

MINUTES OF COUNCIL

MEETING DATE Tuesday, 22 September 2015

MEMBERS PRESENT: Councillor Marion Lowe (Mayor), Councillor David Dickinson (Deputy Mayor) and Councillors Aaron Beaver, Eric Bell, Julia Berry, Martin Boardman, Alistair Bradley, Charlie Bromilow, Terry Brown, Paul Clark, Jean Cronshaw, Alan Cullens, John Dalton, Doreen Dickinson, Robert Finnamore, Christopher France, Anthony Gee, Danny Gee, Keith Iddon, Mark Jarnell, Hasina Khan, Paul Leadbetter, Margaret Lees, Roy Lees, Adrian Lowe, Matthew Lynch, June Molyneaux, Greg Morgan, Alistair Morwood, Mick Muncaster, Steve Murfitt, Beverley Murray, Debra Platt, Joyce Snape, Kim Snape, Ralph Snape, Richard Toon, John Walker, Paul Walmsley, Alan Whittaker and Peter Wilson

OFFICERS: Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Customer and Advice Services), Jamie Carson (Director of Public Protection, Streetscene and Community), Chris Moister (Head of Governance and Property Services) and Carol Russell (Democratic Services Manager)

APOLOGIES: Councillors Henry Counce, Graham Dunn, Gordon France, Margaret France and Mark Perks

15.C.266 Minutes of meeting Tuesday, 21 July 2015 of Council

RESOLVED – That the minutes of the last meeting of the Council held on 21 July 2015 be approved as a correct record for signature by the Mayor.

15.C.267 Declarations of Any Interests

There were no declarations of interest received.

15.C.268 Deputy Mayor

The Mayor reported that Councillor David Dickinson was stepping down from the role of Deputy Mayor due to his ongoing ill health and therefore Members were being asked to nominate another Councillor to take on the role. Political group leaders expressed their disappointment that David Dickinson felt unable to continue as Deputy Mayor.

Councillor Paul Leadbetter nominated Councillor Doreen Dickinson as Deputy Mayor for the remainder of 2015/15 and this was seconded by Councillor John Dalton. Councillors Alistair Bradley and Ralph Snape also gave their support to the nomination.

RESOLVED – that Councillor Doreen Dickinson be elected to the role of Deputy Mayor for the remainder of the 2015/16 Council year.

Councillor Doreen Dickinson, Deputy Mayor, received her badge of office and signed the declaration of acceptance of office. She thanked all present for her election to the role and introduced her son, Peter Vickers, as her Deputy Consort.

15.C.269 Mayoral Announcements

The Mayor thanked those who had attended the Macmillan Coffee Morning earlier in the day and also those who had supported her recent Charity Golf Day and Charity Lunch at Camerons.

Forthcoming charity events included Soul Nights in the Lancastrian in October and December plus a Black and White themed Charity Ball in February at Shaw Hill Golf and Hotel Spa.

The Mayor also reported that this was the last Council meeting before Remembrance Sunday on 8 November and she invited Members to join the parade from the Town Hall which would be followed by a Church service at St Laurence's and a service at the Cenotaph in Astley Park.

15.C.270 Public Questions

There were no public questions for consideration.

15.C.271 Planning Policy for Traveller Sites - August 2015

Councillor Alistair Bradley, Leader of the Council presented a report on Planning Policy for Traveller Sites. This item had been deferred at the last meeting of the Council in July, pending the receipt of further guidance from Central Government and the impact this could have on the Council's position.

Since then, revised guidance had been issued by the Government and the report set out its main changes; the potential implications for the GTAA; and the further progression of the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan.

The Leader reported that the Council needed time to study the guidance in detail and ascertain the direct implications for Chorley and the GTAA. A new definition of gypsy and traveller gave a degree of uncertainty to the current GTAA and an issues and options paper was being drafted. In response to a question from Councillor Paul Leadbetter, the Leader indicated that there was now no immediate pressure on timescale following the issue of the new national guidance. The Council did need to have a plan but the timescale was likely to be extended for another two years.

Councillor Alistair Bradley, Leader of the Council proposed, Councillor Paul Walmsley, Executive Member for Public Protection seconded and it was:

RESOLVED – that Members endorse officer advice to seek further expert and legal advice on the implications of the new guidance on the assessment of the Gypsy, Traveller and Travelling Showpeople’s housing needs in the Central Lancashire area and the progression of the Traveller Local Plan.

