

Council

A meeting of Council was held on Wednesday, 11th December, 2013.

Present: The Worshipful the Mayor (Cllr Mrs Kathryn Nelson); Cllr Paul Baker, Cllr Jim Beall, Cllr Derrick Brown, Cllr Mark Chatburn, Cllr Julia Cherrett, Cllr Carol Clark, Cllr Michael Clark, Cllr David Coleman, Cllr Robert Cook, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Evaline Cunningham, Cllr Ian Dalgarno, Cllr Phillip Dennis, Cllr Robert Gibson, Cllr David Harrington, Cllr Ben Houchen, Cllr Barbara Inman, Cllr Mohammed Javed, Cllr Eileen Johnson, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Terry Laing, Cllr Miss Tina Large, Cllr Colin Leckonby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Ray McCall, Cllr Mrs Ann McCoy, Cllr Steve Nelson, Cllr Mrs Jean O'Donnell, Cllr Ross Patterson, Cllr Maurice Perry, Cllr Mrs Maureen Rigg, Cllr David Rose, Cllr Michael Smith, Cllr Andrew Stephenson, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker, Cllr Steve Walmsley, Cllr David Wilburn, Cllr Norma Wilburn, Cllr Mrs Mary Womphrey, Cllr Mick Womphrey, Cllr Bill Woodhead and Cllr Barry Woodhouse.

Officers: N Schneider (CE); J Danks, B Brown (R), J Humphreys (CESC); P Dobson (DNS); P Kelly (DPH); D E Bond, P K Bell (LD).

Also in attendance: Members of the Public.

Apologies: Cllr Lynne Apedaile, Cllr Ken Dixon, Cllr Kevin Faulks, Cllr John Gardner, Cllr Elliot Kennedy, Cllr Mick Moore, Cllr Andrew Sherris, Cllr Tracey Stott and Cllr Mrs Sylvia Walmsley.

C Declarations of Interest

83/13

There were no declarations of interest.

C Minutes

84/13

The minutes of the meeting held on 6th November 2013 were signed by the Worshipful the Mayor as a correct record.

C Public Question Time

85/13

The Director of Law and Democracy informed Members that no Public Questions had been received.

C Members Policy Seminar Programme

86/13

Consideration was given to a report that provided an overview of content from the Members Policy Seminars in October and November 2013 that had given an update on Education, Tees Achieve, Adults Safeguarding, mitigating Flood Risk and proposed Street Lighting plans. A special seminar was also held to consider the planned consultation on Gypsy and Traveller site identification, providing members with progress to date.

Following a recommendation from Executive Scrutiny Committee in October 2013, the December 2013 and January 2014 scheduled Member Policy Seminars had been moved to align with the full Council meetings scheduled for these months. This was a pilot arrangement and an evaluation would follow the January 2014 seminar, the results of which would inform programme arrangements for 2014/15.

The topics covered in the remainder of the 2013/14 programme included:-

- * An update from the Police and Crime Commissioner
- * Children's Safeguarding
- * A Welfare Reform update

* Results from the Individual Registration pilot

A regular update report on members seminar events held would be provided to Council at each meeting.

RESOLVED that:-

1. The report be noted.
2. The pilot arrangement detailed at Paragraph 10 of the report be noted.

C
87/13 **The Council's Code of Conduct for Members**

Consideration was given to a report that detailed proposals to update the principles of conduct in the preamble to the Councils Code in light of the revisions to the descriptions of the Nolan principles by the Committee on Standards in public Life.

At the meeting on 4th September, 2013 Cabinet recommended that proposals to update the descriptions of the principles of conduct in the preamble to the Council's code, in light of the revisions to the descriptions of the Nolan principles, should be the subject of further reports to Cabinet and to Council.

Council approved this recommendation at its meeting on the 11th September, 2013.

The Committee on Standards in Public Life had reviewed and revised the descriptions of the Nolan Principles. The original descriptions and the revised versions were attached to the report.

Although the Council's Code of Conduct did not replicate the Nolan principles exactly, it was agreed that consideration should be given to the descriptions of the principles of conduct in the Code's preamble, to determine if any of those descriptions should be updated.

Details of the current preamble to the Authority's code of conduct were attached to the report. A suggested revised version of this preamble was also attached to the report, showing the revisions which had been made. These revisions reflected the updated version of the descriptions to the Nolan principles.

Cabinet considered the details at Appendix 3 were appropriate and that they should be recommended for inclusion in the preamble to the Council's Code.

RESOLVED that the principles of conduct in the preamble to the Council's code be updated as proposed in the report and detailed at Appendix 3.

C
88/13 **Town Centre Shop Fronts and Advertisements Design Guidance
Supplementary Planning Document**

Consideration was given to a report that advised Members that the 'Shop Fronts Design and Advertisements' Supplementary Planning Document had fulfilled the requirements of the relevant regulations and could progress to adoption by the

Council. The document would provide additional information and guidance on the application of policies in the Core Strategy Development Plan Document adopted in March 2010. Following adoption, it would become available to guide applicants for planning permission and its contents would become material considerations in determining planning applications.

