

COUNCIL

Tuesday, 10 July 2007

Present: Councillor Adrian Lowe (Mayor), Councillors Eric Bell, Judith Boothman, Pat Case, Henry Counce, Alan Cullens, Magda Cullens, Michael Davies, Mike Devaney, David Dickinson, Mrs Doreen Dickinson, Dennis Edgerley, Anthony Gee, Daniel Gee, Peter Goldsworthy, Mrs Marie Gray, Pat Haughton, Harold Heaton, Catherine Hoyle, Keith Iddon, Margaret Iddon, Kevin Joyce, Hasina Khan, Margaret Lees, Roy Lees, Laura Lennox, Marion Lowe, Peter Malpas, Thomas McGowan, June Molyneaux, Greg Morgan, Mark Perks, Geoffrey Russell, Rosie Russell, Edward Smith, Iris Smith, Shaun Smith, Joyce Snape, Ralph Snape, John Walker and Mrs Stella Walsh

07.C.60 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of the Deputy Mayor (Councillor T Brown) and Councillors K Ball, N Ball, A Cain, M Muncaster and Mrs M Wilson.

07.C.61 DECLARATIONS OF ANY INTERESTS

Councillor H Heaton declared a personal interest in Agenda Item 7(a) (Capital Programme – Outturn for 2006/07 and Monitoring of 2007/08 Programme). Councillor Heaton remained in the meeting, but did not participate in the discussion or voting on the item.

07.C.62 MINUTES

RESOLVED – That the minutes of the Annual Meeting of the Council held on 15 May 2007 and the Special Meeting of the Council held on 9 June 2007 be each confirmed as a correct record for signature by the Mayor.

07.C.63 MAYORAL ANNOUCEMENTS

The Mayor referred to the recent death on 18 June 2007 of former Councillor and past Mayor, John (Jack) Wilson. Members and Officers had been shocked and saddened at Jack's death, following so close from his retirement from the Council in May 2007, after 34 years as a Member of Chorley Council and Leader of the Council for 16 years until May 2006. The tributes to Jack Wilson's passion, dedication and commitment to serving the people of Chorley were led by his close friend and colleague, Councillor Dennis Edgerley, the current Leader of the Labour Group. Councillor Edgerley's tribute was supported and augmented by the Executive Leader (Councillor Peter Goldsworthy), Councillor Ralph Snape (Leader of the Independent Group) and Councillor Mrs Stella Walsh on behalf of the Liberal Democrat Group. All Members and Officers then stood in silence for a minute as a mark of respect for Jack Wilson's service to Chorley.

The Mayor also congratulated Councillor Ralph Snape upon his award of the MBE (Member of the Most Excellent Order of the British Empire) in the Queen's recent Birthday Honours List for his service to Local Government. The Mayor's congratulations were echoed by the Executive Leader (Councillor Peter Goldsworthy), Councillor Dennis Edgerley (Leader of the Labour Group), Councillor Mrs Stella Walsh on behalf of the Liberal Democrat Group and Councillor Anthony Gee (a Ward

colleague), who each paid tribute to Councillor Snape's dedication and indefatigable service to his constituents.

Finally, the Mayor reminded the Council that the Mayor's Charity Cricket Match between Members and Officers was due to take place on Friday, 3 August 2007 at Chorley Cricket Club. The cost of participation was £5, including refreshments, with all proceeds being donated to the Mayor's chosen Charities. Any Councillor wishing to play was requested to contact either former Councillor Chris Snow, who was captaining the Members' team, or the Mayor's Secretary. A raffle would be held during the event and the Mayor welcomed the support of spectators as well as players.

07.C.64 PUBLIC QUESTIONS

There had been no request from any member of the public to ask a question on any of the agenda items.

07.C.65 MEMBERS ALLOWANCES SCHEME

The Council received a report of the Chief Executive enclosing a report on the recommendations of the Independent Remuneration Panel appointed in December 2006 to review the Council's formal Scheme of Allowances for Members.

