

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 2.00 p.m. on Wednesday, 17 December 2014, when the following Members were present:-

Susie Charles (Mayor)	Helen Helme (Deputy Mayor)
Tony Anderson	June Ashworth
Jon Barry	Mark Bevan
Eileen Blamire	Dave Brookes
Abbott Bryning	Keith Budden
Shirley Burns	Chris Coates
Roger Dennison	Sheila Denwood
Jonathan Dixon	Jack Filmore
Melanie Forrest	Kathleen Graham
Mike Greenall	Janet Hall
Tim Hamilton-Cox	Janice Hanson
John Harrison	Billy Hill
Caroline Jackson	Joan Jackson
Alycia James	Tony Johnson
Andrew Kay	Karen Leytham
Roger Mace	Abi Mills
Richard Newman-Thompson	Jane Parkinson
Ian Pattison	Margaret Pattison
Robert Redfern	Sylvia Rogerson
Richard Rollins	Ron Sands
Elizabeth Scott	Roger Sherlock
David Smith	Keith Sowden
Susan Sykes	Malcolm Thomas
David Whitaker	Peter Williamson
Paul Woodruff	

**59 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Paul Gardner, Tracey Kennedy, David Kerr, Geoff Knight, Geoff Marsland, Terrie Metcalfe, Pam Pickles, Vikki Singleton, Emma Smith and Joyce Taylor.

**60 MINUTES**

The minutes of the meeting held on 22 October 2014 were signed by the Mayor as a correct record.

**61 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**62 ANNOUNCEMENTS - FORMER COUNCILLOR ROGER PLUMB, PHIL WILKINS, HOMELESSNESS OFFICER, HONORARY ALDERMAN SYBIL ROSTRON AND COUNCILLOR VAL HISTED**

The Mayor reported the sad deaths of former Councillor Roger Plumb, Phil Wilkins, Homelessness Officer, Honorary Alderman Sybil Rostron and Councillor Val Histed.

Former Councillor Roger Plumb died suddenly at his home at the end of October. Roger was elected as the City Councillor for Westgate in May 2007 for one term and was a Member of the Overview and Scrutiny Committee and also was for a time the Chairman of Morecambe Town Council.

Phil Wilkins, the City Council's Homelessness Prevention Officer passed away on 2 November after suffering a heart attack. Phil had worked for the City Council since 2006 and was well respected not only by work colleagues within the Council but also colleagues in other statutory and voluntary sector agencies. He would be greatly missed.

Hon Alderman Sybil Rostron passed away on 11 November 2014. Sybil represented the ward of Slyne-with-Hest for 21 years after being elected in 1982 and became Mayor in 1999 when she hosted a visit to Lancaster by the Queen and the Duke of Edinburgh.

Councillor Val Histed passed away at home on Saturday 22<sup>nd</sup> November after a long illness. Councillor Histed was elected to represent the Bolton-le-Sands Ward on the City Council in May 2007. She was a member of Cabinet in 2007 and most recently a member of the Licensing Act Committee.

**Members stood in a minute's silence in their memory.**

The Mayor thanked everyone who had attended her recent Wine Tasting event to raise funds for the Mayor's charities.

The Mayor informed Councillors that she intended to deal with item 20 on the agenda first, to allow the Members of the Independent Remuneration Panel to present their report without delay.

**63 MEMBERS' ALLOWANCES SCHEME - REPORT OF THE INDEPENDENT REMUNERATION PANEL**

Ms Janice Wilson and Mr Colin Everett of the Independent Remuneration Panel (IRP) attended to present their report and recommendations to Council and respond to Members' questions.

The IRP's recommendations were as follows:

- a) That there should be an increase to the basic allowance of slightly over 1.5% to give a new basic allowance of £3350, to take effect following the local elections to the City Council in 2015.
- b) That the current levels and rates of Special Responsibility Allowance (SRA) should continue for 2015/16.
- c) That the Council should continue to adhere to the established conventions that no Member should receive more than one SRA and that no more than 50% of Elected Members should receive an SRA.
- d) That detailed role profiles should be prepared for each role qualifying for an SRA to assist with future evaluation of responsibilities, complexity and time commitment.
- e) That the current levels of dependents' carers allowances; travel and subsistence allowances and the current arrangements for costs of vehicle parking should continue.

Regarding ICT, the IRP did not wish to make any recommendations until decisions were made on further ICT provision for Councillors. The Panel made no recommendations regarding co-optees' allowances or pensions.

Councillor Woodruff proposed, seconded by Councillor Sowden:-

- "(1) That the recommendations of the IRP and the Members' Allowances Scheme for 2015/16, as set out in the Panel's report, be approved."

There was no debate and the Mayor called for a vote on the proposition, which was clearly carried.

