

# Executive Cabinet

## Minutes of meeting held on Tuesday, 26 June 2007

**Present:** Councillor P Goldsworthy (Executive Leader in the Chair), Councillor Mrs P Case (Deputy Leader of the Council) and Councillors Eric Bell, Alan Cullens, Peter Malpas, Mark Perks and John Walker

**Also in attendance:**

**Lead Members:** Councillors Harold Heaton (Lead Member for Development Control) and Mrs Iris Smith (Lead Member for Licensing)

**Other Members:** Councillors Dennis Edgerley, Anthony Gee, Daniel Gee, Catherine Hoyle, KevinJoyce, Laura Lennox, Marion Lowe and Ralph Snape

### 07.EC.63 DECLARATIONS OF ANY INTERESTS

Councillor H Heaton declared a personal interest in Agenda Item 6 (Capital Programme – Outturn for 2006/07 and Monitoring of 2007/08 Programme). Councillor Heaton remained in the meeting, but took no part in the discussion or voting on the item.

### 07.EC.64 MINUTES

The minutes of the meeting of the Executive Cabinet held on 24 May 2007 were confirmed as a correct record for signature by the Chair.

### 07.EC.65 LAND ALLOCATED FOR EMPLOYMENT DEVELOPMENT AT BOTANY/GREAT KNOWLEY, CHORLEY

The Executive Cabinet received and considered a further report of the Director of Development and Regeneration in response to issues raised at the 24 May 2007 meeting when the Cabinet had been requested to endorse a Guiding Principles Document for the development of the Botany/Great Knowley site at Chorley. The land was allocated in the adopted Chorley Borough Local Plan Review for Class B1 (Offices/Light Industry) and Class B2 (General Industry) use.

The Members had requested a further report on (i) the feasibility or otherwise of procedures to secure the release of the site's allocation as employment land, and (ii) the likely implications of any re-allocation. The supplementary report addressed these, and other, relevant issues.

At the outset of the debate, the Executive Leader welcomed three members of the public who had each requested the opportunity to ask a question on the agenda item. The questions related to the costs and timescales of the re-allocation process, the necessity for the development given the over-supply of employment land and the impact of additional traffic on the area's road networks. The Executive Member for Economic Development and Regeneration (Councillor P Malpas) responded to both the original questions and the supplementary queries raised by two of the questioners. In addition, Councillor D Edgerley presented a petition signed by approximately 1,040 Chorley residents objecting to the site's allocation.

The Director's report outlined the background to the identification of the site for employment purposes in the initial Chorley Borough Local Plan, after taking account of the need to provide a variety and mix of employment opportunities throughout the Borough. The report also clarified that any revision of the Local Plan Review policies would entail long and complex processes within the Local Development Framework

regime, highlighting the risk of substantial compensation claims arising from any move to pursue other routes. The Guiding Principles document, which had taken account of relevant highways and ecological considerations, had been compiled as guidance and advice to potential developers in order to ensure the highest quality design and layout for any potential development of the Botany/Great Knowley site.

**Decisions made:**

**(1) That the Authority accepts that, owing to the fact that the Botany/Great Knowley site has been identified as employment land since 1991, being included in the Chorley Borough Local Plan (adopted in 1997) and the subsequent Review Plan (adopted in 2003), both of which were subject to a public inquiry, the existing Local Plan allocation of the site for employment purposes is, for all practical purposes, unchangeable in the short term.**

**(2) That the Council uses all reasonable endeavours to seek a re-allocation of the site through the formal Local Development Framework process.**

**(3) That, in the interim, subject to any necessary minor textual changes being delegated to the Director of Development and Regeneration, the Guiding Principles document be endorsed for further public consultation, including a workshop seminar with the local residents' group.**

**Reasons for decisions:**

Any move to re-allocate the land could not be quickly pursued, nor done without risk of financial compensation. A considered approach through the Local Development Framework process would enable all factors and considerations to be assessed and judged.

**Alternative option(s) considered and rejected:**

Acceptance of the land allocation without further investigation and examination.

**07.EC.66 ANNUAL AUDIT AND INSPECTION LETTER FOR 2005/06**

The Executive Leader welcomed Mr M Thomas from the Audit Commission who presented the Commission's Annual Audit and Inspection Letter for 2005/06.

