

Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY, 26TH JANUARY, 2011 at 6.00 p.m.

Present: The Mayor (Councillor T Martin) in the Chair
The Deputy Mayor (Councillor N Wright)

Councillors	Allan	Forbes, D.	O'Connor	Timmins
	Anderson	Forbes, M.	Old	Trueman, D.
	Ball	Foster	Oliver	Trueman, H.
	Bell	Francis	Padgett	Tye
	Blackburn	Gibson, E.	Richardson, D.	Vardy
	Bonallie	Gibson, P.	Richardson, I.	Walker
	Charlton	Gofton	Rolph	Walton, J.
	Copeland	Hall, A.	Scaplehorn	Walton, L.
	Cuthbert	Heron	Scott, J	Watson, P.
	Dixon, M.	Kay	Shattock	Watson, S.
	Dixon, P.	Kelly	Smith, D.	Williams
	Ellis	Macknight	Smith, P.	Wilson, A.
	Emerson	Maddison	Snowdon	Wilson, D.
	Errington	Martin, L.	Speding	Wood
	Essl	Miller	Stewart	Wright, A.
	Fairs	Mordey	Tate	Wright, T.
	Fletcher	Morrissey		

The Notice convening the meeting was read.

Minutes

RESOLVED that the minutes of the last ordinary meeting of the Council held on 24 November, 2010 (copy circulated) be confirmed and signed as a correct record.

Declarations of Interest

The following Councillors declared personal interests in the under mentioned items of business for the reasons respectively indicated:-

Item 7(iii) Report of the Cabinet – Calculation of Council Tax Base	Councillors Anderson, Blackburn, Heron and Tate	Members of Hetton Town Council
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Item 7(iv) – Report of the Cabinet – Revenue Budget Proposals 2011/12	Councillor Allan	Member of Unions involved in Single Status
	Councillors Anderson, Blackburn and H. Trueman	South Tyne and Wear Waste Management Partnership Joint Executive Committee
	Councillor Blackburn	Tyne and Wear Integrated Transport Authority
	Councillor Rolph	Member of LGPS Member of Unison
	Councillor Tate	Member of GMB Chair of Hetton Home Care
Item 7(v) – Report of the Cabinet – Revenue Budget Third Review 2010	Councillors Anderson, Blackburn, Charlton, P. Smith, Speding, P. Watson	Members of GMB (in relation to Single Status)
	Councillor Allan	Member of GMB and Unison (in relation to Single Status and Equal Pay) Governor of Thorney Close Primary School
Item 10 – Notice of Motion – Pupil Premium	Councillor Oliver	Governor of Farrington Community College
	Councillor Wood	Governor of St. Aidan’s School
	The Mayor, Councillor T. Martin	Member of the National Union Of Teachers

Mayor’s Announcements

(i) Mr Colin Anderson Deceased

It was with sadness that the Mayor asked the Council to remember former Councillor Colin Anderson, who had served on the Council between 1972 and 2007 representing the constituents of Central ward. Colin had been Sunderland’s youngest ever Alderman and had served as Leader of the Council from 1999 to 2002.

Members and Officers then joined the Mayor in observing a minute's silence as a mark of respect for Mr Anderson.

Reception of Petitions

RESOLVED that the undermentioned petition, submitted by the Councillor named, be received and referred for consideration in accordance with the Council's Petitions Scheme, to the Chief Officer indicated below:-

- (i) Councillor M. Dixon – petition requesting an extension of the hours of operation of the traffic lights on the A690/A19 roundabout – Executive Director of City Services.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Chamberlin, G. Hall, Howe, J.B. Scott, Wake and Wakefield.

The Cabinet reported as follows:-

1. Updating the Constitution

That they had given consideration to a report of the Head of Law and Governance (copy circulated) which had proposed amendments to the Constitution in order to transfer those powers which were currently delegated to the Director of Financial Resources under the Constitution to the new Executive Director of Commercial and Corporate Services. The Executive Director was also to be designated as the Chief Finance Officer under Section 151 of the Local Government Act 1972.

Accordingly the Cabinet had recommended the Council to note and endorse the arrangements for the transfer of delegated powers and the position of Chief Finance Officer (Section 151 Local Government Act 1972) set out in the report, to give effect to the Council's revised management structure.