***Resolved:***

- (1) That the recommendations of the IRP and the Members' Allowances Scheme for 2015/16, as set out in the Panel's report, be approved.

**64 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 12**

The Mayor advised that no questions had been received from members of the public in accordance with the provisions of Council Procedure Rule 12.

**65 PETITIONS AND ADDRESSES**

The Mayor informed Members that no petitions or requests to address Council had been received from members of the public.

**66 LEADER'S REPORT**

The Leader presented her report updating Members on various issues since her last report to Council.

***Resolved:***

That the report be noted.

**67 FINANCIAL REFERRALS: TREASURY MANAGEMENT AND BUDGET UPDATE**

Councillor Bryning presented a referral report from Cabinet updating Council on treasury management progress during the year and on the 2015/16 budget process.

Councillor Bryning and the Chief Officer (Resources) responded to Members' questions on the report.

***Resolved:***

That the report be noted.

**68 REFERRAL FROM COUNCIL BUSINESS COMMITTEE - ATTENDANCE AT OUTSIDE BODIES**

Councillor Hall, Chairman of Council Business Committee, presented a referral report from the Committee regarding attendance at outside bodies.

Councillor Hall responded to Members' questions before proposing the recommendations in the report, seconded by Councillor Sherlock:

- "(1) That Councillors appointed to outside bodies inform Democratic Services of the meetings they have attended throughout the year.
- (2) That officers include details of attendance in each report to Annual Council to inform Members when appointments to outside bodies are reconfirmed."

A vote was then taken on the motion, which was clearly carried.

***Resolved:***

- (1) That Councillors appointed to outside bodies inform Democratic Services of the meetings they have attended throughout the year.
- (2) That officers include details of attendance in each report to Annual Council to inform Members when appointments to outside bodies are reconfirmed.

**69 REFERRAL FROM COUNCIL BUSINESS COMMITTEE - COMMITTEE TIMETABLE 2015/16 (Page 17)**

Councillor Hall, Chairman of Council Business Committee, presented a referral report from the Committee regarding the Committee Timetable for 2015/2016.

Councillor Hall responded to Members' questions before proposing the recommendations of the Council Business Committee, seconded by Councillor Ian Pattison:

- “(1) That the start times of Cabinet meetings and Cabinet briefings be changed to 6pm.
- (2) That the start time of full Council meetings be changed to 6pm.
- (3) That an extra Council meeting be scheduled to fall between 15 July and 21 October.”

A two part amendment was then moved by Councillor Barry, who asked for it to be considered as a friendly amendment:

“That the words ‘Cabinet briefings’ be removed from recommendation (1) and that a new recommendation (4) be added ‘That Special Council meetings be abandoned as formal Council meetings.’”

New recommendation (4) was accepted as friendly amendment by Councillors Hall and Ian Pattison immediately. Following advice from the Monitoring Officer pointing out the Cabinet briefings are informal meetings and not part of the Committee Timetable, the amendment to remove the words “Cabinet briefing” from recommendation (1) was also accepted as a friendly amendment.

After a lengthy debate, the Mayor agree to a request to take a vote on each proposition in turn. The motion that the start times of Cabinet meetings be changed to 6pm was carried with 23 Members voting for the motion, 20 against and 2 abstentions. The proposition that the start time of full Council meetings be changed to 6pm was carried with 30 Members voting for the proposition, 20 against and no abstentions. The motion that an extra Council meeting be scheduled to fall between 15 July and 21 October was carried with 23 Members voting for the motion, 21 against and 3 abstentions. A vote was then taken on the motion that Special Council meetings be abandoned as formal Council meetings, and that motion was clearly carried. Finally, a vote was taken on a proposal to accept the Committee timetable for 2015/16 subject to the changes requested, and that proposal was clearly carried.

***Resolved:***

- (1) That the start times of Cabinet meetings be changed to 6pm.
- (2) That the start time of full Council meetings be changed to 6pm.
- (3) That an extra Council meeting be scheduled to fall between 15 July and 21 October.
- (4) That Special Council meetings be abandoned as formal Council meetings.
- (5) That the Committee Timetable for 2015/16 be approved, subject to the above changes.