15.C.272 Executive Cabinet

Members considered a general report of a meeting of the Executive Cabinet held on 27 August 2015.

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

15.C.273 Revenue and Capital Budget Monitoring 2015/16 Report 1 (End of June 2015)

Members considered a report of the Chief Executive on the provisional revenue and capital outturn figures for the Council as compared against the budgets and efficiency savings targets set for the financial year 2015/16. The report had been agreed at Executive Cabinet in August but a number of the recommendations required Council approval.

The projected revenue outturn currently showed a forecast underspend of £444,000 against the budget, including savings made in Market Walk financing costs. The report sought approval to the use of the forecasted underspend for service improvements and also a contribution to general balances.

In response to a question from Councillor Paul Leadbetter, on the use of underspend on the NEETs programme, being utilised in the youth sector, Councillor Wilson said it was a question of re-profiling spending to meet current needs.

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

RESOLVED – that

- 1. Approval be given to £100,000 from in-year revenue underspends being set aside to fund one-off capital payments to secure recurrent revenue savings on ICT contracts.**
- 2. Approval be given to the use of £39,000 held in reserves for the former NEETs programme to invest in the Town Centre Grants Programme and a further sum of £61,000 be funded from in-year savings.**
- 3. Approval be given to the use of £36,000 from in-year revenue underspends for capital investment in Christmas lighting for the town centre and Market Walk.**

4. **Approval be given to the Single Front Office Apprenticeships scheme at an estimated cost of £56,000 for two years, and that the unspent budget at 2015/16 year-end be carried forward in an earmarked reserve; and**
5. **Approval be given to the proposed additions and re-profiling of the Capital Programme to better reflect delivery in 2015/16. This requires £166,000 revenue financing of the CCTV Programme to be brought forward from 2016/17 and 2017/18, to be financed from a reserve earmarked for capital financing. In addition the budget for revenue financing of CCTV should be increased by £85,000, to be met from the forecast underspend.**

15.C.274 Overview and Scrutiny Committee and Task and Finish Groups

Members considered a general report of a meeting of the Overview and Scrutiny Committee held on 16 July including an update on the Scrutiny Task Group reviewing the Single Front Office project.

Councillor John Walker, Chair of the Committee proposed, Councillor Hasina Khan, Vice Chair seconded and it was **RESOLVED – that the report be noted.**

15.C.275 Amendment to the Scheme of Delegation for Licensing

The Director of Public Protection, Streetscene and Community submitted a report seeking Council approval to a decision of the Licensing and Public Safety Committee to revise the scheme of delegation within the Council's Constitution to allow officer authority to refuse both hackney carriage and private hire vehicle renewals and also to refuse new applications for vehicle licences where appropriate standards have not been met. This would be undertaken in consultation with the Chair or Vice Chair of the Committee.

The cut off point for the receipt of applications to renew vehicle licences was also proposed and further delegation relating to the revocation of gaming premises and gaming machine permits.

Councillor Roy Lees, Chair of the Licensing and Public Safety Committee proposed and Councillor Anthony Gee, Vice Chair seconded it and it was **RESOLVED –**

1. **That the Council authorises the Head of Governance and Property Services to amend the current scheme of delegation contained in the Constitution to allow the Director of Public Protection, Streetscene and Community to make the decision to refuse private hire and hackney carriage vehicle renewals and to refuse to grant applications for new licences in consultation with the Chair or Vice Chair of Licensing and Public Safety Committee. Refusal by delegated authority would be used where the applicant has failed to meet all the application requirements, such as the vehicle not meeting the Council's vehicle conditions or failure of the taxi test or another aspect of the application is incomplete.**

2. That the cut-off point for receipt of an application to renew a taxi vehicle licence will be at close of business on the date that the licence expires.
3. That the Council authorises the Head of Governance and Property Services to amend the Council's Scheme of Delegation to allow officers to revoke a Gambling Premises Licence and cancel licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of the non-payment of an annual fee.

15.C.276 Questions Asked under Council Procedure Rule 8

There were no questions received under Procedure Rule 8.

