

COUNCIL

Tuesday, 22 April 2008

Present: Councillor Adrian Lowe (Mayor), Councillor Terry Brown (Deputy Mayor), Councillors Ken Ball, Nora Ball, Eric Bell, Judith Boothman, Alan Cain, Pat Case, Henry Caunce, Alan Cullens, Magda Cullens, 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

08.C.123 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Michael Davies, Mike Devaney and Mick Muncaster.

08.C.124 DECLARATIONS OF ANY INTERESTS

Councillor P Malpas declared a personal interest in Agenda Item 13 (Planning Application 08/00214/CB3 – Coronation Recreation Ground, Devonshire Road, Chorley. Councillor P Malpas left the meeting and did not participate in the discussion and voting on the item.

Councillor R Snape declared a personal interest in Agenda Item 14 (Planning Application 08/00036/CB3 – Bus Stop 20m south of Library, Union Street, Chorley. Councillor Snape left the meeting and did not participate in the discussion and voting on the item.

08.C.125 MAYORAL ANNOUNCEMENTS

The Mayor thanked Councillor Margaret Lees and Councillor Michael Davies for their service and commitment to the Council and to the local community, as both retire as Councillors at this year's election.

Councillor Margaret Lees had served on the Council for a total of nearly 14 years having previously served on the Council from September 1993 to May 2002 and returning to the Council in May 2004.

Councillor Michael Davies had served on the Council for 6 years having been elected in May 2002.

The Mayor wished them both every success for the future.

The Executive Leader (Councillor Goldsworthy), Councillor Edgerley (Leader of the Labour Group), as well as Councillor Brown (Deputy Mayor), Councillors Kenneth Ball, Ralph Snape and Councillor McGowan as fellow Ward representative with Councillor Lees, all expressed their appreciation for the work of Councillors Lees and Davies.

The Mayor referred with great sadness the passing of Councillor Mary Wilson. Mary was much loved and respected Councillor and friend to many of us, who worked tirelessly for the people of Chorley and gave 16 years of dedicated service. The Mayor said that you would all agree that she will be deeply missed. The tributes to Mary Wilson's passion, dedication and commitment to serving the people of Chorley were led by her close friend

and colleague, Councillor Dennis Edgerley. Councillor Edgerley's tribute was supported and augmented by the Deputy Mayor Councillor Brown, Councillor Peter Goldsworthy (Executive Leader), Councillor Ken Ball (Leader of the Liberal Democrat Group) and Councillor Ralph Snape (Leader of the Independent Group).

All Members and Officers then stood in silence for a minute as a mark of respect for Mary Wilson's service to Chorley.

08.C.126 PUBLIC QUESTIONS

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

08.C.127 MINUTES

RESOLVED – That the Minutes of the Council meeting held on 26 February 2008 be confirmed as a correct record for signature by the Mayor.

08.C.128 EXECUTIVE CABINET

(a) Capital Programme - 2007/08 - Monitoring

The Executive Member for Resources presented a report updating Members on the progress of the 2007/08 Capital Programme and seeking approval to changes to the programme, including additional slippage of expenditure to and from 2008/09.

The Council at its meeting of 26 February 2008, had agreed a reduction in the 2007/08 Capital Programme from £10,175,240 to £7,411,780 including the slippage of £2,144,420 to 2008/09 and a total reduction of £619,040 in respect of other schemes.

Since that date a further slippage of £499,850 to 2008/09 had been identified, offset by budget increases of £381,040 and to accelerate to the 2007/08 programme of the implementation of new financial systems to ensure continuity in respect of cash receipting. The principal change related to the capitalisation of the interest on the land assembly costs for the Gillibrand Link Road scheme, which would result in the revenue budget saving of £213,000 being transferred to the 2007/08 working balances.

Consequently the changes had resulted in a net reduction of the 2007/08 Capital Programme to £7,292,970.

It was moved by the Executive Member for Resources, seconded by the Executive Leader and subsequently:

RESOLVED – That the changes to the Capital Programme for 2007/08 as set out in Appendix A to the submitted report be approved, together with the recommended slippage of expenditure to/from 2008/09.

(b) Joint Working with Preston and South Ribble Councils on the Local Development Framework and establishment of Joint Advisory Committee

The Executive Member for Economic Development and Regeneration presented a report recommending approval to formalise the joint working arrangements with Preston and South Ribble Councils on the Local Development Framework (LDF) arrangements.

The report sought endorsement of a proposal to establish a Joint Advisory Committee, comprised of a small number of Councillors from the three Borough Councils and one Lancashire County Councillor, to oversee the preparation of a Joint Core Strategy and any other relevant LDF documents. The Joint Advisory Committee would not be granted delegated powers, but would produce the respective plan and documents and advise the three Authorities on their adoption. The ultimate decision making power would remain with each of the three Councils.

