

## **COUNCIL**

Thursday, 20 February 2020

**PRESENT** – The Mayor, Councillors Ali, Allen, Bartch, Bell, Dr. Chou, Clarke, Cossins, Crudass, Crumbie, Mrs Culley, Curry, Donoghue, Dulston, Durham, Harker, Haszeldine, Heslop, Holroyd, Howarth, Howell, C L B Hughes, L Hughes, Johnson, B Jones, Mrs D Jones, Keir, Laing, Layton, Lee, Lucas, Marshall, McCollom, McEwan, Mills, Newall, K Nicholson, M Nicholson, Paley, Preston, Renton, Mrs H Scott, Snedker, Tait, Tostevin and Wright

**APOLOGIES** – Councillors Boddy, Lister and A J Scott

**ABSENT** – Councillors Baldwin

### **53 DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at the meeting.

### **54 ANNOUNCEMENTS.**

The Mayor informed Members of the Death in Service of Paula Matthews, Integrated Support Worker, and invited the Director of Children and Adults to address the meeting.

As a mark of respect, Members stood and observed a short silence in memory of former colleagues.

### **55 QUESTIONS - TO ANSWER QUESTIONS WHERE APPROPRIATE NOTICE HAS BEEN GIVEN FROM MEMBERS OF THE PUBLIC**

There were nine questions, with notice, from members of the public, all in relation to the Local Plan 2016-2036; and answers were provided thereon.

### **56 MEDIUM TERM FINANCIAL PLAN**

The Chief Officers Executive submitted a report (previously circulated) to seek approval for a Medium Term Financial Plan (MTFP) for 2020/21 to 2023/24, including setting a budget and Council Tax increase for 2020/21.

The submitted report stated that the Council had faced significant challenges over the previous decade following the economic downturn and reduction in public sector spending. It was reported that the Council had been successful in responding to these challenges, however there were still financial pressures to be faced particularly in respect of a growing elderly population and pressure in the Children's Social Care sector.

The submitted report stated that the Council had received its definitive financial settlement on 6 February 2020, with no change from the draft released in December 2019, and that the settlement was in line with the Chancellors spending review announcement with the continuation of Revenue Support Grant (RSG), New Homes Bonus (NHB), additional social care monies of £2m and the ability to raise income for

Adult Social Care through the precept. It was reported that the settlement was for one year only, so assumptions as regard future years had been made.

A limited number of amendments to the draft MTFP proposed for consultation were highlighted within the submitted report, with the main changes being in relation to the increase in the National Living Wage, the impact of Quarter 3 budget management and the receipt of settlement figures.

The submitted report outlined that the Council had undertaken a significant consultation exercise in 2016, following an in-depth and detailed review of all services, which had resulted in the agreement of a Core Offer budget and allowed for a small futures fund allocated to discretionary services. In addition, in subsequent MTFPs, Members agreed to use unallocated balances of £4.7m to invest in five areas which hold great value to the community.

The submitted report stated that the core offer remained challenging, with some significant pressures arising in children's social care, however through innovative financial investments, economic growth successes, and a positive pension triennial review, it was anticipated that the Council could deliver the agreed balanced plan, extend the MTFP for a further year, and allocate an additional £1.8m to bolster the Futures Fund themes whilst retaining usable balances of £3.683m.

The following amendment to the Motion was moved by Councillor Harker, and seconded by Councillor Snedker:

'To approve the MTFP conditional on:

1. Paragraph 8 (a)(iii) being deleted from the recommendations.
2. Cabinet investigating the costs and timescales of reintroducing Sure Start and Youth Outreach Services, together with expanding the scope of the Climate Change programme.'