The Letter provided an overall summary of the Audit Commission's assessment of the Authority, drawing from its audit findings and conclusions and from the audit inspections undertaken in the past year. The Letter revealed how well the Council had progressed under the Commission's Direction of Travel report and assessed the Council's management of its finances through the Use of Resources scores.

Mr Thomas highlighted , in particular, the following main messages extracted from the Letter:

- The Council had made significant improvements in its performance over the last three years compared with other District Councils, including those categorised as 'excellent' District Councils.
- The Council was performing well ahead of all other comparative Authorities.
- The Council's support of the Lancashire Children and Young People partnership would contribute to the delivery of the Children and Young People improvement agenda.

- The Council continues to perform well in its use of resources, having scored a maximum 4 for its annual Use of Resources self-assessment on value for money in 2006.

**Decision made:**

**That the Annual Audit and Inspection Letter for 2005/06 be noted and that the specific issues drawn to the Authority's attention in paragraph 4 of the Letter be addressed accordingly.**

**Reason for decision:**

In order to ensure that the Authority's current high level of service and performance is maintained.

**Alternative option(s) considered and rejected:**

None.

**07.EC.67 CAPITAL PROGRAMME - OUTTURN FOR 2006/07 AND MONITORING OF 2007/08 PROGRAMME**

The Executive Cabinet considered a joint report of the Deputy Chief Executive and the Director of Finance which set out (i) the provisional outturn for the Council's Capital Programme for 2006/07; (ii) a progress update on the 2007/08 Capital Programme; and (iii) recommendations of the Corporate Improvement Board on suggested new projects.

The provisional outturn for the 2006/07 Capital Programme was projected as £13,269,246, which was £944,676 in excess of the approved programme. An appendix to the report gave a detailed analysis of the provisional outturn and outlined the proposed financing arrangements for the 2006 programme, identifying a projected slippage of £236,260 to the 2007/08 Capital Programme. The current forecast for the 2007/08 programme revealed an increased total programme of £8,302,450.

The report also contained a recommendation from the Corporate Improvement Board seeking endorsement of the inclusion of three new schemes in Category B of the Capital Programme, which would not entail any additional borrowing requirements.

**Recommendation made:**

**That the Council be recommended:**

- (a) to note the provisional outturn for the Capital Programme for 2006/07 in the sum of £13,269,246;
- (b) to approve the financing of the 2006/07 Capital Programme as set out in Appendix 1 to the submitted report;
- (c) to authorise the slippage of £236,260 from the 2006/07 Capital Programme to the Programme for 2007/08;
- (d) to approve the following recommendations of the Corporate Improvement Board:
  - (a) the addition of the Astley Park – Woodland Management Scheme to the Capital Programme at a cost of £116,000, to be financed from Section 106 resources;
  - (b) the addition of the Coppull Playzone £25,000 contribution to the Capital Programme, to be financed from resources provided by the housing developer; and

- (c) the addition of the Charnock Richard Football Club Pitch Improvements to the Capital Programme, with a £6,000 contribution from the external funding pot.

**Reason for recommendation:**

To ensure that the Capital Programme reflects and is capable of assisting the delivery of the Council's corporate priorities.

**Alternative option(s) considered and rejected:**

None.

**07.EC.68 REVENUE BUDGET, 2006/07 - PROVISIONAL OUTTURN**

The Executive Cabinet received a report of the Director of Finance on the provisional outturn figures for the Council's 2006/07 General Fund revenue budget and the Housing Revenue Account.

The report revealed that, overall, an underspend of £158,000 had occurred 2006/07 as a result of service efficiencies. However, the need to fund backdated interest costs on the Gillibrand Link Road compensation sums was likely to result in an overall loss in the 2006/07 General Fund in the region of £232,000. As an interim measure, the Council would need to cover the loss from working balances, but the Director of Finance intimated his intention to apply to the Department for Communities and Local Government for the capitalisation of those costs.

The total General Fund reserves totalled £1.654m, but, as the majority of that sum was committed for schemes in 2007/08, the effective working balances totalled £0.769m. This was, in fact, within the range agreed in the Council's financial strategy and would be augmented during 2007/08 when the Housing Revenue Account was closed.