The financial and staffing arrangements for the operation of the Joint Committee and preparation of the relevant draft LDF documents would need to be assessed by the participating Authorities.

It was moved by the Executive Member for Economic Development, seconded by the Executive Leader and subsequently:

RESOLVED – (1) That the establishment under Section 102(4) of the Local Government Act 1972 of a Joint Advisory Committee between Chorley, Preston and South Ribble Councils to advise upon the preparation of a Joint Core Strategy and any other joint Local Development Framework Documents, be approved.

(2) That delegated authority be granted to the Executive Member for Economic Development and Regeneration to deal with the practical implementation of the joint working.

(3) That the Annual Meeting on 13 May 2008 agree to nominate three Councillors (including one Executive Member) together with substitute Member(s) to serve on the Joint Advisory Committee.

(c) General Report from Executive Cabinet meetings on 14 February and 27 March 2008

The Executive Leader presented a report which summarised the principal matters considered at the meetings of the Executive Cabinet held on 14 February and 27 March 2008.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council and subsequently **RESOLVED** that the report be noted.

08.C.129 REVIEW OF THE COUNCIL'S DECISION MAKING STRUCTURE

The Executive Member for Customer, Democratic and Legal Services presented a report recommending changes to the Council's Committee structure as a means of streamlining decision making.

In particular, the report proposed changes to the Authority's overview and scrutiny function, which would continue to be overseen by an overarching Overview and Scrutiny Committee, with power to establish and appoint Task and Finish Groups to undertake selected reviews. The licensing function would be administered by an overarching Licensing and Public Safety Committee responsible for policy, consultation, enforcement and monitoring matters, and a Licensing Sub-Committee. The Licensing Sub-Committee would meet as a Licensing Act 2003 Sub-Committee to deal with personal and premises licences and other miscellaneous licence matters.

The report also sought approval to a suggested calendar of meetings for 2008/09 and referred to the expediency of reviewing and altering Executive portfolios to reflect recent managerial and Departmental restructures.

It was moved by Councillor Edgerley and seconded by Councillor Brown that the membership of the Overview and Scrutiny Committee be increased from the proposed 12 Councillors to 15 Councillors.

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

The Executive Member for Customer, Democratic and Legal Services moved an amendment, that the calendar of meetings for 2008/09 should show that meetings of the Audit Committee take place at 4.30pm (rather than 10.00am) with the exception of the meeting scheduled for 26 June which will take place at 2.30pm (as its Executive Cabinet later that day). He also brought Members attention to the request of the Licensing and Safety Committee that five Councillors (rather than three) should constitute a Sub-Committee for consideration of hackney carriage and private hire licences.

It was moved by the Executive Member for Customer, Democratic and Legal Services, seconded by the Executive Leader and subsequently **RESOLVED that the following recommendations be approved and adopted:**

(1) That the following recommendations for changes to the structure of overview and scrutiny be approved:

- **One overarching Overview and Scrutiny Committee, meeting 10 times a year with a membership of 12 Councillors. The two current scrutiny panels, Corporate & Customer and Environment and Community, to be disbanded.**
- **The Overview and Scrutiny Committee to be the Committee which hears any call-ins of decisions; sets the workplan for scrutiny for the whole year and also consider corporate issues including:**
 - **overall performance information;**
 - **business planning for the Council;**
 - **overall budget scrutiny.**
- **The Overview and Scrutiny Committee to establish and appoint task and finish groups to undertake reviews. A Task and Finish Group should generally consist of Councillors from the membership of the main committee but should also include other Council Members (other than Executive Members) who are interested in the topics under scrutiny. *Overview and Scrutiny Committee to decide the size of each Task Group.***
- **The Chair of Overview and Scrutiny Committee to be from the main opposition group, and the Vice Chair to be from the ruling group.**
- **Overview and Scrutiny Task Groups must be chaired by a Member of the Overview and Scrutiny Committee.**
- **That the Independent Remuneration Panel be requested to look at the special responsibility allowances for scrutiny roles.**

(2) That the structure of decision making for licensing be revised to provide for:

- **An overarching Licensing Committee meeting four times a year, with a membership of 17, to consider all licensing matters (including policy, monitoring and enforcement issues and matters formerly considered by the Statutory Licensing Committee) other than decisions on individual applications for licences or the review of licences. In addition the Council's functions in respect of Alcohol Designation Orders be allocated to this Committee. In recognition of its proactive role in promoting public safety the Committee be renamed the Licensing and Public Safety Committee.**
- **That all individual applications and reviews (including under the Licensing Act 2003, the Gambling Act 2005 and all hackney/private hire and any other**

miscellaneous licences) be delegated to a Licensing Sub-Committee made up of three Councillors scheduled to meet once a month at 10am. Membership to be on a rotational basis as at present.

