



THE CABINET

AGENDA



Meeting to be held in the Civic Centre (Committee Room No. 1) on
Wednesday 17 April 2013 at 2.00 p.m.

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Local Government (Access to Information) (Variation) Order 2006

The reports contained in Part II of the Agenda are not for publication as the Cabinet is considered likely to exclude the public during consideration thereof as they contain information relating to the financial or business affairs of any particular person (including the authority) and in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Paragraphs 3 and 5 of Part 1, Schedule 12A of the Local Government Act 1972). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

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Joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services (copy circulated).

 **Denotes Key Decision.**

* **Denotes Regulation 10 Notice issues – item which is a key decision which is not included in the 28 Day Notice of Key Decisions.**

ELAINE WAUGH
Head of Law and Governance

Civic Centre
SUNDERLAND

9 April 2013

CABINET MEETING – 17 APRIL 2014
EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

MINUTES, PART I

Author(s):

Head of Law and Governance

Purpose of Report:

Presents the minutes of the last meeting held on 13 March 2013 Part I.

Action Required:

To confirm the minutes as a correct record.

At a meeting of the CABINET held in the CIVIC CENTRE (COMMITTEE ROOM NO. 1) on Wednesday 13 March 2013 at 2.00pm.

Present:-

Councillor H. Trueman in the Chair

Councillors Blackburn, Gofton, Kelly, G. Miller and P. Smith

Also present:-

Councillors Shattock, Tate, N.Wright and Wood.

Part I

Minutes

The minutes of the meeting of the Cabinet held on 13 February 2013 Part I (copy circulated) were submitted.

(For copy report - see original minutes).

1. RESOLVED that the minutes of the last meeting be confirmed and signed as a correct record.

Receipt of Declarations of Interest

There were no declarations of interest.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Speding and P. Watson.

Scrutiny Committee – Policy Review Final Reports

The Scrutiny Committee, the Deputy Chief Executive and the Executive Director for Health Housing and Adult Services submitted a joint report (copy circulated) to set out the recommendations of the Scrutiny Committee following its scrutiny policy reviews into Accessing Mental Health Services in Sunderland; the Role of the Local Authority in Health Issues and the Operation of the Work Programme in Sunderland.

(For copy report – see original minutes).

The Chairman of the Scrutiny Committee, Councillor Tate, reminded Cabinet Members that last month, the first three policy reviews undertaken by the Panels, were presented to Cabinet. He added that today's report included the outcome and recommendations of a further 3 policy reviews and in the absence of Councillors Howe and T. Martin, he advised that he, together with Councillor Shattock, would introduce the policy reports.

Councillor Shattock highlighted that the policy report from the Health, Housing and Adult Services Scrutiny Panel aimed to look at the variety of services available to people in Sunderland and how they accessed these services. She explained that the review recommendations would be the responsibility of the Health, Housing and Adult Services Directorate and the attached action plan would monitor progress on the recommendations.

Councillor Shattock reported that the review had sought evidence from a variety of stakeholders which had proved extremely beneficial. It was evident from these visits that there was a high level of dedication and passion in Sunderland to help those suffering from mental illness, and in developing these recommendations she welcomed the fact that their views were reflected throughout the report.

Cabinet Members were advised that from this evidence gathering, and more, the Panel had formulated a number of conclusions and recommendations based around themes of:

- developing awareness of mental health and the services available;
- involving frontline staff in service design and delivery;
- enhancing access pathways; and
- monitoring additional funding for mental health services.

Councillor Shattock, as Scrutiny Lead Member, hoped that the Cabinet agreed with the Panel's findings and endorsed this piece of work. In conclusion she thanked all the Panel Members, officers and key stakeholders who had taken part in the review.

Councillor Miller expressed his appreciation to the Scrutiny Panel for the comprehensive work undertaken in relation to the review to understand and evaluate how people access and were signposted to mental health services and the impact of spending reductions on choice and availability of services. He commended the event which had been held in June which had involved a range of individuals, professionals and agencies in addition to a number of visits to services and questionnaires and surveys.

Councillor Gofton reported that the action plan which had been developed by the Scrutiny Panel which identified a number of recommendations with identified leads and timescales was very clearly laid out.

Councillor Tate then drew attention to the Policy Review into the Role of the Local Authority in Health issues. He explained that all of the witnesses spoken to welcomed responsibility for public health being transferred to the local authority. He explained that the Panel had been encouraged by the degree of commitment shown in tackling health inequalities and they could see there were huge opportunities to develop existing good practice.

Councillor Tate reported that the Review Panel felt that it would be local government services such as housing and environmental health that might have the most significant impact on public health outcomes. He advised that the most positive outcomes would be achieved by using the knowledge the local authority had about local neighbourhoods. The Panel therefore made a number of recommendations which were intended to build on that local knowledge base: For example by:-

- Increasing the number of Health Champions
- Using community assets to deliver health and well-being services
- Exploring what could be done through regulatory work in terms of health benefits

Cabinet Members were advised that the Panel did not just consider the emerging health strategy but the impact of all public sector strategies and that was why they had a recommendation that a Health Impact Assessment was integrated with the equality analysis to build in that checklist at the very start of a project.

Councillor Tate reported that the Panel felt it was important that, for new partners to be able to work effectively together, a review took place which would consider the roles and relationships of health bodies within the new structures. He added that this would produce a partnership protocol which would help to provide clarity of roles and relationships and would assist new working arrangements. Scrutiny members had proposed that they use their experience of policy development to carry out the relevant evidence gathering to contribute to the production of a partnership protocol.

In response, Councillor Kelly thanked the Review Panel for the detailed study carried out in the context of the increased powers and responsibilities relating to health that were given to local authorities by the Health and Social Care Act, 2012. He emphasised that the main focus of the review had been to ensure that the transfer of responsibilities from the NHS to local authorities would lead to a transformation in delivering improvements to the health of local people.

Councillor Kelly highlighted that the responsibilities for public health would transfer to the Council on 1st April 2013 and this report would support the thinking in how the work of all parts of the local authority could be harnessed to improve the health of local people, allowing for input by elected members and officers as well as wider partners to progress this important issue. The recommendations would allow the Council to build on the Health and Wellbeing Strategy to have a whole systems approach to improving health and life chances for individuals, families, neighbourhoods and communities across Sunderland.

The attention of Cabinet Members was drawn to the action plan which set out actions in response to the recommendations. Work had already begun on these actions with a number of actions identified to be taken forward following the transfer of the public health team from Sunderland TPCT.

Councillor Tate then presented the findings and recommendations of the Scrutiny Panel's review into the operation of the Work Programme in Sunderland. He explained that the Panel had taken the opportunity to visit the offices of the two Work Programme providers operating in the city, namely Avanta and Ingeus. He added that this allowed the Panel to ask questions of senior staff from both firms and also speak to a number of their clients to get their views on the training and support on offer.

Councillor Tate reported that it was from these discussions the basis of the Panel's recommendations had been formed. He advised that underpinning these recommendations was the importance of the Work Programme providers working with and cooperating with the Council and its partners at a strategic level and providing detailed and transparent performance data to the Council on a regular basis. The Panel also noted that the Council had an important role in keeping them as informed as possible of potential investment and employment opportunities in the City and that the Council make the most of out procurement and training policies to help promote job opportunities for local people.

In concluding the presentation Councillor Tate thanked all of the members of the Panel for their hard work and also the officers who have assisted during the process.

Cabinet Members having thanked Councillor Tate and the Scrutiny Committee Members for their very detailed examinations of the Policy Reviews, it was:-

2. RESOLVED that the recommendations of the Scrutiny Committee and the proposed Action Plans for their implementation be approved.

Human Resources Committee – 21 February, 2013 – Localism Act 2011 – Pay Policy Statement 2013-2014

The Head of Law and Governance submitted a report (copy circulated) to recommend to Cabinet to approve of the draft Pay Policy Statement 2013-2014 for subsequent adoption by Council and publication by 31 March 2013.

(For copy report – see original minutes).

The Chairman reminded Cabinet Members that in February 2012 Personnel Committee considered the pay transparency implications of the Localism Act 2011, including the requirement to produce and publish an annual Pay Policy Statement and reported that this was subsequently agreed by Cabinet and adopted by Council on 28th March 2012. He advised that the policy needed to be updated and published for 2013-14 on the Council's website.

Cabinet Members were advised that the Human Resources Committee noted that the changes to the 2013-2014 Pay Policy Statement were minimal, particularly as there had been a freeze in pay increases. Changes were confined to dates, replacing references to Personnel Committee with Human Resources Committee and deleting references to posts that had been deleted. The Human Resources Committee formally agreed the Pay Policy Statement 2013-14 attached to the report be recommended to Cabinet and Council for adoption and publication by 31 March 2013.

Consideration having been given to the report, it was:-

3. RESOLVED that it be recommended to Council to adopt and publish the 2013-2014 Pay Policy Statement by 31 March 2013.

Rent concession in respect of the former Thompson Park Nursery building, Thompson Road, Sunderland.

The Deputy Chief Executive submitted a report (copy circulated) seeking approval to grant a retrospective rent concession to the tenant of the former Thompson Park Nursery building, Thompson Road, Sunderland.

(For copy report – see original minutes).

Councillor Miller highlighted that the former Thompson Park Nursery building was a Council owned building located within Thompson Park and the Nursery had been closed with effect from 30 September 2007. He outlined that the report sought retrospective approval to a rent concession for the current tenant, the Sunderland Carers Centre, a charitable organisation that worked in partnership with the Council to provide valuable community services

Councillor Miller reported that the building was in a poor state of repair and the granting of a lease with provisions for a rent concession in line with the Council's policy and Best Value obligations enabled £162,000 worth of works to be undertaken by the tenant to a property which would have otherwise fallen into disrepair

Councillor Smith having commended the work undertaken to the building, it was:-

4. REOLVED that approval be given to the granting of the rent concession, as detailed in this report, to the tenant of the former Thompson Park Nursery building, Thompson Road, Sunderland.

Sunderland City Council Local Development Framework : Core Strategy Revised Preferred Options

The Deputy Chief Executive submitted a report (copy circulated) to seek a recommendation to Council to approve the Sunderland Core Strategy Revised Preferred Options for public consultation.

(For copy report – see original minutes).

Councillor Blackburn reported that the Core Strategy would sit at the heart of the City's Local Development Framework which replaced the Unitary Development Plan. He added that it would be one of the key delivery tools of both the Sunderland Strategy and the Economic Masterplan and would provide a spatial vision for the city until 2032 setting out non-site specific policies for the City regarding the broad distribution of new housing, employment, retail and waste development.

Councillor Blackburn highlighted that with the impending revocation of the Regional Spatial Strategy, the City now had the opportunity to set its own more up to date growth requirements and evidence had been prepared to inform these new requirements. He reported that the key proposals within the Core Strategy were to deliver:-

- A minimum of 15,000 new dwellings.
- some 81 hectares of employment land
- 78,900 square metres (gross) of comparison goods and 7,500 square metres (gross) of convenience goods floorspace with the City Centre being the priority location for these requirements
- Two strategic sites to the North of Nissan and at Vaux / Farrington Row
- A broad range of uses in those areas identified as Locations for Major Development.

Cabinet Members were advised that the Core Strategy must pass through a number of statutory consultation stages prior to its adoption which was programmed in November 2014. Councillor Blackburn detailed how public engagement had so far shaped this version of the Core Strategy. He reported that given the introduction of some fundamental new elements to the plan particularly in relation to employment land, the Council was committed to consulting on the Core Strategy in April and May 2013, prior to progressing to the next statutory draft of the Core Strategy, the Publication Draft. He therefore requested Cabinet to recommend to Council that the Core Strategy Revised Preferred Options was approved for consultation and that the Deputy Chief be authorised to make any final amendments to the document prior to its formal publication in April 2013.

Consideration having been given to the report, it was:-

5. RESOLVED that it be recommended to Council to:-

- (i) approve the Sunderland Core Strategy Revised Preferred Options (including the Sustainability Appraisal Report) for the purposes of public consultation and as a material consideration in assessing planning applications, pending its finalisation following public consultation, and
- (ii) authorise the Deputy Chief Executive to make any required amendments to the Sunderland Core Strategy Revised Preferred Options (including the Sustainability Appraisal and Appropriate Assessment Reports) as necessary prior to its publication for public consultation.

A19 Low Carbon Enterprise Zone: Local Development Order (Turbine Park and Vehicle Test Centre site)

The Deputy Chief Executive submitted a report (copy circulated) to advise of the responses received following consultation on the A19 Low Carbon Enterprise Zone: Draft Local Development Order (Turbine Park and Vehicle Test Centre site) and to seek approval of the revised A19 Low Carbon Enterprise Zone: Local Development Order (Turbine Park and Vehicle Test Centre site).

(For copy report – see original minutes).

Councillor Blackburn highlighted that as part of the coalition Government's plans to stimulate economic growth and job creation, a new wave of Enterprise Zones (EZ) had been launched. He reported that the EZ for Sunderland comprised two adjoining sites located to the south of the Nissan car plant and these were shown on the plan attached to the report. He reminded Cabinet Members that at its meeting in June of last year Cabinet agreed to consult on a draft Local Development Order (LDO) for the EZ and this report sought its approval.

Councillor Blackburn explained that a LDO granted advance planning permission for specified types of development and removed the requirement for a developer to submit an application for planning permission where it was considered that the impact of development would not be significant. He advised that the report detailed the range of uses permitted for the EZ.

Cabinet Members were advised that the Consultation on the draft LDO took place during July and August last year and a total 13 responses were received, 12 expressing support and 1 objecting to the Order. Consideration of representations had resulted in some minor changes to sections of the LDO. Following submission to the Secretary of State he had confirmed that he did not wish to intervene in the making of the Order and the Council was now able to progress the matter.

Consideration having been given to the report, it was:-

6. RESOLVED that:-

- (i) the amendments made to the A19 Ultra Low Carbon Enterprise Zone: Draft Local Development Order (Turbine Park and Vehicle Test Centre site) in light of responses received during the public consultation and consultation with the Secretary of State be noted;
- (ii) the revised A19 Low Carbon Enterprise Zone: Local Development Order (Turbine Park and Vehicle Test Centre site) be approved.

City Centre Development Opportunity; Closure and Demolition of Crowtree Leisure Centre

The Deputy Chief Executive submitted a report (copy circulated) to seek approval to the closure of Crowtree Leisure Centre and the appointment of contractors, through an existing framework agreement, for the design of a scheme to secure the demolition of the building and to dispose of the cleared site in accordance with the Council's Strategy for Surplus Assets.

(For copy report – see original minutes).

The Chairman highlighted how the future prosperity and growth of the City Centre was in part dependent on having a supply of development sites that met the modern day needs of developers and investors and that this was one of the stated aims of the City's Economic Masterplan. He reported that the Economic Masterplan recognised the contribution that a high performing City Centre could make towards the economic wellbeing of the City and in this context identified the site of the Crowtree Leisure Centre as an expansion to the Bridges shopping centre. He advised that the re-alignment of St Mary's Way and the new public square proposals meant that it was now the right time for the site of the Crowtree Leisure Centre to be brought forward as a development opportunity.