RESOLVED that:-

1. The report be noted.
2. The Shop Fronts and Advertisements Supplementary Planning Document be approved.
3. The Head of Planning be given delegated authority to make any necessary minor amendments to the Shop Fronts and Advertisements Supplementary Planning Document prior to adoption.

C
89/13 **Draft Supplementary Planning Document 8 - Affordable Housing**

Consideration was given to a report on Initial Working Draft Supplementary Planning Document 8 – Affordable Housing.

The Supplementary Planning Document (SPD) provided guidance on how Local Plan policies relating to affordable housing would be applied and how their requirements could be met and would be a material consideration when determining applications for planning permission within the Borough.

SPDs must be subject to public consultation prior to their adoption as part of the Borough's Development Plan. It was intended that the draft SPD would undergo public consultation between December 2013 and January 2014.

The initial working draft of the SPD was attached to the report, and was accompanied by a Habitats Regulations Assessment (HRA) Scoping Report, an Equalities Impact Assessment and the Consultation Statement. The HRA Scoping Report concluded that a full HRA was not required for this SPD.

It was established practice that affordable housing delivery was an appropriate developer contribution which could be sought through a planning obligation. The National Planning Policy Framework (NPPF 2012) provided multiple references on the matter, specifically paragraph 174 which explained that 'Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing'.

The NPPF also provided a lengthy definition of affordable housing for planning purposes; this was repeated within section 2 of the draft SPD. In short, affordable housing was provided to eligible households whose needs were not met by the general housing market, based on local incomes and house prices. Types of affordable housing included social rented, affordable rented and intermediate housing.

It was recalled that a report entitled 'Draft Supplementary Planning Document 8 – Provision of Affordable Housing and the Need for Viability Evidence' was reported to the Cabinet meeting of 13th June 2013.

The previous version included reference to 20% affordable housing provision as the standard target. The Inspector in his report following the Low Lane, Ingleby Barwick Public Inquiry commented "... it is inescapable that the provision of affordable housing at a rate of 15% clearly falls within the range of 15-20% set out in CS Policy 8 criterion 5'.

Counsel's opinion was also sought on this matter. Counsel advised that applying 20% affordable housing provision as the standard target was in conflict with adopted development plan policy and that 'were the matter to be tested, a court would be likely to find the SPD unlawful.'

The current draft SPD was therefore withdrawn and would be replaced with the new draft SPD which omitted the identification of 20% affordable housing provision as a standard target but dealt with other affordable housing matters in greater depth than was possible in the first draft, given the very tight timeframe for its production. To all intents and purposes this was a new refreshed SPD and it was recommended that it should be the subject of a fresh consultation.

The target range for affordable housing provision on sites of 0.5 had or more and schemes of 15 dwellings or more remains 15-20% as set out in Policy CS8.5. However, in the context of the Inspector's Report, the Council was clearly obliged to accept that any provision within the target range of 15-20% was policy compliant, even if it was at the lower end of the range (15%) and not supported by viability evidence that provision at the upper end of the range (20%) would make the scheme economically unviable.

The Council's affordable housing requirement was set out in Core Strategy Policy CS8. This Supplementary Planning Document (SPD) had two fundamental purposes. These were as follows:-

a) To provide guidance on how development plan policy regarding affordable housing, set out in Policy 8 of the Core Strategy, was applied

b) To provide guidance on how the Council's Strategic Housing, Development Services and Spatial Planning teams would work with both developers and Registered Providers to deliver affordable housing.

The report concluded by setting out the next steps in the production of the SPD, which related to the recommendations before Cabinet.

The SPD approached this task through the following steps:-

a) It set out the national and local policy context.

b) It summarised the evidence base provided by the 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA), 2013 Rural Housing Needs Assessment and the Economic Viability of Affordable Housing Requirements Report (2009).

c) It then provided guidance on how requirements for affordable housing provision set out in Core Strategy Policy 8 were to be applied as well as making reference to how up-to-date evidence in the 2012 TVSHMA and 2013 Rural Housing Needs Assessment was applied.

d) Finally, it provided guidance on the robust justification needed if a developer wished to vary from the affordable housing requirements set out in development plan policy CS8 on economic viability grounds.

The guidance on how Policy CS8 was applied made it clear that affordable housing provision should be on-site unless it could be demonstrated that this would make the site unviable or would not promote sustainable mixed communities. When exceptionally off-site provision or a financial contribution was accepted, it set out in broad terms the Council's procedures and provided supporting information.

In addition, the Council's phasing requirements within developments were set out, specifically with regard to the 'trigger points' for the delivery of the affordable housing.

The SPD stressed the importance of developers entering in to pre-application discussions to ensure that adequate information was submitted for assessment. It detailed how the Council would work with developers and Registered Providers to achieve the delivery of affordable housing.

