



EUXTON PARISH COUNCIL

Annual Council Meeting

Thursday, 19 May 2022, 7.15 pm start

Annexe, Euxton PC Community Centre, Wigan Road, Euxton

Dear Councillor

12 May 2022

You are summoned to attend the Annual Full Council Meeting of Euxton Parish Council to consider the items detailed on the attached agenda.

If you are unable to attend please could you submit an apology to the Clerk.

Regards

Debra Platt

Clerk to the Council

CLERK

Published: 12/05/2022

Full Council meetings 2022: Annual Meeting 19 May, 16 June, 21 July, 15 September, 20 October, 17 November

Newsletter deadlines: 07/09/22 for September issue; 09/11/22 for December issue; 07/02/23 for March issue; 08/05/23 for June issue.

EUXTON PARISH COUNCIL



Meeting arrangements: Full Council Meeting

Thursday, 19 May 2022, 7.15 pm start

Annexe, Euxton PC Community Centre, Wigan Road, Euxton

AGENDA

1. Election of Council Chairman

To nominate and elect a Chairperson. To receive the Chair's Declaration of Acceptance of office or, if not received, decide when it shall be received.

Doc. Ref

2. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations - note that there are two vacancies, following the election which are being advertised and will be filled at the earliest opportunity

3. To decide when any declarations of acceptance of office, which have not been received as provided by law, shall be received.

4. Election of Vice Chairman

5. Representatives on Committees, Lead Members, Groups and Outside Bodies

Agree memberships of Committees and representatives

6. Apologies

7. 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.

8. Minutes of Council Meetings

Approve the signing as a correct record, Full Council of 21 April 2022

9. 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.

10. Statutory Business

10.1 Planning - Consider planning reports circulated from, approve any responses and ratify responses made between meetings or to meet deadlines.

Item 10.1

11. Financial Items – as circulated

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

Item 11.1

11.2 Receive financial reports

Item 11.2

11.3 Bank signatures/authorisers, to consider increasing members

Item 11.3

D. Platt
CLERK

Published: 12/05/2022

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12. Code of Conduct updated version for decision Item 12
Consider the revised code of conduct issued by the Local Government Association (LGA) which our Borough Council is adopting May 2022, sent to Councillors via email, link here: [Local Government Association Model Councillor Code of Conduct 2020](#)
13. Response to query on land at Earlsway brought to Council in April Item 13
Consider the report attached and verbal updates at the meeting
14. Yarrow Valley loop path FP22 Item 14
Consider a report and proposal regarding the
15. 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.

End of meeting


CLERK

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Date, Valid, Ref	Description/Location (click to be directed to www)	Comment/Recommendation
Ref. No: 22/00420/FULHH Received: Mon 11 Apr 2022 Validated: Fri 22 Apr 2022	First floor side extension and loft conversion 35 Queensway Euxton Chorley PR7 6PN	Std terms B2c
Ref. No: 22/00384/MNMA Received: Mon 04 Apr 2022 Validated: Mon 04 Apr 2022	Application for a minor non-material amendment to planning permission ref. 13/00310/FULMAJ (Engineering works comprising the re-grading of land at the ordinary watercourse crossing the site on a north-south alignment (following the installation of a culvert) to create a level platform for the construction of a Neighbourhood Equipped Area for Play to serve the planned housing neighbourhood) to amend the approved surface material from grass mats to black wet pour (rubber) Group 1 Euxton Lane Euxton	No observations
Ref. No: 22/00468/TPO Received: Thu 28 Apr 2022 Validated: Fri 06 May 2022	Application for work to a protected tree - Chorley BC TPO 1 (Euxton) 1996: Oak (T1) - Fell. 14 Cherryfields Euxton Chorley PR7 6JS	Application to remove 1) Cherry tree 2) Oak tree. Application makes reference to possible engineered solution for the undermining of foundations of the extension.
Ref. No: 22/00456/TPO Received: Mon 25 Apr 2022 Validated: Wed 04 May 2022	Application for work to a protected tree - Chorley BC TPO 6 (Euxton) 1980: Horse Chestnut - Crown raise to 4 metres above ground level. 6 The Croft Euxton Chorley PR7 6LH	Std terms A1
Ref. No: 22/00444/FULHH Received: Wed 20 Apr 2022 Validated: Thu 05 May 2022	Single storey side extension, single storey rear extensions, new pitched roof to garage, rear raised terrace and extension to front parking area 45 Church Walk Euxton Chorley PR7 6HL	Rear and side extension. Re-ordering of interior. No additional bedrooms. No observations

Local Government Association Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication

- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**

2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
3. **I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. **act in accordance with the local authority's requirements; and**

- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers • transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in

decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B**Registering interests**

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in

Table 1 (Disclosable Pecuniary Interests) which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in

Table 2 (Other Registerable Interests).