- That at the request of the Licensing and Safety Committee, the Licensing Sub-Committee be comprised of five Councillors (rather than three) for consideration of hackney carriage and private hire licences.
- The Licensing Sub-Committee will meet either as a Licensing Act 2003 Sub-Committee (to deal with personal and premises licences and reviews under the Licensing Act 2003 and the Gambling Act 2005) or as a General Licensing Sub-Committee (dealing with hackney carriage/private hire and any other miscellaneous licence) depending on the business to be considered.

(3) That the membership of the Local Development Framework (LDF) Working Group be reduced to 12 to reflect its status as a Working Group and that membership include both the Chair and Vice Chair of the Development Control Committee and the Executive Member for Economic Development and Regeneration. The Working Group's terms of reference to be amended to reflect its revised role in considering just LDF issues rather than the wider Community Strategy.

(4) That, having succeeded in achieving the Charter for Member Development, the Member Development Steering Group be given an extended remit to include all aspects of Members support, including the responsibilities of the Civic Events Working Group. The group to be renamed the Members Support Working Group, to meet just five times a year with membership to include the Executive Member for Customer, Democratic and Legal Services. The Civic Events Working Group to be disbanded.

(5) That the potential changes to Standards Committee be noted only at this stage but that the Monitoring Officer be authorised to seek to recruit a further two independent members and one Parish Councillor and that the Council membership be increased to five, appointed at the Annual Meeting of the Council.

(6) That in order to consider the wider equalities agenda, consultation take place on the establishment of an Equalities Forum, meeting four times a year with a Council membership of six to include the Executive Member for Corporate Policy and Performance. The Equalities Forum to establish Task and Finish Groups to consider specific issues. The existing disability and ethnic minority consultative fora to be disbanded but the wider membership of those groups to be retained for consultation purposes and potential involvement in Task and Finish Groups.

(7) That consideration be given to changes in the current Executive portfolios to reflect recent managerial and departmental restructuring and proposals be brought to the Annual Council meeting on 13 May 2008.

(8) That the calendar of meetings for 2008/09, incorporating the above changes be approved as set out in the submitted report, subject to an amendment that meetings of the Audit Committee take place at 4.30pm (rather than 10.00am) with the exception of the meeting scheduled for 26 June which will take place at 2.30pm (as its Executive Cabinet later that day).

(9) That the Corporate Director of Governance be authorised to make the appropriate Constitutional changes to ensure the above recommendations can be implemented, including the removal of references to the Community Forum meetings.

08.C.130 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 17 January and 19 March 2008.

It was moved by the Chair of the Audit Committee, seconded by Councillor A Gee and subsequently **RESOLVED that the report and the resolution of the Audit Committee be noted.**

08.C.131 ANNUAL AUDIT AND INSPECTION LETTER

It was agreed that Standing Orders be suspended to allow the District Auditor and Relationship Manager to speak and answer questions from Members.

The Council received from the Audit Commission their Annual Audit and Inspection Letter for 2006/07 which summarised the conclusions on significant issues arising from the Commission's audit and inspection of the Council.

The Audit Commission District Auditor and Relationship Manager attended the meeting and assisted Members' consideration of the letter. Members views and comments on the Audit and Inspection letter were invited.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council and subsequently **RESOLVED that the Annual Audit and Inspection Letter for 2006/07 be noted.**

Standing Orders were reinstated.

08.C.132 CODE OF CORPORATE GOVERNANCE

The Council received a joint report of the Assistant Chief Executive (Business Transformation) and Corporate Director of Governance seeking Members' approval of the Code of Corporate Governance.

Recently issued guidance by CIPFA and SOLACE had required the Council to develop and maintain a local Code of Corporate Governance and to prepare a Governance Statement on an annual basis to report publicly on the extent to which the Council complies with its own code.

The Code of Corporate Governance had been prepared in accordance with the guidance and was attached for Members approval.

The draft code had been originally presented to the Audit Committee for information and had now been finalised for members' approval following a period of consultation and had allowed for a comparison of the Code with that of other Councils. The officers were now satisfied that the Code not only met the guidance but also represented best practice.

