

EUXTON PARISH COUNCIL



Meeting arrangements: Full Council Meeting

Thursday, 16 February 2023, 7.15 pm start

Annexe, Euxton PC Community Centre, Wigan Road, Euxton

A G E N D A

Doc. Ref

1. Apologies

2. Declarations of Interest and Dispensation Considerations

Members are reminded of their responsibility to declare any interest in respect of any matters contained or brought up at any point in this meeting, in accordance with the current Code of Conduct. Council will consider dispensation requests.

3. Minutes of Council Meetings

Approve the signing as a correct record, Full Council of 19 January 2023

4. Public Participation

Matters brought to the Parish Council by residents. The Chair may limit a member of the public to 3 minutes of speaking in order to ensure the smooth running of the meeting. Overall this section will typically be limited to 20 minutes although the Chair may, at their discretion, extend this.

5. Statutory Business

5.1 Co-option vacancy

Item 5.1

Consider applicants to the casual vacancy

5.2 Planning - Consider planning report from Lead Member for Planning, approve responses and ratify responses made between meetings or to meet deadlines

Item 5.2

Consider the drafted response to the Local Plan Consultation on preferred sites, agree to submit

6. Financial Items

6.1 Approve Expenditures for this month, and any submitted after the agenda

Item 6.1

6.2 Receive financial reports

Item 6.2

6.3 Appoint Internal Auditor for accounts 1 April 2022 to 31 March 2023

Item 6.3

7. Policy Review: Councillor Vacancy Procedure

Item 7

8. Policy Review: Training Policy

Item 8

9. Policy Review: Complaint Policy and Vexatious Complaint Policy

Item 9

10. Matters for information

Notify the Chair prior to the meeting starts of any item to be brought up under this section. Only items of information, referral to another authority, or matters offered for consideration at a future meeting can be raised. No legal decisions can be taken.

D. Platt
CLERK

Published: 09/02/23

Full Council meetings 2023 16 February, 16 March, 20 April, 18 May, 15 June, 20 July, 21 September, 19 October, 16 November

Newsletter deadlines: 07/02/23 for March issue; 08/05/23 for June issue; 07/09/23 for September issue; 09/11/23 for December issue;

5.2b Consider the drafted response to the Local Plan Consultation on preferred sites, agree to submit

The Central Lancashire Local Plan Preferred Options - Part One Consultation
December 2022 Regulation 18 Consultation Chorley Site Profiles

Website link: [Preferred Options Part 1 - Central Lancashire Local Plan](#)

Profiles link: [chorley-site-profiles.pdf \(lancashire.gov.uk\)](#)

Maps:

1. Euxton [euxton-ward.pdf \(lancashire.gov.uk\)](#)

2. Euxton Buckshaw [buckshaw-whittle-ward.pdf \(lancashire.gov.uk\)](#)

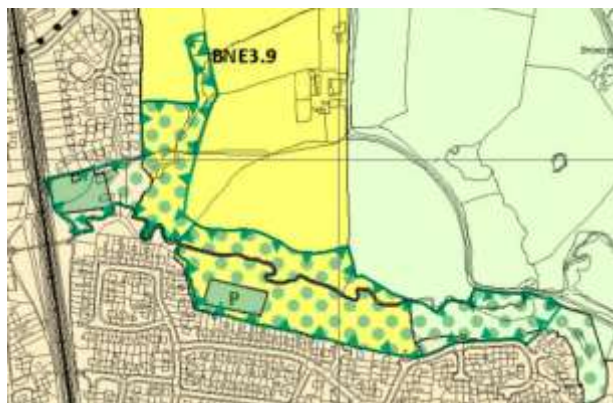
The document refers to reference points on the two maps above. Each plot has a 'site profile number'.

Location	Description	Actions
Site profile 2 Map 1	CH/EP1.9 Land at Euxton Park Gold Centre, Euxton Lane – brownfield/employment	Question asked: The allocation of the Golf Driving range on Euxton Lane to employment - does this remove the green belt status thus it becomes 'previously developed' ie brown field and then open to be moved to housing? If so, how can this be avoided. Response:
Site profile 28 Map 1	CH/HS1.39 Pear Tree Lane site Housing 125 houses (3 southern fields)	Object
Site profile 29 Map 2	CH/EP1.1 Southern Commercial on Euxton Buckshaw	Question asked: The allocation of employment on Euxton Buckshaw adjacent to the rail station car park - is car parking a different allocation to 'employment land'? Can some land still become additional car parking? Response:
Site profile 30 Map 2	CH/EP1.2 The Revolution, Euxton Buckshaw - brownfield/employment	Employment: Support
Site profile 31 Map 2	CH/HS1.6 Parcels C1, C2 in Group 1 former ROF Euxton Buckshaw Housing 80 houses	
Site profile 61 Map 1	CH/HS1.39 Land between Pear Tree Lane/School Lane Housing 180 houses (3 northern fields)	Object

Further items

Valley Park designation from 2012-2026 plan

The triangle/dotted area in the 'current' plan, pic below - no longer features in the new plan - why? and can it not be put back in to protect from development?