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.
Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#). (Attached)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#).

If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations.

These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Item 12

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

**Euxton Parish Council
Adopted 19 May 2022**

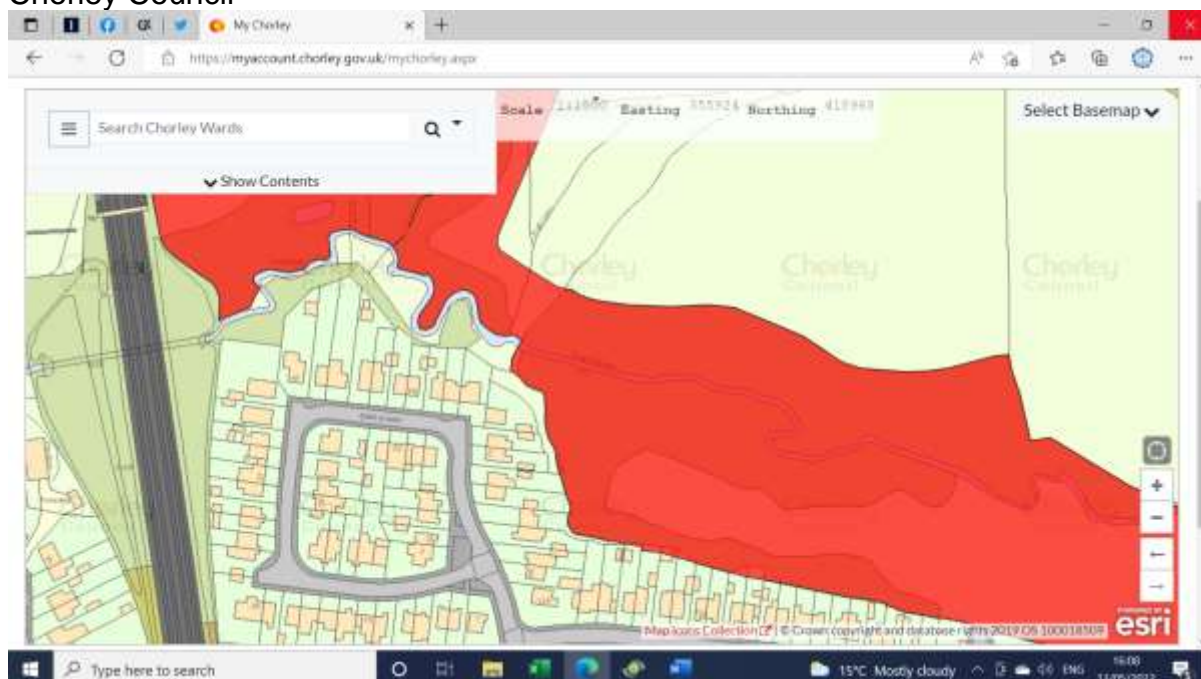
13. Response to query on land at Earlsway brought to Council in April

Consider the information attached. Two parish councillors have been investigating this and will also give some reports to the Council directly.


Chorley Council is the land owner of the green space to the East of Earlsway – below is a cadastral parcel map showing references




This map is Chorley Council's map of land ownership – the red being owned by Chorley Council



I have written to Chorley Council and asked if its offer to help fund remedial works offered to residents, some time ago still stands and Chorley Council's response to is:

[Reply](#) [Reply all](#) [Forward](#) [Delete](#) [Add to Safe Senders](#) [Add to Blocked Senders](#) 

 [3 attachments](#) [View](#) [Download](#) [Save to Drive](#)

Dear Debra

I refer to our telephone conversation of today.

We have shared recent email communications received in relation to the drainage ditch behind Earlsway, Euxton.

I would like to confirm that the Council have made a without prejudice offer to the residents backing onto the ditch which remains open for acceptance. Whilst Chorley Council do not accept liability for this issue (but acknowledge the ditch is our land) we are prepared to fund half the cost of remedial works provided that the benefiting residents agree in writing to pay the remainder of the cost. The Council feel this is more than reasonable.

We have had no acceptance of this offer and no real engagement on it other than from one resident.