Proposals which did not meet the Council's affordable housing requirements which were not supported by robust viability evidence would normally be recommended for refusal.

The methodology for calculating a commuted sum, in the limited circumstances when it was agreed that it was appropriate instead of on-site provision, had only been set out in broad outline. It was intended to provide more detail in the final version of the SPD.

However, it was necessary first to consult with Registered Providers regarding the detail of the methodology, in particular the data they would be able to provide. A consultation exercise with Registered Providers had therefore been initiated.

This was a separate consultation ahead of the formal consultation on the SPD. This was because the consultation with Registered Providers was an essential pre-requisite to establishing a robust detailed methodology for calculating commuted sums. This methodology would then, once agreed, be included in the draft SPD that would be formally consulted upon.

Approval was sought to publish the SPD for a six week consultation between 18th December 2013 and 29th January 2014. A longer consultation than the statutory four week period was recommended, as the consultation fell over the holiday period.

Officers would then review consultation responses, amend the document and aim to report back to Cabinet and Council in March / April 2014.

RESOLVED that the draft SPD be approved for public consultation commencing on 18 December 2013 and completing on 29 January 2014. A longer consultation than the statutory four week period, as the consultation falls over the holiday period.

**C
90/13 Welfare Reform Including Update on Discretionary Housing Payments
Policy and Local Council Tax Support Scheme**

Consideration was given to a report on an update on quarter 2 monitoring of the outcomes / impact of Welfare Reform and to update Members following a review of our Discretionary Housing Payments (DHP) Policy and the Local Council Tax Support Scheme.

Previous reports had detailed the introduction of the Welfare Reform Act 2012 which set out Government's intention to reform the benefits & tax credits system to provide greater incentives to work. The report provided details of the second quarters monitoring using the framework agreed by Members in July 2013. The Department of Work and Pensions (DWP) had updated the timetable for roll out of universal credit including more information as to when Local Authority's would cease to provide housing benefit and the housing function would be administered by DWP as part of Universal credit. Information on the new arrangements were detailed in the report. An update on implementation of the revised Discretionary Housing Benefit Payment Scheme implemented in April 2013 and the Local Council Tax Reduction Scheme were also detailed in the report with recommendations for policy in these two areas in the financial year 2014/15.

RESOLVED that the existing Local Council Tax Support Scheme be continued following the annual review.

**C
91/13 Members' Question Time**

The Director of Law and Democracy informed Members that no Member Questions had been received.

**C
92/13 Forward Plan and Leader's Statement**

The Leader of the Council gave his Forward Plan and Leaders Statement.

The Leader of the Council expressed his sympathy and support for the residents of Port Clarence who had been struck by the dramatic North Sea storms. The Council's thoughts were with them as they faced the aftermath of the flooding. The Leader of the Council assured Members that the Council was doing all that it could to help and he thanked the many voluntary groups, public sector partners and Council staff who had worked hard to support them during the floods and who would continue to work alongside them.

Cabinet met on 27th November and considered a wide range of issues, the following significant items were considered in addition to regular items:-

- The Quarter 2 Performance and Finance Report Including an update on the MTFP
- An update on the Asset Review
- The annual review of the school organisation plan
- A proposal for the employee mutualisation of SICTU
- The annual review of the Carbon Management strategy

- Agreement of the statement of ambition for the Green Vision
- A review of the Social Value policy
- The Children's Social Care Activity and Performance Report
- The Quarter 2 Welfare Reform Update
- A review of the social fund pilot "Back on Track"
- An update on Individual Electoral Registration
- Agreement of the framework for the 2014-2017 Council Plan
- Consideration of an update to the Code of Conduct for Members
- A review of Local Development Framework Supplementary Planning Documents

Looking ahead Cabinet would next meet on the 16th January and would be looking at:-

- A report on the Scrutiny review of the North East Procurement Organisation
- An update on the performance of Children's Centres
- A review of Tees Credit Union
- A report on the development of the Gypsy, Traveller and Travelling Show people Development Plan Document
- An update on the regeneration of the Borough's town centres

Since Council had last met there had been lots going on in the exciting Autumn / Winter events programme. The Festival of Light and Colour had taken place down at the riverside and the Stockton Sparkles festival was going well following its launch on 28th November. The Christmas Market in Parish Gardens had been a great success and the Leader of the Council encouraged Members to visit the Town Centre at the weekend when there would be street theatre on Saturday and the Reindeer Parade on Sunday.

Last Friday at the ANEC Leaders and Mayors meeting it was agreed that they would send a letter signed by all leaders and mayors of the twelve local authorities in the North East to the MMC Lead Member of the Eastern Cape of South Africa offering their condolences on the passing of Nelson Mandela.

Finally, the Leader of the Council wished Members a Merry Christmas and he looked forward to seeing Members at the next Council meeting on 29th January.