The Panel had met three times in January, March and June 2007 with a specific remit to consider the basic allowance payable to Members; the duties for which Members should receive a special responsibility allowance and the amounts of such allowances; and arrangements for the annual uplift of the allowances scheme.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council, and subsequently **RESOLVED** that the following recommendations of the Independent Remuneration Panel be approved and adopted for implementation from 1 April 2007:

- (1) That the annual uplift of Members' Allowances be at the same rate as the officers annual pay increase and be implemented with effect from 1 April each year;
- (2) That Members' receive the same allowances for travel and subsistence as officers;
- (3) That if, following a Standards hearing, a Member is found to be in breach of the Code of Conduct and suspended their allowances should be withheld for the period of suspension;
- (4) That the payment of a Special Responsibility Allowance for the Chair of the Standards Committee be formalised in the Members Allowances Scheme at the sum of £1595.00 as previously agreed by Council on 9 July 2002;
- (5) That the posts of Lead Members for Development Control Committee and Licensing be redesignated as the Chair of Development Control Committee and Chair of Licensing and Safety Committee respectively;
- (6) That the special responsibility allowance for the Chair of Development Control Committee and Chair of Licensing and Safety Committee be increased from £1,595 to £2,700 per annum;
- (7) That a special responsibility allowance of £1,330 per annum be paid to the Vice-Chair of the Development Control Committee and the Vice-Chair of Licensing and Safety Committee;
- (8) That a special responsibility allowance of £1,330 per annum be paid to the Chair of the Audit Committee;

- (9) That the special responsibility allowance for the Chair of Overview and Scrutiny Committee/Panels be reviewed in due course by the Panel following the introduction of a revised Overview and Scrutiny structure;
- (10) That the framework produced by the previous Independent Remuneration Panel be re-examined with minor amendments to some of the factor weightings, and that the revised framework be used for any further reviews of the Members' Allowances Scheme;
- (11) That the following revisions be made to the Members Allowances' Scheme:
 - Paragraph 3: The inclusion of a statement indicating that the Basic Allowance contains an element for Members to publicise their availability to constituents.
 - Paragraph 10: Inclusion of the methodology for the annual update.
 - Paragraph 11: Inclusion of the legal requirement to keep records of payments of allowances open to public inspection and be publicised annually.
 - Paragraph 12: The right to allowances will be removed whilst a Councillor is suspended from the Council for breach of the member code of conduct.
 - Paragraph 13: Reference made to equipment and stationery being made available to Councillors.
 - Appendix B: The inclusion of the Approved Duties for which travel and subsistence claims can be made (The Travel and Subsistence Allowances paid to staff will also apply for Members as previously agreed by the Panel).
 - Appendix C: The inclusion of Travel and Subsistence Allowances.

The inclusion of the following guidance notes:

Appendix D: How do I Claim My Allowances?

Appendix E: The Effect on Taxation, National Insurance Contributions and Benefit Entitlement.

07.C.66 EXECUTIVE CABINET

(a) Capital Programme - Outturn for 2006/07 and Monitoring of 2007/08 Programme

The Executive Member for Resources presented a report accompanying the joint report of the Deputy Chief Executive and the Director of Finance on (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 proposals.

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. Appendix 1 to the submitted report gave a detailed analysis of the provisional outturn against the approved programme. The appendix also outlined the proposed financing arrangements for the 2006 programme and identified a projected slippage of £236,260 to the 2007/08 Capital Programme. Appendix 2 to the submitted report contained a detailed analysis of the expenditure variations totalling £1,180,942.

The revised forecast for the 2007/08 Capital Programme revealed an increase in the programme of £8,302,450.

The report also contained a recommendation from the Corporate Improvement Board which sought approval to the inclusion of three new schemes in Category B of the Capital Programme.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council, and subsequently **RESOLVED**:

- (1) That the provisional outturn for the Capital Programme for 2006/07 in the sum of £13,269,246 be noted.
- (2) That the financing arrangements for the 2006/07 Capital Programme, as set out in Appendix 1 to the submitted report, be approved.
- (3) That the slippage of £236,260 from the 2006/07 Capital Programme to the 2007/08 Programme be authorised.
- (4) That the following recommendations of the Corporate Improvement Board be approved:
 - (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.

