

## Sunderland City Council

At a MEETING of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY 27 JANUARY 2010 at 6.00 p.m.

**Present:** The Mayor (Councillor D Richardson) in the Chair  
The Deputy Mayor (Councillor T Martin)

Councillors	Allan	M Forbes	Old	Timmins
	Anderson	Foster	Oliver	Trueman
	Arnott	Francis	I Richardson	Tye
	Ball	E Gibson	Rolph	Vardy
	Barkess	P Gibson	Scaplehorn	Wakefield
	Bell	Gofton	J B Scott	Walker
	Chamberlin	A Hall	J Scott	J Walton
	Charlton	G Hall	Shattock	L Walton
	Copeland	Heron	D Smith	P Watson
	Cuthbert	Kelly	M Smith	S Watson
	M Dixon	Paul Maddison	P Smith	Whalen
	P Dixon	Peter Maddison	Snowdon	A Wilson
	Ellis	L Martin	Speding	D Wilson
	Errington	Miller	Stephenson	Wood
	Fairs	Mordey	Stewart	A Wright
	Fletcher	Morrissey	Symonds	N Wright
	D Forbes	O'Connor	Tate	T Wright

The Notice convening the meeting was read.

### Minutes

RESOLVED that the minutes of the meeting of the Council held on 25 November 2009 together with the minutes of the Extraordinary meeting of the Council held on 25 November 2009 be confirmed as a correct record.

### Declarations of Interest

The following Councillors declared personal interests in the following items on the agenda for the reasons indicated:-

Item 7(1) – Report of the Cabinet – Comprehensive Area Assessment (CAA)	Councillor Charlton	Member of Sunnyside Partnership Member of Sunderland Hospital Trust
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Reports and  
Performance Update  
(April-September)

	Councillor Gofton	City of Sunderland College Board of Corporation
	Councillor P. Smith	Member of the BSF/Academies Working Group Member of the Children's Trust Member of the Early Years Strategic Partnership Member of the Corporate Parenting Board Observational Member of the Safeguarding Board Member of the 14-19 Steering Group
	Councillor Trueman	Member of the South Tyne and Wear Waste Management Joint Executive Committee
	Councillor P. Watson	Member of the Sunnyside Partnership Member of the Sunderland Partnership
	Councillor N. Wright	Member of Sunderland Hospital Trust
Item 7(2) – Report of the Cabinet – Revenue Budget 2010/2011	Councillor Allan	Member of GMB and Unison Member of Local Government Pension Fund
	Councillor Charlton	Member of GMB Member of the Local Government Pension Scheme
	Councillor Gofton	Member of the Local Government Pension Scheme Member of University of Sunderland board
	Councillor P. Smith	Member of GMB Member of the Local Government Pension Scheme
	Councillor Tate	Chair of Hetton Home Care Management Committee Member of GMB
	Councillor Trueman	Member of the South Tyne and Wear Waste Management Joint Executive Committee Member of the Local Government Pension Scheme
	Councillor P. Watson	Member of GMB Member of the Sunderland Partnership

	Councillor S. Watson	Member of GMB
	Councillor A. Wilson	Member of USDAW
	Councillor D. Wilson	Member of the Safer Sunderland Partnership
Item 7(3) – Report of the Cabinet – Calculation of Council Tax Base	Councillor Anderson	Member of Hetton Town Council
	Councillor Barkess	Northumbria Police Authority Employee
	Councillor Cuthbert	Council Tax Payer
	Councillor Tate	Member of Hetton Town Council
Item 7(4) – Report of the Cabinet – Capital Programme – Third Review 2009/2010, Provisional Resources 2010/2011 and Treasury Management Review 2009/2010	Councillor Allan	Governor of Sandhill View School
	Councillor E. Gibson	Grandson attends St. Aidan's School
	Councillor P. Gibson	Grandson attends St. Aidan's School
	Councillor Gofton	Governor of Hill View Infants School
	Councillor P. Smith	Member of Early Years and Childcare Partnership Governor of St. Leonard RC Primary School Governor of Plains Farm Primary School
	Councillor Trueman	Governor of Blackfell Primary School
	Councillor S. Watson	Governor of South Hylton Primary School
	Councillor D. Wilson	Governor of Castle View School
	Councillor N. Wright	Member of the Children's Trust Governor of Grange Park Primary School
	Item 7(5) – Report of the Cabinet – Updating the Constitution	Councillor D. Wilson
Councillor P. Watson		Member of the Safer Sunderland Partnership
Item 8 – Written	Councillor Charlton	Member of the Tyne and Wear