2. Housing and Neighbourhood Renewal Enforcement Policy

That they had given consideration to a report of the Executive Director of Health, Housing and Adult Services (copy circulated) on the statutory requirement to produce, review and publish a service specific enforcement policy and to seek approval for the proposed Housing and Neighbourhood Renewal Enforcement Policy which would act to serve statutory, strategic and operational aims.

The policy had been considered by the Sustainable Communities Scrutiny Committee and there was overwhelming support for it. The Committee was keen to see that all Members were made aware of the policy as it would be

very useful information for Members when dealing with relevant issues in their Wards.

Accordingly the Cabinet had recommended the Council to approve and adopt the Housing and Neighbourhood Renewal Enforcement Policy with immediate effect.

3. Calculation of Council Tax Base

That they had given consideration to a report of the Executive Director of Commercial and Corporate Services (copy circulated) seeking approval to the calculation of the Council Tax Base for 2011/2012 in accordance with the Local Government Finance Act 1992 and had recommended to Council that:-

- (i) the report for the calculation of the Tax Bases for the City Council and Hetton Town Council for 2011/2012 be approved, and
- (ii) pursuant to the report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, as amended by Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003, the amount calculated by the City of Sunderland Council as its Council Tax Base for the year 2011/2012, shall be £80,167 and for the area of Hetton Town Council shall be £4,017.

4. Revenue Budget Proposals 2011/2012

That they had given consideration to a joint report of the Chief Executive and the Executive Director of Commercial and Corporate Services (copy circulated) noting the impact of the provisional Local Government Finance Settlement on the Budget Planning Framework for 2011/2012 and submitting the provisional budget proposals for 2011/2012 as a basis for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement for 2011/2012.

They had also referred the report to the Management Scrutiny Committee for further advice and consideration. The Committee had urged the Council to maximise the take up of free school meals in order to secure a greater level of Pupil Premium Funding. The Committee also commented that the low council tax base in Sunderland, together with the overall changes in funding impacted greater on the City than the more prosperous areas. The Committee had congratulated Officers on their efforts to minimise the effects of the funding reductions and the additional impact of the front loading of the Formula grant reductions.

Accordingly the Cabinet had recommended the Council to approve the provisional budget proposals, as a basis for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement 2011/2012.

5. Revenue Budget Third Review 2010/2011

That they had given consideration to a report of the Executive Director of Commercial and Corporate Services (copy circulated) on the overall Revenue position following the third review for 2010/2011 including:

- proposed contingency transfers and budget transfers for the third quarter of 2010/2011;
- details of the latest position regarding the impact of the Government review of public spending and the Council's response.

In accordance with the Council's Budget and Policy Framework certain transfers had required Council approval. The following extract referred to those transfers of funds:

'Additional cost containment actions taken to date have enabled in year savings to be achieved in excess of the level of in year grant reductions experienced by £3.467m. In addition savings as a result of interest on investments and rescheduling of debt of £4m are projected for this year. It is proposed that these amounts and any further underspendings from cost containment measures together with underspent contingencies at the end of 2011/2012 are transferred to the strategic investment reserve and earmarked to support transitional costs arising from the 2011/2012 budget setting process.'

They had also referred the extract of the budget transfers to the Management Scrutiny Committee for advice and consideration. The Committee had noted and supported the prudent approach the Council was taking on the proposed contingency transfers and budget transfers for the third quarter of 2010/11.

Accordingly the Cabinet had recommended the Council to approve the budget transfers for the third quarter of 2010/2011 as set in the above extract.

6. Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

That they had given consideration to a joint report of the Executive Director of Commercial and Corporate Services and Executive Director of City Services (copy circulated) to request that the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 relating to the regulation of sex establishments be formally adopted.

Accordingly the Cabinet had recommended that the Council resolve that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) in relation to the regulation of sex establishments shall apply to its area and that the Schedule shall come into force on 7 March 2011.

The Leader of the Council, duly seconded by the Deputy Leader of the Council, moved the report of the Cabinet and it was, accordingly:

RESOLVED that the views of the Management Scrutiny Committee be noted and the report of the Cabinet be approved and adopted.