(b) General Report

The Executive Leader presented a report which summarised the principal matters considered at the last two meetings of the Executive Cabinet held on 24 May and 26 June 2007.

The report contained a recommendation for the Council to seek the confirmation of the Secretary of State for Health of revised draft model byelaws to regulate the practice of acupuncture, tattooing, semi-permanent skin colouring or cosmetic piercing.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council, and subsequently **RESOLVED**:

- (1) That the report be noted.
- (2) That approval be given to the submission to the Secretary of State for Health for confirmation of the draft model byelaws in the form presented to the Executive Cabinet for securing the cleanliness of premises registered under Sections 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 Sections 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.

07.C.67 OVERVIEW AND SCRUTINY COMMITTEE AND PANELS

The Chair of the Overview and Scrutiny Committee (Councillor D Edgerley) presented a report which summarised briefly the recent matters discussed at meetings of the Overview and Scrutiny Committee held on 21 May and 25 June 2007. The report also summarised the activities and issues considered by the Committee's associate Environment & Community and Corporate & Customer Overview and Scrutiny Panels at their recent meetings.

It was moved by the Chair of the Overview and Scrutiny Committee, seconded by the Vice-Chair (Councillor L Lennox), and subsequently **RESOLVED** that the report be noted.

07.C.68 DEVELOPMENT CONTROL COMMITTEE

(a) Amendment to the Council's Scheme of Delegations with respect to Planning Applications

The Chair of the Development Control Committee (Councillor H Heaton) presented a report recommending a revision of the currently operative scheme of delegations in respect of planning applications.

Since 2005 there had been a requirement for a commuted sum to be payable under the terms of a Section 106 Agreement in lieu of the provision of play space in respect of all planning applications that involved the development of an additional single dwelling. Under the Council's current scheme of delegations all applications that required a Section 106 Agreement needed to be determined by the Development Control Committee.

Since the lifting of the Windfall Housing Policy in December 2006, there had been an increase in the number of applications for residential development requiring to be presented to the Development Committee. This had, consequently, impacted on the Council's Best Value Performance Indicators (BVPIs), as applications were taking longer to process and determine.

In order to allow some flexibility in the determination of planning applications and meet BVPI targets, the Development Control Committee had recommended an amendment to the scheme of delegations to allow those applications which required the payment of a commuted sum for play space to be determined by Officers in instances where no objections had been received. Applications which generated objections could be considered by the Chair and Vice-Chair, in consultation with the Director of Development and Regeneration, subject to the usual considerations. However, those latter applications would not necessarily be precluded from consideration by the Development Control Committee, if the Chair and Vice-Chair chose to present them to the Committee.

It was moved by the Chair of the Development Control Committee, seconded by the Vice-Chair of the Committee (Councillor David Dickinson), and subsequently **RESOLVED** that approval be given to the amendment of the Council's scheme of delegations in order to allow (i) the Director of Development and Regeneration to determine planning applications for schemes requiring a Section 106 legal agreement for play space where no objections have been lodged; and (ii) the Director of Development and Regeneration, in consultation with the Chair and Vice-Chair of the Development Control Committee, to determine applications whenever objections are received, subject to the usual considerations.

(b) General Report

The Chair of the Development Control Committee presented a report which commented on a few of the more significant planning applications that had been determined at meetings of the Committee held on 24 April, 27 May and 19 June 2007.

It was moved by the Chair of the Development Control Committee, seconded by the Vice-Chair, and subsequently **RESOLVED** that the report be noted.

07.C.69 LICENSING AND SAFETY COMMITTEE - GENERAL REPORT

The Chair of the Licensing and Safety Committee (Councillor Mrs I Smith) presented a report which summarised the principal matters which had been considered by the Committee at its meetings on 25 April and 23 May 2007.

It was moved by the Chair of the Licensing and Safety Committee, seconded by the Vice-Chair (Councillor E Smith), and subsequently **RESOLVED** that the report be noted.