Questions – Question 2	Councillor Tate	Pension Fund Member of the Tyne and Wear Pension Fund
Item 8 – Written Questions – Question 4	Councillor Charlton	Non Executive Director of City Hospitals

The following Councillors declared personal and prejudicial interests in the following items on the agenda for the reasons indicated:-

Item 7(4) – Report of the Cabinet – Capital Programme – Third Review 2009/2010, Provisional Resources 2010/2011 and Treasury Management Review 2009/2010	Councillor M. Forbes	Governor of St Anthony’s School
	Councillor P. Gibson	Chair of Governors of Farrington School
	Councillor T. Martin	Governor of Southmoor School
	Councillor Oliver	Governor of Farrington Community College
	Councillor Rolph	Governor of Houghton Kepier School
	Councillor Tate	LEA Appointed Governor of Hetton School
	Councillor Tye	Governor of Venerable Bede School
	Councillor Wood	Governor of St Aidan’s School

### **Mayor’s Announcements**

- (i) The Mayor extended his condolences and sympathies to the family of Lance Corporal Christopher Roney of the 3<sup>rd</sup> Battalion, The Rifles, who had been killed in service, in Afghanistan. He advised that the funeral service would take place in the Holy Trinity Church, Southwick the following day. The Mayor invited Members and Officers to sign a book of condolence.
- (ii) It was with sadness that the Mayor then asked the Council to remember former Mayoress of Sunderland, Elspeth Perry, formerly Elspeth Harper and wife of Councillor Len Harper, a former Mayor of Sunderland from September 1979 to May 1981.
- (iii) Lastly, the Mayor reminded Members that it was Holocaust Memorial Day and that this day was commemorated internationally on 27th January each year being the anniversary of the day in 1945 on which the Soviet Army liberated the largest Nazi concentration camp – Auschwitz-Birkenau.

He added that each year, the Holocaust Memorial Day Trust urged everyone in the UK to pause and reflect on what could happen when racism, prejudice and exclusionary behaviour were left unchecked.

Members and Officers then joined the Mayor in observing a minute's silence as a mark of respect for Lance Corporal Christopher Roney and Elspeth Perry, and, also, on that particular day, to take the time to reflect on how the lessons of the past could play a part in present day communities.

### **Reception of Petitions**

RESOLVED that the undermentioned petitions submitted by the Councillors named be received and referred for consideration to the Officers respectively indicated:-

- (i) Councillor Tate – petition from local residents asking that urgent action be taken to make improvements to Hetton Cemetery, in respect of repairs to roads, pathways and fencing, better maintenance of landscape and inclusion of floral displays – Executive Director of City Services
- (ii) Councillor Fletcher – petition from residents and members of the Washington History Society to request an Education and Heritage Centre for Washington – Executive Director of City Services
- (iii) Councillor Mordey – petition from residents objecting to a scrap yard, garden centre and vehicle repair business in Hendon
- (iv) Councillor Allan – petition from residents seeking traffic calming in the area around Barnes Infants and Junior Schools particularly in Mount Road and Colchester Terrace.

### **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Blackburn, Howe, Leadbitter and Wares.

### **The Cabinet reported as follows:-**

#### **1. Comprehensive Area Assessment (CAA) Reports and Performance Update (April - September)**

That they had given consideration to a report of the Chief Executive (copy circulated) which had provided the findings from the inaugural CAA and a performance update in relation to those areas identified by the Audit Commission as being the focus of improvement during 2010.

The Council had been recommended to note the current performance of the Council and partners in relation to risk areas and improvement activity identified to deliver associated outcomes.

They had also referred the report to the Management Scrutiny Committee for further advice and consideration. The Committee had noted the findings from the inaugural CAA and those areas identified by the Audit Commission as being the focus of improvement during 2010, together with the improvement activity and the involvement of the Scrutiny Committees in this.

## **2. Revenue Budget 2010/2011**

That they had given consideration to a joint report of the Chief Executive and the Director of Financial Resources (copy circulated) which had noted the impact of the provisional Local Government Finance Settlement on the Budget Planning Framework for 2010/2011 and submitted the provisional budget proposals for 2010/2011 for the continuation of budget consultation, prior to the receipt of the final Local Government Finance Settlement for 2010/2011.

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 2010/2011.