We have also been requested to undertake works under the Public Health Act. The Council have reviewed this legislation and in our view it does not apply in this situation. We are aware, having engaged with them directly in the past, that United Utilities have considered discharge into the ditch and have not taken any action. One incident involving a significant discharge was viewed as an isolated event. Neither have British Waterways expressed any concerns over the eventual discharge into the local watercourse.

Chorley Council have sought resolution of this issue, but are not responsible for bearing the full cost of remediation or liable at all for them. The offer made was without prejudice to liability and was with a view to a mutual resolution.

I hope this assists in the Parishes discussions.

Regards

Chris

Chris Moister
Director of Governance (Chorley and South Ribble)

The Clerk sought Legal Advice of the SLCC and the responses were:

RESPONSE 1

My understanding is that the nuisance is being suffered by what seems at present to be a small pocket of landowners. Accordingly, your council's response to assist, if at all, must not be disproportionate. Particularly as the individuals have private remedies available to resolve.

Already the District Council in addition to its promised financial contribution might be prepared to assist at a lesser cost by providing background guidance and even evidence from its environmental health officers to assist the landowners.

The swiftest and most effective remedy here for those adversely affected would be to "club" together obtain supportive evidence and either:

- to bring civil action in the county court against those responsible for the nuisance, or

-and probably a better and swifter response from those responsible would be to pursue in the local Magistrates' Court the statutory nuisance procedure. This is set out in sections 79 to 82 of the Environmental Protection Act 1990. Here the environmental health officers could assist. Better still the District Council with its Environmental Health officers providing evidence could commence the proceedings.

Why should a parish council pay for a solution and obtain professional evidence to benefit a very small number of landowners suffering a nuisance? What would the external auditors say!!

RESPONSE 2

An individual as here could commence proceedings in a personal capacity as is set out in the legislation.

For the parish council to obtain professional both legal and environmental/ land valuation advice to benefit a property is say 6 properties from my distance it seems difficult to justify and disproportionate. Would the parish council be happy to justify the cost to the external auditors?

So far as the district council issue is concerned it is agreed that the authority cannot prosecute itself. In practice this can be overcome by either the matter being referred to the committee responsible for dealing with "nuisances" in its area to advise and to take internal action or "the leader" of the council bringing an action against the council for breaching its duties.

**Report to EPC May 2022 - by Cllr V Thornhill
Loop path of FP22, along the River Yarrow.**

1 In November 2020 I reported to the Council noting some concerns with, and suggesting possible improvements to, the footpath network in the Parish. My report is available online attached to the minutes of that meeting. One concern was for the state of the excellent footpath that forms a loop off Footpath 22 from a point near to Euxton House. It follows a pretty (especially when the garlic, anemones and bluebells are in flower) side valley and drops down steeply (Figs 1 and 2) to the River Yarrow. It runs alongside the river for some distance (Figs 3 to 7), giving access to the celebrated Euxton Beach (Fig 5), before climbing back to rejoin FP 22. This path is within the Yarrow Valley Country Park (YVCP) and is shown on all the official maps of the Park, including that located in Euxton at the car park alongside the skatepark.

2 The path is important in the Parish context (it forms a delightful circular walk from the village or from the YVCP car park) as it is the means of enjoying Euxton's part of the Yarrow Valley Park. It should also be of some considerable importance in the context of Chorley Borough. It gives access to an attractive part of Chorley's River – the Yarrow is in Chorley for its entire length – and it should surely be the Borough Council's (CBC) aim to make as much as possible of its banks available to local residents and others. There is a good selection of "flora and fauna". For examples the spring flowers, especially the garlic, anemone and bluebells, are spectacular; kingfishers can be seen regularly and roe deer occasionally.

3 The 2020 report included a draft letter (Appendix 1 to this report) for the Clerk to send to LCC and CBC. The letter asked questions about responsibility for the footpath and its maintenance, suggested possible improvements and asked when necessary maintenance works would be undertaken.

4 LCC responded quickly stating, as expected, that the path was not a public footpath and that they had no responsibility for it. Despite a number of reminders from the Clerk, there has not yet been a reply from CBC. In fact, there has not even been the courtesy of a holding reply

5 The path was in very poor condition and is getting worse (see all the Figs). It was clearly an expensive footpath when first constructed but, also clearly, construction has not been followed up with a suitable maintenance regime. It is suitable for use only by fit and able walkers with appropriate footwear. Of particular concern are several locations where it looks probable that a prolonged heavy rainfall could cause sufficient damage to render the path impassable (see for example Figs 3,4 and especially 6 and 7) Given CBC's lack of interest in this path it is likely that, if this happens, the footpath will be lost to Euxton residents and to others. This would be a significant loss to the local footpath network.