It was moved by the Executive Leader, seconded by the Deputy Leader of the Council and subsequently **RESOLVED that the Code of Corporate Governance be approved.**

08.C.133 OVERVIEW AND SCRUTINY COMMITTEE AND PANELS

The Chair of the Overview and Scrutiny Committee (Councillor Edgerley) presented a report which summarised briefly the recent matters discussed at meetings of the Overview and Scrutiny Committee held on 12 February and 25 March 2008. The report also summarised the activities and issues considered by the Committee's associate Environment and Community and Corporate and Customer Overview and Scrutiny Panels of their recent meetings.

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

08.C.134 STANDARDS COMMITTEE

The Council received a report of the Chair of the Standards Committee (Mr R A Ellwood) which outlined issues which had been considered by the Standards Committee.

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

08.C.135 PLANNING APPLICATION 08/00214/CB3 - CORONATION RECREATION GROUND, DEVONSHIRE ROAD, CHORLEY

The Chair of the Development Control Committee presented a report requesting the Council to approve an application for deemed planning permission for the installation of a lighting scheme within the Coronation Recreation Ground at Devonshire Road, Chorley. The proposal would entail the provision of two forms of lighting (ie footpath lighting to both the perimeter footpaths and central footpath in a traditional heritage style and sports floodlighting of the tennis courts and bowling greens).

The Committee was minded to support the application but as the Council's Constitution precludes the Development Control Committee's determination of applications for deemed planning permission, the application required to be submitted before the full Council for decision.

It was moved by the Chair of the Development Control Committee (Councillor H Heaton) and seconded by the Vice-Chair (Councillor David Dickinson) that planning permission be granted to Application 08/00214/CB3 for the installation of a lighting scheme at Coronation Recreation Ground, Devonshire Road, Chorley:

It was moved by Councillor Edgerley and seconded by Councillor R Lees that the planning application be referred back to the Development Control Committee for further consideration.

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

RESOLVED – That planning permission be granted for Application 08/00214/CB3 for the installation of a lighting scheme at Coronation Recreation Ground, Devonshire Road, Chorley, subject to the following 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 51 of the Planning and Compulsory Purchase Act 2004.

(2) A light shield to prevent light spillage into neighbouring properties as shown on Drawing No CBC 4 submitted with the application, shall be fitted to the footpath column numbers 1, 6, 7, 9, 10, 13, 12 and 11 (columns as numbered on drawings no 8520-D-01 Rev A). *Reason: To prevent light spillage into neighbouring properties and in accordance with Policy No EP21A of the Adopted Chorley Borough Local Plan.*

(3) The lighting hereby permitted shall be restricted to being lit at the following times only (columns as numbered on drawing no 8520-D-01 Rev A):

- Perimeter footpath lighting: between 08.00hrs and 22.00hrs (columns 1, 2, 4, 5, 6, 7, 8, 9, 10, 16, 14, 13, 12, 11, 20, 21).
- Footpath lighting serving the central footpath: no time restriction (columns 15, 17, 18, 19, 3).
- Floodlighting to all pitches: no illumination before 09.00hrs or after 21.00hrs.

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos EP20 and EP21A of the Adopted Chorley Borough Local Plan Review.

(4) Unless otherwise agreed in writing, before the development hereby commences a scheme to prevent the lighting dazzling drivers on the highway shall have been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be then implemented in full and retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority. *Reason: To avoid glare, dazzle or distraction to passing motorists in the interest of highway safety.*

08.C.136 PLANNING APPLICATION 08/00036/CB3 - BUS STOP 20M SOUTH OF LIBRARY, UNION STREET, CHORLEY

The Chair of the Development Control Committee presented a report requiring the Council to approve an application for deemed planning permission for the erection of a cantilever bus shelter on the Union Street elevation of Booths Supermarket facing Union Street.

The Committee was minded to support the application, but, as the Council's Constitution precluded the Development Control Committee's determination of applications for deemed planning permission, the application required to be submitted before the full Council for decision.

It was moved by the Chair of the Development Control Committee (Councillor H Heaton) seconded by the Vice-Chair (Councillor David Dickinson) and subsequently **RESOLVED** that planning permission be granted to Application 08/00036/CB3 for the provision of a cantilever bus shelter at the bus stop 20m south of Library, Union Street, Chorley subject to the following conditions:

(1) The development hereby permitted shall not commence until a scheme for the raising of the footpath to 160mm (notwithstanding any details shown on the approved plans) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried in accordance with the approved details. *Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

(2) The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed shelter and rainwater goods (notwithstanding any details shown on the approved plans) been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure the materials used are visually appropriate to the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

(3) The proposed development must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

(4) The development hereby permitted shall not commence until a scheme detailing how rainwater run off from the shelter will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in accordance with the approved details. *Reason: To ensure proper rainwater drainage and in accordance with Policy No EP18 of the Chorley Borough Local Plan Review.*

Mayor