Cabinet Members were advised that the Crowtree site would enable the extension of the Bridges and provide an opportunity for new retail units of a size that would add to the range currently available in the city centre. Whilst predominantly retail, any new development could also include other complementary uses such as food and drink.

The Chairman reported that authority was sought to progress with the preparation of the site as a development opportunity and as a consequence to commence the process that would see the demolition of the Leisure Centre during the course of this year. He explained that Crowtree itself was no longer fit for purpose and had since October 2011 been used only on a club and block booking basis. He added that the significant capital investment that would be required to make Crowtree fit for purpose could not be justified given the level of investment that the Council had made in alternative and more accessible leisure provision across the city.

Cabinet Members commended the level of investment that had been made by the Council in leisure provision across the city since 2004 so as to provide equitable community access and use to a wide range of accessible sports and leisure facilities. The Chairman reported that he was aware that ongoing meetings were taking place with the Bowling Club Members to find an alternative solution for them.

Consideration having been given to the report, it was:-

7. RESOLVED that:-

- (i) the closure of Crowtree Leisure Centre be approved;
- (ii) the appointment of contractors through the Scape National Framework to secure the demolition of the Crowtree Leisure Centre be approved as set out in the report; and
- (iii) the Deputy Chief Executive be authorised to explore options for the development of the site and if appropriate to market the site in accordance with the Council's Strategy for Surplus Assets and to report back to Cabinet on the results of the marketing exercise.

School Admissions Arrangements – September 2014

The Executive Director of Children's Services submitted a report (copy circulated) to seek approval for the proposed school admission arrangements for September 2014 and to note further changes to the 2013/14 Schools Admissions Code.

(For copy report – see original minutes).

Councillor Smith highlighted that the report sought approval of the school admission arrangements for September 2014 prior to submission to Department for Education and publication for parents making application for school places for September 2014. She reported that the proposed admission arrangements had been consulted on, determined, and would be published, in accordance with the School Admissions Code 2012. She added that this included admissions policy and procedures, over-subscription criteria and Published Admissions Numbers (PANS).

Cabinet Members were advised that in order to establish the City's co-ordinated school admission scheme for September 2014 Sunderland City Council was required to carry out consultation on the proposed scheme by March 1st 2013. All local schools were consulted (including VA and Academies) as were CE and RC dioceses and neighbouring local authorities.

Councillor Smith reported that in line with the new Admissions Code a number of changes had been incorporated as set out in 5.3 of the report. She advised that it was important to note that the Published Admission Numbers (PANS) would be set differently from 2013/14 as "Own Admissions Authorities" such as academies were no longer required to consult when they proposed to either increase or keep the same PAN although they must notify the local authority. She clarified that consultation would be required if it proposed that a PAN should be decreased and admissions authorities were able to admit above their PAN in year.

Councillor Smith highlighted that 2014 would again see increased demand for primary school places with 'hotspots' in Washington, Hetton and the west of Sunderland. In addition current applications for the city's Roman Catholic schools were also in excess of the number of places available. She reported that as a solution in Washington it had already been proposed that Biddick Primary PAN would increase from 30 to 45 in 2013 and this would subsequently help to meet demand in 2014 however a further increase would still be required to increase the number of local places in 2014 and Cabinet would be requested to consider these in due course;

Cabinet Members were advised that discussions with Easington Lane Primary School were likely to result in an increase in the PAN from 30 to 45. This would reduce anticipated over demand 2014 but also respond to over subscription in September 2013. In addition following discussions with the Roman Catholic Diocese a proposal had been made to increase the PAN of St Joseph's Primary School (Sunderland) from 30 to 45 responding to an increased demand for places

Councillor Smith reported that the following academies had informed the Council of their intention to increase their PANS for the 2013 Academic Year. These were:-

- Holley Park Primary School –30 to 35
- Benedict Biscop CE Primary School – 30 to 35
- Bexhill Academy – 45 to 60

She added that in the secondary sector there were only a small number of schools over subscribed for 2013 with significant falling rolls and surplus places. The local authority was working with schools to understand the full implications and impact of the falling rolls and would bring forward proposals to address these issues. Monkwearmouth Secondary School had responded to future falling rolls by reducing its PAN from 210 to 180 for the September 2014 Academic Year

Consideration having been given to the report, it was:-

8. RESOLVED that approval be given to:-
 - (i) the admissions policy and procedures; and
 - (ii) the published admission numbers (PANS).

Commissioning of Short Breaks for Disabled Children from September 2013

The Executive Director Children's Services submitted a report (copy circulated) to seek agreement to procure Short Breaks for disabled children from September 2013 for a period of three years.

(For copy report – see original minutes).

Councillor Smith reported that the current contract had been in place since 1st August 2009 and was commissioned as part of the Aiming High for Disabled Children programme. She advised that the existing contracts had already been extended by 12 months to end of July 2013 on the understanding that there would be a full re-commissioning of contracts from July 2013. However following consultation they had now been further extended to the end of August 2013 so that there was not a change of provider during the school summer holidays.

Cabinet Members were advised that the new contracts would be based upon new specifications focusing on outcomes for children and young people as extending existing contracts would not allow this important improvement to be made

Consideration having been given to the report, it was:-

9. RESOLVED that:-

- (i) the process and consultation undertaken to shape and influence the commissioning of Short Breaks for disabled children be noted,
- (ii) approval be given for these services to be procured for a period of three years from September 2013; (with a break clause exercisable by the Council. This break clause needs to be inserted as from September 2014 families have the right to request individual budgets), and
- (iii) a further report on the outcomes of this process be submitted in October 2013.

Proposal to review discretionary Home to School Transport from September 2013

The Executive Director Children's Services submitted a report (copy circulated) to provide an overview of the home to school travel arrangements, and to propose a review of the discretionary arrangements that were currently in place.

(For copy report – see original minutes).

Councillor Smith reminded Cabinet Members of a proposal identified in the Medium Term Financial Plan for 2013/14 to realise efficiencies of £318,000 on the overall home to school transport budget of £2.2 million. She reported that the proposal around discretionary transport, which would effectively withdraw this provision, would realise efficiencies of £185,000 per annum.

Cabinet Members were advised that the first part of the report focused on the statutory home to school transport policy, the requirements for which were set out in the Education and Inspections Act 1996. Under this legislation, Councils were required by law to provide travel assistance to those pupils who qualified under the policy. A copy of Sunderland's policy was attached at Annex 1 of the report.

Councillor Smith clarified that those who qualified for statutory support were:

- Secondary aged children who lived more than three miles from their nearest secondary school and primary children who lived more than two miles from their nearest primary school;
- Those unable to walk to school because the journey was deemed hazardous;
- SEN pupils whose needs prevented them from walking to their nearest or most appropriate school;
- Children from low income families who lived more than two miles away from their nearest school or nearest faith school.

A very large proportion of the budget was used to support SEN pupils.

Councillor Smith reported that the discretionary policy had two dimensions to it. Firstly the dedicated bus transport to Barnwell, St Michael's Primary Schools and Oxclose Community Academy had arisen from historic closures of other schools in the area, where no end date to provision was given and so this had come to be expected as custom and practice. Pupils who benefited from this discretionary transport would not qualify for free transport under normal distance criteria and the cost of three buses currently stood at £105,000 per year. The second discretionary element was denominational and currently all children who lived more than 3 miles from their nearest faith secondary school received a free travel pass which cost £196 per pass and £90,000 overall per year.

Cabinet Members were advised that the proposal in the report was to review the Council's position with a view to withdrawing all discretionary transport. This was in keeping with similar reviews both regionally and nationally in other local authorities. It was explained that there were two options described in the report which looked at the timing of the proposal and also a commitment to consider any other options to withdraw discretionary transport that arose from the consultation.

Councillor Smith reported that the consultation would be city-wide to obtain as many views as possible and would commence immediately after the Easter break lasting the full half term. She added that a further report would be submitted to Cabinet in June 2013 on the outcomes of the consultation.

Cabinet Members having welcomed the opportunity for the service users to feed into the consultation process, it was:-

10. RESOLVED that:-

- (i) approval be given to consult on the review of current discretionary transport arrangements to schools in Sunderland; and

- (ii) it be noted that a further report will be prepared for consideration by Cabinet at its meeting in June 2013 on the outcomes of public consultation on this matter.

The Transition from Shadow to Full Health and Wellbeing Board and the Health and Wellbeing Strategy

The Executive Director of Health Housing and Adults Services submitted a report (copy circulated) to set out the steps necessary to transition the Sunderland Shadow Health and Wellbeing Board from Shadow status, by establishing the Board as a Council Committee and to endorse the Health and Wellbeing Strategy.

(For copy report – see original minutes).

Councillor Miller highlighted that the Health and Social Care Act stated that each local authority must establish a Health and Wellbeing Board as a Committee of the local authority for its area by 1 April 2013. He reported that the Board had a statutory minimum membership which brought together key NHS, public health and social care leaders in each local authority area to work in partnership and in accordance with the Act it was proposed that all members of the Board would have equal voting rights.

Cabinet Members were advised that in order to achieve this it would be necessary to amend the Council's Constitution and to also set out the Board's terms of reference and rules of procedure.

Councillor Miller advised that the Health and Wellbeing Board was required to produce and adopt a joint Health and Wellbeing Strategy that covered NHS, social care, public health and potentially other wider health determinants such as housing by April 2013. He added that in order to meet the challenge of the change to how public services were being delivered and in an environment of reducing resources, the strategy had been developed to take an assets based approach to the improvement of health and wellbeing in Sunderland to empower residents to take control over the decisions affecting their health and wellbeing. He explained that the Strategy described the three main components of an assets based approach to health and wellbeing, namely:

- Design Principles – those ways of working which must underpin all commissioning decisions and ultimately ways of working for which the Board holds responsibility – including consideration of the Clinical Commissioning Group's commissioning plans
- Assets – the core assets which could be built upon in Sunderland to impact on the health and wellbeing of residents
- Strategic Objectives – the ultimate goals of the strategy which would focus the development of high level actions and commissioning plans that would follow.

Cabinet Members were advised that the Health and Social Care Act also set out the transfer of public health functions into the local authority, so it was necessary to make

provision in the council delegation scheme to reflect the statutory duties of the Director of Public Health.

Consideration having been given to the report, it was:-

11. RESOLVED that it be recommended to Council to:-

- (i) establish the Health and Wellbeing Board as a Council Committee,
- (ii) approve the terms of reference of the Health and Wellbeing Board,
- (iii) approve the Health and Wellbeing Board Procedure Rules,
- (iv) approve the Health and Wellbeing Strategy,
- (v) agree delegations to the Director of Public Health, and
- (vi) agree that the membership of the Sunderland Health and Wellbeing Board will be:-

Leader of the Council (Chair)
Cabinet Secretary (Vice Chair)
Health Housing and Adults Services Portfolio Holder
Public Health and Wellness Portfolio Holder
Childrens' Services Portfolio Holder
Opposition Member
Executive Director of Health, Housing and Adults
Executive Director for Children's Services
Director of Public Health
Chief Officer – Clinical Commissioning Group
Chair Clinical Commissioning Group
Member Clinical Commissioning Group
HealthWatch representative (to be confirmed by HealthWatch on commissioning)
Chief Executive of the NHS Commissioning Board Local Area Team (or representative)
Chair of the Sunderland Local Strategic Partnership

Sunderland Telecare Service Contributions Policy

The Executive Director Health, Housing and Adult Services submitted a report (copy circulated) to seek approval to introduce a revised Contributions Policy for its Sunderland Telecare Service. The Policy proposed to:-

- a) Increase the number of customers that will pay for the discretionary Telecare Service, where they do not have eligible social care needs and a Personal Budget in place to meet these.

- b) Give customers that have a Personal Budget in place the option of including the Sunderland Telecare Service within the services funded from this budget, with a financial assessment used to determine their overall contribution in line with the councils Contributions Policy for Social care provided through Personalisation.

(For copy report – see original minutes).

Councillor Miller highlighted that the introduction of a revised Contributions Policy for the Sunderland Telecare Service was required in order to end the current inequity regarding who paid for the service. He reported that it would ensure that the service was fair and transparent whilst at the same time providing increased revenue income to support the ongoing sustainability of the service

Councillor Miller advised that in order to help shape the future Contributions Policy a public consultation exercise took place between 3 December 2012 and 10 February 2013. He explained that every Telecare user received a questionnaire which was designed to help the Council understand the impact of reviewing the Contributions Policy and in the case of some of the most vulnerable customers contact was also made with them, or with their named next of kin to ensure that the views of people who relied on the service the most were sought. He added that consultation also took place with key partners such as AgeUK, the Carer's Centre and Registered Providers of housing. An excellent response had been received of 1691 customers which equated to 13% which made the information that had been gathered statistically valid.

Cabinet Members were advised that based on the feedback from this consultation it was proposed to introduce a revised Contributions Policy with the following key elements:-

- All Telecare equipment would continue to be provided free of charge to customers,
- All customers would ordinarily be expected to contribute towards the monitoring and response elements of the service by making a flat rate contribution equivalent to £12.50 per month (which equated to £150 per year or approximately £2.88 per week). The charge would be reviewed on an annual basis. Levying the charge at this low level would help to ensure that as many people as possible remained with the service and that the Council could continue to address the prevention agenda,

There would be potential exceptions to this flat rate application of the charge namely,

- Where the customer was receiving Telecare as part of a time limited Reablement package.
 - Where customers could not afford pay the contribution.
 - Where the customer resided in a house and their partner or a dependent family member already made a contribution for the service.
- Service users would be billed annually for the service but the payment would be monthly,

- Customers that had been assessed with eligible social care needs and that had a Personal Budget to meet those needs already received a Financial Assessment to determine what level of contribution they needed to make to the cost of their care
- Customers that received a Personal Budget and also received the Sunderland Telecare Service could choose to make the flat rate contribution themselves or instead request that the Telecare Service be included in the service/support options funded from their existing Personal Budget, providing it contributed to discharging one or more of their eligible care needs.

Consideration having been given to the report, it was:-

12. RESOLVED that the revised Contributions Policy for the Sunderland Telecare Service as set out in the report, be approved and be implemented from 1st April 2013.

Sunderland Community Equipment Service (CES) – Procurement of a contractor to carry out alterations to Leechmere Training Centre

The Executive Director of Health, Housing and Adult Services submitted a report (copy circulated) to seek Cabinet's approval to procure a contract to undertake alterations works to Leechmere Training Centre to convert it for use by Sunderland Community Equipment Service (CES).

(For copy report – see original minutes).

Councillor Miller reported that the CES was a jointly funded partnership between Sunderland City Council and Sunderland Teaching Primary Care Trust (STPCT) to provide community equipment and simple aids for daily living to meet the clinical and social needs of the residents of Sunderland, following assessment by a health or social care professional. He explained that Sunderland CES provided a procurement, storage, delivery, installation, demonstration, collection, cleaning, refurbishment and recycling service.

Cabinet Members were advised that the service currently operated from a privately leased warehouse on Leechmere Industrial Estate and the alteration work to Leechmere Training Centre would create efficiencies as the current lease arrangement would be terminated. The relocation of the Community Equipment Store onto the Council owned Leechmere site would place the store in closer proximity to the equipment refurbishment centre and enable a leaner flow of activity through the lifetime of the equipment cycle.

