Executive Cabinet that the Community Forum footprint would be reviewed on an annual basis.

The report pointed out that after taking account of the Overview and Scrutiny Committee's views, the Executive Cabinet supported the proposals for the introduction of four Community Forums and recommended the Council to authorise the appropriate implementation procedures.

The following amendment was moved by Councillor Edgerley and seconded by Councillor A Gee.

"To have 6 Area Forums that meet twice per year.

The six areas to be:

- Rural West comprising Lostock and Eccleston and Mawdesley.
- South West comprising Chisnell and Coppull
- South East comprising Adlington and Anderton and Heath Charnock and Rivington.
- Central as shown on the submitted map.
- North West comprising Euxton North, Euxton South and Astley Village and Buckshaw.
- East comprising Clayton-le-Woods West and Cuerden, Clayton-le-Woods North, Clayton-le-Woods and Whittle-le-Woods, Brindle and Hoghton, Wheelton and Withnell and Pennine".

The amendment was put to the vote and the Mayor declared it lost.

**RESOLVED – 1) That 4 Community Forums be established as the footprint as set out in the submitted report with effect from February 2007, together with the enclosed draft terms of reference for the Forums.**

**2) That it be noted that, in accordance with Paragraph 27.2 of the Council's Procedure Rules, the following recommendation be adjourned without further discussion to the next Ordinary Council meeting on 23 January 2007.**

**"To authorise the addition of the text of the Community Forum Procedure Rules, as outlined in the addendum to the submitted Chief Executive's report, to the Council Procedure Rules set out in Part A of Appendix 3 to the Council's Constitution".**

**3) That the next Ordinary meeting of the Council on 23 January 2007 considers the appointment of a Chair of all the 4 Community Forums and the appointment of a Vice-Chair for each for each of the separate Community Forums.**

#### **06.C.131 GENERAL REPORT FROM MEETING HELD ON 9 NOVEMBER 2006**

The Executive Leader presented a report summarising the more significant items of business dealt with at a meeting of the Executive Cabinet held on 9 November 2006.

**RESOLVED – That the report be noted.**

#### **06.C.132 GENERAL REPORT FROM MEETING HELD ON 7 DECEMBER 2006**

The Executive Leader presented a report summarising the more significant items of business dealt with at a meeting of the Executive Cabinet held on 7 December 2006.

**RESOLVED – That the report be noted.**

**06.C.133 FREEDOM OF THE BOROUGH**

The Executive Leader presented a report seeking the Council's approval to:

- the Freedom of the Borough being granted to the 5 General Medical Support Regiment on Saturday, 9 June 2007.
- the Duke of Lancasters Regiment exercising its Freedom of the Borough by marching through the Town Centre in Summer 2007.
- the establishment of a Member/Officer Civic Events Working Group.
- the commencement of arrangements to commemorate the Falklands 25<sup>th</sup> Anniversary.

The report indicated the background to the Council having the power under Section 249(5) of the Local Government Act 1972 to grant the Freedom of the Borough to persons of distinction who have in its opinion rendered eminent services to the Borough.

**RESOLVED – 1) That arrangements be commended to enable the Freedom of the Borough to be granted to the 5 General Medical Support Regiment on Saturday, 9 June 2007 in accordance with the programme set out in this report.**

**2) That the resolution to be submitted to the Special Council meeting on 9 June 2007 be as follows:**

**“That this Council wishes to place on record its high appreciation of, and the debt of gratitude of the Borough to the Officers and Soldiers of 5 General Medical Support Regiment and, in the light of the long and close association between the Borough and the Regiment, resolves that the Freedom of the Borough be conferred on the Regiment and that they be granted the right, privilege, honour and distinction of marching through the streets of Chorley on all ceremonial occasions with drums beating, bands playing, colours flying and bayonets fixed”.**

**3) That a Member/Officer Civic Events Working Group be established to co-ordinate the arrangements for the two Freedom events, the commemoration of the Falklands 25<sup>th</sup> Anniversary and other ad-hoc civic events as set out in this report.**

**4) That the costs of the events be met from existing budgetary provision.**

**06.C.134 MEMBERS ALLOWANCES - APPOINTMENT OF INDEPENDENT REMUNERATION PANEL**

The Executive Leader presented a report seeking the Council's approval to the appointment of a new Independent Remuneration Panel to review the Council's Members Allowances Scheme.