The final outturn in respect of the 2006/07 Housing Revenue Account showed a year end balance of £966,000.

**Decision made:**

**That the report be noted.**

**07.EC.69 OVERVIEW AND SCRUTINY ANNUAL REPORT FOR 2006/07**

The Chair of the Overview and Scrutiny Committee (Councillor D Edgerley) presented the Executive Cabinet with the Overview and Scrutiny Annual Report for 2006/07 which highlighted the work and achievements of the Overview and Scrutiny Committee and its associated Panels during the municipal year ending 31 March 2007.

The report summarised the continuing progress and effectiveness of the overview and scrutiny activities and pointed to the areas where it had had the greatest impact over the past year, including the budget setting process. A number of additional Member training sessions had been organised for 2007/08 in order to equip Members with the competencies needed to rise to the challenges within the Local Government White Paper.

**Decision made:**

**That the Overview and Scrutiny Annual Report for 2006/07 be noted.**

#### **07.EC.70 OVERVIEW AND SCRUTINY IMPROVEMENT PLAN - UPDATE**

The Executive Cabinet received an updated version of the Overview and Scrutiny Improvement Plan which identified the opportunities and actions required to enhance the overview and scrutiny function.

The revisions to the Plan had been made in the light of Member and Officer training sessions and the Chair of the Overview and Scrutiny Committee drew the Members' attention in particular to the need for regular meetings between the Executive Leader and the Chair of the Overview and Scrutiny bodies.

**Decision made:**

**That the updated edition of the Overview and Scrutiny Improvement Plan be noted.**

#### **07.EC.71 FORWARD PLAN**

The Council's Forward Plan for the four months period from 1 July to 31 October 2007 was submitted for the information and comment of the Executive Cabinet. The Plan set out the details of the key decisions which the Executive Cabinet, individual Executive Members or Officers were expected to make during the four month period.

**Decision made:**

**That the Council's Forward Plan for the four months period 1 July to 31 October 2007, as now presented, be noted.**

#### **07.EC.72 COMMUNICATIONS AND MARKETING STRATEGY**

The Executive Cabinet received a report of the Director of Policy and Performance (Assistant Chief Executive) seeking approval of a revised and improved Communications and Marketing Strategy for the Council.

The new Plan refreshed and enhanced the Communications Strategy agreed in 2004 by providing a stronger focus on marketing the 'Chorley' brand and ensuring that all opportunities were taken to raise the profile of the Borough and its high performing services. The Plan highlighted the means by which key communications and marketing would support the Authority's priorities and strategic objectives and promote more effectively the Council's partnership ventures.

**Decision made:**

**That the revised Communications and Marketing Strategy, as now presented, be approved and adopted.**

**Reason for decision:**

Implementation of the strategy will strengthen the communication tools, ensure the effective promotion of the Borough and will seek to improve the profile and reputation of the Council.

**Alternative option(s) considered and rejected:**

None.

#### **07.EC.73 CIVIC EVENTS WORKING GROUP**

The Executive Cabinet received and considered the minutes and recommendations of the Civic Events Working Group from its meeting on 30 May 2007.

The Members commented in particular on the success of the event on 9 June 2007 to convey the Freedom of the Borough on the 5 General Support Regiment and commended the organisational arrangements.

**Decision made:**

**That the recommendations of the Civic Events Working Group, as now presented, be approved and adopted.**

**Reason for decision:**

To ensure that the major civic events in 2007 are organised and regulated in accordance with the Council's policies and budgetary constraints.

**Alternative option(s) considered and rejected:**

None.

**07.EC.74 HOUSEHOLDER DESIGN GUIDANCE - SUPPLEMENTARY PLANNING DOCUMENT**

The Executive Cabinet considered a report of the Director of Development and Regeneration recommending the endorsement of modifications to the Householder Design Guidance Supplementary Planning Guidance adopted by the Council in February 2007.

Government guidance aimed to restrict the size of replacement dwellings in the Green Belt so that new buildings were not materially larger than those being replaced. However, recent case law had established that, once built, a replacement dwelling was construed as the original dwelling. Consequently, if the replacement dwelling was larger than the replaced building, it could prove difficult to resist plans for any inappropriate extension. Therefore, in order to retain a robust policy on replacement dwellings in the Green Belt, a modification to the supplementary planning guidance was considered appropriate.