**70 NOTICE OF MOTION - OPPOSITION TO DRIVER-ONLY TRAINS**

The following motion of which notice had been given to the Chief Executive in accordance with Council Procedure Rule 16 was moved by Councillor Whitaker and seconded by

Councillor Margaret Pattison:-

“This Council:

- a) Registers its opposition to the Northern and Transpennine Express franchise requirement for driver only trains and the Government’s plans to make driver only trains mandatory.
- b) Expresses its concern at the removal of on board conductors on The Northern and Transpennine routes as well as hundreds of essential rail jobs
- c) Believes that, if implemented, the plan would result in cuts to funding, fare rises, service and timetable cuts and the loss of local rail jobs. .
- d) Also believes that as a result of the loss of skilled jobs, passenger service and passenger safety will be worsened by this plan to remove guards and conductors from services and introduce driver only operated trains.
- e) Notes that these proposals come on top of rail fare hikes and the pre-existing understaffing of many rail stations and the closure of ticket offices, making guards and on board conductors even more essential to passenger safety.
- f) Believes that safeguarding and increasing staffing levels are the most effective way of improving security and passenger safety
- g) Notes that the driver is responsible for safe operation of the train and the on board conductor is responsible for the protection of the passengers.
- h) Notes that currently, guards and on board conductors are fully trained in the operational safety, route knowledge, including safely securing doors, protecting the train and acting in emergencies such as driver incapacity.”

An officer briefing note about procedural matters accompanied the motion.

At the conclusion of a long debate a vote was taken and the motion was carried with 26 Members voting for, 22 against and 1 abstention.

**Resolved:-**

This Council:

- a) Registers its opposition to the Northern and Transpennine Express franchise requirement for driver only trains and the Government’s plans to make driver only trains mandatory.
- b) Expresses its concern at the removal of on board conductors on The Northern and Transpennine routes as well as hundreds of essential rail jobs
- c) Believes that, if implemented, the plan would result in cuts to funding, fare rises, service and timetable cuts and the loss of local rail jobs. .
- d) Also believes that as a result of the loss of skilled jobs, passenger service and passenger safety will be worsened by this plan to remove guards and conductors from services and introduce driver only operated trains.

- e) Notes that these proposals come on top of rail fare hikes and the pre-existing understaffing of many rail stations and the closure of ticket offices, making guards and on board conductors even more essential to passenger safety.
- f) Believes that safeguarding and increasing staffing levels are the most effective way of improving security and passenger safety
- g) Notes that the driver is responsible for safe operation of the train and the on board conductor is responsible for the protection of the passengers.
- h) Notes that currently, guards and on board conductors are fully trained in the operational safety, route knowledge, including safely securing doors, protecting the train and acting in emergencies such as driver incapacity.

## **71 NOTICE OF MOTION - TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP**

Councillor Rollins asked to speak on a point of order, referring Councillors to Council Procedure Rules 16.3 and 16.4 in the Council's Constitution, whereby under 16.3 a motion on the Council agenda would be accompanied by an officer drafted briefing note setting out any particular risks and financial or legal implications; and under 16.4 motions must be about matters for which the Council has a responsibility or which affect the district.

The Chief Executive advised Council that the motion was about a matter which would have an impact on the people of the district and the officer briefing note which accompanied the motion explained why it had been difficult to provide great detail on such a complex matter. To help inform the debate, officers had provided some Government produced documentation for Members.

Following this clarification, Councillor Newman-Thompson proposed the motion, having given the required notice to the Chief Executive in accordance with Council Procedure Rule 16:-

"This Council notes:

- (1) That the Transatlantic Trade and Investment Partnership (TTIP) is currently being negotiated between the US and the EU supposedly to pursue the interest of free trade.
- (2) TTIP negotiations are being conducted behind closed doors between representatives of the EU and US without transparency or democratic accountability.
- (3) TTIP would open up access to government procurement markets and eliminate preferential treatment to local suppliers and introduce investment protection provisions that include investor state dispute settlement (ISDS) mechanisms which allow investors to challenge state actions which they perceive as threatening to their investment.
- (4) ISDS mechanisms allow for disputes between investors and governments to be heard by tribunals of "experts" rather than resolved by the host state's courts. The United Nations Conference on Trade and Development (UNCTAD) recently explained that "foreign investors have recently used ISDS claims to challenge measures adopted by states in the public interest (for

example, policies to promote social equity, foster environmental protection or protect public health).

This Council believes that:

- (1) The TTIP negotiations are potentially catastrophic for public services as the EU/US representatives are negotiating to hand over the right to regulate in the public interest without transparency or accountability to their electorates.
- (2) IDSD mechanisms would make it hard for any government to reverse liberalisation and privatisation without being sued by foreign investors. So whatever voters actually wanted, the trade treaty would place major barriers in the way of government giving expression to their democratic will.

This Council resolves:

- (1) To write to the Prime Minister and the Secretary of State for Business Innovation and Skills raising our serious concerns about the TTIP.
- (2) To offer support to the campaign by Unite to defend the NHS which is drawing attention to the potential impact of the TTIP.
- (3) To write to the Local Government Association to urge them to lobby on behalf of all Local Authorities on the potential impact of the TTIP.
- (4) To do all we can to publicise the dangers arising from this trade agreement for our NHS and other public services and jobs."