Cabinet Members having been advised that funding had been made available from the PCT to facilitate the relocation costs of the Community Equipment Service, it was:-

13. RESOLVED that the approval be given to procure a contractor to undertake alterations works to Leechmere Training Centre to adapt the building for use by Sunderland Community Equipment Service.

Local Government (Access to Information) (Variation) Order 2006

At the instance of the Chairman it was: -

14. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of information relating to the financial or business affairs of any particular person (including the authority) (Paragraph 3 of Part 1, Schedule 12A of the Local Government Act 1972). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.

(Signed) H. TRUEMAN,
Chairman.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.

CABINET MEETING – 17th April 2013
EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

City Centre Investment Corridor Programme

Author(s):

Deputy Chief Executive

Purpose of Report:

The report seeks the approval of the City Centre Investment Corridor Programme. The proposed programme will be funded from the Council's Capital Programme.

Description of Decision:

Cabinet is recommended to:

- a) Approve the proposed Investment Corridor programme for the city centre, to be funded by the £4 million capital programme allocation between 2013 and 2017.
- b) Authorise the Deputy Chief Executive, in consultation with the Leader and Cabinet Secretary, to approve detailed designs and budgets and to appoint contractors to deliver the programme

Is the decision consistent with the Budget/Policy Framework? *Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

To deliver investment in the city centre to meet the aim 3 outcomes of the Economic Masterplan

Alternative options to be considered and recommended to be rejected:

The alternative option would be to not progress the works. However funding for the project has been secured and the delivery team is progressing the design stages of the project. In order to carry out the works contractors must be procured following a competitive tender process.

Impacts analysed:	
Equality <input type="checkbox" value="Y"/>	Privacy <input type="checkbox" value="N/A"/> Sustainability <input type="checkbox" value="Y"/> Crime and Disorder <input type="checkbox" value="N/A"/>
Is this a “Key Decision” as defined in the Constitution? Yes	Scrutiny Committee
Is it included in the 28 day Notice of Decisions? Yes	

City Centre Investment Corridor Programme

REPORT OF THE DEPUTY CHIEF EXECUTIVE

1.0 Purpose of Report

- 1.1 The report seeks the approval of the City Centre Investment Corridor Programme. The proposed programme will be funded from the Council's Capital Programme.

2.0 Description of Decision

- 2.1 Cabinet is recommended to:

- a) Approve the proposed Investment Corridor programme for the city centre, to be funded by the £4 million capital programme allocation between 2012 and 2017.
- b) Authorise the Deputy Chief Executive, in consultation with the Leader and Cabinet Secretary, to approve detailed designs and budgets and to appoint contractors to deliver the programme

3.0 Background

- 3.1 Members will be aware that Aim 3 of the Economic Masterplan states that "Sunderland city centre can only be transformed by making it more attractive to private investment. We will concentrate on the handful of target locations with the greatest investment potential and the greatest opportunity to raise perceptions of the city. Public funding and effort will therefore be concentrated on specific investment corridors that will serve the following key functions: connecting both new and existing assets; integrating the 'city campus' with the city centre; promoting a place made for people; and, providing an investment focus".

4.0 Proposed Programme

- 4.1 As shown on the attached plan (appendix one) the proposed Investment Corridor programme focuses on the East West corridor that runs between the University (Chester Road campus) along High Street West to Sunnyside.
- 4.2 The Investment Corridor programme has been developed to align with existing and proposed investment/activity (both private and public) in the city centre, including: St Mary's Way, the new public Square, and the new Primark and Travel Lodge developments on High Street West to ensure that investment potential is maximised. The proposed investment will also support the future redevelopment of the Crowtree site.

Proposed Projects

- 4.3 The programme is made up of the following individual projects:
- 4.4 Sunnyside Gap Sites – this project will deliver short-term landscaping and temporary car parking on land at High Street West. The project will improve the appearance of these gap sites, pending redevelopment, which are immediately opposite the new Travel Lodge hotel. It will also encourage greater footfall in Sunnyside, thereby, supporting established businesses.
- 4.5 High Street West Improvements – Over two phases the project will deliver comprehensive street scene improvements to High Street West between Fawcett Street and St Michael’s Way. The improvements will include new paving, street lighting, seating, litter bins and street trees.
- 4.6 The works will compliment the new Primark development, the new public square and St Mary’s way improvements as well as enhancing the prime retail street which includes the likes of Marks and Spencer, BHS, Currys and Argos. In the Minster Quarter area the works will compliment the proposed old firestation redevelopment, as well as improving the area immediately adjacent to the Empire Theatre and the Minster (which forms part of the Bishop Wearmouth conservation area).
- 4.7 St Michael’s Way – In addition to improvements to High Street West it is proposed to deliver improved crossing facilities on St Michael’s way (at the end of High Street West) to provide an improved link between the city centre and the university campus making it easier for students and visitors to move between the city centre and the University campus.
- 4.8 Town Park – As with the improvements to the St Michael’s Way crossing facility, to improve connections between the University Chester Road campus and the city centre, the Town Park provides an important gateway into the city centre, including the Bridges Shopping Centre, as well as being a historic part of the city centre and the setting to the Sunderland Minster. Improvements will seek to make it easier to access the park and city centre beyond.
- 4.9 Way Finding - To compliment the above projects it is proposed to deliver new way finding infrastructure. It is essential that proper signage is put in place so that visitors to the city centre can easily find their way to their desired destination as well as a way of promoting the city’s assets such as the Minster, Empire Theatre and Museum and Winter Gardens.

- 4.10 Complimentary projects – Within the programme smaller projects will be considered which directly compliment the above identified projects. These will be considered on their individual merits and will be funded from the overall £4m budget.

Outcomes

- 4.11 The programme is seeking to deliver the following specific outcomes:

- 4.12 Outcome One – a better connected city centre and university campus

- Improved links between the city campus, city centre and riverside campus
- Increased footfall from more students entering the city centre
- Improved links between the theatre quarter and Sunnyside
- Improved connections into the new public square and to Vaux site
- Improved gateways to city centre and to Bridges shopping

- 4.13 Outcome Two – a better place for people

- Improvements will provide greater satisfaction for those visiting this part of the city centre for retail and leisure, including visitors to the Empire Theatre, festivals and events.
- Improvements will attract more people to live in the city centre, e.g. in Sunnyside
- Greater satisfaction from students living and studying at Sunderland University
- Increased business satisfaction resulting from increased footfall and confidence
- Improvements will provide increased opportunities for events and festivals that support the daytime and evening economies

- 4.14 Outcome Three – a better place to do business

- Improvement in city centre ranking (e.g. Management Horizons Europe UK shopping index)
- Investment will open up new development plots for retail/leisure development and increase the attractiveness and viability of existing plots such as Crowtree.

- To support the wider regeneration of the area strategic acquisitions will seek to create new development plots, or allow for the refurbishment of existing units, to provide plots and units that are suitable for modern retailing needs.
- Current vacancy rates will be reduced.
- Business support will assist existing and new businesses ensuring that private investment is maximized.

5.0 Stakeholder Engagement

- 5.1 In March 2013 officers of the Council presented the draft Investment Corridor programme to the committee of the Sunderland City Centre Traders Association. The Association subsequently sent a letter to the Council providing feedback on the proposals. In general the Association is supportive of the proposed investment. In summary the Association made the following key points:
- a) Early engagement on proposals for the city centre should continue.
 - b) Consideration should be given to preparing a programme of potential restructuring work that matches both the Economic Master Plan and the larger city centre developments.
 - c) Consideration should be given to highway and traffic management issues to ensure greater pedestrian priority and remove the barriers of roads cutting pedestrian flow.
 - d) Proposals should achieve the following objectives: to eliminate the negative effect of live traffic on the city centre and ensure that all quarters are linked; ensure that the business community, no matter it's size, is considered; and, any investment considers the long term plans and objectives.
- 5.2 It is envisaged that further engagement will be undertaken with the traders, and other stakeholders, as part of the detailed design stage.

6.0 Reason for Decision

- 6.1 To deliver investment in the city centre as set out against the aim 3 outcomes of the Economic Masterplan

7.0 Relevant Considerations

- a) Financial Implications – The works will be funded from the £4m allocation in the capital programme.

- b) Legal Implications – Clause 9.0 Section 2 of the Local Government Act 2000 provides local authorities with a power for the promotion or improvement of the economic, social or environmental well being of their area.
- c) Policy Implications – The projects forms part of the delivery of the Economic Masterplan and will compliment other capital projects, for example St Mary’s Way and the new public square.
- d) Project Management Methodology – the delivery of the project is via the Council’s standard Prince2 methodology.
- e) Sustainability Impact Appraisal – An impact appraisal has been undertaken and is attached in appendix one.

8.0 Background Papers

- Economic Masterplan

<http://www.sunderland.gov.uk/index.aspx?articleid=4687>

EQUALITY ANALYSIS

Please refer to Part 2 of the Equality Analysis Guidance

Name of Policy/Decision/Project/Activity:
 City Centre Investment Corridor Programme

Equality Analysis completed by:
 Dan Hattle
 Planning Implementation Manager
 Date: 20 March 2013

Responsible Officer:
 Dan Hattle
 Planning Implementation Manager
 Date: 20 March 2013

Is this a: Policy () Strategy () Function ()
 Service () Project (X) Other ()

Is it: New/Proposed (X)
 Changing/Being Reviewed () Other ()

1. Purpose and Scope

Purpose
 In this section outline briefly what the policy, decision or activity is, what the intended outcomes/benefits (linked to the Corporate Outcomes Framework) are and over what period of time will the outcomes be achieved. Why does it need to be implemented or revised?

Aim 3 of the Economic Masterplan states that “Sunderland city centre can only be transformed by making it more attractive to private investment. We will concentrate on the handful of target locations with the greatest investment potential and the greatest opportunity to raise perceptions of the city. Public funding and effort will therefore be concentrated on specific investment corridors that will serve the following key functions: connecting both new and existing assets; integrating the ‘city campus’ with the city centre; promoting a place made for people; and, providing an investment focus”.

The Investment Corridor programme has been developed to align with existing and proposed investment/activity (both private and public) in the city centre, including: St Mary’s Way, the new public Square, and the new Primark and Travel Lodge developments on High Street West to ensure that investment potential is maximised. The proposed investment will also support the future redevelopment of the Crowtree site.

The programme is seeking to deliver the following specific outcomes

Outcome One – a better connected city centre and university campus

Outcome Two – a better place for people

Outcome Three – a better place to do business

The Investment Corridor programme for the city centre is to be funded by the £4 million capital programme allocation between 2012 and 2017

Scope

In this section consider who or where is the target for the policy or activity, this could be specific groups of people or organisations, individual wards, neighbourhoods or communities or the entire city. Links to, and overlap with, wider, local, sub-regional, regional or national priorities or activities should also be considered.

The proposed activity Investment Corridor programme focuses on the East West corridor that runs between the University (Chester Road campus) along High Street West to Sunnyside

Intelligence and Information

What sources of information have been used to inform this assessment/analysis? This should include but is not limited to consultations, resident/service user feedback and statistical data and intelligence.

The preparation of the investment corridor programme has been informed by a detailed spatial analysis of the city centre to identify where there is greatest opportunity to maximise and attract private investment.

The proposed programme was presented to the Sunderland City Centre Traders Association - In March 2013 officers of the Council presented the draft Investment Corridor Programme to the committee of the Sunderland City Centre Traders Association. In general the Association is supportive of the proposed investment and provided written feedback, this included their wish to continue to be engaged on city centre matters and a suggestion that the Council considers preparing a further programme of city centre investment corridor improvements to be delivered in the future

2. Analysis of Impact on People

This section offers an opportunity to assess the intended and potential impact of the policy, decision or activity on the people of Sunderland. This includes specific consideration of the impact on individuals, groups with protected characteristics and communities of interest within the city. Please briefly outline any positive, negative or neutral impacts on the specific groups below. In this assessment it is important to remember the Council is required to give due regard to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic and those who do not.

Characteristic	List of Impacts		
	Positive	Neutral	Negative
Age	In general it is anticipated that the private sector inward investment stimulated by the programme will indirectly generate new job and training opportunities for residents of the city.	None	None
Disability	Improvements will be designed to take into account disability matters. Consultations will take place with the DIAG	None	None
Gender/Sex	None	None	None
Marriage and Civil Partnership	None	None	None
Pregnancy and maternity	None	None	None
Race/Ethnicity	None	None	None
Religion/belief	None	None	None
Sexual Orientation	None	None	None
Trans-gender/gender identity	None	None	None

Other individuals or groups impacted on:

The policy or action may also have an impact on other groups or individuals which are not covered by the statutory requirements. Please outline any additional individuals or groups which have not already been covered. This could include socio-economic groups, voluntary and community sector, carers or specific communities which face additional challenges (such as former coal mining areas or areas of high deprivation)

It is not anticipated that any specific groups or communities would be affected by this project

Gaps in intelligence and information:

March 2013

Having undertaken the analysis are there any areas of intelligence or information which need to be improved? Please outline and areas where the current information is not complete enough to take a decision. Addressing this gap should be covered in the action plan.

--

Policy/Decision/Project/Activity Title:

Responsible Officer:

3. Summary of Impacts and Response to Analysis

Please provide a summary of the overarching impacts that have been highlighted through the analysis process through the three questions below. It is important to recognise that individuals may belong to one or more of these characteristic groups and the combined impact could be greater than any single impact.

Who will the policy/decision/project/activity impact on and who will benefit?

The Programme will not directly impact upon any specific groups. Improvements will improve the physical environment of the city centre making it more attractive for users and help attract private investment. It will also indirectly provide new jobs and training opportunities in the City.

Who will not benefit and why not?

It is not anticipated any specific group would not benefit as a direct result of the implementation of the programme

Who should be expected to benefit and why don't they?

N/A

4. Response to Analysis, Action Plan and Monitoring,

In this section please outline what actions you propose to take to minimise the negative, and maximise the positive, impacts that have been identified through the analysis. By considering and implementing these actions the policy or action can be refined to make sure that the greatest benefits are achieved for the people of Sunderland. The performance monitoring process should also be set out to explain how ongoing progress is going to be followed to make sure that the aims are met.

From the analysis four broad approaches can be taken, (No major change, continue with the policy/action despite negative implications, adjust the policy/decision/action or stop the policy/action). Please indicate, using the list below, which is proposed.