07.C.70 AUDIT COMMITTEE

The Chair of the Audit Committee (Councillor A Gee) presented a report which summarised the matters considered at meetings of the Committee held on 21 and 28 June 2007.

It was moved by the Chair of the Audit Committee, seconded by Councillor Mrs M Cullens, and subsequently **RESOLVED** that the report be noted.

07.C.71 STANDARDS COMMITTEE

The Council received a report of the Chair of the Standards Committee (Mr R A Ellwood) which outlined the main issues discussed by the Committee at its meeting on 14 June 2007.

It was moved by Councillor J Boothman, seconded by Councillor T McGowan, and subsequently **RESOLVED** that the report be noted.

07.C.72 AMENDMENTS TO MEMBERSHIP OF COMMITTEES

The Executive Leader submitted a report requesting the Council's approval to the amendment of the membership of five Council bodies in order to correct their political balance following the re-admittance of Councillor Shaun Smith to the Conservative Group.

In addition, the report drew attention to the need to replace Councillor Mrs M Cullens on the Audit Committee in order to avoid any conflict of interest by virtue of Councillor Mrs Cullens' position as wife of the Executive Member for Resources. The Chair of the Audit Committee (Councillor A Gee) thanked Councillor Mrs Cullens for her valued contribution to the work of the Committee over the past months.

RESOLVED that the following amendments indicated below be made to the membership of the following bodies:

Appointments Panel:

Delete Councillor R Snape and add Councillor S Smith;

Audit Committee:

Delete Councillor Mrs M Cullens and add Councillor S Smith;

Development Control Committee:

Delete Councillor S Smith and add Councillor D Edgerley;

Environment and Community Overview and Scrutiny Panel:

Alter the designation of Councillor S Smith from Independent Member to Conservative Group Member;

Lancashire Local Committee for Chorley:

Delete Councillor J Walker and add Councillor T Brown;

Local Development Framework and Community Strategy Working Group:

Delete Councillor S Smith and add Councillor D Edgerley.

07.C.73 QUESTIONS SUBMITTED UNDER COUNCIL PROCEDURE RULE 7

The following question that had been submitted by Councillor D Edgerley in advance of the meeting under Procedure Rule 7 of the Council's Constitution:

"Will the Executive Member for Resources confirm that the projected level of Council balances at the end of the financial year 2007/08 is approximately £1.8 million."

The Executive Member for Resources (Councillor A Cullens), in response, indicated that he was unable to confirm at this stage the projected level of balances at the current financial year's end. The projected amount of balances would be influenced by a number of factors (eg the envisaged amount of interest payable on the Gillibrand Link Road compensation sums and the closure of the Housing Revenue Account). The final reserves could only be forecast after the next medium term financial review.

07.C.74 NOTICE OF MOTION

The following Notice of Motion had been proposed by Councillor D Edgerley in accordance with Procedure Rule 8 of the Council's Constitution:

"That this Council calls upon the Executive Cabinet to implement a free off-peak concessionary travel scheme across the NOW travel area within one month of tonight's meeting."

The Mayor informed the Council that, on legal advice, in the light of the potential number of Members of the Council who would need to declare a prejudicial interest in the motion, the Standards Committee would need to determine applications for dispensation to allow relevant Councillors to speak and vote on the motion.

The motion, therefore, stood adjourned to await the deliberations of the Standards Committee on the possible grant of dispensation for relevant Members.

07.C.75 EXCLUSION OF THE PUBLIC AND PRESS

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

07.C.76 NJC JOB EVALUATION SCHEME

The Council received and considered a confidential report of the Director of Human Resources on the results of the single status job evaluation project, a revised pay structure for the Council and an appeals process for employees. The Executive Member for Resources (Councillor A Cullens) confirmed that further evaluations were currently underway from recent restructures and were not yet contained within the pay model.

RESOLVED - That the recommendations be approved and that, once the outstanding evaluations are complete, all employees be notified individually of the outcome of the Job Evaluation exercise in September.

Mayor