Councillor Margaret Pattison seconded the motion.

The following amendment to the motion was moved by Councillor Filmore and was accepted as a friendly amendment by the mover and seconder of the original motion.

"That the wording of (1) under 'This Council resolves' be amended to replace 'serious concerns about' with 'opposition to' and that the words 'and to say 'no' to the UK becoming a signatory' be added to the end of that sentence."

At the conclusion of a lengthy debate a vote was taken and the motion was carried with 26 Councillor voting for the motion, 21 against and 2 abstentions.

***Resolved:-***

This Council notes:

- (1) That the Transatlantic Trade and Investment Partnership (TTIP) is currently being negotiated between the US and the EU supposedly to pursue the interest of free trade.
- (2) TTIP negotiations are being conducted behind closed doors between representatives of the EU and US without transparency or democratic accountability.
- (3) TTIP would open up access to government procurement markets and



eliminate preferential treatment to local suppliers and introduce investment protection provisions that include investor state dispute settlement (ISDS) mechanisms which allow investors to challenge state actions which they perceive as threatening to their investment.

- (4) ISDS mechanisms allow for disputes between investors and governments to be heard by tribunals of "experts" rather than resolved by the host state's courts. The United Nations Conference on Trade and Development (UNCTAD) recently explained that "foreign investors have recently used ISDS claims to challenge measures adopted by states in the public interest (for example, policies to promote social equity, foster environmental protection or protect public health).

This Council believes that:

- (1) The TTIP negotiations are potentially catastrophic for public services as the EU/US representatives are negotiating to hand over the right to regulate in the public interest without transparency or accountability to their electorates.
- (2) ISDS mechanisms would make it hard for any government to reverse liberalisation and privatisation without being sued by foreign investors. So whatever voters actually wanted, the trade treaty would place major barriers in the way of government giving expression to their democratic will.

This Council resolves:

- (1) To write to the Prime Minister and the Secretary of State for Business Innovation and Skills raising our opposition to the TTIP and to say 'no' to the UK becoming a signatory.
- (2) To offer support to the campaign by Unite to defend the NHS which is drawing attention to the potential impact of the TTIP.
- (3) To write to the Local Government Association to urge them to lobby on behalf of all Local Authorities on the potential impact of the TTIP.
- (4) To do all we can to publicise the dangers arising from this trade agreement for our NHS and other public services and jobs.

***Council adjourned at 4.20pm and re-convened at 4.30pm in accordance with Council Procedure Rule 11.1***

## **72 NOTICE OF MOTION - 5-YEAR HOUSING LAND SUPPLY STATEMENT**

Notice of the following motion had been given to the Chief Executive in accordance with Council Procedure Rule 16 by Councillors Hamilton-Cox, Barry and Brookes:-

"To ask officers to produce a public briefing note for councillors on the 5-year housing land supply statement focussed on how the calculation of the under-supply of 1695 homes is justified when set against the available data on growth of population, household formation and employment between 2001 and 2011. Full council asks that the briefing note should be based on attributable data and should compare the data with the projections and

forecasts for population, household formation and employment which presumably informed the target of 400 homes per year against which housing delivery is deemed to have fallen short to 2011.

Full council further resolves that the briefing note be circulated to councillors not later than Wednesday 14th January 2015.

The proposers of the motion note the census data which shows that the district's population increased by 4461 between 2001 and 2011. The City Council's Housing Land Monitoring Reports show that the number of homes completed in the district between 2001-02 and 2010-11 was 3223. This is a ratio of 1.38 people per new household. The average household size at the 2011 census was 2.27 people."

Prior to the meeting, a revised motion had been circulated by the proposers and this wording was proposed by Councillor Hamilton-Cox and seconded by Councillor Barry:

"This council resolves:

To ask officers to produce a briefing note for councillors on the 5-year housing land supply statement focussed on how the calculation of the under-supply of 1695 homes is justified when set against the available data on growth of population, household formation and employment between 2001 and 2011. Full council asks that the briefing note should be based on attributable data and should compare the data with the projections and forecasts for population, household formation and employment which presumably informed the target of 400 homes per year against which housing delivery is deemed to have fallen short to 2011.

Full council resolves that the background briefing note be circulated to councillors not later than Wednesday 14th January 2015.

Full council further resolves that the Chief Executive should write to the district's two MPs and the planning minister to ask that calculation of previous housing under-supply, instead of being judged against the 400 homes target that was itself only based on forecasts and projections, should be re-based to take account of actual population, household formation and employment increases during the period 2001-2011.

The proposers of the motion note the census data which shows that the district's population increased by 4461 between 2001 and 2011. The city council's Housing Land Monitoring Reports show that the number of homes completed in the district between 2001-02 and 2010-11 was 3223. This is a ratio of 1.38 people per new household. The average household size at the 2011 census was 2.27 people."