15.C.277 To consider the Notices of Motion given in accordance with Council procedure Rule 10

There were no notices of motion received under Procedure Rule 10.

15.C.278 Market Walk Extension

The Mayor announced that the item on the Market Walk Extension would be discussed initially in the public part of the meeting, including an opportunity for any members of the public to ask questions. The press and public would then be excluded to allow wider discussion by Members, at which point any decisions on this matter would be taken.

Councillor Alistair Bradley presented a proposal drawn up with the Market Walk Steering Group to develop seven new retail and leisure units on the Flat Iron as an extension to Market Walk shopping centre. The proposal was subject to planning approval and would cost an estimated £12.9m.

The report contained the background leading to the current proposal for development and this included:

- the key objectives of the Council in purchasing Market Walk in 2013;
- the findings of the town centre masterplan and a number of consultation exercises which demonstrated a high level of support for the proposals with clear demand for a wider range of shops, restaurants and leisure facilities in the town centre;
- a feasibility study undertaken by Deloitte in 2014 with options for extending Market Walk;
- changes from the earlier planning application submitted in April 2015 which including new proposals for car parking behind Oak House and adjacent to Gala Bingo; a new Shopmobility base on Fleet St car park; an alternative location for the Flat Iron market; and the relocation of the PALS memorial being no longer a requirement.

The Council was working with Mason Partners and Lambert Smith to secure lettings for the new units with a proposal that 65% of the development should have pre-let agreements before the work is started.

In terms of the procurement of construction services it was proposed that the Council should use the Property Regeneration Partnership to procure a main contractor for the construction work with proposals included in the report for phasing the work.

The report included detailed proposals for delivering additional car parking in the town centre including any necessary land acquisition. No development work would start on the Flat Iron until additional car parking had been delivered. Councillor Bradley indicated that in undertaking consultation, Booths supermarket had raised objections, particularly around the loss of car parking.

Councillor Ralph Snape expressed his support for the project in principle but wanted to be sure that adequate investigation of the ground conditions had been undertaken in the area covered by the development. Councillor Bradley assured him that site investigation work had been undertaken and that the project would be fully indemnified.

The Mayor indicated that as there were no questions from the public present, then discussion on this item would continue after the exclusion of press and public.

15.C.279 Exclusion of the Public and Press

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it involves the disclosure of exempt information as defined by paragraph 3 of Part 1 of schedule 12A to the Local Government Act.**

15.C.280 Market Walk Extension

Councillor Alistair Bradley, Executive Leader introduced a second report on Market Walk which included a detailed analysis of the financial implications of the proposed development both in terms of financing the development costs of the project and the likely revenue from rental income and business rates. Also included was a breakdown of funding for associated public realm works.

The report further contained commercial information on interest from major retailers, restaurant and leisure providers in being part of the new development in Chorley town centre.

Councillor Paul Leadbetter, Leader of the Opposition, accepted that the town centre was thriving and that additional investment was needed but expressed concern about the level of debt the Council would need to support in undertaking the development; also the loss of car parking and the potential impact in car parking revenue; and the impact on existing traders in the town.

Councillor Peter Wilson, Executive Member for Resources stated that detailed risk assessments had been undertaken and the risks would be well managed. The development would only commence once 65% of the units had pre-let contracts in place. As with the purchase of Market Walk, the Council would look at different ways of borrowing and the most preferential interest rates to minimise the impact of the debt.

Councillor Greg Morgan thought that the procurement route being recommended for the construction work would not necessarily be the most competitive.

Councillor Martin Boardman indicated support for the type of development being proposed but raised a number of concerns, namely:

- that the town centre masterplan did not mention the development of the Flat Iron with large units and questioned the choice of site. In response the Leader said it was about utilising land already in the Council's ownership.
- a query about reducing the scale of the development by having just one flagship retailer to bring in others. The Leader said the aim was to bring in retail, restaurant and leisure outlets to complement the existing town centre offer.
- Concerns that the contemporary design of the new development may not blend in with the existing Market Walk shopping centre. The Leader welcomed views on the design aspects which had been subject to significant change and he welcomed any further comments.

Councillor Eric Bell commented that the Flat Iron market was a true asset for the town and that this proposal had too great an impact on that asset.