Response:

Employment area designation

Euxton Parish Council feel it is important to highlight the employment area along Euxton Lane (both west and east side of Central Avenue) which takes in East Terrace CBTC centre, the former Runshaw College all the employment sites including Xton Business Park and up to Euxton House (formerly DXC Technology).



Local Plan mis-representing

Propose Euxton Parish Council highlight the descriptions on the Site Profiles.

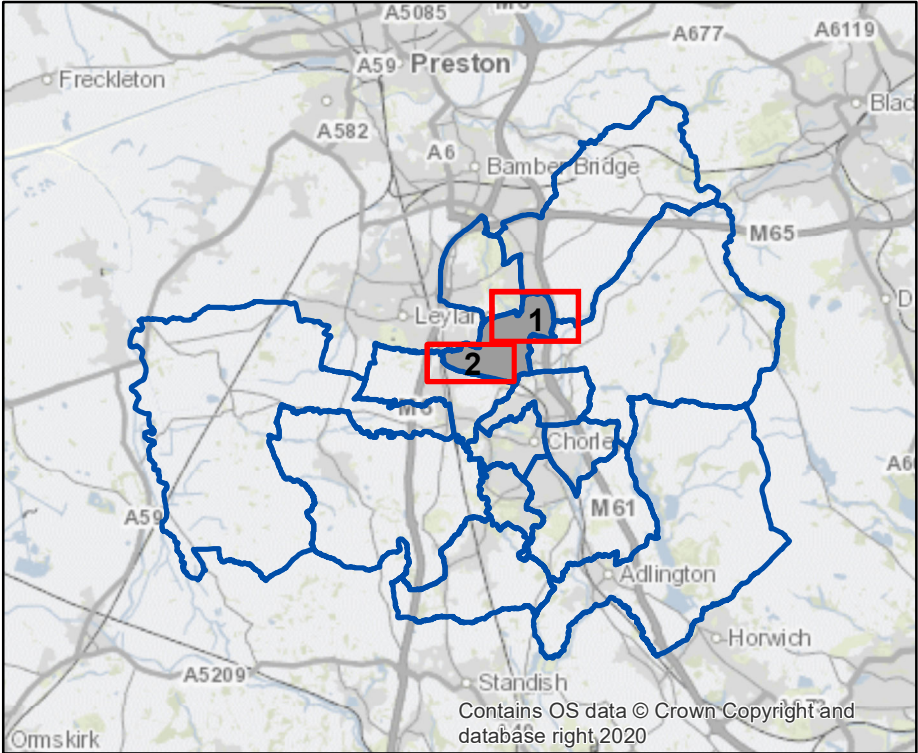
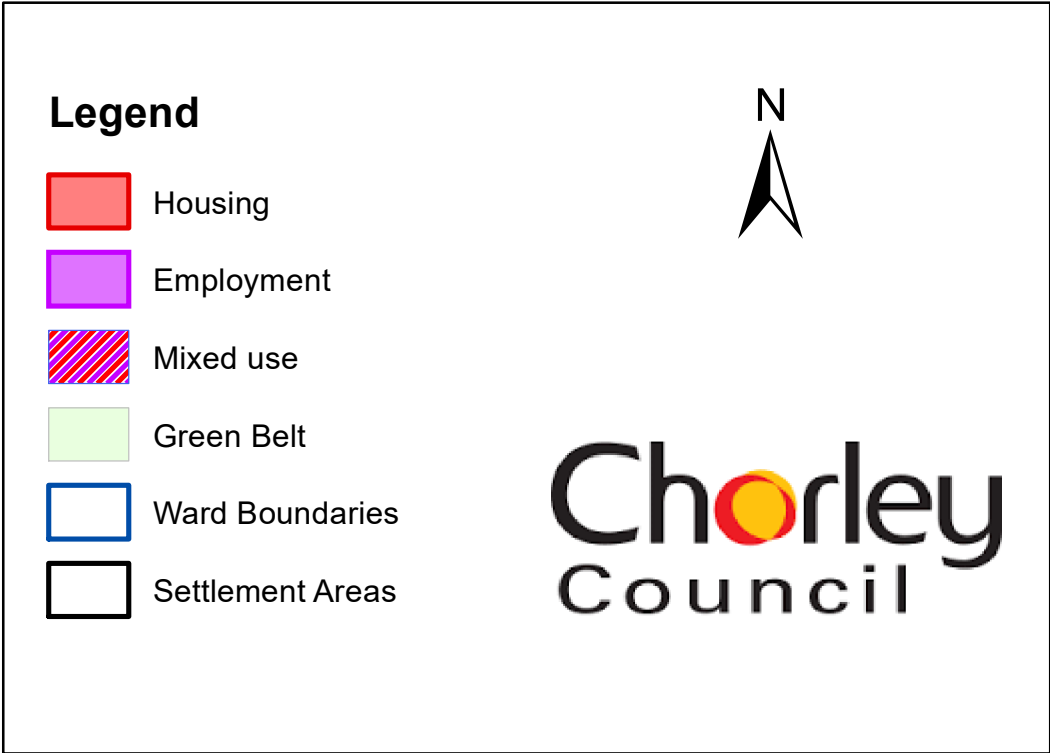
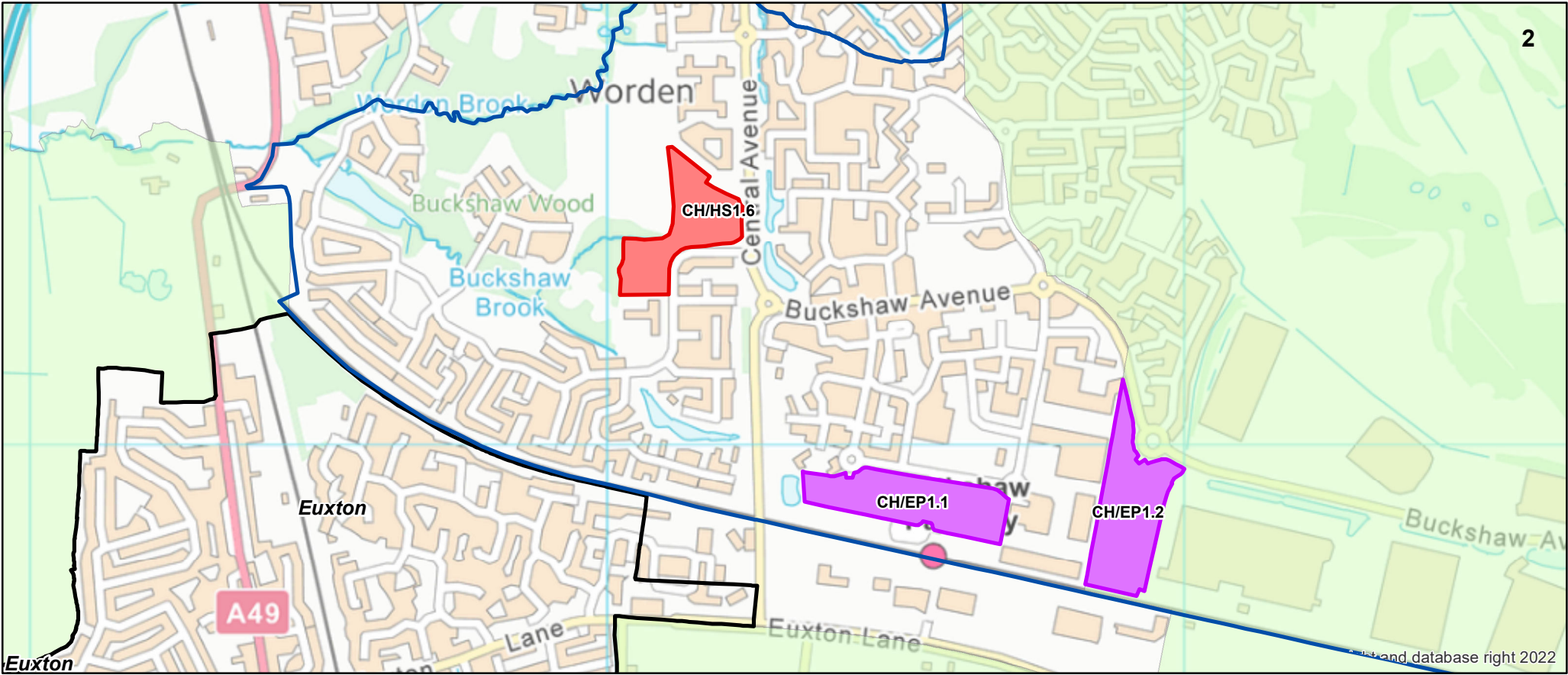
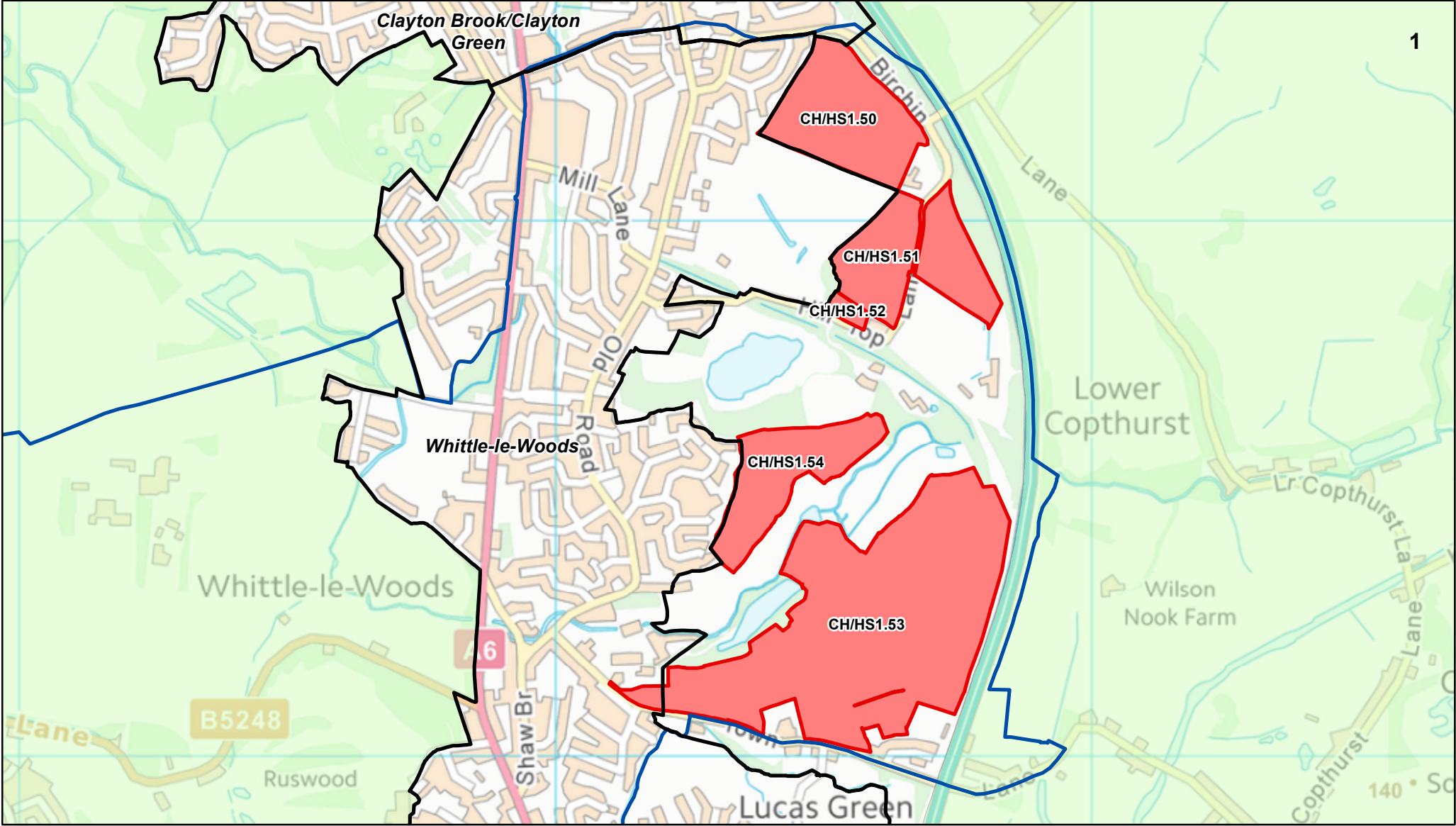
Profiles 29, 30, and 31 describe they are in the settlement of Buckshaw – rather than Euxton.