Officer advice was included in a briefing note accompanying the agenda.

The following amendment to the motion was moved by Councillor Newman-Thompson:

"That the word 'confidential' be added in front of the words 'briefing note' in the first line of the motion."

With the agreement of his seconder, Councillor Hamilton-Cox accepted this as a friendly amendment.

Councillor Dennison then proposed a further amendment, which was also accepted as a friendly amendment by Councillors Hamilton-Cox and Barry:

“That the Chief Executive be asked to consult with neighbouring authorities to ascertain how their calculations and methodology on the above have been achieved.”

At the conclusion of a long debate a vote was taken and the motion was unanimously carried.

***Resolved unanimously:-***

This council resolves:

- (1) To ask officers to produce a confidential briefing note for councillors on the 5-year housing land supply statement focussed on how the calculation of the under-supply of 1695 homes is justified when set against the available data on growth of population, household formation and employment between 2001 and 2011. Full council asks that the briefing note should be based on attributable data and should compare the data with the projections and forecasts for population, household formation and employment which presumably informed the target of 400 homes per year against which housing delivery is deemed to have fallen short to 2011.
- (2) That the Chief Executive be asked to consult with neighbouring authorities to ascertain how their calculations and methodology on the above have been achieved.
- (3) Full council resolves that the background briefing note be circulated to councillors not later than Wednesday 14th January 2015.
- (4) Full council further resolves that the Chief Executive should write to the district's two MPs and the planning minister to ask that calculation of previous housing under-supply, instead of being judged against the 400 homes target that was itself only based on forecasts and projections, should be re-based to take account of actual population, household formation and employment increases during the period 2001-2011.

### **73 RECORDINGS OF MEETINGS**

The Chief Officer (Governance) submitted a report providing information on the costs of recording Council meetings, as requested by Council at its meeting on 22 October 2014.

The Chief Officer (Governance) responded to a question from a Councillor.

Councillor Mace proposed, seconded by Councillor Williamson:

“That, on an experimental basis, sound recordings of Council meetings be prepared and made available to Members and Officers on request.”

There was no debate and vote was taken on the proposal which was clearly carried.

***Resolved:***

That, on an experimental basis, sound recordings of Council meetings be prepared and made available to Members and Officers on request.

**74 REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2014**

A report of the Chief Officer (Governance) was considered to enable Council to make arrangements for determining the outcome of the review of polling districts and polling places in the Parliamentary Constituencies of Morecambe and Lunesdale and Lancaster and Fleetwood.

The Chief Officer (Governance) responded to Members' questions.

Councillor Williamson proposed, seconded by Councillor Joan Jackson:

- “(1) That consideration of the review of polling districts and polling places be delegated to a specially convened meeting of Council Business Committee in January, to comply with the legislative timetable.
- (2) That power be delegated to Council Business Committee to authorise publication of prescribed statutory information about the outcome of the review.
- (3) That the Returning Officer, in consultation with the relevant ward Councillors, be authorised to make any necessary changes to polling places that may arise other than as part of a review.”

There was no debate and a vote was then taken, which was clearly carried.

***Resolved:***

- (1) That consideration of the review of polling districts and polling places be delegated to a specially convened meeting of Council Business Committee in January, to comply with the legislative timetable.
- (2) That power be delegated to Council Business Committee to authorise publication of prescribed statutory information about the outcome of the review.
- (3) That the Returning Officer, in consultation with the relevant ward Councillors, be authorised to make any necessary changes to polling places that may arise other than as part of a review.

**75 ALLOCATION OF SEATS TO POLITICAL GROUPS**

The Chief Executive submitted a report advising Council of the allocation of seats in accordance with the Local Government and Housing Act 1989 and the Council's agreed protocol, following the death of Councillor Val Histed.

It was noted that the Labour Group would receive the place on the Licensing Act Committee formerly held by Councillor Histed.

Councillor Dixon proposed, seconded by Councillor Greenall (1) and Councillor Bevan (2):

- “(1) That in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990, the City Council approves the calculations and allocation of seats set out in paragraph 2 of the report.
- (2) That Councillor Newman-Thompson be appointed to the Licensing Act Committee.”

A vote was then taken on the motion which the Mayor declared clearly carried.

**Resolved:**

- (1) That in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990, the City Council approves the calculations and allocation of seats set out in paragraph 2 of the report.
- (2) That Councillor Newman-Thompson be appointed to the Licensing Act Committee.