- | | |
|---|--------------|
| No Major Change | (x) |
| Continue Despite Negative Implications | () |
| Adjust the Policy/Decision/Project/Activity | () |

March 2013

Stop

()

Action Plan

ACTION	WHO	WHEN	MONITORING ARRANGEMENTS
Engagement with city centre businesses, residents and visitors	Dan Hattle	2014	The consultation will inform any changes that are required to the draft designs

Sunderland City Council Investment Corridor Programme 2013 to 2017

Vaux -
Comprehensive regeneration site for mixed-use development including public space and landscaping

St Marys Boulevard -
Upgrade and realignment of St Marys Way to provide pedestrian link to Vaux; phase of SSTC route

Dun Cow Fire Station -
Regeneration opportunity to revitalise and reuse the historic fire station building

Hind Street -
Proposed development including hotel/retail uses and public terrace

University City Campus -
Development framework for new and improved facilities and programme of landscaping/public realm investments

Crowtree Leisure Centre -
Comprehensive regeneration site for mixed-use retail-led development

- RAN and Liverpool House sites -**
 - ① Acquisition and demolition of structures on-site followed temporary public car parking and landscaping
- High Street West (phase one) -**
 - ② Comprehensive public realm improvements
- High Street West (phase two) -**
 - ③ Comprehensive public realm improvements and relocation of substation
- St Michaels Way Crossing -**
 - ④ Pedestrian crossing improvements
- Town Park -**
 - ⑤ Physical improvements to enhance town park and create additional activity and permeability
- Wayfinding -**
 - ⑥ New way of finding signs to improve legibility

CABINET MEETING – 17 April 2013.

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Article 4 Direction: Houses in Multiple Occupation within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's

Author(s):

Deputy Chief Executive

Purpose of Report:

Cabinet has previously given its approval to the making of an Article 4 direction to withdraw the permitted development rights to change the use of a Dwellinghouse (use class C3) to a House in Multiple Occupation (use class C4) within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's. This report sets out the process that has been followed since that approval and seeks confirmation of a non-immediate Direction to come into force on 16th December 2013.

Description of Decision:

Cabinet is recommended to:

- a) Authorise the Deputy Chief Executive to confirm the non-immediate direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ("the 1995 Order") to withdraw permitted development rights to change the use of a C3 Dwellinghouse to a C4 House in Multiple Occupation within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's after completion of a prior notification period of a minimum of 12 months.

Is the decision consistent with the Budget/Policy Framework? *Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

The Council is satisfied that it is expedient that the conversion of dwelling houses (within Use Class C3) to houses in multiple occupation (HMOs) (within Use Class C4) should not be carried out within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's unless planning permission is granted on an application. This would allow planning control over proposed future changes of use from C3 to C4 within these five wards where there is a higher concentration of HMOs. This would assist in the promotion and retention of sustainable mixed and balanced communities within these five wards and enable additional HMOs and their effects to be coherently and comprehensively managed through the planning framework.

Alternative options to be considered and recommended to be rejected:

Determine not to introduce an Article 4 Direction and accept the inability to manage new C4 HMO uses and the consequential undermining effect of this on delivering the Council's objectives in the wards referred to in this report where there is a higher concentration of HMOs. This approach would not appear to be justified given the issues/problems arising from higher concentrations of HMOs in the relevant areas of the city as identified by residents and Councillors.

This option has therefore been rejected

Impacts analysed:

Equality Privacy Sustainability Crime and Disorder

Is this a "Key Decision" as defined in the Constitution?

Yes

Is it included in the 28 day Notice of Decisions?

Yes

Scrutiny Committee

ARTICLE 4 DIRECTION: HOUSES IN MULTIPLE OCCUPATION WITHIN THE WARDS OF BARNES, HENDON, MILLFIELD, ST MICHAEL'S AND ST PETER'S**REPORT OF THE DEPUTY CHIEF EXECUTIVE****1.0 Purpose of Report**

- 1.1 Cabinet has previously given its approval to the making of an Article 4 direction to withdraw the permitted development rights to change the use of a Dwellinghouse (use class C3) to a House in Multiple Occupation (use class C4) within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's. This report sets out the process that has been followed since that approval and seeks confirmation of a non-immediate Direction to come into force on 16th December 2013.

2.0 Description of Decision

- 2.1 Cabinet is recommended to:

Authorise the Deputy Chief Executive to confirm the non-immediate direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ("the 1995 Order") to withdraw permitted development rights to change the use of a C3 Dwellinghouse to a C4 House in Multiple Occupation within the wards of Barnes, Hendon, Millfield, St Michaels and St Peters after completion of a prior notification period of a minimum of 12 months.

3.0 Background

- 3.1 Members will recall that Cabinet, on 6th September 2012, approved the making of a non-immediate Article 4 direction to withdraw permitted development rights to change the use of a Dwellinghouse (use class C3) to a House in Multiple Occupation (use class C4) within the wards of Barnes, Hendon, Millfield, St Michaels and St Peters with a prior notification period of a minimum of 12 months before the direction comes into force (if confirmed).
- 3.2 To recap, high concentrations of Houses in Multiple Occupation (HMOs) have become an issue in a number of towns and cities across the country particularly those with Universities. High concentrations can have a detrimental effect on the local environment with impacts on social cohesion and services in an area.
- 3.3 From October 2010 changes to planning legislation now allow Use Class C3 (family dwelling houses) to be changed to the newly established Use Class C4 known as Houses in Multiple Occupation (HMO up to 6 people living together as a family), without the need for planning permission. Such a change became "permitted development". After representations from Local Authorities the

Government announced that Article 4 Directions can be issued to remove these “permitted development” rights and thus require an application for planning permission be submitted for such a change in the selected areas.

- 3.4 As approved by Cabinet, on the 6th September 2012, the Council gave notice of its intention to make an Article 4 Direction to come into force for the Wards of Barnes, Hendon, Millfield, St. Michaels and St. Peters on 16 December 2013. The Council notified the Secretary of State and undertook the required statutory consultation which ran for a six week period from 13th December 2012 until 31st January 2013.
- 3.5 It is important to note that requiring an application to be submitted does not mean that it will be refused. It does, however, allow the City Council to consider each case against current adopted policy and to assess the merits and any harm before coming to a decision. It also allows for local residents to be consulted prior to determining such applications and their comments will, where appropriate, be a material consideration in coming to a decision.
- 3.6 Should Cabinet resolve to confirm the Article 4 Direction it will come into force on 16th December 2013.

4.0 Summary of Statutory Consultation Exercise

- 4.1 In order to give landlords, residents and other stakeholders the opportunity to make representations to the Council the following activities were undertaken as part of the public consultation exercise:
 - a) Letters were sent to all known landlords and houses in multiple occupation in the city along with other stakeholders such as: Sunderland University; the Landlords Association; and residents groups.
 - b) Site notices were displayed in the wards (Barnes, Hendon, Millfield, St. Michaels and St. Peters) and notices were displayed in local libraries and the Customer Services Centre.
 - c) Residents were informed in Community News, delivered to all households
 - d) An advert was placed in the Sunderland Echo on 13th December 2012. The proposal was also advertised on the Council’s website, which provided the facility for representations to be made electronically.
 - e) The proposed Article 4 Direction was presented by officers of the Council to the Landlord’s Forum meeting.

- 4.2 Two responses in support of the Article 4 Direction were received. Both responses highlighted the desire to control HMO numbers and the associated problems that arise from high numbers of HMO properties in an area.
- 4.3 No written representations were received opposing the Article 4 Direction. One telephone call was received objecting to the Direction from the owner of a number of properties in the Durham Road area, who has long established properties in use as HMOs, and believes he should be able to interchange between the C3/C4 Uses without the need for planning permission.

5.0 Reasons for Decision

- 5.1 The Council is satisfied that it is expedient that the conversion of dwelling houses (within Use Class C3) to houses in multiple occupation (HMOs) (within Use Class C4) should not be carried out within the wards of Barnes, Hendon, Millfield, St Michael's and St Peter's unless planning permission is granted on an application. This would allow planning control over proposed future changes of use from C3 to C4 within these five wards where there is a higher concentration of HMOs. This would assist in the promotion and retention of sustainable mixed and balanced communities within these five wards and enable additional HMOs and their effects to be coherently and comprehensively managed through the planning framework.

6.0 Alternative Options

- 6.1 Determine not to confirm the Article 4 Direction and accept the inability to manage new HMO uses and the consequential undermining effect of this on delivering the Council's objectives in the wards referred to in this report where there is a higher concentration of HMOs. This approach would not appear to be justified given the issues/problems arising from higher concentrations of HMOs in the relevant areas of the city as identified by residents and Councillors. This option has therefore been rejected.

7.0 Relevant Considerations

7.1 Financial Implications

There is currently no fee payable for the need to submit a planning application arising from the removal of 'Permitted Development' by an Article 4 Direction. The Draft Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 were issued in late July 2012 and there is no proposed provision to allow charges to be made in these situations.

7.2 Policy Implications

As set out in the September 2012 Cabinet Report the making of an Article 4 Direction is in accordance with a number of relevant policies.

7.3 Legal Implications

In order for the Council to make an Article 4 direction, it must be satisfied that it is expedient that the development that would otherwise benefit from permitted development rights should not be carried out unless planning permission is granted on an application. For the reasons stated in this report, and in the September 2012 Cabinet report, the Council is satisfied that this test of expediency is met in relation to the withdrawal of permitted development rights for the change of use of a property from Class C3 to Class C4 in those wards in Sunderland referred to in this report.

7.4 Equality Implications

A full Equality Analysis will be completed in parallel with confirmation of the Article 4 Direction. At this stage, it is not considered that there will be any significant implications regarding equality which will be considered as part of the final process to confirm the Direction.

8.0 Background papers

September 2012 Cabinet Report. 'Non-immediate Article 4 Direction to withdraw permitted development rights for the change of use of a dwellinghouse to a House in Multiple Occupation within the wards of Barnes, Hendon, Millfield, St Michaels and St Peters'.

CABINET – 17 APRIL 2013

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

SUNDERLAND'S LOCAL DEVELOPMENT FRAMEWORK EVIDENCE BASE : THE STRATEGIC HOUSING MARKET ASSESSMENT, STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT AND DRAFT SETTLEMENT BREAK REVIEW

Author:

DEPUTY CHIEF EXECUTIVE

Purpose of Report:

The purpose of this report is to seek Cabinet's approval to the Strategic Housing Land Availability Study (2013) and the Strategic Housing Market Assessment (2013) for its use in developing the Local Development Framework and to assist in the determination of day to day planning applications. Cabinet is further requested to approve the Draft Settlement Break Review for public consultation.

Description of Decision:

Cabinet is requested to:

1. Endorse the 2013 updates to the Strategic Housing Land Availability Study and the Strategic Housing Market Assessment so that they can be used as :
 - a) Part of the evidence base to inform the emerging Local Development Framework
 - b) A material consideration in determining planning applications for housing development.

2. Endorse the Draft Settlement Break Review for consultation purposes.

Is the decision consistent with the Budget/ Policy Framework?

Yes

If not, Council approval is required to change the Budget/ Policy Framework

Suggested reason(s) for Decision:

The decision is required to provide essential evidence to inform corporate policy, and chiefly to support progression of the Core Strategy to proceed to its next stage (statutory consultation) in accordance with the Council's adopted Local Development Scheme.

Alternative options to be considered and recommended to be rejected:

All local planning authorities are charged under the Planning and Compulsory Purchase Act 2004 with the preparation of a Local Development Framework (LDF), which must include a Core Strategy. They are also charged with preparing the LDF in accordance with the provisions of an approved Local Development Scheme.

The Core Strategy and its policies must be informed by a robust and up to date evidence base. The need for a Strategic Housing Market Assessment and Strategic Housing Land Availability Assessment are emphasised in the National Planning Policy Framework. The emerging Core Strategy retains policies regarding the scale and purpose of Settlement Breaks which have not been reviewed in 15 years since the Unitary Development Plan was adopted. To not undertake such updates in the light of the changing circumstances in the city would undermine the planning policy framework and could jeopardise the Core Strategy at Examination. Consequently, no alternatives can be recommended.

Impacts analysed:

Equality Privacy Sustainability Crime and Disorder

Is this a “Key Decision” as defined in the Constitution?

Yes

Is it included in the 28 day Notice of Decisions?

Yes

Scrutiny Committee
Planning and Highways Committee

**SUNDERLAND'S LOCAL DEVELOPMENT FRAMEWORK EVIDENCE BASE :
THE STRATEGIC HOUSING MARKET ASSESSMENT, STRATEGIC HOUSING
LAND AVAILABILITY ASSESSMENT AND DRAFT SETTLEMENT BREAK
REVIEW.**

REPORT OF THE DEPUTY CHIEF EXECUTIVE

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to seek Cabinet's approval to the Strategic Housing Land Availability Study (2013) and the Strategic Housing Market Assessment (2013) for its use in developing the Local Development Framework and to assist in the determination of day to day planning applications. Cabinet is further requested to approve the Draft Settlement Break Review for public consultation.

2.0 DESCRIPTION OF DECISION

2.1 Cabinet is requested to:

1. Endorse the 2013 updates to the Strategic Housing Land Availability Study and the Strategic Housing Market Assessment so that they can be used as :
 - a) Part of the evidence base to inform the emerging Local Development Framework
 - b) A material consideration in determining planning applications for housing development
2. Endorse the Draft Settlement Break Review for consultation purposes.

3.0 BACKGROUND TO MAINTAINING THE EVIDENCE BASE.

3.1 Local authorities are required to prepare a statutory development plan for their area that will provide the starting point to determine planning applications. In Sunderland's case, the emerging Core Strategy will provide the overarching suite of broad non-site specific policies to control the use of land and buildings. Taking its lead from the Core Strategy, a further planning document, the Allocations Plan, will provide detailed site specific policies and allocations for development.

3.2 As part of the process, national planning policy, set out in the National Planning Policy Framework (NPPF) requires that these plans are based on adequate, up to date and relevant evidence.

3.3 This Council has developed a considerable body of evidence to inform the emerging Core Strategy to date. However, it is essential that this evidence base is kept up to date or new evidence is initiated to inform both the emerging Core Strategy and the Allocations Plan.

4.0 THE STRATEGIC HOUSING MARKET ASSESSMENT

- 4.1 The NPPF requires authorities to assess their full housing needs, where appropriate working with neighbouring authorities. Strategic Housing Market Assessments (SHMAs) are required to identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which :
- Meets the household and population projections, taking into account migration and demographic changes
 - Addresses the needs for all types of housing, including affordable housing and the needs of different groups in the community (such as families and older people)
 - Caters for housing demand and the scale of housing supply necessary to supply this demand.
- 4.2 The SHMA therefore performs a dual role :
- It informs policies within the emerging development plan documents as to the scale and type of housing need
 - Provides information and evidence to inform housing related planning applications particularly in relation to seeking affordable housing contributions.
- 4.3 The City's last SHMA was adopted in February 2008 and to date, has been used effectively to develop housing policy and influence the type and tenure of new housing that has been permitted. However, the SHMA has a limited 'shelf life' of normally 5 years, after which the statistical data upon which it relies becomes out of date and open to challenge. Therefore, it was considered essential to update the SHMA.
- 4.4 The SHMA 2013 is a major piece of research which has been prepared in accordance with existing good practise. From its inception in 2012, it has gathered information from 'primary' sources such as a survey to 33,350 households and interviews with direct agencies such as estate agents, private landlords, developers and registered landlords. It also used the most up to date 'secondary' sources such as the Census 2001 and where available the Census 2011¹, housing price data and population projections.
- 4.5 Appendix A to this Report, sets out a summary of the SHMA 2013 in terms of the process that was followed and the key findings. The full document is available to view at :
<http://www.sunderland.gov.uk/committees/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/7655/Committee/1563/Default.aspx>
- 4.6 In short, the key findings of this new SHMA can be summarised as follows :
- Based on house price ratios (the figure which denotes how many times a households income needs to be multiplied to enable them to secure finance to buy an average property), Sunderland is relatively affordable by comparison to other parts of the North East.
 - Without factoring in potential new build, the overall net shortfall of affordable dwellings across Sunderland is 514 each year. It should be

¹ Only partial results from the Census 2011 have been released on a periodic basis by the ONS. Further information releases / datasets will continue to be rolled out through 2013.

noted that on average Registered Providers have completed 281 affordable homes annually. Assuming this rate of development continues, the net annual shortfall would reduce to 233.