Written Questions under Rule 8.2

Pursuant to Rule 8.2 of the Council Rules of Procedure, Members of the Council asked questions of the Leader and Members of the Executive.

Action Taken on Petitions

The Council received the undermentioned reports on action taken in relation to petitions which had been presented to Council.

(i) Petition (Southwick P.A.C.T) from residents of Southwick Central Area, regarding traffic issues along Faber Road. Presented by Councillor Copeland on 14th June 2010

The Executive Director of City Services had received the petition in relation to this matter on 16th June 2010. Subsequently a review of the planning background and highways issues involved in the redevelopment in the area had been carried out.

The principles of redevelopment had been agreed in the Southwick Masterplan, which was approved at Cabinet on the 18th January 2006. This had established the planning policy and the form of main road layout, and subsequent planning permissions had been granted for phases of the redevelopment. Works to complete the Faber Road improvements were being carried out by Gentoo Construction, and included traffic signals, pedestrian refuges, mini roundabouts and parking bays.

Officers had attended the local residents meetings ("Police and Community Together" programme or "P.A.C.T.") where traffic issues had been a regular point of discussion.

The Executive Director of City Services, in consultation with local ward members and the portfolio holder for Attractive and Inclusive City had considered the findings and recommendations of the review report. It had been concluded that the Faber Road improvements would continue to be implemented as originally intended, and the performance of the route would be monitored and reviewed as part of the ongoing road safety strategy of the area. An additional issue raised by residents regarding misuse of the new children's play park at Beaumont Street would also be monitored.

Councillors Norma Wright, Christine Shattock, Rosalind Copeland and the Lead Petitioner had been notified.

(ii) Petition requesting the installation of traffic calming measures around the Barnes Junior and Infant Schools. Presented by Councillor Allan on 27th January 2010

The Executive Director of City Services had considered the petition and determined that the petitioners' request should be acceded to. A scheme would be implemented in the current financial year to install the traffic calming measures.

Councillor Allan and the lead petitioner had been notified of the Executive Director's decision.

(iii) Petition requesting the withdrawal of relief on business rates granted to the Scientologists based in Fawcett Street because they were not registered with the Charity Commission, therefore should not be treated as a charity, nor are the Scientologists premises registered as a place of worship. The petitioners stated that businesses were struggling to survive and had to pay their rates and most businesses could not afford to operate from such a prime location. They believed this decision was unfair and unacceptable and Sunderland City Council should revoke the decision immediately. Presented by Councillor Morrissey on 24th November 2010

The Executive Director of Commercial and Corporate Services had considered the petition and had responded to the points made in the petition as follows:

- **The Scientologists are not a registered charity, therefore should not be treated as a charity.**

The Church of Scientology Religious Education College Inc. ('CoS') was granted mandatory and discretionary relief from national non-domestic rates ('business rates'), on its property in Fawcett Street, Sunderland. This decision was based upon a judgement as to whether the organisation is established for 'charitable purposes' and not on its status as a registered charity.

During the last four years, officers have considered the application, at length and in depth. Due regard was given to the decision of the Charity Commission to refuse the application of another organisation, the Church of Scientology (England and Wales), for registration as a charity. However, it is important to note, that for the purposes of business rates relief, the ratepayer does not need to be registered with the Charity Commission in order to be eligible for mandatory and/or discretionary rating relief. The ratepayer does, however, have to demonstrate that it is an organisation established for 'charitable purposes' i.e. purposes beneficial to the community. On this point, the Council reviewed the Charity Commission's published guidance to examine the scope of the descriptions of 'charitable purposes' contained within the Charities Act 2006.

Officers carried out enquiries with other Local Authorities, some of whom also grant relief to this organisation, and considered the information submitted by the applicant, legislation, case law, legal advice and also carried out a visit to the property in question. CoS provided the Council with persuasive evidence to demonstrate its assertion that it is an organisation established for charitable purposes and that its use of the premises in Fawcett Street benefited sections of the public in Sunderland. As a consequence of having considered guidance, advice and information, it was concluded on balance that the local organisation should benefit from the relief granted.

The Director has confirmed that any application made for business rates relief would be treated in the same manner and the decision would be reached on the basis of the information available to the Council.