In accordance with Council Procedure Rules, a request was made by five Members for a named vote on the Amendment. A named vote was taken of those Members present at the meeting and there appeared:-

**For the Amendment** – The Mayor; Councillors Ali, Cossins, Crumbie, Harker, Haszeldine, Heslop, Holroyd, Howarth, C. L. B. Hughes, L. Hughes, Layton, Lucas, McCollom, McEwan, Newall, M. Nicholson, Paley and Snedker (19)

**Against the Amendment** – Councillors Allen, Bartch, Bell, Clarke, Crudass, Mrs. Culley, Curry, Donoghue, Dulston, Durham, Johnson, B. Jones, Mrs. D. Jones, Keir, Laing, Lee, Marshall, Mills, K. Nicholson, Preston, Renton, Mrs. H. Scott, Tait, Tostevin and Wright (25)

The Amendment was Lost.

**NOTE:** Councillors Dr. Chou and Howell were not present at the meeting when the vote was taken.

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the recommendation was taken of those Members present at the meeting and there appeared:-

**For the Motion** – The Mayor; Councillors Ali, Allen, Bartch, Bell, Clarke, Cossins, Crudass, Crumby, Mrs. Culley, Curry, Donoghue, Dulston, Durham, Harker, Haszeldine, Heslop, Holroyd, Howarth, C. L. B. Hughes, L. Hughes, Johnson, B. Jones, Mrs. D. Jones, Keir, Laing, Layton, Lee, Lucas, Marshall, McCollom, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Paley, Preston, Renton, Mrs. H. Scott, Snedker, Tait, Tostevin and Wright (44)

**Against the Motion** – (0)

**Motion Carried.**

**NOTE:** Councillors Dr. Chou and Howell were not present at the meeting when the vote was taken.

**RESOLVED** - (a) That the Revenue MTFP, as set out in Appendix 7 of the submitted report, be approved, including the following;

- (i) Council tax increase of 1.99% plus the 2% adult social care precept to fund social care for 2020/21 totalling 3.99%.
- (ii) Schedule of charges as set out in Appendix 3.
- (iii) The Futures Fund investment of £1.8m as set out in paragraph 62.

(b) That a delegation for Cabinet to vary the Revenue Budget for 2020/21 by up to £0.5m without further Council approval, be approved.

**REASONS** - (a) The Council must set a budget for the next financial year.

(b) To enable the Council to continue to plan services and finances over the medium term.

(c) To ensure decisions can be made in a timely manner.

## **57 DARLINGTON CAPITAL STRATEGY**

The Managing Director submitted a report (previously circulated) requesting that consideration be given to the Council's proposed Capital Strategy for 2020/21.

The submitted report stated that the production of a Capital Strategy was a requirement for Council's following the publication of the revised Prudential Code for Capital Finance in Local Authorities 2017. It was reported that the Strategy provided an overview of how capital expenditure and financing plans are decided upon, and provided a framework for the development, management and monitoring of the Council's capital investment plans. The submitted report stated that the Strategy also highlighted the resource streams available in terms of funding to the Council and the risk management approach taken.

**RESOLVED** – (a) That the Capital Strategy for 2020/21 – 2023/2024, as detailed in Appendix 1 of the submitted report, be approved;

(b) That the Capital Programme, as detailed in Appendix 2 of the submitted report, with the priorities summarised in Annex A, be approved;

(c) That a delegation for Cabinet to vary the Capital Budget for 2020/21 by up to £0.5m without further Council approval, be approved.

**REASONS** - (a) To ensure the Council adopts the Prudential Code for Capital Finance 2017.

(b) To enable the Council to invest in its assets.

(c) The Strategy is approved by Council.

(d) To ensure decisions can be made in a timely manner.

## **58 HOUSING REVENUE ACCOUNT - MTFP 2020/21 TO 2023/24**

The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) requesting that consideration be given to proposals for the revenue budget, rent levels and service charges for the Council's Housing Revenue Account (HRA) for the financial year 2020/21 in the context of the HRA Medium Term Financial Plan to 2023/24, and the 30 year business plan.

The submitted report stated that, the first time since 2016/17, Local Authorities had once again been given the discretion to inflate rents by CPI plus 1%, which meant an average £2.02 increase in weekly rents, and after four consecutive years of compulsory reductions of rent minus 1% it was recommended that rents be increased to the maximum allowed. It was also recommended that, where appropriate, service charges had an inflationary increase.