- Sunderland's housing market is relatively self contained with 84.4% of households that moved within the previous 5 years having moved from within Sunderland itself.
- The private rented sector in Sunderland has continued to become more diverse and grow in response to current market conditions, as people struggle to access mortgage finance potential purchasers turn to renting, whilst many potential vendors unable to sell, find themselves reluctant landlords.
- Migration data (collated by the ONS) indicates that between 2008 and 2011, there has been a consistent net out-flow of residents from Sunderland which has averaged around 1,000 each year primarily to County Durham and other parts of Tyne and Wear.
- Households considering leaving Sunderland tend to be higher-income households, single households, and couples with and without children.
- The primary reasons for wanting to leave are: the desire to move to a better / more pleasant neighbourhood; to be closer to work or because they had a new job; and wanting a property which is larger or better in some way.
- Despite the trends of net out-migration, this evidence indicates that people are moving to Sunderland for a variety of reasons. The reason most commonly cited is personal circumstances, which indicates that family and friends are the reasons people are moving back. Sunderland continues to attract economically active households relocating to the North East, including those working outside Sunderland which is an encouraging indicator of the city's regional role.
- There is a need to provide larger, better quality, more aspirational properties in higher quality environments within Sunderland in order to help stem out-flows to other locations.

5.0 THE STRATEGIC HOUSING LAND AVAILABILITY STUDY

5.1 The Government remains committed to significantly increasing the supply of housing land. Accordingly, the NPPF requires councils to annually undertake a review of their long term housing land supply looking over a 15 year period that identifies :

- Specific and deliverable² sites that are sufficient to provide 5 years worth of housing with an additional buffer of 5% to ensure choice and competition in the market. Where councils have persistently under delivered against their housing requirements, they should increase the buffer to 20%. In the event that the 5 year supply cannot be met, the Council would be required to consider housing applications on unallocated sites. The SHLAA therefore forms an important material consideration in the determination of planning applications.

² To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

- Developable³ sites or broad locations for growth for years 6 to 10 and where possible for years 11 to 15.
- 5.2 This housing land supply information is captured through the preparation of a Strategic Housing Availability Assessment (SHLAA) which assesses sites for their housing potential and when they could be delivered.
- 5.3 The SHLAA is not a policy document in its own right. It does not for example set the City's overall housing requirements, neither does it allocate sites. These functions remain solely remit of the Core Strategy and Allocations Plan.
- 5.4 The SHLAA is an essential piece of evidence that will inform the Council in two key areas :
1. It provides a position statement on whether the Council has a 5 year supply of housing land which would essentially inform the development management process
 2. It provides the Council with evidence of the scale, location and availability and the potential timing of when housing sites could come forward. This would inform the City's emerging development plan making process.
- 5.5 This is the fourth SHLAA that this Council has prepared to satisfy the national planning policy requirements and looks at the potential housing land supply for the period 2013 to 2028.
- 5.6 Appendix B sets out a high level summary to the SHLAA 2013 in terms of both the process to prepare it and the key findings. The full document is available to view at :
<http://www.sunderland.gov.uk/committees/cm55/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/7655/Committee/1563/Default.aspx> Main conclusions arising from the SHLAA are:
- Over the full 15 year period there is capacity for some 16,174 dwellings.
 - In the 1 to 5 year period (2013/14 to 2017/18) there is a potential supply of some 6,471 dwellings
 - When considered against the emerging Core Strategy (which presently has limited weight), the 5 year target is 3,895 dwellings. The city has a sufficient supply of housing land over this period
 - By contrast, the RSS (which is the adopted development plan), the 5 year target is 7,217 and there is a shortfall of some 607 dwellings.
- 5.7 Given the unpredictability of the current housing market, it is proposed to review the SHLAA every 6 months to recognise new sites that come forward during the financial year and any changes to the status of known sites. With the potential implications of not having a 5 year land supply, it is further proposed to take a proactive approach to encouraging development by :
- Considering whether constraints can be overcome for those sites identified as being developable in the 6 to 10 year period
 - Investigating the potential to release sites for housing development as part of the forthcoming Green Belt Review.

³ To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

6.0 THE DRAFT SETTLEMENT BREAK REVIEW

- 6.1 Settlement Breaks (sometimes referred to as Green Wedges or Municipal Open Areas) have been used by a number of councils nationally as an informal form of Green Belt. Since 1965, 'Settlement Breaks' have been used as a longstanding planning tool to shape the future growth of Sunderland. Settlement Breaks have played a very important role in focusing development in built-up areas, whilst protecting corridors of greenspace across the city. They have also helped to limit development 'sprawl' which in turn has enabled towns and villages to retain their local character. Policy CN6 of the Unitary Development Plan (UDP) adopted in 1998, sets out the specific Settlement Break policy stating that "*Important open breaks and wedges within and between settlements will be retained and enhanced*". The UDP has allocated some 530 hectares as Settlement Break in South Sunderland and the Coalfield.
- 6.2 A clear distinction must be drawn between the status of Settlement Breaks and the Green Belt. Green Belt is a national designation and afforded specific reference within the NPPF in terms of its purpose and the strict controls that govern the forms of appropriate development within it. Settlement Breaks by contrast are a locally based designation and are not attributed with any specific reference within the NPPF. Hence, they cannot be afforded the same level of protection as land designated within the Green Belt.
- 6.3 Monitoring of other Core Strategies and Local Plans being prepared elsewhere (reaching the formal Examination stages) has shown that Planning Inspectors are making it clear that the 'settlement break' designation should not be regarded as a sacrosanct constraint from development (that is given the same protection as Green Belt sites) where there are objectively assessed development needs that should be met.
- 6.4 Given that the adopted Settlement Break policy and allocations (contained in the UDP) are now 15 years old, it is essential that as part of the emerging Core Strategy and Allocations Plan that this planning tool and the precise designations are reviewed in order to determine :
- Whether the Settlement Breaks still have an effective planning role
 - What justification there is for the retention of each Settlement Break
 - What contribution each Settlement Break has made in terms of providing corridors of greenspace
 - Whether any new development would be appropriate within each of the Settlement Breaks.
- 6.5 A detailed Settlement Break Review has been undertaken and the draft Report is available to view at :
<http://www.sunderland.gov.uk/committees/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/7655/Committee/1563/Default.aspx>. Appendix C sets out a summary of the Settlement Break Review and the key findings. In short, the Review has concluded that :
- The majority of the Settlement Breaks have performed well to focus development primarily to the urban areas and brownfield land

- The potential for the South Sunderland Settlement Break (south of Doxford Park, Silksworth and Ryhope and north of the Burdon Lane) to meet long term development needs was acknowledged during the preparation of the UDP. Given the need to meet future housing needs to 2032, this Settlement Break should now be considered to provide for residential development in a comprehensive manner
- Around 90% of land in the remainder of the city's designated Settlement Breaks is recommended for retention and provides a key role to support green infrastructure. In many cases, these designations are affected by significant natural and physical constraints (for example, some Settlement Break sites are also functional floodplains) and continue to serve an important role in defining urban area boundaries, supporting urban regeneration and settlement character
- The remaining 10% of the Settlement Breaks (approximately 40 hectares) have less constraints, and may have the potential for development, subject to mitigation. These areas have less of a role to play in terms of settlement separation. There is also scope for appropriate constraints mitigation and damaging impacts to green infrastructure corridors.

7.0 NEXT STEPS

- 7.1 The SHMA and the SHLAA are effectively technical reports and there is no formal requirement to undertake any formal public consultation. However, both the demand and supply of housing will be monitored annually through the Annual Monitoring Report.
- 7.2 Given the current economic conditions and relative unpredictability of the current house building industry, it is proposed to undertake interim assessments of the SHLAA, to ensure the information regarding housing land availability remains robust and up to date.
- 7.3 Upon approval from Cabinet, the draft Settlement Break Review will be made available for public consultation (in line with Core Strategy consultation) scheduled for April and May 2013. The consultation will enable the Review's findings and recommendations to be considered by local residents, statutory consultees, developers and landowners, and reviewed in line with further emerging Council evidence such as the SHLAA and Employment Land Update. Post-consultation, comments received will be evaluated and reported back to Cabinet (including any recommended changes) for further consideration and adoption.
- 7.4 Aligned to the need to review the designated Settlement Breaks, a review of the adopted Green Belt boundaries is shortly to be undertaken to ensure that these boundaries remain fit for purpose. This Green Belt Review will be presented to Cabinet for consideration at the earliest opportunity.
- 7.5 Collectively, these studies will add to and update the Council's existing suite of evidence which is required to support taking forward the emerging Core Strategy and Allocations Plan as 'sound' development plan documents.

8.0 REASON FOR DECISION

- 8.1 The decision is required to provide essential evidence to inform corporate policy, and chiefly to support progression of the Core Strategy to proceed to its next stage (statutory consultation) in accordance with the Council's adopted Local Development Scheme.

9.0 ALTERNATIVE OPTIONS

- 9.1 All local planning authorities are charged under the Planning and Compulsory Purchase Act 2004 with the preparation of a Local Development Framework (LDF), which must include a Core Strategy. They are also charged with preparing the LDF in accordance with the provisions of an approved Local Development Scheme.
- 9.2 The Core Strategy and its policies must be informed by a robust and up to date evidence base. The need for a Strategic Housing Market Assessment and Strategic Housing Land Availability Assessment are emphasised in the National Planning Policy Framework. The emerging Core Strategy retains policies regarding the scale and purpose of Settlement Breaks which have not been reviewed in 15 years since the Unitary Development Plan was adopted. To not undertake such updates in the light of the changing circumstances in the city would undermine the planning policy framework and could jeopardise the Core Strategy at Examination. Consequently, no alternatives can be recommended.

10.0 IMPACT ANALYSIS

10.1 Equalities

The SHMA, SHLAA and Draft Settlement Break Review form part of the family of supporting evidence documents to the Local Development Framework (LDF). The LDF is 'equalities' neutral by focussing on land use matters. However, an Impact Needs Requirement Assessment (INRA) has been completed.

10.2 Sustainability

By law, planning must promote sustainable development and is the underlying objective of the LDF which itself is subject to a separate and mandatory Sustainability Appraisal.

11.0 OTHER RELEVANT CONSIDERATIONS

11.1 Financial Implications

Costs have arisen from developing the evidence base and will arise from the proposed consultation. Funding will be met from contingencies allocated to the LDF.

APPENDIX A

THE STRATEGIC HOUSING MARKET ASSESSMENT (SHMA) 2013 : SUMMARY

Introduction

A1. The 2012 Sunderland Strategic Housing Market Assessment is a major research study which will help to shape the future planning and housing policies of the area. The research will help inform the production of planning documents and housing strategies. This research provides an up-to-date analysis of the social, economic, housing and demographic situation across the District.

The study has been carried out by arc⁴ Ltd and has included:

- A sample survey of households across the Sunderland area. A total of 33,350 households were contacted and 4,104 questionnaires were returned and used in data analysis. This represents a 12.3% response rate overall and total number of questionnaires returned was well in excess of the 1,500 specified in Government guidance;
- Interviews with key stakeholders including Local Housing and Planning Authority representatives, Registered Providers (RPs), Estate Agents, Lettings Agents, Developers, Supporting People representatives;
- A review of recently released 2011 census data which has been used to ensure that the research is up to date and fully reflects recent trends in the housing market;
- A review of other relevant secondary data including house price trends, CORE lettings data and CLG Statistics.

A.2 The findings from the study provide a robust and defensible evidence base for future policy development which conforms to the Government's Strategic Housing Market Assessment guidance.

Housing market context

House prices

A.3 Median house prices across Sunderland have increased from £45,125 in 2000 to £112,250 in 2012, an increase of 148.7%. Higher priced areas include the Northern Coastal area of the City, Washington and the Southern Suburbs of the City. Compared with other Districts in the North East, Sunderland remains relatively affordable and is the most affordable District in Tyne and Wear.

Dwelling stock

A.4 There are currently a total of 123,304 residential dwellings across Sunderland and a total of 119,758 households. In terms of dwelling stock, 2011 Valuation Offices Agency reports that:

- 69.4% of properties are houses (7.5% detached, 34% semi-detached and 28% terraced), 14.1% are flats, 16.1% are bungalows and for 0.4% are other types/not known;
- 11% have one bedroom, 34.8% have two bedrooms, 47.1% have three bedrooms, 6.6% have four or more bedrooms and for 0.4% of properties the number of bedrooms are not known;
- 59.8% of occupied dwellings are owner occupied, 27.3% are affordable (social/affordable rented and intermediate tenure) and 12.9% are private rented⁴
- According to the 2011 Housing Strategy Statistical Appendix there were 4,761 vacant dwelling representing around 3.8% of total dwelling stock.

Demographic drivers

A.5 The population of the City of Sunderland in 2011 was 275,506⁵. The Office of National Statistics project that this will increase by 3.1% to 283,966 by 2021. During this time

⁴ ONS 2011 Census

period, the population will age slightly. The proportion of residents aged 60 or over is expected to increase from 23.7% in 2011 to 26.6% and the proportion of residents aged 75 and over is projected to increase from 8% to 9.2%. The number of residents aged 85+ is expected to increase from 5,250 in 2011 to 7,757 in 2021, an increase of 47.7%.

Economic drivers

A.6 Across Sunderland, lower quartile earnings⁶ are £17,295 (compared with £17,592 regionally) and median earnings are £22,048 (compared with £23,676 regionally) 65.4% of heads of household in employment work within Sunderland⁷. Of the 34.6% who work outside the Borough, 7.1% work in Newcastle, 6.4% in Gateshead, 9.1% in County Durham.

Market areas

A.7 The Department of Communities and Local Government (CLG) suggests that a housing market is self-contained if upwards of 70% of moves (migration and travel to work) take place within a defined area.

A.8 The 2012 household survey identified that 84.4% of households moving within the preceding 5 years had moved within Sunderland and can be described as a self-contained housing market area in terms of household mobility. However, survey evidence suggests that fewer than 70% of residents live and work in Sunderland and the City is part of a broader functional market area extending into County Durham and elsewhere in Tyne and Wear (Newcastle, Gateshead and South Tyneside in particular).

Housing need and affordable housing

A.9 Housing need is defined as 'the quantity of housing required for households who are unable to access suitable housing without financial assistance'. A key element of the study is to explore the scale of housing need and the extent to which additional affordable housing is needed.

A.10 The accepted definition of affordable housing is, 'either social/affordable rented or intermediate housing which is provided and made available to eligible households (i.e. those who lack their own housing or live in unsuitable housing) who cannot afford to meet their needs through the market. Intermediate affordable housing is housing at prices and rents above those of social rents, but below market prices or rents.'