Profile 61 says it is in Euxton Settlement (which it is) but in Clayton-le-Woods Ward?

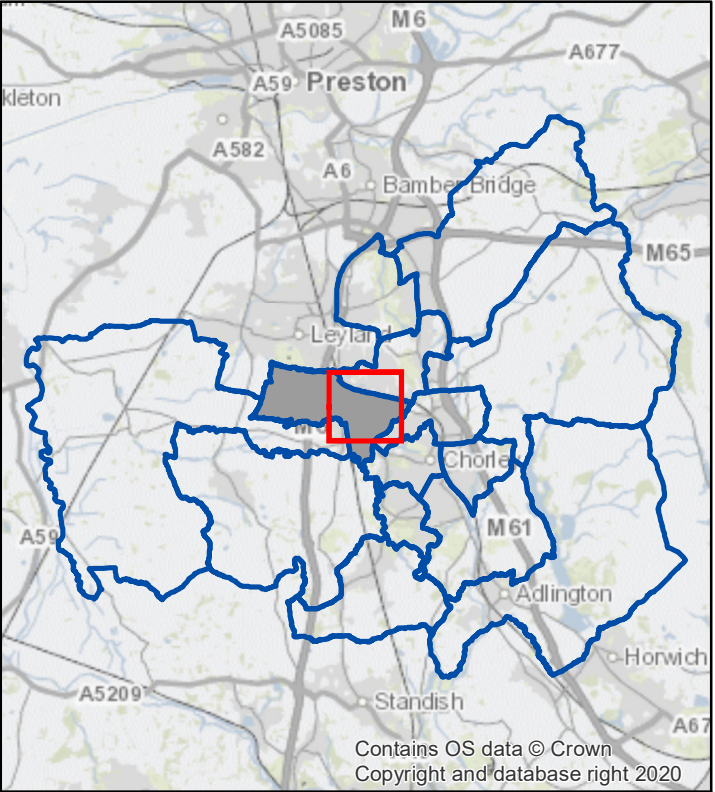
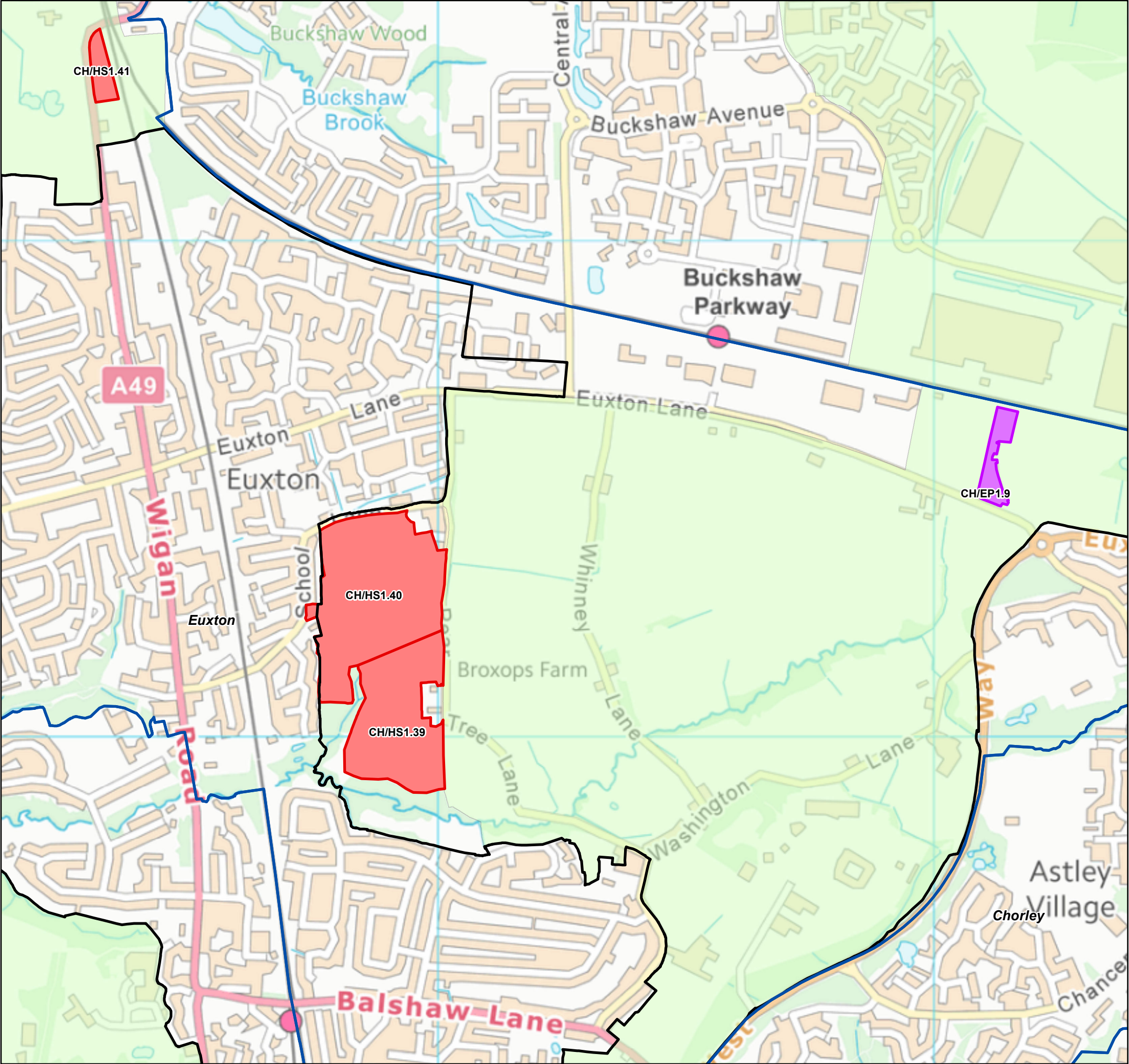
Euxton is not being clearly represented or reflected in the Local Plan. By using Buckshaw as a description it hides whether items are in Euxton or Whittle-le-Woods. This mis-reporting skews the housing and employment figures in these two villages by using Buckshaw as a 'destination' – this adds figures together in to Buckshaw when they actually belong in the two separate villages of Euxton and Whittle-le-Woods.