The submitted report highlighted that as the Government had lifted the borrowing cap on the HRA, and this meant that the Council could borrow an extra £9m to fund its housing capital programme in 2020/21, which would be supplemented by a Homes England grant, which meant that the Council would be able to build 100 affordable homes per annum over the next 10 years.

**RESOLVED** - (a) That an average weekly rent increase of 2.7% for 2020/21 be implemented giving an average social rent of £71.30 and affordable rent of £82.55;

(b) That garage rents and service charges are increased as detailed in Table 3 of the submitted report;

(c) That the budget, as detailed in Appendix 1 of the submitted report, be approved.

(d) That the Housing Business Plan, as detailed in Appendix 2 of the submitted report, be agreed.

(e) That the Director of Economic Growth and Neighbourhood Services be given delegated powers to proceed with new build schemes for affordable rent using the funding as identified in Paragraph 16 of the submitted report.

(f) That the Director of Economic Growth and Neighbourhood Services be given delegated powers to acquire dwellings in the private sector as opportunities arise, particularly as part of regeneration initiatives as highlighted in Paragraph 17 of the submitted report.

**REASON** - To enable the Council to deliver an appropriate level of service to tenants to meet housing need and to support the economic growth of the Borough through housing development.

## 59 **PRUDENTIAL INDICATORS AND TREASURY MANAGEMENT STRATEGY REPORT 2020/21**

The Managing Director submitted a report (previously circulated) which requested that Council adopt the Prudential Indicators and Limits for 2020/21 to 2022/23 relating to capital expenditure and Treasury Management activity, a policy statement relating to the Minimum Revenue Provision, and the Treasury Management Strategy 2020/21, which includes the Annual Investment Strategy for 2020/21.

The submitted report outlined the Council's Prudential Indicators for 2020/21 – 2022/23 and set out the expected treasury operations for this period. It was stated that the report fulfilled key legislative and guidance requirements.

The information contained within the submitted report regarding the Council's capital expenditure plans, treasury management and prudential borrowing activities indicated that they were within the statutory framework and consistent with the relevant codes of practice, prudent, affordable and sustainable, and an integral part of the Council's Revenue and Capital Medium Term Financial Plans.

**RESOLVED** - (a) That the Prudential Indicators and limits for 2020/21 to 2022/23, as summarised in Tables 1 and 2 of the submitted report, be approved and adopted;

(b) That the Minimum Revenue Provision (MRP) statement, as detailed in paragraphs 35 to 39 of the submitted report, be approved and adopted;

(c) That the Treasury Management Strategy 2020/21 to 2022/23, as summarised in paragraphs 43 to 69 of the submitted report, be approved and adopted;

(d) That the Annual Investment Strategy 2020/21, as contained in paragraphs 70 to 109 of the submitted report, be approved and adopted.

**REASONS** - (a) To comply with the Prudential Code for Capital Finance in Local Authorities and the Ministry of Housing, Communities & Local Government (MHCLG) guidance on investments.

(b) To comply with the requirements of the Local Government Act 2003.

(c) To approve a framework for Officers to work within when making investment

decisions.

## 60 SETTING THE COUNCIL TAX FOR 2020/21

The Managing Director submitted a report (previously circulated) requesting that consideration be given to setting this Council's Council Tax for 2020/2021, which was required to be set before 11th March 2020.

In accordance with the requirements of the Budget and Policy Framework Rules a vote on the recommendation was taken of those Members present at the meeting and there appeared:-

**For the Motion** – The Mayor; Councillors Ali, Allen, Bartch, Bell, Clarke, Cossins, Crudass, Crumbie, Mrs. Culley, Curry, Donoghue, Dulston, Durham, Harker, Haszeldine, Heslop, Holroyd. Howarth, C. L. B. Hughes, L. Hughes, Johnson, B. Jones, Mrs. D. Jones, Keir, Laing, Layton, Lee, Lucas, Marshall, McCollom, McEwan, Mills, Newall, K. Nicholson, M. Nicholson, Paley, Preston, Renton, Mrs. H. Scott, Snedker, Tait, Tostevin and Wright (44)