The revised document emphasised the need to restrict the size of replacement dwellings and removed any mention of a percentage figure in relation to the scale of extensions to rural dwellings, allowing each proposal to be treated on its own merits.

**Decision made:**

**That the recommended modification to the Householder Design Guidance Supplementary Planning Document, as presented in Appendix A to the submitted report, be approved for interim adoption for development control purposes during the public consultation period.**

**Reason for decision:**

To address apparent tensions between the aims of planning policy and the logic of case law and so ensure that, in its role as local planning authority, the Council is able to safeguard the countryside in line with both national and local policy.

**Alternative option(s) considered and rejected:**

A number of other options were considered and rejected. The first was to make no amendment to the guidance. This was demonstrably unwise, given experience at the

recent appeal. The second option involved creating a local definition of 'original dwelling' for the purposes of the design guidance. This was rejected on the grounds that it would create confusion, as it would necessarily differ from the existing, widely understood definition of the term. The third option would have involved the use of Section 106 agreements. This was rejected principally on the grounds that it would be both burdensome and cumbersome to administer. All other options were also rejected because the issue can readily be resolved by adopting appropriate amendments.

#### **07.EC.75 DRAFT INTERIM PAVEMENT CAFE DESIGN GUIDE**

The Executive Cabinet received and considered a joint report of the Director of Development and Regeneration and the Director of Streetscene, Neighbourhoods and Environment seeking approval for public consultation purposes of an Interim Pavement Café Design and Licence Guide.

The guidance document aimed to encourage well designed and managed pavement cafes both in the town centre and surrounding villages that would assist the vitality and viability of the town centre and support rural businesses. In particular, the purpose of the guidance was to:

- ensure that any pavement café made a positive contribution to the street scene;
- ensure that any pavement establishment operated and was managed to specified requirements and standards;
- guide potential operators through the required licensing and planning processes.

Notice of a public question had been received, which was read at the meeting in the absence of the questioner. In response, the Director of Development and Regeneration confirmed that Pubwatch would be allowed to comment on the guidance as part of the consultation exercise. In this context, various issues were raised by Members at the meeting that would require further evaluation during the consultation stage.

#### **Decisions made:**

**(1) That the Interim Pavement Café Design and Licence Guide, as now presented, be approved for public consultation purposes.**

**(2) That the Executive Member for Economic Development and Regeneration be granted delegated authority to agree any minor amendments to the Guide which may be appropriate in the light of consultation responses and, subsequently, to authorise the final adoption of the Guide.**

#### **Reason for decisions:**

To put in place positive guidance for Pavement Cafes in Chorley to encourage well designed and managed establishments which will support the vitality and viability of the town centre and rural businesses.

#### **Alternative option(s) considered and rejected:**

None.

#### **07.EC.76 FAIRVIEW FARM, ADLINGTON - PROVISION OF AFFORDABLE HOUSING**

The Executive Cabinet considered a report of the Director of Development and Regeneration on suggested arrangements for the disposal of land at Fairview Farm, Adlington in order to facilitate the provision of affordable housing.

The report recommended the appropriation of the identified affordable housing plot at Fairview Farm, from the Housing Revenue Account to the General Fund and the subsequent transfer of the land to Places for People Housing Association to allow their development of the site for social rented and low cost housing. The Housing Association proposed to seek planning permission and Housing Corporation funding of a scheme to provide 5 two-bedroomed houses and 9 three-bedroomed houses for social renting, together with 15 two-bedroomed houses and 13 three-bedroomed houses for low cost sale. The Housing Association hoped to commence work on the scheme in August 2007.

**Decisions made:**

**(1) That approval be given to the appropriation of the identified affordable housing plot at Fairview Farm, Adlington from the Housing Revenue Account to the General Fund.**

**(2) That the Council enters into an agreement with Places for People Housing Association to transfer the land at Fairview Farm for the provision of social rented and low cost housing.**

**Reason for decision:**

To ensure that a supply of low cost and social housing is maintained in the Borough.

**Alternative option(s) considered and rejected:**

None.