A.11 The scale of affordable requirements has been assessed by taking into account the annual need from existing and newly-forming households within Sunderland City drawing upon household survey data and comparing this with the supply of affordable (social/affordable rent and intermediate tenure dwellings). Without factoring in potential new build, the overall net shortfall is **514 affordable dwellings** across Sunderland each year over the next five years. It is important to regularly monitor overall housing need but it is not unreasonable to assume this level of shortfall over longer time periods. This figure is a measure of the extent to which the requirement for affordable housing is greater than the current supply. Table ES1 provides a summary of annual affordable shortfalls by Development Area and points to a particular shortfall in one and two bedroom general needs and 3+ bedroom general needs housing.

⁵ ONS 2011 Census

⁶ 2011 Annual Survey of Hours and Earnings via NOMIS

⁷ 2012 household survey

Table ES1 : Annual affordable housing requirements by property size and designation (general needs/older person) 2013/14 to 2017/18

Dwelling size/designation	Development Area					
	Sunderland North	Sunderland South	Sunderland Central	Washington	Coalfield	Total
Smaller 1/2 General Needs	143	76	26	59	45	350
Larger 3+ General Needs	11	89	31	-35	67	163
Older 1/2 Bedroom	0	23	-2	9	-28	2
TOTAL	154	188	55	33	84	514

NB. There has been an annual average of 281 Registered Provider completions over the past 5 years. Assuming new build continues at this rate, the net annual shortfall would reduce to 233.

Market demand

A.12 The range of open market dwellings moved into over the past five years by existing, in-migrant and newly-forming households is summarised in Table ES2. Estate Agents comment that at present the housing market is generally weak, with sales activity limited and prices static or falling. Traditional family housing (three and four bedroom semi-detached, detached and terraced was seen to be in the most demand).

Table ES2 : Range of market dwellings moved into over the past 5 years.

Property Type	Local Housing Market Area (%)						
	Northern Suburbs	Northern Coastal	Inner Urban Area	Southern Suburbs	Coalfield Communities	Washington	Total
Detached	5.4	1.8	5.6	10.7	23.1	14.9	10.9
Semi-Detached	43.4	28.5	15.5	37.5	21.0	26.5	28.8
Terraced	23.5	23.2	23.8	14.3	42.2	32.1	24.7
Sunderland Cottage	19.9	23.0	15.1	6.2	0.0	0.0	8.8
Bungalow	0.0	0.0	16.0	7.0	9.2	8.0	8.0
Flat	7.9	23.5	24.0	23.6	4.6	18.6	18.6
Other	0.0	0.0	0.0	0.6	0.0	0.0	0.2
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Base (actual household survey responses)	1836	1693	3850	6255	2901	3068	19602
No. Bedrooms	Local Housing Market Area (%)						
	Northern Suburbs	Northern Coastal	Inner Urban Area	Southern Suburbs	Coalfield Communities	Washington	Total
One	10.6	12.0	10.7	7.5	1.6	5.1	7.6
Two	43.5	47.1	62.9	50.7	40.9	37.6	48.6
Three	40.0	37.4	23.7	32.4	42.8	41.4	34.8
Four+	5.9	3.5	2.7	9.3	14.8	15.9	9.0
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Base (actual household survey responses)	1836	1596	3749	6223	2801	3036	19240

A.13 DCLG 2008-based household projection data indicates that the total number of households across Sunderland is projected to increase by around 720 each year over the period 2008 to 2033. Across Sunderland there is a ratio of 1.03 dwellings to households according to the 2011 census. Therefore, there is a need to deliver 742 dwellings each year to satisfy the housing requirements of an additional 720 households.

Older people and adaptations

A.14 Addressing the accommodation requirements of older people is going to become a major strategic challenge for the Council over the next few decades, with the number of residents aged 65 or over expected to increase.

A.15 The majority of older people in Sunderland want to remain in their current home with support when needed (65.6%). There is considerable interest in alternative forms of older persons' provision including sheltered housing (24.7%), extra care housing (17.4%) and co-housing (9.9%) in addition to buying on the open market (15.4%).

A.16 This suggests a need to continue to diversify the range of older persons' housing provision. Additionally, providing a wider range of older persons' accommodation has the potential to free-up larger family accommodation.

APPENDIX B

THE STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA) 2013: SUMMARY

Background and current position

B.1 A top priority for Government is to ensure that land availability is not a constraint on the delivery of new homes and that a more responsive approach is taken to land supply at a local level. As such the National Planning Policy Framework (2012) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

- To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.
- To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

B.2 The supply of land is demonstrated through the production of a Strategic Housing Land Availability Assessment (SHLAA), which assesses sites for their housing potential and when they could be developed. This is the fourth SHLAA that the Council has prepared to satisfy national policy requirements and looks at the potential land supply for housing for the period 2013 to 2028.

B.3 It must be emphasised that the SHLAA is not a policy document that formally determines whether a site should be allocated or developed for housing purposes. The SHLAA is an integral part of the evidence base that will inform both the Core Strategy and the city's Local Development Framework (LDF). It is the role of the LDF to determine which specific sites are to be allocated for housing purposes to best meet the objectives of the Council. Without the SHLAA, the LDF could be proved to be unsound and as such it could be struck down at Examination.

B.4 In addition to considering the long term potential of housing land, local authorities are also required to demonstrate that they have a supply of deliverable land for housing for the next five years in line with the NPPF. This requirement is also in place for the provision of sites for Gypsy and Travellers and Travelling Showpeople. In the event that a five year supply cannot be met, the local planning authority may have to favourably consider planning applications for housing on unallocated sites. The role of the SHLAA is therefore an important material consideration in the determination of planning applications.

B.5 Key requirements of a SHLAA are set out in NPPF and CLG Practice Guidance are:

- A list of sites, cross-referenced to maps showing locations and boundaries;
- Assessment of the deliverability and developability of each identified site to determine realistically when a site might be developed;
- The potential quantity of housing that could be delivered on each identified site;
- Constraints on the delivery of identified sites and recommendations on how these constraints could be overcome.

Main elements of the SHLAA 2013

Setting the city's housing requirements

B.7 In setting housing requirements (especially the 5 year targets), the control figure has always been taken from the Regional Spatial Strategy as the most recently adopted Development Plan for the City. However, given that it will soon to be revoked (under the Localism Act 2011), work has been undertaken on producing more up to date housing requirements through the preparation of the Core Strategy which is based on more up to date evidence of the city's housing needs.

B.8 There is no government advice as to how the housing target should be set in the absence of an up to date Regional Strategy. Advice through appeal decisions through out the country is mixed and gives no firm steer on setting the target.

B.9 As such, the SHLAA supply has also been set against two options

- The RSS as the current adopted development plan for the City
- The emerging Core Strategy Revised Preferred Options Draft (April 2013)

B.10 The RSS baseline requirement is shown as follows :

Table 1 : Sunderland RSS housing requirements 2013/14- 2027/28

	2013/14- 2017/18	2018/19- 2022/23	2023/24- 2027/28	Total
Total Requirement	6225	6235	5665	18125

B.11 The emerging Core Strategy (Revised Preferred Options Draft 2013) proposes at this stage to provide some 15,000 new homes (net) over the 20 year period (between 2012 and 2032). Adjusting this for the 15 year SHLAA period results in the following:

Table 2: Core Strategy based housing requirements adjusted to the 15 year SHLAA period (2013/14- 2027/28)

	2013/14- 17/18 (Years 1-5)	2018/19 -22/23 (Years 6-10)	2023/24- 2027/28 (Years 11-15)	Total (Years 1-15)
Total	3290	3725	4050	11065

B.13 The Core Strategy Preferred Options Draft 2013 has limited weight in planning terms due to the stage of the process it is currently at. Whilst the housing numbers proposed are based on more up to date evidence, they have limited weight at this current time given they have not been subject to independent scrutiny at a Public Examination.

Identifying sites and determining their deliverability

B.15 To ensure a common framework for SHLAAs in the North East Region and to ensure a reasonable degree of consistency across the Region in the way data is collated and recorded, a SHLAA Regional Implementation Guide was published by the now abolished North East Assembly, which reflected the core outputs of Communities and Local Government (CLG) good practice guidance.

B.16 A sub-regional key stakeholder partnership for Tyne and Wear was established along with a key stakeholder panel to assist in the production of SHLAAs within Tyne and Wear. The panel comprises lead local authority officers, representatives from Registered Social Landlords, the Royal Institute of Chartered Surveyors, Home Builders Federation and a planning consultant. The panel allows for regular SHLAA discussions and consultations with Tyne and Wear authorities to take place.

B.17 The SHLAA process has assessed a range of sites including:

- those with planning permission
- those in the Unitary Development Plan (UDP)
- those in the Interim Strategy for Housing Land (ISHL)

- sites suggested through pre-application and other discussions
- sites forwarded by developers and landowners through the local authority's call for sites
- Sites that are allocated for other uses that have been identified as being potentially surplus such as through the Employment Land Review (2012), the Greenspace Audit (2012) and the draft Settlement Break Review (2013).

B.18 This year consideration has focussed on new sites suggested by developers or others and amendments due to changes in the status of the sites included in last year's schedule. The changes include deletion of completed sites or sites re-developed for other purposes; changes to site boundaries; and amendments to capacity estimates. The changes are described in the new schedule.

B.19 In accordance with the agreed SHLAA methodology certain sites with challenging development constraints have been excluded from the assessment at the outset, such as those within a Site of Special Scientific Interest (SSSI) or flood risk Zone 3B (functional floodplain) and Green Belt allocation.

B.20 To assess whether sites are deliverable or developable, consultations will take place with a range of experienced and expert participants from both within and outside the council to ensure that information gathered is accurate and a true perspective is gained. Information will also be placed on the City Council's website and members of the public will be given the opportunity to submit comments on the deliverability of sites. Any changes to the SHLAA following these exercises will be incorporated into the document and any significant changes will be reported back to the Cabinet.⁸

Main elements of the SHLAA 2013: Results

B.21 Table 3 sets out the main results from the 2013 SHLAA, giving an indication of the total number of potential deliverable and developable dwellings within the next 15 years. In line with the NPPF requirements with regards a record of persistent under delivery of housing, the 20% buffer has been applied to both the Core Strategy base line housing requirements and the RSS base line requirements for the first five years supply. The table also provides a comparison with the housing requirements from Tables 1 and 2.

Table 3 : SHLAA results

	2013/14- 2017/18 Years 1-5	+ 20% buffer in Years 1-5	2018/19– 2022/23 Years 6-10	2023/24- 2027/28 Years 11-15	Total dwellings Years 1- 15
Core Strategy requirement	3290	3948	3725	4050	11065
RSS requirement	6225	7217	6235	5665	18125
SHLAA supply	6471 (Deliverable)	6471 (Deliverable)	7433 (Developable)	2270 (Developable)	16174

B.22 Overall the estimated capacity of identified deliverable and developable sites is more than the requirement for the 15 year period based on Core Strategy requirements, with a five year supply of sites also available.

B.23 This is quite the opposite when comparing the supply against the RSS requirements, with a considerable shortfall in both the overall 15 year period and in the 5 year supply.

⁸ This is currently being undertaken

B.24 In the first 5 years, the SHLAA has identified a deliverable housing capacity of 6,471 homes which is well in excess of the 3,948 5 year requirement for Core Strategy but is below the 7217 RSS requirement.

B.25 The implications for not being able to demonstrate a 5 year supply of deliverable housing sites is that when planning applications are received relevant policies for the supply of housing will not be considered up-to-date. This may result in sites which may have once been considered unacceptable to develop, for example due to being greenfield in nature or within Settlement Breaks which the Local Planning Authority have previously sought to protect, becoming vulnerable to development.

B.26 The lack of a five year housing supply makes many sites vulnerable to be challenged for housing development purposes. The SHLAA does identify a series of 'developable' sites in its latter periods. As such, further work must be undertaken for these sites to see how the Local Authority can assist in overcoming any identified constraints and making them more 'deliverable', resulting in an increased 5 year supply.

B.27 With regards where sites are available for development, Sunderland South and Coalfield can bring forward the majority of the first 5 year requirements, with Sunderland South continuing to supply high numbers of dwellings for the remainder of the SHLAA period. This is due to the plans within the South Sunderland growth area and the large expansion of the city onto these sites.

B.28 However North Sunderland and Washington continue to be constrained in the amount of housing they can bring forward due to their built up nature and restrictions to expansion, notably by the Green Belt.

B.30 The sites within years 1-5 are the most important, as these are the deliverable sites which have no major constraints to their early development and have been identified as being suitable for housing purposes. It is expected that over time sites within years 6-10 and 11-15 will overcome their constraints and come forward to ensure a continuous supply of deliverable and developable sites.

Next steps

B.31 The key issue with regards the SHLAA is the document on which the housing requirement is based upon. Presently it is the adopted RSS plan, however this is expected to be revoked within the next few months. The emerging Core Strategy has limited weight due to its position in the plan process. The position for several months still requires the reliance on RSS until it is revoked, however the position after this is unclear. To try and gain a clear understanding on what to rely on for housing requirement purposes post RSS the Planning Inspectorate has been contacted to seek further advice. On the basis of continuing to rely on RSS consideration will be given to the following measures in sequence.

- The supply of potential developable housing sites identified in the 6-10 year period are to be considered in more detail to determine if assistance can be given to overcome constraints and move sites forward to boost the 5 year supply. Once this exercise has been undertaken the supply of housing land will be monitored on a 6 monthly basis and managed to ensure that a continuous five years supply of deliverable sites is in place.
- Use the forthcoming Green Belt Review to identify whether there are sustainable development opportunities which could feed into the 6 month SHLAA update.
- New sites that have not been previously identified may well come forward in the meantime and will be taken into consideration in the monitoring process and subsequent revisions of the SHLAA. The monitoring of the supply of deliverable sites will be linked to the City Council's LDF Annual Monitoring Report review process.

B.32 Work will continue on identifying a five year supply of sites for Gypsy and Travellers, which will be incorporated into the autumn update of the SHLAA.

APPENDIX C

THE DRAFT SETTLEMENT BREAK REVIEW 2013 : SUMMARY

Introduction

C.1 This report provides a draft review of the city's Settlement Breaks (or 'green wedges'). The key role of this report is to provide supporting evidence to underpin the forthcoming new development plan for the city, the Local Development Framework (LDF).

C.2 All councils are required by law to prepare and maintain up-to-date development plans that set out a long-term blueprint for the future (normally over 15 to 20 years) of their area. The planning policies set out in these plans must be informed by robust evidence.

C.3 The current development plan for Sunderland, the Unitary Development Plan (UDP), was adopted in 1998. The current Settlement Break policy (contained in the UDP) is therefore 15 years old, and in need of update.

National policy background

C.4 The UK Government has embarked on an ongoing reform of the planning system. Fundamentally, it has sought to remove centralised controls and give local communities and areas greater control over their own futures. *The Localism Act (2011)* provides the main legislation by which this transfer of power will come.