**Against the Motion** – (0)

**Motion Carried.**

**NOTE:** Councillors Dr. Chou and Howell were not present at the meeting when the vote was taken.

**RESOLVED** – (a) That the following amounts be calculated by the Council for 2020/21 in accordance with sections 31 to 36 of the Act and relevant regulations:-

(i)	the aggregate of the amount which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils, which is its expenditure	£216,772,909
(ii)	the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act, which is its income	£164,415,000
(iii)	the amount by which (i) exceeds (ii) calculated by the Council for the year in accordance with Section 31A(4) of the Act as its Council Tax Requirement	£52,357,909
(iv)	The amount at item 5(iii) above, divided by the council tax base in paragraph 13 below, calculated by the Council in accordance with Section 31B of the Act as the basic amount of its Council Tax for the year (including Parish Precepts)	£1,570.93
(v)	the aggregate of all special items (Parish Precepts) referred to in Section 34(1) of the Act as in the attached <b>Appendix 1</b>	£178,909

- (vi) the amount at 5(iv) above less the result given by dividing the amount at 5(v) above by the amount at paragraph 13 below, calculated by the Council in accordance with Section 34(2) of the Act as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept relates £1,565.56
- (vii) That the basic council tax for 2020/21 calculated for dwellings in those areas that have parish precepts be as set out in **Appendix 1**, column 5
- (viii) That the Council, in accordance with Sections 30 and 36 of the Act, hereby sets the aggregate amounts shown in **Appendix 2** as the amount of Council Tax for 2020/21 for each part of its area and for each of the categories of dwellings.

- (b) It be noted that for the year 2020/21 The Office of the Durham Police, Crime and Victims' Commissioner has stated the following amounts in the precept issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwellings shown : -

	A	B	C	D	E	F	G	H
	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Police Authority	143.49	167.41	191.32	215.24	263.07	310.90	358.73	430.48

- (c) It be noted that for the year 2020/21 County Durham and Darlington Fire and Rescue Service has stated the following amounts in the precept issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwellings shown: -

	A	B	C	D	E	F	G	H
	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Fire Authority	70.32	82.04	93.76	105.48	128.92	152.36	175.80	210.96

- (d) The Council, in accordance with Section 30(2) of the Act hereby sets the amounts set out in **Appendix 3** as the amounts of council tax for 2020/21 for each of the categories of dwellings.

## 61 PAY POLICY STATEMENT 2020/2021

The Managing Director submitted a report (previously circulated) requesting approval of the Pay Policy Statement for the financial year 2020/2021 in line with the requirements of the Localism Act 2011 and Local Government Transparency Code 2014.

The submitted report stated that the Localism Act 2011 required the Council to agree a written Pay Policy on an annual basis and publish specific information relating to the

Council's highest and lowest paid employees.

**RESOLVED** – That the proposed Pay Policy 2020/21, as detailed at Appendix A of the submitted report, be approved, and arrangements be made to publish the Policy on the Council's intranet for public access.

**REASON** – To enable the Council to comply with the requirements of the Localism Act 2011.

**62 BOROUGH OF DARLINGTON PROPOSED SUBMISSION LOCAL PLAN 2016-2036**

The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) that sought approval for changes to the Darlington Local Plan, following the consultation which occurred between 21 June and 2 August 2018.

The submitted report also sought agreement for the publication of the Proposed Submission copy of the Local Plan for the statutory six-week period to allow representations to be received prior to submission for independent examination; a number of delegated powers for the Director of Economic Growth and Neighbourhood Services, in consultation with the Economy Portfolio Holder; and approval of the revised timetable and process for producing the new Local Plan (including the revision of the Local Development Scheme).

The submitted report stated that the new Local Plan would cover the period 2016 to 2036, with the ambition to submit the Local Plan for inspection by the end of August 2020, with adoption likely by April 2021. It was stated that the submitted report followed a previous report on 6 June 2018, which agreed the consultation on the Draft Local Plan, which was subsequently carried out for a six-week period between 21 June and 2 August 2018. The submitted report summarised the responses received, and highlighted changes to the recommendations to the original Draft Local Plan.