Councillor Danny Gee spoke in favour of the development and the Council's proactive approach to investing in the town centre.

In concluding comments from the opposition, Councillor Paul Leadbetter indicated that there had been good debate and whilst his Group were supportive they were proposing an amendment to the recommendations in the report and this was seconded by Councillor Greg Morgan, as follows:

Amendment

- **Revised 2b) Pre-let contract agreements being signed for 65% or more of the new units including all three of the units 1, 2 and 3, Plus additional points as follows**
- **2d) Before work commences, the contract with the prime contractor is to be based on a Firm Fixed Price Contract (Traditional Form of Contract) to minimise the risk of cost escalation to the Council. This will require some effort in defining the scheme in some detail before work commences, it will however reduce the risk to the Council of future overspend.**
- **2e) Contractual break clauses, if they are to exist, are not to be within the time period over which any incentive fee would be paid through rental income, to ensure incentive payments are recovered from the tenant.**
- **2f) Production of a revised Town Centre Masterplan detailing how this development contributes to the overall strategic direction and vision for the Town Centre.**
- **2g) Production of a detailed Car Parking Masterplan, strategically linked to the Town Centre development and Masterplan, detailing the location of the proposed car parks, their connectivity, how those using the Town Centre will be encouraged to change their parking habits and the marketing required, in each case.**

Following further discussion on the recommendations contained in the report, Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Executive Member for Resources seconded and it was unanimously

RESOLVED - that subject to:

- a) **Planning approval (due be determined at Development Control Committee on 29th September 2015);**
- b) **Pre-let contract agreements being signed for 75% or more of the new units; and**
- c) **The conclusion of any planning or legal challenges in favour of the scheme;**

Members agree to:

1. **Proceed with the development of a new retail and leisure extension to Market Walk, delivery of associated highways improvements and public realm works, at a cost of up to £12.9m excluding VAT.**
2. **Use the Lancashire Regeneration Property Partnerships as the procurement route for the main contractor to develop the Market Walk extension.**
3. **The future appropriation of the Council owned development land identified within the planning application for planning purposes (retail) with delegated power to the Head of Governance and Property Services to authorise the appropriation at the opportune time once the area is no longer required for car parking.**
4. **Authorise the use of the statutory process under section 237 of the Town and Country Planning Act 1990 in the event a negotiated settlement with AXA/ Booths cannot be reached.**

Members require that:

5. **Prior to the appointment of any contractor the proposed terms and form of the contract be brought to the General Purposes Committee of the Council for notification and consideration.**
6. **Leases should seek to ensure that any tenant break clause cannot operate prior to the effective repayment through rental income of the incentive paid to that tenant. In the event of a departure from this requirement the proposed lease terms should be brought to the General Purposes Committee of the Council with an explanation for the departure, for notification and consideration.**
7. **The Council prepare an updated Town Centre Masterplan incorporating how the development specifically contributes to the Council's strategic direction and vision for Chorley Town Centre.**
8. **The Council prepare a detailed Car Parking Masterplan, strategically linked to Town Centre development and Masterplan, detailing the location**

of the proposed car parks, their connectivity, how those using the Town Centre will be encouraged to change their parking habits and the marketing required, in each case.

The press and public were eligible to join the meeting again at this point.

15.C.281 Any urgent business previously agreed with the Mayor

The Mayor announced that she had agreed to two items of urgent business

1. Council Appointments

There was a request for a change to a Council appointment which was to add the Executive Member for Public Protection to the membership of the Licensing Liaison Committee, in addition to the Chair and Vice Chair of the Licensing and Public Safety Committee.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED – that the Executive Member for Public Protection be also appointed to the membership of the Licensing Liaison Committee, in addition to the Chair and Vice Chair of the Licensing and Public Safety Committee.**

2. Councillor Mike Handley – Euxton North Ward

The Mayor announced that Councillor Mike Handley had now been absent from meetings of the Council due to ill health for a period of 6 months. As he had not sought an extension to this period of time from the Council, under Section 85 of the Local Government Act, he was now no longer a serving Elected Member of Chorley Council.

As a result, a by-election would be called in the Euxton North ward of the Borough to fill the vacant Council seat.

The Mayor expressed her best wishes to Mike Handley for his recovery to better health.

Mayor

Date