6 I would note that CBC have responded quickly (at least, I assume it was them) to issues with the footpath network in YVCP, A couple of years ago they undertook an expensive repair near Common Bank when part of a footpath collapsed into a tributary brook and, more recently, when the winter's gales brought down a tree across another nearby YVCP footpath, it was quickly cleared. Both these lengths of path form part of the Chorley Circular Route so I can accept some higher priority but not to the extent of totally neglecting the path in Euxton (which is incidentally part of the YVCP Red Walk, published by CBC and featured on the YVCP website)

Item 14

7 The Parish Council should not be content to lose this valuable path and will be concerned that CBC seem prepared simply to ignore us. I have a number of suggestions for seeking to raise CBCs interest in this matter and would seek a view from the Council as to which we should follow.

7.1 Seek the assistance of the three CBC Euxton ward councillors to lobby on our behalf.

7.2 Advise footpath groups such as Chorley Ramblers of our concerns and seek their support.

7.3 EPC could rejoin the Yarrow Valley Advisory Group and seek to have this path become an agenda item (I have previously represented EPC on this group but found that there was nothing of direct interest to Euxton and that the meetings were exceedingly boring – I can't think why I never thought to raise this particular topic).

7.4 This footpath has been used openly and without challenge by walkers for many years now and EPC could possibly make the case for it to become a public footpath. I do not know the procedures for this (groups such as The Ramblers may be prepared to advise) but I would suspect that LCC would want the path to be in a good condition before they would be prepared to take it over.

7.5 Whichever course of action is followed EPC could volunteer to help fund necessary works. I assume that the cost of fully restoring the path and preventing its deterioration would be of the order of tens of thousands. Whilst I would be reluctant to relieve CBC of any of their responsibilities in this matter, this may be the only way to secure the future of the path.

8 I would welcome Council's views.



Fig 1



Fig 2



Fig 3



Fig 4



Fig 5



Fig 6



Fig 7 Annex 1 - Draft e-mail to LCC and CBC re the Loop Path off FP 22

Appendix 1 draft letter/e mail to CBC and LCC

To: PROW@lancashire.gov.uk; Lindsay.Blackstock@chorley.gov.uk

Footpath in the Yarrow Valley at Euxton

A very attractive footpath forms a loop off FP 22 in Euxton. It drops down to and then follows the River Yarrow before returning uphill to rejoin FP 22 a short distance from the point of departure. The status of this path is not clear. There is a waymark where the path leaves FP 22, indicating that it is a public footpath. The PROW maps on the LCC website do not, however, show the loop, suggesting that it is not a PROW.

The loop also appears on pamphlets, maps etc showing the Yarrow Valley Park, suggesting that it is part of the Park infrastructure. When first constructed it must have been an expensive footpath facility, with footbridges, boardwalks, steps etc although these are currently in a poor and dangerous state, impassable for anyone not fully fit and able. The Park is the responsibility of Chorley BC (CBC), but only a very small part of the land over which the path passes is owned by CBC. (see CBC My Map).

Euxton Parish Council is keen to improve the public footpath facilities in the Parish and, in view of the above, is concerned about the future of this footpath which offers one of the best facilities that residents have for enjoying the surrounding countryside.

Could you please answer the following questions each as appropriate or combine to produce a coordinated reply.

- 1) Is the path a PROW?
- 2) Who is the authority responsible for offering and ensuring public access on the path?
- 3) If this is CBC, what is the nature of the agreement that ensures public access into the future?
- 4) If the path is not a PROW, would it be to the public advantage for it to become one?
- 5) Who is responsible for its maintenance?
- 6) Are there current proposals to restore the path to a condition that would make it usable by the general public and, if not, why not?

The path leaves and rejoins FP 22 after a walk of about 1.4km at a point only just over 100m away from the point of leaving. Whilst this is fine for local walks starting and returning to Euxton by Balshaw Lane, it does not lend itself to longer walks (for example the round walk from Euxton via Common Bank and German Lane). An informal path has developed which rejoins FP 22 somewhat further to the south, making much better progress on a longer walk and avoiding the steep climb of the original path. The Parish Council does not know the ownership of the land crossed by the informal path, although part of it was once occupied by an old sewage works, so it may be United Utilities.

- 7) Could the informal path be made into a PROW or otherwise made available for public use?

I would appreciate a prompt reply which I will report back to the Parish Council.

Clerk etc