**76 LOCAL PLAN FOR LANCASTER DISTRICT 2011 - 2031: THE ADOPTION OF THE DEVELOPMENT MANAGEMENT AND MORECAMBE AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENTS (Pages 18 - 22)**

Council considered a report of the Chief Officer (Regeneration and Planning) to seek a resolution to formally adopt the Development Management Development Plan Document (DPD) [Planning Policies] and the Morecambe Area Action Plan DPD as part of the Local Plan for Lancaster District 2011-2031.

Councillor Hanson proposed the recommendations in the report, seconded by Councillor Helme:

- “(1) That both the Development Management Development Plan Document (DPD) [Planning Policies] and the Morecambe Area Action Plan (MAAP) DPD be adopted as part the Local Plan for Lancaster District 2011–2031.
- (2) That the necessary measures be undertaken to publicise their adoption in accordance with national legislation.
- (3) That, following the revision of National Planning Practice Guidance on Affordable Housing contributions that was published on Friday 28<sup>th</sup> November, the council also publishes a clarification note on the implementation of Development Management Policy DM41, New Residential Dwellings, to the effect that the council acknowledges the revised guidance and the implications for the implementation of affordable housing policy, and accordingly will use an interim approach when negotiating for complements of Affordable Housing, as described within the clarification note. The council is further committed to;
  - a) Preparing an NPPG-compliant interim policy through an imminent revision of the Supplementary Planning Document (SPD) on Meeting Housing Needs, and,
  - b) Formally revising Policy DM41 through a review of the Development Management DPD following a refresh of evidence on development viability which will accompany the preparation of the forthcoming Land Allocations Document.
  - c) A draft edition of the proposed interim approach (as described in the first paragraph of this recommendation) is appended to these minutes. This interim approach described will be applicable immediately upon the adoption of the DPD and in advance of the further actions to which the

council is committed in 3a and 3b above.”

There was no debate.

A vote was then taken and the proposition was carried.

**Resolved:**

- (1) That both the Development Management Development Plan Document (DPD) [Planning Policies] and the Morecambe Area Action Plan (MAAP) DPD be adopted as part the Local Plan for Lancaster District 2011–2031.
- (2) That the necessary measures be undertaken to publicise their adoption in accordance with national legislation.
- (3) That, following the revision of National Planning Practice Guidance on Affordable Housing contributions that was published on Friday 28<sup>th</sup> November, the council also publishes a clarification note on the implementation of Development Management Policy DM41, New Residential Dwellings, to the effect that the council acknowledges the revised guidance and the implications for the implementation of affordable housing policy, and accordingly will use an interim approach when negotiating for complements of Affordable Housing, as described within the clarification note. The council is further committed to;
  - a) Preparing an NPPG-compliant interim policy through an imminent revision of the Supplementary Planning Document (SPD) on Meeting Housing Needs, and,
  - b) Formally revising Policy DM41 through a review of the Development Management DPD following a refresh of evidence on development viability which will accompany the preparation of the forthcoming Land Allocations Document.
  - c) A draft edition of the proposed interim approach (as described in the first paragraph of this recommendation) is appended to these minutes. This interim approach described will be applicable immediately upon the adoption of the DPD and in advance of the further actions to which the council is committed in 3a and 3b above.

**77 AMENDMENT OF THE EXECUTIVE SCHEME OF DELEGATION TO OFFICERS – ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

Council considered a report of the Chief Officer (Governance) giving notice of an amendment made by the Leader to the Scheme of Delegation to Officers to ensure that officers were able to exercise new powers contained in the Anti-Social Behaviour, Crime and Policing Act 2014.

**Resolved:**

That the report be noted.

**78 QUESTIONS UNDER COUNCIL PROCEDURE RULE 13.2**

The Mayor advised that one question had been received by the Chief Executive in accordance with Council Procedure Rules. The question was from Councillor Dennison to Councillor Blamire.

Councillor Dennison asked:

“A number of years ago proposals were made to redevelop the area around Chatsworth Road, Morecambe. As we approach 2015, the residents of the surrounding area face a depressing Christmas view. Can the Cabinet Member give the residents any hope to local council tax payers that essential redevelopment work will commence before the next general election?”

Councillor Hanson responded:

“I want to begin by being absolutely clear that the length of time we have had to wait to see the development of the Chatsworth Gardens project is simply not acceptable and Members should be under no illusion as to the strength of my determination to resolve the issue as both the Cabinet Member for Economic Regeneration and Planning and as the local Ward Member for the West End.

Since the Council began this process a number of years ago, we have been beset by insecure government funding streams, and setbacks at a local level. We have faced significant challenges that have at times severely slowed progress and have led to unacceptable delays in moving forward with the scheme.

It is right to say that the legal process has slowed our development with the project but given the scale of public funding to be invested in this scheme it is absolutely right that extensive legal safeguards are put in place to ensure our investment is best protected. We owe that to the very tax payers that Councillor Dennison makes reference to in his question.