- **The Scientologists premises are not registered as a place of worship.**

Following the receipt of legal advice in the initial stages of the decision making process, the Council did not class Scientology as a religion for the purposes of its application nor did it treat the premises as a place of worship, registered or otherwise.

- **Most businesses cannot afford to operate from such a prime location.**

A number of Charity Shops in Sunderland receive mandatory relief (80%) from national non-domestic rates ('business rates'). These are located throughout the City Centre including Fawcett Street, Blandford Street, High Street and Holmeside.

Small Business Rate Relief is also granted to businesses with a Rateable Value of less than £18,000, which is a measure that was introduced by the former Government and implemented by the present Coalition Government. There are a number of properties that receive Small Business Rate Relief throughout the city centre, including some in Fawcett Street.

The Council seeks to assist small businesses wherever possible.

- **The decision is unfair and unacceptable.**

The Council endeavours to treat all organisations fairly and equitably within the parameters set out in regulations approved by Government. The Council can only make decisions based on the regulations. It is clear that clarification is required from government on the current regulations and legislative change may be required to prevent non-registered charities from benefiting from the relief, if this is its intended policy.

Councillor Morrissey and the Lead Petitioner had been notified.

Notices of Motion

(i) Notice of Motion – Pupil Premium

Councillor Oliver, seconded by Councillor Wood, moved the following motion in relation to the Pupil Premium:-

“This Council welcomes the Pupil Premium and asks that it be put to best use for all pupils in the City.”

The Leader of the Council, seconded by the Deputy Leader, moved an amendment to insert, after the word “premium” the words “,given the savage and ideologically driven cuts inflicted on the children of our City by this Conservative led Government, which means the Dedicated Schools Grant for the City will be over eight million pounds less next year”

Upon being put to the vote the amendment was carried, with 49 Members voting in favour thereof, viz:-

The Mayor (Councillor T Martin) in the Chair
The Deputy Mayor (Councillor N Wright)

Councillors	Allan	Foster	Old	Timmins
	Anderson	Gibson, E.	Padgett	Trueman, D.
	Ball	Gibson, P.	Richardson, D.	Trueman, H.
	Bell	Gofton	Rolph	Tye
	Blackburn	Hall, A.	Scaplehorn	Walker
	Bonallie	Heron	Scott, J	Watson, P.
	Charlton	Kay	Shattock	Watson, S.
	Copeland	Kelly	Smith, P.	Williams
	Emerson	Macknight	Snowdon	Wilson, A.
	Errington	McClennan	Speding	Wilson, D.
	Essl	Miller	Stewart	Wright, T.
	Fletcher	Mordey	Tate	

1 Member abstaining, viz:-

Councillor Oliver

And 16 Members voting against, viz;-

Councillors	Cuthbert	Fairs	Martin, L.	Walton, J.
	Dixon, M.	Forbes, M.	Morrissey	Walton, L.
	Dixon, P.	Francis	Richardson, I.	Wood
	Ellis	Maddison	Vardy	Wright, A.

Upon being put to the vote the new substantive motion was carried with 49 Members voting in favour, viz:-

The Mayor (Councillor T Martin) in the Chair
The Deputy Mayor (Councillor N Wright)

Councillors	Allan	Foster	Old	Timmins
	Anderson	Gibson, E.	Padgett	Trueman, D.
	Ball	Gibson, P.	Richardson, D.	Trueman, H.
	Bell	Gofton	Rolph	Tye
	Blackburn	Hall, A.	Scaplehorn	Walker
	Bonallie	Heron	Scott, J	Watson, P.
	Charlton	Kay	Shattock	Watson, S.
	Copeland	Kelly	Smith, P.	Williams
	Emerson	Macknight	Snowdon	Wilson, A.
	Errington	McClennan	Speding	Wilson, D.
	Essl	Miller	Stewart	Wright, T.
	Fletcher	Mordey	Tate	

And 16 Members voting against, viz:-

Councillors	Cuthbert	Fairs	Martin, L.	Vardy
	Dixon, M.	Forbes, M.	Morrissey	Walton, J.
	Dixon, P.	Francis	Oliver	Wood
	Ellis	Maddison	Richardson, I.	Wright, A.