No other area in Chorley has its own 'map' other than Buckshaw. This causes confusion and mis-represented figures.







Buckshaw & Whittle Ward



Euxton Ward



Legend

-  Housing
-  Employment
-  Mixed use
-  Green Belt
-  Ward Boundaries
-  Settlement Areas



Procedure for a Casual Vacancy

1. In the event a Councillor vacancy occurs, once accepted, the clerk will immediately contact Chorley Council electoral officer of that vacancy and request the initiation of the advertising of the notice of vacancy.
2. Chorley Council will issue a notice which is to be displayed in the ward where the vacancy occurs. This will be displayed from the date of the notice which is signed by the Clerk, to a date 14 working days after.
3. If Chorley Council receives a request for an election within the period it will then issue notices to the Clerk for display advertising for candidates for a bye-election. The whole election process is administered by Chorley Council whether a poll occurs or not, and the costs of such are charged to the parish council.
4. If the advertisement (at step 2) does not initiate the 10 signatures of electors in the period of time required by legislation (14 working days) the Clerk will receive a notice from Chorley Council to say it can co-opt to the casual vacancy.
5. The casual vacancy will be advertised within 21 days of issuing of the notice at step 4.
6. The co-option notice will include a closing date for acceptance of requests for consideration, location(s) of seat(s), how many seats are vacant and in which wards they are located.
7. The notice will be placed on all the Parish Council notice boards, on its website, on its social media, and in its next published newsletter.
8. All candidates will be expected to put their request for consideration in writing with the following additional information; reason for wishing to be a Councillor, previous community/council work, other skills they can bring to the council and specify, if there is more than one vacant seat, which seat they are applying for/or if they are applying to all the seats.
9. Following the closing date at step 6, the application letters will be copied out to the Councillors on Private papers with the agenda for consideration at the Council's next Full Council meeting.
10. No discussion or debate will take place in Council session, or intervention from the candidates or public be allowed.
11. A vote will then be taken (possibly by paper ballot if agreed) all candidates for that seat will be considered.
12. If there is more than one applicant for a seat, the applicant with the least number of votes cast will be deleted and the vote taken again and again etc. until there is a majority for one candidate.
13. If there is more than one vacancy, the candidates who have indicated which seat they are applying for ie, the ward, or all the vacancies, will be included in the correct voting round. Each vacancy will be filled separately.
14. If there is more than one vacancy to be filled at a Full Council meeting and an applicant has not specified in their application letter which vacancy they are applying to, the Clerk will clarify this prior to consideration. If an applicant does not respond to the request for clarification, the applicant will be considered to the vacancy of the ward they live in or, if they do not live in the ward, to the first vacancy which arose.

General Information about Euxton Parish Council

A Parish Council is a body of eligible volunteer Councillors with a Chairman and Vice Chairman. The number of Councillors is reviewed by The Boundary Committee for England which is a committee of The Electoral Commission for England - Euxton has 18 Councillors.