But, Mr Mayor, today marks a turning point for Chatsworth Gardens and our local community. I can now confirm that, after extensive consultation with the Chief Executive, I have received his written assurances that the legal process will be finalised within the month and that works will begin on site in the New Year.

I am sure Members will agree that, whilst this process has been unacceptably delayed, and I share Councillor Dennison’s concerns in this regard, we are taking the concerted steps necessary to ensure that Chatsworth Gardens is restored to the state it, and the local community we serve, deserves.”

Councillor Hanson further assured Councillor Dennison that she would be keeping a very close eye on progress over the next two months.

By way of a supplementary question, Councillor Dennison asked:

“Can a copy of your full reply be sent to Mr Swithin of Albert Road, Morecambe, who petitioned the Council a couple of years ago?”

Councillor Hanson replied ‘yes’, a copy would be sent and she would also like to extend an invitation to Mr Swithin to come and meet with her and her fellow Ward Councillor, the Chief Executive and the Chief Officer (Regeneration and Planning).

**79 MINUTES OF CABINET**

Council considered the Cabinet minutes of the meetings held on 4 November and 2 December 2014. There were no questions.

***Resolved:***

That the minutes be noted.

The Mayor reminded Members that, since this was the last Council meeting before Christmas, she would like Councillors and Officers to join her in the Committee rooms upstairs for refreshments and a buffet.

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Mayor

(The meeting finished at 5.20 p.m.)

**Any queries regarding these minutes,  
please contact Debbie Chambers, Democratic Services - telephone (01524) 582057 or email  
dchambers@lancaster.gov.uk**





## **Affordable Housing Interim Statement adopted by Council 17 December 2014**

### **Planning Contributions (Section 106 planning obligations) for smaller residential proposals**

#### **Introduction**

In March 2014 the Government published a consultation on “Planning Performance and Planning Contributions”.

The consultation proposed that before any request for affordable housing contributions can be considered, authorities will have to have regard to national policy that such charges create a disproportionate burden for development falling within a combined 10-unit and 1,000 square metres gross floor space threshold. A maximum total floor space was proposed in combination with a unit threshold to avoid creating an unintended incentive to alter scheme construction densities.

Developers, development representative bodies, and some members of the public generally supported the proposed changes, arguing that excessive affordable housing contributions were often being applied.

Local Authority responses generally opposed both the principle of a national threshold for affordable housing contributions and the size of the proposed threshold. The consultation closed on 4 May 2014.

#### **Response**

On the 28<sup>th</sup> November 2014 the Government has published its conclusions with regard to the planning contributions element.

The conclusions read that the Government considers that affordable housing 106 charges can place a disproportionate burden on small scale developers, including those wishing to build their own homes, and prevent the delivery of much needed, small scale housing sites. The Government has aimed to strike an effective balance between providing the support and incentives which will drive up self-build, small scale and brownfield development without adversely impacting on local contributions to affordable homes and infrastructure.

The Government has made the following changes with regard to section 106 planning obligations:

- Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.
- For designated rural areas under section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions. Within these designated areas, if the 5-unit threshold is implemented then

payment of affordable housing and tariff style contributions on developments of between 6 to 10 units should also be sought as a cash payment only and be commuted until after completion of units within the development.

- These changes in national planning policy will not apply to Rural Exception Sites which, subject to the local area demonstrating sufficient need, remain available to support the delivery of affordable homes for local people. However, affordable housing and tariff style contributions should not be sought in relation to residential annexes and extensions.

The changes have been implemented in National Planning Policy Guidance (NPPG) which has been repeated below:

**EXCERPT FROM NPPG**

## Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm
- in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty
- affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home

**Lancaster City Council Development Management Policy**

Lancaster City Council has for a number of years been successful in securing contributions from smaller schemes in order to enable the delivery of affordable housing within the District. The implementation of Guidance Notes and latterly the Meeting Housing Needs SPD has facilitated the collecting of monies from all levels of residential development subject to viability assessment. This policy approach has been successful in delivering significant numbers of affordable houses even in times of significant economic difficulty.

Consequently the Council has over the past year sought to secure this policy approach in its forthcoming Local Plan. It has successfully progressed the Development Management DPD to the point of adoption including policies to this effect. The document has been subject to an independent Examination and has received a finding of soundness and an inspector’s report with binding recommendations. The Document is be reported to council on 17<sup>th</sup> December 2014 to seek a resolution to adopt as part of the Local Development Plan.

The DPD contains detailed policies intended to guide and promote sustainable development throughout the District and includes Policy DM41: New Residential Development

DM 41 requires that “other than in the most exceptional circumstances new housing development must contribute toward the provision of affordable housing.”