C.5 National planning policy was previously set out in 25 separate themed policy statements. In March 2012, the *National Planning Policy Framework (NPPF)* was published. This has consolidated and simplified all national policies into a single document. The objective underpinning the NPPF is the presumption in favour of sustainable development whereby plans must support sustainable growth.

C.6 There is no specific reference to Settlement Breaks or green wedges in the NPPF. However, the Framework emphasises that Local Plans should allocate land with the least environmental or amenity value, and must reflect the vision and aspirations of local communities whilst aligning to the presumption in favour of sustainable development. It also advocates the need to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

The Local Development Framework (LDF)

C.7 A new Local Development Framework (LDF) is being prepared to replace the UDP. At the heart of this plan lies the Core Strategy, which says how the city will change by 2032 by setting out the spatial vision and aims and the strategic policies required to deliver that vision. Most policies in the Core Strategy are not site specific. Taking its lead from the Core Strategy, a city wide Allocations Plan will provide the site specific detail. This may also be supplemented by Neighbourhood Plans which relate to small distinctive localities.

C.8 The new LDF will provide a clear and consistent approach that will direct sustainable sites across the city. Supporting evidence such as this Settlement Break Review is crucial to this approach, ensuring that policy is accurate, appropriate, realistic and up-to-date, enabling certainty for developers and communities as to how their proposals for development will be considered by the Council. By providing certainty, the Core Strategy will also enable the Council to attract more funding and attract more investment (from businesses, residents and visitors). This will naturally help to create more jobs, attract new residents and sustain and enhance essential services and facilities such as shops, schools, doctors.

History and Purpose of Settlement Breaks in Sunderland

C.9 Settlement Break policy in Sunderland can be traced back almost 50 years. The Sunderland Periphery Town Map (1965) included policies to maintain the separate identity of Ryhope, Silksworth and Doxford Park by protecting the open land between. The Tyne and Wear Structure Plan also resisted intrusion into open countryside.

C.10 The 1998 UDP provides a specific Settlement Break policy, CN6:

CN6

IMPORTANT OPEN BREAKS AND WEDGES WITHIN AND BETWEEN SETTLEMENTS WILL BE RETAINED AND ENHANCED.

C.11 Settlement Breaks are identified in specific locations in South Sunderland and the Coalfield, relating to 'white land' countryside areas that are not afforded Green Belt protection.

C.12 The supporting text of the UDP also lists 3 key functions of Settlement Breaks, namely that they:-

- help to retain the distinct physical characteristics of the City's constituent communities
- assist in the regeneration of the older or poorer quality urban areas by focusing resources and investment into the built-up area
- provide open space lungs, sometimes incorporating leisure/recreational facilities which help to alleviate local deficiencies (e.g. the Ryhope-Silksworth crescent)

C.13 These functions are still broadly relevant. The use of Settlement Breaks to help ensure that new development is focused upon the existing built-up area is still of prime significance, and strongly relates to Spatial Objective 1 of the emerging Core Strategy. This in turn has helped to stem encroachment and retain the distinctiveness of many communities, if such distinction exists in the first place. The Settlement Breaks have also helped to preserve vital green infrastructure corridors across the city, although the necessity for these corridors to incorporate leisure and recreational facilities is not obvious.

Core Strategy Spatial Objectives

1. Spatial Development and Growth

Ensure an appropriate distribution and balance of employment, housing growth and other competing land uses in the context of maximising the reuse of previously developed land so as to minimise the urbanisation of greenfield land, whilst planning for sustainable growth of the city's population, including the retention of young economically active age groups.

C.14 However, the need for Settlement Breaks has to be balanced against a number of other factors, including the need for the city to identify sufficient land to meet its development needs, and recognising that there is a finite resource of brownfield / vacant land in built-up areas. There is also growing pressure to allow development within Settlement Break land. These issues need to be considered in light of the NPPF advocating the need to increase economic and housing growth delivering sustainable patterns of development and recognition of the fact that Settlement Breaks cannot be given the same level of protection as Green Belt land.

C.15 The key purpose of this Settlement Break review is to consider:

- Whether the Settlement Breaks still have a role
- What justification there is for the retention of each Settlement Break
- What contribution each Settlement Break has in terms of providing Green Infrastructure
- Whether any parcels of land within each of the Settlement Breaks could be released to provide opportunities for sustainable development.

Objectives and Methodology

C.16 The report provides informed recommendations relating to the future way forward for each Settlement Break. These recommendations are based upon physical, natural and historic constraints affecting the area, the history of neighbouring settlements and the function of the Settlement Break itself. They are also guided by national and local policies, strategies and masterplans, including:

- The NPPF, and the presumption in favour of sustainable development
- The Sunderland Strategy and Economic Masterplan
- The vision and spatial objectives of the Core Strategy.

C.17 This review is the first known comprehensive assessment of each Settlement Break in the city, providing draft recommendations to be further considered in consultation. The assessment has involved site visits taking place using constraints maps and a proforma guide to gain an appreciation of each environment. Local publications, websites and historic maps were also used to depict the evolution of the settlements surrounding the Settlement Breaks. Concluding comments have considered the appropriateness and strength of each area in terms of their Settlement Break role and in supporting green infrastructure, and recommendations are also made as to whether the breaks should be retained, partially retained or deleted.

Key findings

C.18 Overall, the majority of the Settlement Breaks have performed well. It is clear in most cases that settlement distinction and identity has been supported, whilst at the same time new development has been focused primarily on the urban area and often on brownfield land. These breaks have played a key role in helping to preserve green infrastructure corridors within and on the fringes of our built-up areas.

C.19 The South Sunderland Settlement Break (south of Doxford Park, Silksworth and Ryhope and north of the Burdon Green Belt) is a separate entity to the rest of the Settlement Breaks in that it was earmarked for longer-term development beyond the lifetime of the UDP. There are significant constraint issues influencing the area, including the need to retain green infrastructure north-south, and to preserve landscape features and views afforded by the Magnesian Limestone plateau. Nevertheless, the area as a whole provides a unique opportunity for the city for large-scale residential development.

C.20 Beyond the South Sunderland Settlement Break, around 90% of land in the remainder of the city's designated Settlement Breaks is recommended for retention. Cumulatively, this land has a key green infrastructure role to play, and in many cases is affected by significant natural and physical constraints. They also continue to serve an important role in defining urban area boundaries, supporting urban regeneration and settlement character.

C.21 The remaining 10% of land (approximately 40 hectares) has less cumulative constraints, and may have the potential for development, subject to careful and sensitive mitigation. These areas have less of a role to play in terms of settlement separation. There is also scope for appropriate constraints mitigation and damaging impacts to green infrastructure corridors.

C.22 Figure 1 illustrates the findings of the Draft Settlement Break Review in terms of the development potential of the parcels of land comprising the Settlement Break designations.

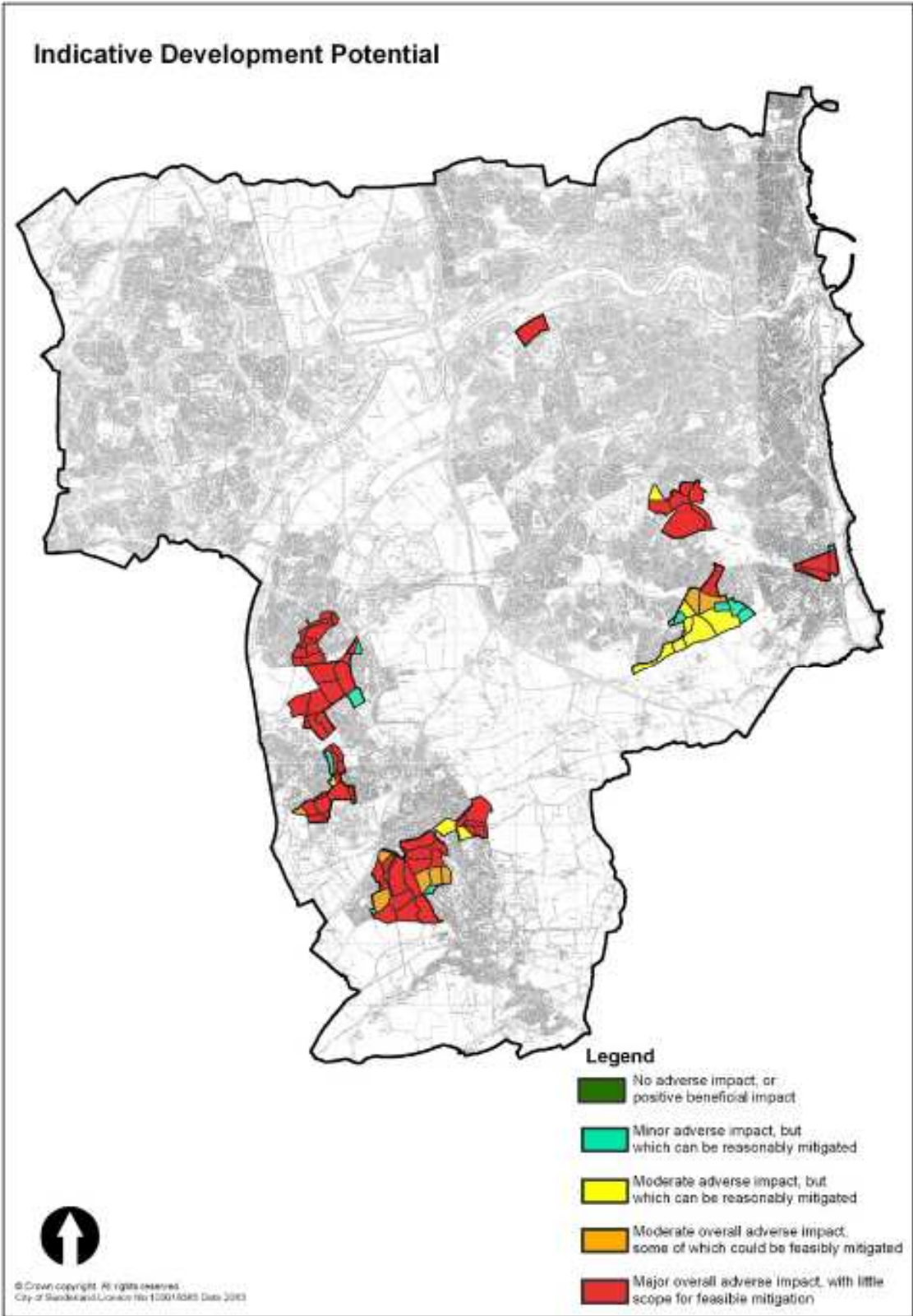
C.23 These draft findings need to be further considered in line with public consultation responses, and emerging evidence such as the city's 2013 Strategic Housing Land Availability Assessment (SHLAA) and 2012 Employment Land Update.

Next Steps

C.24 Upon approval from Cabinet, the draft Settlement Break Review will be made available for public consultation (in line with Core Strategy consultation) in May. The consultation will enable the reports findings and recommendations to be considered and reviewed in line with further emerging Council evidence such as the SHLAA and Employment Land Update. In particular, it will provide opportunity for landowners and local residents to challenge the recommendations, put forward potential constraints mitigation or alternatively identify further constraints.

C.25 Post-consultation, the final revised report will be re-submitted to Cabinet for further consideration and adoption. The adopted report will provide key supporting evidence to the Core Strategy as well as informing site specific policies that will be set out in the forthcoming Allocations DPD, and inter-related reports and assessments, such as the Strategic Housing Land Availability Assessment and (proposed) Green Infrastructure Strategy.

Figure 1 : Indicative Development Potential of the Settlement Break Sites.



CABINET MEETING – 17 APRIL 2013
EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

The Localism Act 2011- Community Right to Challenge

Author:

Report of the Executive Director of Commercial and Corporate Services

Purpose of Report:

To seek Cabinet's approval to the proposed steps to implement the community right to challenge provisions contained in the Localism Act 2011.

Description of Decision:

Cabinet is recommended to:

- (1) Specify the period of time for the submission of expressions of interest (EOI) to the Council under the community right to challenge as being the period 1 June to 31 July in respect of financial year 2013/2014 and for each subsequent financial year;
- (2) Authorise the Executive Director of Commercial and Corporate Services to publish details of this period of time;
- (3) Authorise the Executive Director of Commercial and Corporate Services, in consultation with the relevant Executive Director and Portfolio Holder for the relevant service, to consider and determine each EOI submitted where the estimated value of the potential contract is below £250,000 or where the EOI does not comply with the statutory requirements and to refer the EOI to Cabinet for determination where the estimated value of the potential contract exceeds £250,000;
- (4) Authorise the Executive Director of Commercial and Corporate Services to determine the maximum period that will elapse between the submission of an EOI and the date of notification of the decision;
- (5) Authorise the Executive Director of Commercial and Corporate Services to determine in each case the minimum and maximum periods that will elapse between the acceptance of any EOI and the date on which the resulting procurement process will begin.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

Under the provisions of the Localism Act 2011 (“the Act”), the Council is required to take a number of steps for the purpose of implementing the community right to challenge. Under Section 82(2) of the Act, the Council is entitled to specify the periods of time during which EOI for the provision of relevant services may be submitted. It is considered that this period should be 1 June to 31 July so that the determination of the EOI and any subsequent procurement process can begin prior to the budget setting process for the next financial year. The setting of a specific period of time for submission of EOI will also enable the Council to manage effectively the receipt and consideration of EOI. The proposed period will be published on the Council’s website so relevant bodies will be notified in advance and will then have sufficient time to prepare and submit any EOI. Should any organisation approach the Council outside of the specified time period to express an interest in providing a service, then, as was the case prior to the introduction of the community right to challenge provisions, the Council will have discretion as to whether it wishes to run a procurement exercise.

Alternative options to be considered and recommended to be rejected:

The Council has a statutory duty to comply with the community right to challenge provisions contained in the Act so the proposed steps outlined in this report must be undertaken to enable the Council to implement the provisions in practice.

If the Council does not specify a period of time for the submission of EOI, they may be submitted at any time throughout the financial year and the Council would then be under an ongoing obligation to determine them throughout the year and if any EOI is accepted the Council must then undertake a procurement process for that service. The setting of a specific period of time for the submission of EOI will enable the Council to manage effectively the receipt and determination of EOI and any subsequent procurement activity and to align the community right to challenge provisions with its budget processes.

Impacts analysed;

Equality **Privacy** **Sustainability** **Crime and Disorder**

Is this a “Key Decision” as defined in the Constitution? **No**

Is it included in the 28 day Notice of Decisions? **No**

Scrutiny Committee

LOCALISM ACT 2011- COMMUNITY RIGHT TO CHALLENGE

REPORT OF THE EXECUTIVE DIRECTOR OF COMMERCIAL AND CORPORATE SERVICES

1. Purpose of the Report

To seek Cabinet's approval to the proposed steps to implement the community right to challenge provisions contained in the Localism Act 2011.