The following amendment to the Motion was moved by Councillor Harker, and seconded by Councillor Layton:

'To reject the local plan as it currently stands and request that Cabinet:

1. Undertake a further period of extensive consultation, specifically to reassess residents' views about the scale of development currently proposed in the draft Local Plan.
2. Further consider and determine, based on residents' views, to what extent proposed development should be reduced, and specifically whether Skertingham should be fully withdrawn.
3. That Cabinet represent the Local Plan (as may be amended) to Council as soon as is practicable thereafter.'

In accordance with Council Procedure Rules, a request was made by five Members for a named vote on the Amendment. A named vote was taken of those Members present at the meeting and there appeared:-



**For the Amendment** – The Mayor; Councillors Ali, Allen, Cossins, Crumby, Harker, Haszeldine, Heslop, Holroyd, Howarth, C. L. B. Hughes, L. Hughes, Layton, Lucas, McCollom, McEwan, Newall, M. Nicholson, Paley and Snedker (20)

**Against the Amendment** – Councillors Bartch, Bell, Dr. Chou, Clarke, Crudass, Mrs. Culley, Curry, Donoghue, Dulston, Durham, Howell, Johnson, B. Jones, Mrs. D. Jones, Laing, Lee, Marshall, Mills, K. Nicholson, Preston, Renton, Mrs. H. Scott, Tait, Tostevin and Wright (25)

**Abstentions** – Councillor Keir (1)

The Amendment was Lost.

The following amendment to the Motion was moved by Councillor Howarth, and seconded by Councillor Haszeldine:

‘To reject the Local Plan as it currently stands and request that Cabinet:

1. Remove the Skerningham Strategic Allocation, and
2. Bring back the Local Plan to Council, as soon as is practicable thereafter.’

In accordance with Council Procedure Rules, a request was made by five Members for a named vote on the Amendment. A named vote was taken of those Members present at the meeting and there appeared:-

**For the Amendment** – The Mayor; Councillors Ali, Allen, Cossins, Crumby, Harker, Haszeldine, Heslop, Holroyd, Howarth, C. L. B. Hughes, L. Hughes, Layton, Lucas, McCollom, McEwan, Newall, M. Nicholson, Paley and Snedker (20)

**Against the Amendment** – Councillors Bartch, Bell, Dr. Chou, Clarke, Crudass, Mrs. Culley, Curry, Donoghue, Dulston, Durham, Howell, Johnson, B. Jones, Mrs. D. Jones, Laing, Lee, Marshall, Mills, K. Nicholson, Preston, Renton, Mrs. H. Scott, Tait, Tostevin and Wright (25)

**Abstentions** – Councillor Keir (1)

The Amendment was Lost.

The following amendment to the Motion was moved by Councillor Snedker, and seconded by Councillor Holroyd:

‘To make the following amendments to the Draft Local Plan

Section 5.1.10 Energy Efficient Design (page 22)

1. ‘Delete “These standards will be updated over the coming years to further improve the energy efficiency of new homes on an ongoing basis”, and replace with “Through a local variation to the NPPF we will increase the energy efficiency standard for new homes built in the Borough every year, for the next

ten years to reach Passivhaus standards by 2030, or sooner if mandated by national government policy decisions”.’

#### Section 10.6.22 Renewable and Energy Efficient Infrastructure (page 116)

2. ‘Policy Policy IN 9 notes the Council’s support for applications for renewable energy infrastructure. Wind generation applications cannot be granted permission unless “the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan”

However the Local Plan does not make land allocations for wind or solar generation.

Request that the Local Plan be revised to identify suitable land allocations for wind and solar energy development.’