It further details that proposal for new residential development falling into Use Class C3 will be assessed against the following table;

**Excerpt from DM41: New Residential development**

**Affordable homes**

**Other than in the most exceptional circumstances new housing development must contribute toward the provision of affordable housing. The council will consider detailed proposals for new housing development that falls into Use Class C3 with reference to the following targets:**

<b>Reference Affordable Housing Target by Development Type (Average)</b>			
<b><u>Units</u></b>	<b><u>Location</u></b>	<b><u>Affordable Housing</u></b>	<b><u>Delivery Method</u></b>
<b>15 plus</b>	<b>Urban</b>	<b>30%*</b>	<b>On site</b>
<b>10 plus</b>	<b>Rural</b>	<b>30%*</b>	<b>On site</b>
<b>5 to 14</b>	<b>Urban</b>	<b>Up to 20%</b>	<b>On site</b>
<b>5 to 9</b>	<b>Rural</b>	<b>Up to 20%</b>	<b>On site</b>
<b>1 to 4</b>	<b>Urban &amp; rural</b>	<b>Up to 10%</b>	<b>Financial contribution</b>

***\* Up to 40% affordable housing will be sought from new housing proposed on greenfield sites.***

**Financial contributions towards the provision of affordable housing will be calculated in accordance with the methods detailed in the Meeting Housing Needs SPD or successor documents.**

**Where compelling and detailed evidence demonstrates that the provision of affordable housing in accordance with the above targets would have a disproportionate and unwarranted negative impact on the viability of a proposed development, applicants may seek to provide fewer affordable dwellings than would be ordinarily acceptable.**

**The degree to which proposals deviate from the above requirements will be weighed against the benefits of any resulting scheme. Where proposals offer fewer dwellings than would ordinarily be acceptable, weight will be given to whether an alternative scheme, amended layout or other adjustment may result in a greater quantum of affordable dwellings being achieved.**

The Policy further requires that financial contributions will be calculated in accordance with the Meeting Housing Needs SPD. The SPD provides a formula for calculating contributions and also reiterates the guidance in the DM DPD including the table above with minor amendments.

Accordingly the Council is aware that the Development management DPD conflicts with the newly stated elements of National Planning Policy Guidance.

### **17 December 2014 Interim Development Management Approach to Negotiating Affordable Housing**

In light of the CLG's update to the NPPG on 28<sup>th</sup> November 2014, following the adoption of the Development Management DPD on 17<sup>th</sup> December, the council will apply the following approach when assessing proposals for residential development.

Notwithstanding the percentage targets detailed within the Development Management DPD Policy DM41: New Residential Development, the following criteria will apply:

#### **Outside of the district's AONB's (and potentially National Park);**

- Planning Proposals which result in a net increase of 10 or fewer dwellings will not be subject to a request for affordable housing contributions.
- Where proposals are made for 11 or more dwellings Development Management DPD Policy DM41: New Residential Development will apply in full.

#### **Within the districts AONB's (and potentially National Park);**

Planning proposals which result in a net increase of 5 or fewer dwellings will not be subject to requests for affordable housing contributions.

- Where proposals are made for 6 -10 dwellings a financial contribution will be sought with reference to the targets set out in Development Management DPD Policy DM41: New Residential Development.
- Where 11 or more dwellings are proposed Development Management DPD Policy DM41: New Residential Development will apply in full.

All other development Management policies remain wholly in force and are accorded due weight.

**Future Review of the Development Management DPD**

The adoption of the Development Management DPD does not preclude continuing policy development. It is of course the Council's intention to revisit elements of the Development Management DPD in response to changing evidence, evolving planning practise, case law, and revised national guidance. It is fully understood that revisions to the DM DPD may well be required to ensure that, in addition to being kept up to date, the DM Document is consistent with the forthcoming Land Allocations DPD.

The Council has committed to undertaking an Affordable Housing Viability Study (AHVA) prior to the adoption of the Land Allocation DPD and is also revisiting its strategic approach to housing delivery in order to meet very substantial needs over the forthcoming plan period. It is anticipated that a review the Development Management DPD alongside progression of the Land Allocations DPD will provide the opportunity to incorporate new evidence and to ensure that the policy DM41 is amended to incorporate the extant national policy position and national planning practice guidance position.

**In addition to the immediate application on this interim approach the council is therefore also committed to;**

- **Preparing an NPPG-compliant interim policy through an imminent revision of the Supplementary Planning Document (SPD) on Meeting Housing Needs, and,**
- **Formally revising the Policy DM 41 through a review of the Development Management DPD following a refresh of evidence on development viability which will accompany the preparation of the forthcoming Land Allocations Document.**

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Lancaster City Council