They had also referred the report to the Management Scrutiny Committee for further advice and consideration. The Committee had supported the provisional budget proposals for 2010/2011 as the basis for consultation, prior to the receipt of the Local Government Settlement and had recommended that the Council endorse the provisional proposals.

## **3. Calculation of Council Tax Base**

That they had given consideration to a report of the Director of Financial Resources (copy circulated) which had sought approval to the calculation of the Council Tax Base for 2010/2011 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 2010/2011 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 2010/2011, shall be £80,089 and for the area of Hetton Town Council shall be £4,032.

#### **4. Capital Programme – Third Review 2009/2010, Provisional Resources 2010/2011 and Treasury Management Review 2009/2010**

That they had given consideration to a report of the Director of Financial Resources on the outcome of the Third Review of the Capital Programme since the Second Capital Review 2009/2010 and the provisional allocation of resources for 2010/2011. The report had advised of the:-

- reprofiling of projects since the Second Capital Programme Review was reported;
- inclusion of additional schemes and revisions to costs and resourcing for 2009/2010 since the Second Capital Programme Review was reported;
- overall updated Capital Programme following the Third Review;
- latest notifications of supported capital allocations for 2010/2011;
- progress in implementing the Treasury Management Strategy for 2009/2010;
- updated Council lending criteria and list of authorised institutions.

Accordingly the Cabinet had recommended the Council to approve the additional schemes in 2009/2010 as set out in the submitted extract (copy circulated).

They had also referred the extract of the additional schemes in 2009/2010 to the Management Scrutiny Committee, for advice and consideration. The Committee had supported the proposed additional schemes for 2009/2010 and had agreed that they must be recommended to the Council for approval as set out in the extract to the report.

#### **5. Updating the Constitution**

That they had given consideration to a joint report of the Chief Executive and the Chief Solicitor (copy circulated) which had proposed amendments to the Constitution:-

- (a) to give delegated powers to the Chief Solicitor to take proceedings in relation to Drink Banning Orders under the Violent Crime Act 2006 and Closure notices/orders under new powers in the Anti Social Behaviour Act 2003 which have been provided by the Criminal Justice and Immigration Act 2008,

- (b) to the terms of reference to the Development Control Sub Committees (in respect of consideration of applications in neighbouring authorities) the Personnel Committee (to deal with retirement issues) and the Audit and Governance Committee (the Members of which held a workshop and proposed changes to enhance their work), and
- (c) to the powers delegated to Chief Officers which relate to legislative changes, recently approved policies and tidying up provisions which need to be recorded to ensure the Constitution is fully updated.

Accordingly the Cabinet had recommended the Council to note and endorse as appropriate:-

- (i) that the Chief Solicitor be granted delegated powers to take proceedings in relation to Drink Banning Orders under the Violent Crime Reduction Act 2006;
- (ii) that the Chief Solicitor be granted delegated powers to issue Closure Notices and issue and conduct proceedings in relation to Closure Orders under Part 1A of the Anti Social Behaviour Act 2003 following consultation with Northumbria Police;
- (iii) the additional amendments to the Council's Constitution detailed in the report.

The Leader moved the report of the Cabinet, with the exception of item 4 and this was duly seconded by Councillor Anderson who reserved the right to speak. The Report of the Cabinet, with the exception of item 4, was then put to the meeting and agreed.

Councillor Trueman, seconded by Councillor Charlton, then moved item 4 of the Report of the Cabinet and those Members who had declared personal and prejudicial interests in the item left the meeting and took no part in the consideration or voting thereon. Upon being put to the meeting the item was agreed and it was:-

RESOLVED that the report of the Cabinet, together with the views of the Scrutiny Committees, 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.

Councillor Morrissey moved an extension to the time for Written Questions which the Leader seconded proposing an extension of 10 minutes which was agreed by the meeting.



Councillor Morrissey then moved a further extension to the time for Written Questions, and upon being put to the vote, the motion was defeated with 23 Members voting for, viz:-

Councillors	Arnott	Ellis	L Martin	Wakefield
	Barkess	Fairs	Morrissey	J Walton
	Chamberlin	M Forbes	Oliver	L Walton
	Cuthbert	Francis	I Richardson	Wood
	M Dixon	G Hall	D Smith	A Wright
	P Dixon	Peter Maddison	Vardy	

And 44 Members voting against, viz:-

The Deputy Mayor (Councillor T. Martin)