The Parish of Euxton is divided into 3 wards – Euxton, Euxton Buckshaw and Euxton South, these are served by a total of 18 parish councillors.

The population of Euxton, taken from the 2021 census was 14,058, this is still growing and has grown much in the last 20 years [2011 census was 9,993, 2001 census 8,318].

The electorate for the village is 10,428 as at August 2022 – these are residents of 18 years and over registered on the voters role.

Euxton covers an acreage of 2,915, which is 1,177 hectares which is 11.78km².

There were, at the last count, 6,134 (August 2022) occupied properties in Euxton, so a full total would be higher and is constantly rising due to the building and completing of new homes in the village.

The village is split by wards, as below.

Euxton ward covers most of the central part of Euxton and has 11 parish councillors

Euxton Buckshaw ward covers the Buckshaw Village element of Euxton and has 5 councillors

Euxton South ward takes in the south part of Euxton and has 2 parish councillors.

The whole Council is subject to an election every 4 years, the last being in May 2022, the next will be 2026.

The Parish Council obtains its funding from the local element of residents' council tax which is listed separately on residents bills.

The Council is a body and is distinct from its members (either as individuals or collectively) and its' acts, assets and liabilities are its own and not those of its members.

Councillors are volunteers and as such receive no payment. They give their time freely to attend meetings. There are programmed full council meetings which are held one each month, on the third Thursday beginning at 7.15 pm (except August and December).

The Parish Council depends on its members being able to make time to attend the meetings and there is a clause within the Standing Orders* which sets a limit to the number of consecutive meetings you may miss before being replaced. **(Standing Orders are the rules a Parish Council adhere to besides The National Code of Local Government Conduct)*

Besides the full Council meetings there may be other meetings such as Extra Ordinary or Committee meetings.

The business of the Council is managed by the Clerk (an employee of the Council). The Clerk is not a Councillor and does not make decisions for the Council but does advise of developments, law, requirements etc.

The Clerk manages the Council business such as financial matters, employee supervision, minutes, meeting arrangements, paperwork, agendas, notice boards, continuous projects, council assets, emergency repairs, equipment, supplies, land etc.

The Parish Council is responsible for the amenities it provides such as its own seats, notice boards, open space, play areas etc. Responsibility for other items such as public footpaths, street lighting, litter bins etc lie with the Borough or County Councils.

The Parish Council has input into matters which effect the village such as planning applications, these are controlled by the planning authority, which is Chorley Borough Council. The Parish Council is informed of planning applications and decisions and asked for its comments or recommendations at it is a 'statutory consultee'.

The Parish Council is not party political. It is solely involved in issues, items and developments for the benefit of the village and its residents.

All decisions are decided by vote. Each Councillor has one vote with the Chairman of the Council having one vote, but also one casting vote, if needed.

TRAINING POLICY

Training Statement

Euxton Parish Council is committed to providing relevant training opportunities to all Councillor members and its employed staff.

The training offered will cover identified training needs, requests to be more involved and better informed, or cover subjects necessary and relevant to their jobs and roles within the Council.

Identifying training needs

The Council might identify training needs:

- New staff appointments/staff appraisals
- New Councillor appointments/Election/established Councillors
- Questionnaires
- Formal and informal discussions

There are also a number of things which might require a person to need training:

- Changes in legislation
- Changes in quality systems
- New and revised qualifications launched
- Accidents
- Professional error/mistake
- New equipment
- New processes/working methods
- Complaints to the council
- A request from a member of staff
- A request from a Councillor member

Resourcing the training to meet the needs/requests

When the training need/request has been identified the subject matter will be investigated to locate training providers, cost, timescales.

The training needs for the whole Council (members and staff) will be planned into the next budget. A budget will be set each year of a minimum £150.00.

How you will measure the impact of the training attended?

The person attending training will complete a feedback form on the training attended so the training provider/course can be assessed for suitability and cost effectiveness. This information should inform future requests for similar training.