2. Description of Decision (Recommendations)

Cabinet is recommended to:-

- (1) Specify the period of time for the submission of expressions of interest (EOI) to the Council under the community right to challenge as being the period 1 June to 31 July in respect of financial year 2013/2014 and for each subsequent financial year;
- (2) Authorise the Executive Director of Commercial and Corporate Services to publish details of this period of time;
- (3) Authorise the Executive Director of Commercial and Corporate Services, in consultation with the relevant Executive Director and Portfolio Holder for the relevant service, to consider and determine each EOI submitted where the estimated value of the potential contract is below £250,000 or where the EOI does not comply with the statutory requirements and to refer the EOI to Cabinet for determination where the estimated value of the potential contract exceeds £250,000;
- (4) Authorise the Executive Director of Commercial and Corporate Services to determine the maximum period that will elapse between the submission of an EOI and the date of notification of the decision;
- (5) Authorise the Executive Director of Commercial and Corporate Services to determine in each case the minimum and maximum periods that will elapse between the acceptance of any EOI and the date on which the resulting procurement process will begin.

3. Background and Key Provisions of the Community Right to Challenge

- 3.1 The community right to challenge provisions are contained in Part 5 of the Localism Act 2011. In summary, the provisions give the right to voluntary and community groups, charities, parish councils and two or more employees of the relevant authority (together referred to as “Relevant Bodies”) to submit an expression of interest (EOI) to the local authority to provide, or assist in providing, any service that is currently provided either by or on behalf of the authority. If the EOI is accepted by the Council then a competitive procurement process must be undertaken for that service and the Relevant Body will have the opportunity to participate in that process.
- 3.2 This right applies to all Council services (other than certain limited excluded services) that are currently provided by the Council either directly (i.e. in-house) or on its behalf (e.g. through a service contract or in partnership with a third party) in exercise of its functions. The only services excluded from the right are as follows:-
- A service commissioned in conjunction with one or more health services by the Council or by a NHS body under a partnership arrangement or acting jointly (these services are only excluded from the right until 1st April 2014);
 - A service commissioned by an NHS body on behalf of the Council (these services are only excluded from the right until 1st April 2014);
 - A service commissioned or provided by the Council in respect of a named person with complex individual health or social care needs.
- 3.3 An EOI must be in writing and must comply with certain prescribed requirements set out in the regulations. These requirements include:-
- Information about the financial resources of the Relevant Body submitting the EOI;
 - Evidence to demonstrate that at the time of any procurement process, the Relevant Body will be capable of providing or assisting in providing the relevant service;
 - Information about the relevant service to which the EOI relates to enable the Council to identify the service and the geographical area to which it relates;
 - Information about the outcomes to be achieved by the Relevant Body and in particular:-

- (a) How the provision of the service by the Relevant Body will promote or improve the social economic or environmental well-being of the Council's area; and
- (b) How it will meet the needs of users of the service.

- Where the Relevant Body comprises employees of the Council, details of how the body proposes to engage other employees of the Council who are affected by the EOI.

3.4 As explained above, only a Relevant Body can submit an EOI. However, this does not prevent a Relevant Body submitting an EOI in partnership with a non-Relevant Body (e.g. a private sector partner) who may be the proposed sub-contractor for some or all of the services. Where it is proposed in an EOI that there will be other delivery partners, the Relevant Body must identify this in the EOI and provide information regarding that organisation's financial resources and capability to provide the relevant services in addition to the Relevant Body.

3.5 Provided that the EOI meets the prescribed statutory requirements, the Council must either accept or reject the EOI. The regulations provide that the Council may only reject an EOI on the following grounds:-

- The EOI does not comply with the prescribed requirements;
- The information provided in the EOI is, in the opinion of the Council, inadequate or inaccurate in any material particular;
- The Council considers that the Relevant Body or any member of the consortium or any sub-contractor is not suitable to provide the service;
- The EOI relates to a service where the Council has taken a decision to stop providing that service;
- The EOI relates to a service that is provided by or on behalf of the Council to persons who are also in receipt of a service provided by an NHS body which is integrated with the Council's service and the continued integration of the services is considered critical to the well-being of those persons.
- The service is already the subject of a procurement exercise;
- The Council and a third party have entered into negotiations for the provision of the service (which are at least in part conducted in writing);
- The Council has already published its intention to consider the provision of the service by a body that 2 or more specified employees propose to establish;

- The Council considers the EOI to be frivolous or vexatious;
 - The Council considers that acceptance of the EOI is likely to lead to contravention of an enactment or other rule of law or a breach of statutory duty.
- 3.6 The Council is required to specify the maximum period of time that it will take to consider and determine all EOI. In addition, on submission of an individual EOI, the Council must notify the Relevant Body of the timescale for determining that EOI (which should not exceed the maximum period) and will reflect the complexity of the individual EOI, the nature, scale and complexity of the service, the timescales for any existing commissioning cycle relevant to that service and any other authority decision processes relevant to the EOI. It is proposed that the Executive Director of Commercial and Corporate Services will be responsible for determining both the maximum and anticipated periods for response in consultation with the Executive Director for the relevant service.
- 3.7 If the Council accepts an EOI then it must carry out a procurement exercise in respect of the relevant service to which the EOI relates. This procurement process will be carried out in accordance with the procedures set out in the Council's Contract Procedure Rules and the European Procurement Rules (if applicable). The Relevant Body will have the ability to participate in that process. The procurement process will be proportionate to the value and nature of the proposed contract. The timing of the procurement process following acceptance of the EOI will depend upon the duration of any existing third party contracts for the provision of the service, the nature, scale and complexity of the procurement (including the need to produce a service specification, tender and contract documents) and the need to ensure the Relevant Body has a fair and reasonable opportunity to prepare to participate in the process.
- 3.8 As the outcome of the acceptance of an EOI is that the Council is then obliged to carry out a procurement process for that service, it is proposed that the Executive Director of Commercial and Corporate Services be authorised to determine an EOI where the estimated total value of the potential contract is £250,000. In the event that an EOI relates to a potential contract which exceeds this estimated total value (and complies with the prescribed requirements for an EOI) it will be referred to Cabinet for determination.
- 3.7 The Council is entitled to specify and publicise periods of time during which EOI can be submitted. If this is done, the Council is entitled to refuse to consider EOI that are submitted outside this period. At this stage, it is proposed that the period of time for the submission of all EOI shall be 1 June to 31 July for each financial year. The setting of this specific period of time for the submission of EOI will enable the Council to manage effectively the receipt and determination of EOI and

any subsequent procurement activity and to align the community right to challenge provisions with its budget processes. As this proposed period of time would be publicised on the Council's website, Relevant Bodies will be notified in advance and will then have sufficient time to prepare and submit EOI.

- 3.8 It is also proposed that further work is undertaken to review existing service commissioning cycles across the Council in order to potentially align in future the periods of time for the submission of EOI for specific service areas with existing commissioning cycles. A further report will be submitted to Cabinet on this matter at a future date once this work is complete.

4. Reasons for the Decision

- 4.1 Under the provisions of the Localism Act 2011 ("the Act"), the Council is required to take a number of steps for the purpose of implementing the community right to challenge. Under Section 82(2) of the Act, the Council is entitled to specify the periods of time during which EOI for the provision of relevant services may be submitted. It is considered that this period should be 1 June to 31 July so that the determination of the EOI and any subsequent procurement process can begin prior to the budget setting process for the next financial year. The setting of a specific period of time for submission of EOI will also enable the Council to manage effectively the receipt and consideration of EOI. The proposed period will be published on the Council's website so relevant bodies will be notified in advance and will then have sufficient time to prepare and submit any EOI. Should any organisation approach the Council outside of the specified time period to express an interest in providing a service, then, as was the case prior to the introduction of the community right to challenge provisions the Council will have discretion as to whether it wishes to run a procurement exercise.

5. Alternative Options

- 5.1 The Council has a statutory duty to comply with the community right to challenge provisions contained in the Act so the proposed steps outlined in this report must be undertaken to enable the Council to implement the provisions in practice.
- 5.2 If the Council does not specify a period of time for the submission of EOI, they may be submitted at any time throughout the financial year and the Council would then be under an ongoing obligation to determine them throughout the year and if any EOI is accepted the Council must then undertake a procurement process for that service. The setting of a specific period of time for the submission of EOI will enable the Council to manage effectively the receipt and determination of EOI and any subsequent procurement activity and to align the community right to challenge provisions with its budget processes.

6. Financial Implications

- 6.1 Whilst there are no direct financial implications arising from the report, additional costs may arise as a result of assessment work relating to Expressions of Interest and any subsequent procurement exercises required. Therefore the associated financial implications will be incorporated in any relevant reports as appropriate. The review of existing service commissioning cycles across the Council in order to potentially align in future the periods of time for the submission of EOI for specific service areas with existing commissioning cycles will mitigate against these potential costs.

7. Background Papers

Localism Act 2011

The Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012

The Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012

Community Right to Challenge Statutory Guidance -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5990/2168126.pdf

<p>CABINET MEETING – 17 APRIL 2013</p> <p>EXECUTIVE SUMMARY SHEET – PART I</p>	
<p>Title of Report: Proposed changes to the membership of Sunderland’s Corporate Parenting Board</p>	
<p>Author(s): Executive Director Children’s Services</p>	
<p>Purpose of Report: To seek the agreement of Cabinet to agree changes to the membership of the Corporate Parenting Board</p>	
<p>Description of Decision: That Cabinet:</p> <p>a) note and consider the outcome of the recent review of the Corporate Parenting Board; and b) agree recommended changes to the membership of the Corporate Parenting Board, as set out in section 5 of this report, and recommend these to Council</p>	
<p>Is the decision consistent with the Budget/Policy Framework? *Yes/No</p>	
<p>If not, Council approval is required to change the Budget/Policy Framework</p>	
<p>Suggested reason(s) for Decision:</p> <p>The proposed changes to the membership of the Corporate Parenting Board will maximise the contribution of Members from across the City and directly involve members of Scrutiny Committee in the corporate parenting arrangements.</p>	
<p>Alternative options to be considered and recommended to be rejected: The alternative option would be to reject the options set out in the review or arrangements, and to retain the current membership of the Corporate Parenting Board.</p>	
<p>Impacts analysed:</p> <p>Equality <input type="checkbox"/> Privacy <input type="checkbox"/> N/A Sustainability <input type="checkbox"/> N/A Crime and Disorder <input type="checkbox"/> N/A</p>	
<p>Is this a “Key Decision” as defined in the Constitution? Yes/No</p> <p>Is it included in the 28 day Notice of Decisions? Yes/No</p>	<p>Scrutiny Committee</p>

PROPOSED CHANGES TO THE MEMBERSHIP OF SUNDERLAND'S CORPORATE PARENTING BOARD**REPORT OF THE EXECUTIVE DIRECTOR CHILDREN'S SERVICES****1. Purpose of the Report**

- 1.1 To seek the agreement of Cabinet to amend the membership of the Corporate Parenting Board.

2. Description of Decision (Recommendations)

- 2.1 That Cabinet:

- a) Note and consider the outcome of the recent review of the Corporate Parenting Board; and
- b) Agree recommended changes to the membership of the Corporate Parenting Board, as set out in section 5 of this report, and recommend these to Council

3. Background

- 3.1 The Corporate Parenting Board is the formal way in which Sunderland City Council exercises its Corporate Parenting responsibilities. The term Corporate Parenting was described in 1998 by the then Secretary of State for Health, Frank Dobson, who outlined the duties of Members towards children in care: *"For children who are looked after, your council has a legal and moral duty to try to provide the kind of loyal support that any good parents would give to their children."*
- 3.2 Sunderland's Corporate Parenting Board was first convened in September 2006 and has met quarterly since that date. At the first meeting the terms of reference were confirmed as set out in the Council's Constitution. The Constitution makes it clear that the Corporate Parenting Board has an advisory role to:
 - *"Oversee the exercise of the Council's responsibilities as Corporate Parent and ensure that the interests of Looked After Children are appropriately reflected in all Council policies and the work of the Children's Trust";* and
 - *"inspect Children's Homes and make and consider reports on such visits."*
- 3.3 The Corporate Parenting Board receives and considers reports which cover the regular Ofsted Inspection of Children's Homes, updates on the educational attainment of Sunderland's looked after children, and wider performance reports detailing all aspects of the lives of the city's 450 looked after children.
- 3.4 There are currently 12 Elected Members who sit on the Corporate Parenting Board, including the Cabinet Secretary, Public Health, Wellness and Culture Portfolio Holder, Children's Services Portfolio Holder,

City Services Portfolio Holder. Young people from the Change Council attend the Board and play an active role.

- 3.5 The Lead Member for Children's Services and Chair of the Corporate Parenting Board, Councillor Pat Smith, commissioned a review in September 2012. It was agreed that Councillor Paul Stewart, Children's Policy Lead, would lead on the review, assisted by Councillor Linda Williams and Councillor Doris McKnight. Young people from the Change Council were invited, and accepted the invitation, to be members of the review group.
- 3.6 The terms of references for the review were agreed by the Corporate Parenting Board at its November 2012 meeting, and were to:
- Look at how the Corporate Parenting Board operates – what works well and what could be improved.
 - Consider how Corporate Parenting Boards/Panels work elsewhere.
 - Report their recommendations back to the Corporate Parenting Board in February 2013, with a view to reporting to Cabinet in April 2013.

4. Current Position – the Findings of the Review

- 4.1 At the November 2012 meeting of the Corporate Parenting Board, members took part in a development session to look at what works well at the Board and what could be improved. Aspects identified as working well included: Member attendance since the open invitation to attend meetings was issued; young people's attendance, which includes young people from all care settings including foster care, children's homes and care leavers had improved also.
- 4.2 The review also recommended that the Corporate Parenting Board should agree an annual work plan, with items against each date in the calendar, to ensure a wider spread of topics. In addition, young people from the Change Council should be involved in setting the work plan for the year, in an annual event for Members and young people. Other agenda items could be added by Members or young people to augment the work plan.
- 4.3 The review further recommended that the make-up of the Corporate Parenting Board be amended as set out in paragraph 5.1.

5. Recommendations

- 5.1 It is recommended that the formal membership of the Corporate Parenting Board be amended to include two members of Scrutiny Committee and a representative from each of the People Boards, as well as the Lead Member and Policy Lead for Children's Services. This would actively promote Corporate Parenting responsibilities of Elected Members across the Council.
- 5.2 It is also recommended that all other Elected Members should be invited as participant observers to the Corporate Parenting Board, as all Members have corporate parenting responsibilities.

6. Financial Implications

- 6.1 There are no financial implications arising from this report.

7. Legal Implications

- 7.1 In order to make changes to the membership of the Corporate Parenting Board, it is necessary for Cabinet to refer the proposals to Council for approval. The membership of the Board must be politically balanced, and this will be achieved through allocation of People Board representatives.

8. Reasons for the Decision

- 8.1 The proposed changes to the membership of the Corporate Parenting Board will maximise the contribution of Members from across the City and directly involve members of Scrutiny Committee in the corporate parenting arrangements.

9. Alternative Options

- 9.1 The alternative option would be to reject the options set out in the review of arrangements, and to retain the current membership of the Corporate Parenting Board.

10. Relevant Considerations/Consultations

- 10.1 All members of the Corporate Parenting Board have been invited to contribute to this review through the discussions at the Board in November 2012 and February 2013.

11. Impact Assessment

- 11.1 An equality impact assessment will be completed and it is not anticipated that any group will be adversely affected by any agreed changes.

12. Background Papers

Corporate Parenting Board Review