Under Paragraph 20 of the Local Authorities (Members Allowances) (England) Regulations 2003 the Council was required to appoint and maintain an Independent Remuneration Panel which will review and make recommendations to the Council on the Members Allowances Scheme.

The report indicated that the current Members Allowances Scheme was approved at the Council meeting held on 1 November 2005 and it was now appropriate to revise

the existing Members allowances due to changes in circumstances of the existing membership of the Panel.

The new Panel would review a number of outstanding issues as well as reviewing additional subjects.

**RESOLVED – 1) That Mr D Benson, Mr J Cowdall and Mr T Waring be appointed as its Independent Remuneration Panel for a term of office up to 5 years.**

**2) That Mr D Benson be appointed as the Chair of the Panel.**

#### **06.C.135 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 at a meeting of the Overview and Scrutiny Committee held on 8 November 2006 and 4 December 2006 as well as a brief summary of the recent activities and matters discussed at meetings of the Environment and Community Overview and Scrutiny Panel and Corporate and Customer Overview and Scrutiny Panel.

**RESOLVED – That the report be noted.**

#### **06.C.136 DEVELOPMENT CONTROL COMMITTEE**

The Chair of the Development Control Committee presented a report which summarised the more significant planning proposals that had been considered at the meeting held on 21 November 2006.

**RESOLVED – That the report be noted.**

#### **06.C.137 LICENSING AND SAFETY COMMITTEE**

The Chairman of the Licensing and Safety Committee and the Statutory Licensing Committee presented a report which summarised the principal matters which had been considered at meetings of the Committees held on 22 November 2006.

**RESOLVED – That the report be noted.**

#### **06.C.138 GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY**

The Chairman of the Statutory Licensing Committee presented a report seeking the Council's approval to the Gambling Act 2005 Statement of Licensing Policy.

The Council as licensing authority under the provisions of the Gambling Act is required in accordance with Section 349 of the act to formulate, consult and adopt a Gambling Act Statement of Licensing Policy which will guide the Council when considering applications under the act.

**RESOLVED – 1) That in accordance with Section 349 of the Act, the 'Gambling Act Statement of Licensing Policy' be approved with respect to the exercise of the Licensing Authorities Functions under the Gambling Act 2005.**

**2) That the Director of Customer, Democratic and Legal Services be authorised to publish the approved Statement of Licensing Policy prior to the statutory deadline of 3 January 2007.**



3) That in accordance with Section 157(h) of the act designates Lancashire County Council Children and Young Persons Division as being the body competent to advise the Authority about the protection of children from harm.

#### **06.C.139 STANDARDS COMMITTEE**

The Vice Chairman of the Standards Committee presented a report summarising the principal matters considered at a meeting of the Committee held on 23 October 2006.

#### **06.C.140 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED – That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.**

#### **06.C.141 MARKET WALK PHASE 2**

The Executive Member for Economic Development and Regeneration presented a confidential report on plans to pursue a scheme to develop a second phase of Market Walk in the town centre.

The report recommended the appointment of the current owners of Market Walk, RREEF, as the preferred developers and sought authority for the Council to enter into detailed negotiations with the developers, subject to approval of the final terms of the development agreement by the Executive Cabinet.

The report that had been submitted to the 7 December 2006 Executive Cabinet outlined the development plans; analysed the envisaged financial implications; and evaluated the arguments for the appointment of the preferred developer, was attached for consideration.

**RESOLVED – 1) That the appointment of RREEF be appointed the preferred developer for the Market Walk Phase II scheme on the basis of the proposals outlined in the submitted report, subject to the provisions detailed in paragraph 30 of the submitted report.**

**2) That the planned process and timescales set out in paragraph 40 of the submitted report be noted.**

**3) That Officers be authorised to enter into detailed negotiations with RREEF and conclude a development agreement for a second phase of the Market Walk retail development, incorporating a multi-storey car park, subject to the Executive Cabinet's prior agreement of the final terms.**

#### **06.C.142 HOUSING TRANSFER COMMITTEE**

The Lead Member for Housing presented a report on the Housing Transfer Committee that met on the 5 December 2006 which briefly summarised the matters considered at the meeting.

**RESOLVED – That the report be noted.**

(Councillors Dennis Edgerley, Christopher Snow, Mrs Marie Gray and Alan Cain 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