**07.EC.77 EAST LANCASHIRE WOODLAND STRATEGY (ELWOOD) JOINT VENTURE AGREEMENT**

The Executive Cabinet considered a report of the Director of Development and Regeneration on the Council's participation in the Lancashire Woodland Strategy (ELWOOD) Joint Venture programme, along with the local authority areas of Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale.

The ELWOOD programme aimed to make a major contribution to the economic, social and environmental well-being of the area through the creation of a network of new and improved woodland. The Council's commitment to the Joint Venture Agreement would formalise the Authority's participation in the delivery of the ELWOOD programme which had been operating since 2000 with resources from a consortium of funders.

**Decision made:**

**That the Director of Customer, Democratic and Legal Services be authorised to sign the ELWOOD Joint Venture Agreement on behalf of the Borough Council, committing the Council's participation on the delivery of the ELWOOD programme.**

**Reason for decision:**

To formalise the Council's existing participation in the oversight and implementation of the East Lancashire Woodland Strategy (ELWOOD) and, by facilitating the working arrangements of the Elwood Steering Group, assist delivery of the woodland element of the Regional Park (SRB6) programme.

**Alternative option(s) considered and rejected:**



None.

#### **07.EC.78 LAND DRAINAGE ACT 1991- DELEGATION OF ENFORCEMENT AUTHORITY**

The Director of Streetscene, Neighbourhoods and Environment presented a report seeking delegated authority for the discretionary enforcement of provisions of the Land Drainage Act 1991 and to adopt a priority based approach.

The Land Drainage Act 1991 made provision for local authorities to take action with respect to land drainage in instances where a flooding risk existed. Previous activity with respect to land drainage had been undertaken on an unprogrammed and ad-hoc basis, but the report recommended the adoption of a list of priorities to guide future activity.

##### **Decisions made:**

**(1) That the following executive functions relating to the provisions of the Land Drainage Act 1991 be allocated to the Director of Streetscene, Neighbourhoods and Environment under Executive Arrangements made pursuant to Section 15 of the Local Government Act 2000 for discharge by appropriate Officers from the Director's Directorate:**

- (i) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;**
- (ii) recommending to the Director of Customer, Democratic and Legal Services the institution of legal proceedings; and**
- (iii) authorising Officers to exercise statutory powers of entry (including obtaining warrants).**

**(2) That the Council's Constitution be amended accordingly.**

**(3) That approval be given to the adoption of the priority list shown in the submitted report as the guide for Officers' future work in dealing with drainage problems, and that the Director of Streetscene, Neighbourhoods and Environment be requested to identify a budget provision to fund the following essential works falling within the top two priority actions, in consultation with the Director of Finance, where riparian responsibility cannot be readily identified or equitably apportioned:**

- Internal Flooding – Domestic Premises;**
- Imminent threat of repeat internal flooding – Domestic Premises.**

##### **Reason for decisions:**

The decision will permit appropriate Council Officers to take action to assist essential works to prevent internal flooding or reduce the imminent risk of internal flooding.

##### **Alternative option(s) considered and rejected:**

None.

#### **07.EC.79 SKIN PIERCING MODEL BYELAWS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

The Executive Cabinet considered a report of the Director of Streetscene, Neighbourhoods and Environment requesting approval to seek the adoption of revised

Model Byelaws to regulate the practice of skin piercing activities on a commercial basis.

The Council had adopted model Byelaws for the control and regulation of skin piercing activities in 1987. These activities included tattooing, acupuncture and electrolysis but since that time the cosmetic skin piercing industry had developed with new techniques and fashion adornments being employed.

The Council was, therefore, recommended to adopt new model byelaws which had been introduced to cover the expanded wide variety of skin piercing and skin colouring activities and techniques.

**Decisions made:**

**That the Council be recommended:**

- (1) to approve for adoption model byelaws in the form attached to the submitted report for securing the cleanliness of premises registered under Section 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and the fittings in each premises, and of persons registered under Section 14(1) or 15(1) or both of the Act, in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin colouring or cosmetic piercing;**
- (2) to submit the draft model byelaws to the Secretary of State for Health for confirmation.**

**Reasons for decision:**

The Byelaws will ensure (i) the application of hygienic and sterile operations in respect of commercial skin piercing activities in the Borough; and (ii) that the adoption of the model byelaws follow procedural requirements.

**Alternative option(s) considered and rejected:**

None.

Executive Leader