Complaints Policy and Vexatious Complaints Policy**A Complaints Policy**

1. If a complaint cannot be satisfied in full immediately, the complainant shall be asked to put the complaint in writing to the Clerk of the Council, or the Chairman if they indicate they would prefer not to submit it to the Clerk.
 - 1.1 If the complaint is regarding Council business or an employee, it should be directed to the Chairman for their consideration and discussion with the Complainant.
 - 1.2 If a complaint regarding an employee is unresolved by the Chairman, the Chairman will refer the complaint to the Personnel Committee.
 - 1.3 If the complaint is about a Councillor and his/her conduct, the complainant and the complaint will be referred directly to the Monitoring Officer at Chorley Council.
2. On receipt of a written complaint, the Clerk and the Chairman, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant. If the complaint is in respect of a complaint about the behaviour of an employee of the Council, then it shall not be settled without first notifying the employee complained of and giving them an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk to the Council or Chairman receives a written complaint about his own actions, they shall immediately refer the complaint to the Personnel Committee.
3. The Clerk/or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with a complainant.
4. The Clerk/or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council, and the Clerk to the Council shall notify the complainant of the date on which the complaint will be considered.
5. The Council shall consider the complaint and make its decision about a course of action to be taken.
 - 5.1 If, the Council decides the circumstances of any complaint warrant the matter being discussed in the absence of the press and the public then it will exclude these from the meeting and quoting the exemption clause.
 - 5.2 If the matter is a complaint of such that the Council believes the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is about an employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to be able to attend and have a representative present/or to act (as set out in the Employment Relations Act 1999 s.10). The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the route or action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

- 5.3 If legal, procedural or other advice is needed before deciding, this will be sought and the complaint heard at the next meeting following receipt of the advice.
6. The decision of the Parish Council will be notified in writing to the complainant within 20 working days, a letter will be sent to explain if there will be a delay.
7. In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council should consider taking legal advice before writing any letters to the complainant.
8. The Parish Council will not reconsider a complaint, which it has already investigated, and for which no new information or factors are submitted.

B Vexatious Complaints Policy

A policy for dealing with abusive, persistent or vexatious complaints and complainants

1. Introduction

- 1.1 This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious. The following clauses form the Council policy for ways of responding to these situations.
- 1.2 In this policy the term habitual means 'done repeatedly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 1.3 The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.
- 1.4 Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
- 1.5 Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

- 1.6 The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
2. Habitual or Vexatious Complainants
 - 2.1 For the purpose of this policy the following definitions of habitual or vexatious complainants will be used: *The repeated and/or obsessive pursuit of:*
 - (1) *unreasonable complaints and/or unrealistic outcomes;*
and/or
 - (2) *reasonable complaints in an unreasonable manner.*
 - 2.2 Prior to considering its implementation the Council will send a *summary* of this policy to the complainant to give them prior notification of its possible implementation.
 - 2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the staff and Communications Committee will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.
 - 2.4 The Clerk on behalf of the Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. District/ County /Unitary Councillors for Euxton Parish Council will also be informed that a constituent has been designated as an habitual or vexatious complainant.
 - 2.5 The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.
3. Definitions
 - 3.1 Euxton Parish Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.
 - 3.2 Examples include the way in which, or frequency with which, complainants raise their complaints with staff or how complainants respond when informed of the Council's decision about the complaint.
 - 3.3 Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category).

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the Council to investigate, change or influence
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language or publish their complaints in other forms of media
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process

- are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
- adopts a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the Council through different routes or other persons about the same issue
- persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on an historic and/or an irreversible decision or incident
- combine some or all of these features.

4. Imposing Restrictions

- 4.1 The Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.
- 4.2 In the first instance the Clerk will consult with the Chairman of the Council and Chairman of the Communications Committee prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.
- 4.3 If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman of the Council and the Chairman of the Communications Committee and inform the complainant in writing of what procedures have been put in place and for what period.
- 4.4 Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in

place. In most cases restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next Full Council Meeting.

- 4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
- banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf
 - banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter
 - requiring contact to take place with one named member of staff only
 - restricting telephone calls to specified days and/or times and/or duration
 - requiring any personal contact to take place in the presence of an appropriate witness
 - letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence).
- 4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:
- why the decision has been taken
 - what action has been taken
 - the duration of that action
- 4.7 The Clerk will enclose a copy of this policy in the letter to the complainant.
- 4.8 Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Council and the Chairman of the Communications Committee may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- 4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.
5. New complaints from complainants who are treated as abusive, vexatious or Persistent
- 5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk, the Chairman of the Council in conjunction with the Chairman of the Communications Committee will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket

policy is not supported, nor ignoring genuine service requests or complaints where they are founded.

- 5.2 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those who need to know within the Council.

6. Review

- 6.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Clerk, the Chairman of the Council and the Chairman of the Communications Committee, after three months, and at the end of every subsequent three months within the period during which the policy is to apply, or by the next Full Council Meeting.

- 6.2 The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

7. Record Keeping

- 7.1 The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- the name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant
- when the restrictions came into force and ends
- what the restrictions are when the person and Council were advised.