Accordingly it was:-

RESOLVED that this Council welcomes the pupil premium, given the savage and ideologically driven cuts inflicted on the children of our City by this Conservative led Government, which means the Dedicated Schools Grant for the City will be over eight million pounds less next year and asks that it be put to best use for all pupils in the City

(ii) Notice of Motion – Government Cuts

The Leader of the Council, seconded by Councillor Mordey, moved the following motion in relation to the Government Cuts:-

“This Council deplores the savage and ideologically driven cuts imposed on local government spending announced by the Coalition Government. Furthermore, we act to limit as much as possible the impact of the imposed cuts on the services this Council provides to the people of Sunderland.”

Councillor Bell, seconded by Councillor Gofton, moved that an extension of the time limit for the Leader’s speech be agreed by Council and on being put to the meeting the extension was agreed.

Upon being put to the vote, the motion was carried, with 48 Members voting for, viz:-

The Mayor (Councillor T Martin) in the Chair

The Deputy Mayor (Councillor N Wright)

Councillors	Allan	Fletcher	Padgett	Timmins
	Anderson	Foster	Richardson, D.	Trueman, D.
	Ball	Gibson, E.	Rolph	Trueman, H.
	Bell	Gibson, P.	Scaplehorn	Tye
	Blackburn	Gofton	Scott, J	Walker
	Bonallie	Hall, A.	Shattock	Watson, P.
	Charlton	Heron	Smith, P.	Watson, S.
	Copeland	Kelly	Snowdon	Williams
	Ellis	Macknight	Speding	Wilson, A.
	Emerson	McClennan	Stewart	Wilson, D.
	Errington	Miller	Tate	Wright, T.
	Essl	Mordey		

And 11 Members voting against, viz:-

Councillors	Dixon, M.	Francis	Vardy	Wood
	Dixon, P.	Martin, L.	Walton, L.	Wright, A.
	Forbes, M.	Morrissey	Walton, J.	

Accordingly it was:-

RESOLVED that this Council deplores the savage and ideologically driven cuts imposed on local government spending introduced by the Coalition Government. Furthermore, we will act to limit as much as possible the impact of the imposed cuts on the services this Council provides to the people of Sunderland.

Quarterly Report on Special Urgency Decisions

The Leader of the Council submitted a quarterly report (copy circulated) on executive decisions which had been taken under Rule 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

(For copy report – see original minutes).

RESOLVED that the report be noted

Appointments to Committees and Outside Bodies – Health and Wellbeing Scrutiny Committee, Children, Young People and Learning Scrutiny Committee, Standards Committee, Sherburn House Charity, the Association of North East Councils and Active Sunderland Board

The Director of Commercial and Corporate Services submitted a report (copy circulated) requesting Council to consider nominations to seats on the Health and Wellbeing Scrutiny Committee, the Children, Young People and Learning Scrutiny

Committee, Standards Committee, Sherburn House Charity, the Association of North East Councils and Active Sunderland Board.

(For copy report – see original minutes)

The Leader of the Council having moved that the recommendations contained in the report be approved and having nominated Councillor Padgett to serve as a replacement Governor to the Sherburn House Charity and Councillor Mordey to serve as a representative on ANEC, it was:-

RESOLVED that:-

- (i) Councillor Morrissey be appointed to the vacancy on the Health and Wellbeing Scrutiny Committee
- (ii) Ms Janice Bell and Ms Hayley Harper be appointed as voting, co-opted members who are parent governors on the Children, Young People and Learning Scrutiny Committee.
- (iii) The existing terms of office for Mr G Cook and Mr J Patterson, as independent members of the Standards Committee be extended until such time as the Council reviews its arrangements in respect of the standards regime, in light of the Coalition Government's proposals.
- (iv) Councillor Padgett be appointed as replacement Governor to the Sherburn House Charity for the remainder of the unexpired term up to 28th August, 2012.
- (v) The appointment of the Leader as a Director of ANEC Limited be noted and Councillor Mordey be appointed as a Member of ANEC.
- (vi) Councillor Blackburn, the Portfolio Holder for Attractive and Inclusive City, be appointed to the Active Sunderland Board.

(Signed) T. MARTIN,
Mayor.