In accordance with Council Procedure Rules, a request was made by five Members for a named vote on the Amendment. A named vote was taken of those Members present at the meeting and there appeared:-

**For the Amendment** – The Mayor; Councillors Ali, Allen, Cossins, Crumby, Curry, Harker, Heslop, Holroyd, Howarth, C. L. B. Hughes, L. Hughes, Layton, Lucas, McCollom, McEwan, Newall, M. Nicholson, Paley and Snedker (20)

**Against the Amendment** – Councillors Bartch, Bell, Dr. Chou, Clarke, Crudass, Mrs. Culley, Donoghue, Dulston, Durham, Howell, Johnson, B. Jones, Mrs. D. Jones, Keir, Laing, Lee, Marshall, Mills, K. Nicholson, Preston, Renton, Mrs. H. Scott, Tait, Tostevin and Wright (25)

**NOTE:** Councillor Haszeldine was not present at the meeting when the vote was taken.

The Amendment was Lost.

The following amendment to the Motion was moved by Councillor Curry, and seconded by Councillor Allen:

‘To add a paragraph after letter (f) of the recommendations, and insert at (g):

‘To delay the forwarding of the deposit to open up the ability for one more report to be submitted for consideration. This delay and the acceptance of the report will strengthen the policies within the Local Plan and protect the Council even more than now.’

This would therefore make it necessary to amend subsequent paragraph lettering.’

The Amendment was Lost.

In accordance with Council Procedure Rules, a request was made by five Members for a named vote on the Substantive Motion. A named vote was taken of those Members present at the meeting and there appeared :-

**For the Motion** – Councillors Bartch, Bell, Dr. Chou, Clarke, Crudass, Mrs. Culley, Donoghue, Dulston, Durham, Howell, Johnson, B. Jones, Mrs. D. Jones, Laing, Lee, Marshall, Mills, K. Nicholson, Preston, Renton, Mrs. H. Scott, Tait, Tostevin and Wright (24)

**Against the Motion** – The Mayor; Councillors Ali, Allen, Cossins, Crumbie, Curry, Harker, Heslop, Holroyd, Howarth, C. L. B. Hughes, L. Hughes, Layton, Lucas, McCollom, McEwan, Newall, M. Nicholson, Paley and Snedker (20)

**Abstentions** – Councillor Keir (1)

**NOTE:** Councillor Haszeldine was not present at the meeting when the vote was taken.

**RESOLVED** - (a) That the changes to the Plan in response to representations received as highlighted in Appendix 1 and 2 of the submitted report, be agreed.

(b) That the extra changes to the Plan and Policies Map suggested by Officers and as a result of an Inspectors Advisory Visit (undertaken on 4 September 2019) highlighted in Appendix 3 of the submitted report, be agreed.

(c) That the recommendations not to make further changes to the Plan as highlighted in Appendix 4 of the submitted report, be agreed.

(d) That the changes in relation to the Sustainability Appraisal (Appendix 5 of the submitted report), be agreed.

(e) That the Local Development Scheme (2020-2023) (Appendix 6 of the submitted report) is approved to take immediate effect.

(f) That the Proposed Submission Draft Local Plan be approved for a six-week pre-submission representation period.

(g) That, following the conclusion of the pre-submission representation period, the Director of Economic Growth and Neighbourhood Services, in consultation with the Portfolio holder for Economy Portfolio, be authorised to make any minor editing and formatting changes necessary.

(h) That the Director of Economic Growth and Neighbourhood Services, in consultation with the Portfolio holder for Economy, be authorised to thereafter submit the Proposed Submission Local Plan (including any changes made under 18(g) above) and other required documents to the Planning Inspectorate for examination.

(i) That the Director of Economic Growth and Neighbourhood Services, in consultation with the Portfolio holder for Economy, be authorised to ask the Inspector appointed to hold the Examination, to recommend such modifications to the Proposed Submission Local Plan and submission documents as may be necessary to satisfy the requirements as to soundness.

(j) That Council agrees that the Proposed Submission Local Plan be approved to be

placed on deposit to allow representation and then be submitted to the Secretary of State for Independent Examination.

**REASONS** - (a) Local Planning Authorities must prepare a Local Plan that sets out the local planning policies for their local planning authority area. Government guidance requires that Local Plans must be positively prepared, justified, effective and be consistent with national policy, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework (NPPF).

(b) The Council is required to have an up to date Local Development Scheme (Planning & Compulsory Act 2004, as amended by Section 111, Localism Act 2011).