Councillors	Allan	Gofton	J B Scott	Trueman
	Anderson	A Hall	Shattock	Tye
	Ball	Heron	M Smith	Walker
	Bell	Kelly	P Smith	P Watson
	Charlton	Miller	Snowdon	S Watson
	Copeland	Mordey	Speding	Whalen
	Errington	O'Connor	Stephenson	A Wilson
	Fletcher	Old	Stewart	D Wilson
	Foster	Rolph	Symonds	N Wright
	E Gibson	Scaplehorn	Tate	T Wright
	P Gibson	J Scott	Timmins	

## Notice of Motion

### (i) Notice of Motion – Severe Weather Conditions

Councillor P. Watson, seconded by Councillor Allan, moved a motion in relation to recent severe weather conditions. The members of the Majority Group in Opposition left the meeting during the debate on the motion which, having then been put to the vote, was carried with 44 Members voting in favour thereof, viz:-

The Deputy Mayor (Councillor T. Martin)

Councillors	Allan	P Gibson	J Scott	Trueman
	Anderson	Gofton	Shattock	Tye
	Ball	A. Hall	M Smith	Walker
	Bell	Heron	P Smith	P Watson
	Charlton	Kelly	Snowdon	S Watson
	Copeland	Peter Maddison	Speding	Whalen
	Ellis	Miller	Stephenson	A Wilson
	Errington	Mordey	Stewart	D Wilson
	Fletcher	Old	Symonds	N Wright
	Foster	Rolph	Tate	T Wright
	E Gibson	Scaplehorn	Timmins	

And 2 Members abstaining, viz:-

Councillors D Smith Wakefield

It was therefore:-

RESOLVED that Sunderland City Council thanks the residents of Sunderland for their support and understanding during the recent unprecedented Big Freeze.

We also commend each and every member of staff who worked tirelessly in dangerous conditions to ensure that the roads and pavements were kept clear and that the refuse bins were emptied as soon as humanly possible.

We condemn the comments in the Sunderland Echo made by Councillor Lee Martin Leader of the Conservative group and Councillor Paul Dixon the only Liberal Democrat Councillor in Sunderland which criticised our staff and showed total ignorance of how the staff in that department operate.

**Allocation of Seats on Council Committees and Sub Committees – Political Balance and Alternative Arrangements – Appeals under the Education Acts – Constitution of Panel Members and Appointment of Co-opted Members to the Children, Young People and Learning Scrutiny Committee**

The Chief Solicitor submitted a report (copy circulated) requesting Council to consider the allocation of seats on Council Committees and Sub-Committees in the light of a minor change in the political balance of the Council and to confirm “Alternative Arrangements” previously agreed by the Council, to consider the appointment of a Panel Member to the Appeals Panel and to consider the appointment of Co-opted Members to the Children, Young People and Learning Scrutiny Committee. An addendum to the report containing the nominations of the Majority Group and the Majority Group in Opposition was circulated at the meeting. The addendum also contained a nomination under “Alternative Arrangements” to political balance for Councillor P Dixon to be allocated a seat on the Prosperity and Economic Development Scrutiny Committee.

The Leader moved the nominations set out in the Addendum which were put to the meeting and carried save for the proposal for the “Alternative Arrangements” in relation to Councillor Dixon’s nomination, which aspect of the report Councillor Ellis indicated she was voting against.

It was, therefore, :-

RESOLVED that:

- (i) the revised allocation of seats in line with the change in political balance be noted and that the proposed “alternative arrangements” for the allocation of seats other than on the basis of strict political balance, to allow Councillor P

Dixon to be allocated a seat on the Prosperity and Economic Development Scrutiny Committee were defeated, and

- (ii) the nominations for the seats, as detailed below, be approved, together with the appointment of Mr Edward Palmer to the Education Appeals Panel and the appointment of Mrs Rose A Elliot to the Children, Young People and Learning Scrutiny Committee:-

**Community and Safer City Scrutiny Committee:**

- Remove Councillor Wake
- Add Councillor Morrissey

**Adult Services Complaints Panel:**

- Remove Councillor Wake
- Add Councillor G Hall

**Development Control (Hetton, Houghton and Washington) Sub-Committee:**

- Remove Councillor Wake
- Add Councillor Morrissey

**Prosperity and Economic Development Scrutiny Committee:**

- Remove Councillor Morrissey
- Add Councillor Speding
- One Labour vacancy

**Planning and Highways Committee:**

- Remove Councillor Cuthbert
- Add Councillor A Hall

**Joint Consultative Committee:**

- Remove Councillor Morrissey
- Add Councillor T Wright

(Signed) D. RICHARDSON,  
Mayor.